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## Land swap conflict sparks zoning war

by [Sarah Darville](#)

Six months after Jewish Home Lifecare and developer Chetrit Group proposed a controversial land swap, the deal remains in zoning limbo.

In August 2009, Jewish Home Lifecare, a nursing home on 106th Street between Columbus and Amsterdam avenues, announced a plan to swap properties with Park West Village developer Chetrit. The deal would allow the nursing home to acquire space on 100th Street to build a new facility, and allow Chetrit to develop properties on 106th.

Jewish Home is entrenched in a nearly three-year zoning battle with several neighborhood organizations. City council member Melissa Mark-Viverito announced in October that she had a solution, but now questions linger about the financial reality of her plan.

In 2007, community activists organized a sweeping downzone of the Manhattan Valley neighborhood, to limit tall developments.

But local politicians granted JHL at 106th Street an exemption, because the non-profit claimed it needed less-restrictive zoning regulations so that it could build a new nursing facility.

So activists who had fought for the downzone were surprised when JHL announced in 2009 that it would be giving its property to Chetrit—a deal which JHL officials claimed was the only viable financial option.

Some residents feared that Chetrit would take advantage of the less-restrictive zoning laws at 106th, put in place for the nursing home, and build an out-of-context skyscraper.

In response to cries of betrayal, City Council member Melissa Mark-Viverito, with the support of Manhattan Borough President Scott Stringer, announced in October that she would begin applying to downzone the JHL property herself, rather than wait for JHL to take care of it once the Chetrit deal is finished.

Chetrit officials have said since the swap was announced that they plan to abide by the neighborhood's restrictions, and JHL said they would initiate and pay for the rezoning, but only after a deal is set, which JHL spokesperson Ethan Geto said would likely be in 2011.

Now, questions remain over how the immediate downzone that Mark-Viverito proposed will actually be funded, since finances do not typically come from a single party. Part of the process would include a costly Environmental Impact Statement.

Hope Cohen, a Community Board 7 member, said in an interview, "At the December land-use meeting, Melissa Mark-Viverito came and talked about needing the \$200,000. I'm hoping that everyone realizes that we don't really need an EIS of that magnitude."

Geto, spokesperson for JHL, said in an interview on Tuesday that JHL is close to finishing a restrictive declaration in a few weeks—a legal agreement that binds them to a downzone when they complete the swap. He said that this would meet everyone's needs and not require community activists or politicians to shovel out large sums of money for an unnecessary zoning process.

"That [the restrictive declaration] will give the community and elected officials the comfort they need, and everyone will know with certainty that they'll get the zoning they want if we sell to Chetrit," JHL

spokesperson Ethan Geto said.

But CB7 member Miki Fiegel said, "People don't trust Chetrit, and Jewish Home had this about-face. The community wants to feel protected."

Glory Ann Kerstein, president of the Duke Ellington Boulevard Neighborhood Association—which fought for the original downzone— said she did not trust the restrictive declaration, but also expressed concerns about the status of Mark-Viverito's plan.

"The declaration is only as good as it can be enforced," she said, adding that her organization does not have the money to hold Chetrit accountable in court.

Kerstein said that Mark-Viverito asked the community for help with fundraising for the downzone at a December meeting, but added, "It's three months later, and we're not clear what's happened."

CB7 member Sheldon Fine said that paying for an immediate downzone seemed unnecessary. "Elected officials feel compelled to guarantee in the short run anyway," Fine said. "The obstacle now seems to be the cost."

Stringer said in an e-mail on Tuesday, "The residents in this area have been working for years to make sure that new developments are in keeping with the context of this neighborhood."

He said he still supports an active downzone. "With the announcement of Jewish Home Lifecare's land swap proposal this past summer, it became clear that the only guarantee against out-of-scale development was an immediate re-zoning," he said. "By supporting Council member Mark-Viverito's planned rezoning of this area, I believe we can offer more timely protections against future high-rise development on and around the current JHL site."

Representatives for Chetrit did not respond to requests for comment.

Mark-Viverito's office did not respond to repeated requests for comment.

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