DOMINO SUGAR FACTORY COMMENT

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SUBMITTED TO:

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I.DOMINO SUGAR FACTORY TOWERS ARE A HAZARD TO AIR NAVIGATION ON THE EAST RIVER

II. THE INFRASTRUCTURE OF THE WILLIAMSBURG AREA OF BROOKLYN DOES NOT HAVE THE CAPABILITY TO WITHSTAND THE NUMBER OF NEW RESIDENTS PROPOSED IN THE DOMINO SUGAR FACTORY DEVELOPMENT

III. AFFORDABLE HOUSING AND MARKET RATE UNITS MUST BE BUILT SIMULTANEOUSLY

I. DOMINO SUGAR FACTORY TOWERS ARE A HAZARD TO AIR NAVIGATION ON THE EAST RIVER

IF THE DOMINO SUGAR FACTORY DEVELOPMENT IS ALLOWED TO BUILD AS PROPOSED, THE USE OF AIRSPACE FOR THE SEAPLANES AND HELICOPTERS WILL BE IN JEOPARDY DUE TO THE EXTREME NARROWING OF THE AIRSPACE CORRIDOR.

"The aircraft generally fly at 1000 feet or above while over land (such as the Williamsburg section of Brooklyn) and only descend lower to make their final landing approach. The approach path is determined by the wind direction and also by the boat traffic in the area. When possible the final approach is made over water from the 59th Street Bridge (landing to the south) or the Williamsburg Bridge (landing to the north); occasionally when wind and water conditions dictate, landing approaches are made over Newtown Creek or over Bayside, near the white storage tanks. Altitudes will depend on the actual landing touchdown area selected by the pilot, which is usually dictated by the boat traffic. In general most of the seaplane utilizing the 23rd Street facility can land in less than 1000 feet of available water, and the pilot selects his or her landing area to avoid boats and boat wakes. While aircraft are required to remain 1000 above the land areas while transiting the East River, there is no minimum required altitude for approaches and landings except what is reasonable and safe for the prevailing wind and water conditions.

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Director of Operations
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THEREFORE, WITH SUCH TALL TOWERS, LANDING FROM AN EASTERLY DIRECTION INTO THE EAST RIVER WOULD BE DANGEROUS IF NOT PROHIBITIVE.
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MR. KELLY FURTHER STATED THAT THESE SERIES OF TOWERS WOULD MAKE THEIR CORRIDOR OF LANDING THESE SEAPLANES MORE NARROW AND NOT IDEAL GIVEN CERTAIN WIND CONDITIONS WHICH ARE EVER PRESENT ON THE HUDSON RIVER.

OF IMPORTANCE, WAS THAT SHORELINE AVIATION WAS UNAWARE OF THE DOMINO SUGAR FACTORY PLANS. THIS INDICATES THAT DOMINO IS HOPING TO KEEP EVERYONE WHO WOULD BE IMPACTED IN THE DARK. NO ONE FROM DOMINO SUGAR HAD CONTACTED SHORELINE TO EVEN FIND OUT WHAT IMPACT THE MANY TOWERS WOULD HAVE ON THEIR BUSINESS OR SAFETY CONCERNS.

HE ADDITIONALLY INDICATED THAT THERE WOULD BE SIGNIFICANT IMPACT TO THE 34TH STREET HELIPORT TRAFFIC WHERE OVER 100 HELICOPTERS ARE OPERATIONAL.

THE DOMINO SUGAR FACTORY DEVELOPERS SHOULD BE REQUIRED TO OPEN UP

DISCUSSIONS WITH THE FAA REGARDING TOWER HEIGHT AND DENSITY. ONCE THESE BUILDINGS BECOME PERMANENT, AND HAVE BEEN PERMITTED BY THE CITY OF NEW YORK, IT BECOMES MORE DIFFICULT TO REMEDY.ANY ACCIDENTS ARISING OUT OF FAILURE TO FOLLOW FAA GUIDELINES BECOME THE RESPONSIBILITY OF THE DEVELOPERS AND THE CITY OF NEW YORK.

There are cases in the country where the FAA has urged areas not to permit buildings of certain heights if they posed a possible threat to air travel.

Pataki has stated"not only is it a narrow corridor, but this is a busy airspace to begin with" (North Jersey News, Transportation "Crash brings call for more air traffic control" Oct. 3, 2006 by David A. Michaels.)

FAA has no legal authority to stop a project but the FAA can require that buildings must meet FAA scrutiny in order to go forward.

A developer may try to lessen the dangers of planes in the flight path such as installing flashing lights, painting the hi-rises with vivid colors such as orange and white or ask that the (sea)planes and the hundred plus helicopters to change their flight paths.

However, to change flight paths become more problematic because of wind patterns and the narrow corridor of the East River. Planes are required not to fly over the 59th street bridge. Therefore, that leaves a very narrow flight path for the planes to land and take off.

In the event that unlikely series of events do occur such as power failure or bad weather, then those who build the towers at the Domino Sugar Factory and the city of New York which is the final arbiter should be held responsible.

Mayor Bloomberg has recently unveiled an advanced idea of easing airport congestion by turning the East River into "runways". " [one]...plan [is to] replace some airline shuttles that fly to and from East Coast cities with seaplanes-fixed-winged aircraft that take off and land on water-which could be used to pull traffic off overcrowded runways at the three regional airports that serve New York." (The New York Sun, April 18, 2007, "New Plan on Air Traffic Here Envisages Rivers as 'Runways'" by Annie Karni).

THE MOST IMPACT WILL BE TO THE 100 PLUS HELICOPTERS FLYING IN AND AROUND THE EAST RIVER DAILY.

OVER 100 HELICOPTERS MOVE IN AND UP OUT OF THE 34TH STREET HELIPORT,

THESE SERIES OF 30-40 STORY TOWERS WILL IMPEDE HELICOPTER OPERATIONS

DRAMATICALLY. PLUS, PROVIDE AN EVEN MORE NARROW CORRIDOR IN WHICH TO OPERATE.

VISIBILITY WILL BECOME NIL BEHIND THE BUILDINGS FACING THE WATER AND IN THE AREAS EAST OF THE BUILDINGS PROVIDING A BLIND SPOT FOR HELICOPTER OPERATORS DAY AND NIGHT.

ANXIETY ALREADY EXISTS FOR DWELLERS OF HIGH-RISE BUILDINGS WHO HAVE LEGITIMATE FEARS OF SMALL AIRCRAFT CRASHING INTO THEIR BUILDINGS.

THE CURE IS NOT TO STOP THE SEAPLANES AND HELICOPTERS, BUT TO SCALE DOWN THE HUGE HEIGHTS OF THESE BUILDINGS.

AS OF AUGUST 7, 2007, NO ONE FROM THE DOMINO SUGAR FACTORY DEVELOPMENT TEAM HAD CONTACTED THE FAA OR THE EASTERN REGION HELICOPTER COUNCIL INQUIRING ABOUT THE IMPACT ON SAFETY OR COMMERCE IT WILL HAVE ON THE 34TH STREET HELIPORT.

EASTERN REGION HELICOPTER COUNCIL www.erhc.org
DAVID NUSS 201-840-8433
HEINZ GRAUMANN 609-921-7681

IT IS ESSENTIAL TO OPEN UP DISCUSSION WITH THE FAA, SHORELINE AVIATION, AND ERHC. ONLY THEN WILL THE COMMISSION FULLY APPRECIATE THE EXTENT OF NECESSARY CONSIDERATIONS WHICH MUST BE TAKEN INTO ACCOUNT PRIOR TO PERMITTING THE CONSTRUCTION OF THE 30 AND 40 STORY TOWERS ALONG THE EAST RIVER.

II. THE INFRASTRUCTURE OF THE WILLIAMSBURG AREA OF BROOKLYN DOES NOT HAVE THE CAPABILITY TO WITHSTAND THE NUMBER OF NEW RESIDENTS PROPOSED IN THE DOMINO SUGAR FACTORY DEVELOPMENT

"ELECTRICAL CABLES SERVING A BIG PART OF BROOKLYN'S POWER GRID FAILED YESTERDAY, FORCING CON ED TO 'BEG' PEOPLE TO SWITCH OFF THEIR AIR CONDITIONERS IN THE SWELTERING 95- DEGREE HEAT.

THE COMPANY ASKED 87,000 PEOPLE IN GREENPOINT, WILLIAMSBURG, CLINTON HILL ...TO TURN OFF 'NON ESSENTIAL' APPLIANCES, 'ESPECIALLY AIR CONDITIONERS.'"
("TURN DOWN THE JUICE", BY BILL SANDERSON, P.17; NEW YORK POST, AUGUST 9, 2007)

THE PROPOSED AMOUNT OF NEW CONDOMINIUM OWNERS, RENTERS, AND NEW BUSINESS OWNERS EXCEEDS WHAT THE CURRENT INFRASTRUCTURE WILL AVAIL. THE CITY OF NEW YORK HAS HAD ONGOING PROBLEMS WITH THE SURGE OF ELECTRICITY CAUSING HUGE PROBLEMS TO HOMEOWNERS PRIMARILY IN THE BURROUGHS OF QUEENS AND BROOKLYN.

ADDING THE HUGE AMOUNTS OF NEW RESIDENTS TO A SMALL AREA OF WILLIAMSBURG WILL ONLY EXACERBATE THE INFRASTRUCTURE AS IT CURRENTLY EXISTS.

THE CITY OF NEW YORK MUST ADDRESS THIS PRIOR TO DEVELOPMENT, NOT AS AN AFTERTHOUGHT. THOSE OF US WHO ALREADY EXIST WITH THE POOR INFRASTRUCTURE WILL ONLY FACE YEARS OF MAJOR DISRUPTION DUE TO ONE DEVELOPMENTS DREAM OF MAKING A WINDFALL AND MOVING ON TO ANOTHER.

III. AFFORDABLE HOUSING AND MARKET RATE UNITS MUST BE BUILT SIMULTANEOUSLY

DEVELOPERS BUILD MARKET RATE UNITS ON THE PROMISE THAT A CERTAIN PERCENTAGE GOES TO THOSE WHO CANNOT AFFORD THE MARKET RATE UNITS.ON AUGUST 7,2007, MAYOR BLOOMBERG "AGREED TO BACK A COMPROMISE STATE BILL THAT WOULD REMOVE MAJOR ROADBLOCKS TO BROOKLYN'S ATLANTIC YARDS MEGA-PROJECT....THE BLOOMBERG ADMINISTRATION HAD THREATENED TO HOLD BACK (FUNDING) WITHOUT...THE PLAN'S (AGREEMENT THAT) 'AFFORDABLE' AND MARKET-RATE UNITS ARE BUILT SIMULTANEOUSLY." ("CITY OKS NEW RATNER DEAL", BY RICH CALDER, P. 17, NEW YORK POST, AUGUST 8,2007)

THIS DEAL PREVENTS DEVELOPERS FROM DOING WHAT THEY HAVE BEEN DOING FOR DECADES. DEVELOPERS BUILD HUGE TOWERS IN HEIGHT AND DENSITY WITH THE PROMISE OF AFFORDABLE UNITS AND IT EITHER TAKES YEARS OR NEVER COMES TO FRUITION. THIS IS DONE TO BENEFIT FROM THE 421-A TAX BENEFITS THAT HAVE BEEN AROUND FOR DECADES.

UNDERSTANDING PROGRESS AND HOPES TO REMEDY A BLIGHT ALONG THE EAST RIVER IS ONLY PART OF THE EQUATION BEFORE US WITH THE DEVELOPMENT OF THE DOMINO SUGAR FACTORY. THERE ARE PARTS OF THIS EQUATION THAT GET LOST IN THE DESIRE TO COMPROMISE AT THE EXPENSE OF US WITH NO LEVERAGE OTHER THAN THE COMMENTS WE GIVE TO YOU.

THE ONLY WINNERS ARE THE DEVELOPERS. THE LOSERS ARE THE RESIDENTS IN THE NEIGHBORHOOD LIVING WITH ONGOING CONSTRUCTION DUST AND NOISE, LOSS IN PROPERTY VALUE DUE TO LOSS OF VIEWS, AND YEARS OF DISRUPTION. THIS IS AN ASSAULT ON THE QUIET AND ENJOYMENT OF OUR HOMES THAT IS GUARANTEED BY THE 5TH AMENDMENT UNDER PROPERTY RIGHTS.

THERE IS NO MAGIC IN THE CURRENT DOMINO SUGAR FACTORY PROPOSAL FOR ANY OF US WHO TOOK RISKS IN MOVING INTO AN AREA ALBEIT WITH THE KNOWLEDGE THAT THERE WOULD BE MORE TO COME. WE NEED THE PROTECTION OF THE CITY TO MAKE A WISE DECISION THAT WILL BE A BENEFIT TO ALL AND NOT JUST THOSE FORTUNATE TO HAVE A PLACE ON THE WATERFRONT. THIS IS NOT WHAT WE ALL BARGAINED FOR WHEN WE VENTURED THE RISK.