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New York: Willets Point Landowners State Their Case

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EMINENT DOMAIN: Landowners in Willets Point, Queens, decry the city's move to force them to sell their property to the city for development. (Tara MacIsaac/The Epoch Times)

NEW YORK—A city hearing on Wednesday evening started the ball rolling on pushing Willets Point landowners off the 20-acre lot slated for the first phase of a major, 60-acre development project in Queens. In a phone interview, Michael Rikon, one of the [attorneys](#) for the landowners

discussed their refusal to leave the area.

Under eminent domain law, the city's Economic Development Corporation (EDC) has the right to force landowners to sell their land to be rededicated for public use. EDC has bought up 90 percent of the land already, but 9 property owners refuse to move. The landowners had a chance to testify Wednesday night alongside EDC officials.

Many testified on the side of the EDC, including local politicians, the Real Estate Board of New York, the New York Building Congress, the Building Trades Employers Association, other trades unions, and the Environmental Defense Fund.

Landowners were accompanied by four attorneys, including Rikon, and two experts that claimed the environmental impacts of development had not been properly assessed. Rikon says if the verdict is not in the landowners' favor, they will certainly challenge it in court.

Severely contaminated soil, no sewage system, massive potholes—Willets Point is no prize, but for some families it has been their livelihood for decades. EDC intends to raze the auto body shops and scrap yards to build shopping malls, housing, and park space.

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“A lot of people came forward and really presented with a lot of emotion why this project was wrong, and there was no one to respond to it, because [the EDC] didn't really care to hear the arguments being made,” observed Rikon.

If the city rules in favor of EDC and eminent domain, Rikon said they will challenge it on the basis of what he argues is EDC's noncompliance with the [conditions](#) of eminent domain. EDC maintains they have not violated any of the conditions of eminent domain law and are entitled to move forward with development.

“There's really no basis to go ahead with the condemnation,” said Rikon (eminent domain is also known as condemnation).

“The first and immediate reason why the project cannot go forward is that it violates the environmental conservation law,” Rikon asserted.

ENVIRONMENTAL IMPACT

Building and development projects require environmental impact statements. How development would affect traffic in the area is part of that statement. Traffic expert Brian Ketcham testified on behalf of the landowners. He reiterated the objection they have repeatedly raised: the area cannot accommodate the traffic that would be generated.

EDC would need to build ramps off the Van Wyck Expressway to service the 60-acre plan in its

entirety. They would not, however, need the ramps for their phase one project that covers only 20 acres. The objection rests on the traffic brought by the off-ramps. So, EDC argues if the ramps are not needed, the traffic objection is bunk.

Landowners, nevertheless, cry foul on the EDC's move.

EDC decided to split the project up into phases late in the game, after legal hearings had determined approval for the ramps must be given before the project goes ahead. They thus sidestepped this verdict, say critics.

“The City Council never approved a 20-acre acquisition without the ramps,” maintained Rikon. “They promised the judge that they wouldn't condemn any part of Willet's Point until approval was had for the ramps.”

The EDC argues that a 218-page technical memo they recently released sufficiently outlines the environmental impact of phase one and a second approval is not necessary.



SCRAPYARDS TO HOTELS: Scrapyards and auto body shops that line the streets of Willet's Point, Queens, may be replaced by hotels, retail space, and housing. (Tara MacIsaac/The Epoch Times)

FAIR PRICE

Rikon alleged that the environmental conservation law violation is only one of a few violations.

“The most glaring has been the failure to comply with the law's requirement for the city of New York to make good faith, fair market appraisals of all the properties and make written offers in the amount of 100 percent of the highest approved appraisal to all potential condemnees,” said Rikon.

He claims the most powerful landowners were appeased with beefy offers, while the smaller

property owners were tossed the bones.

The EDC points to their acquisition of 90 percent of the land as evidence that many landowners were pleased with their price.

Martyn Daniel, an eminent domain and [business](#) relocation consultant, who is unconnected with the Willets Point case, speculates that the more affluent landowners may have been better able to hire appraisers and attorneys to negotiate a good price.

'HYPOTHETICAL' NATURE OF DEVELOPMENT

A final objection Rikon raised is that no developers have taken up the contract to develop the area. He says development [plans](#) are not definite enough without developers on board to [warrant](#) forcing property owners out under eminent domain.

EDC will send out the RFP ([request for proposal](#)) to developers in April. In 2009, 29 developers expressed interest in the project, so the EDC is hopeful of a bite once the line is cast.

Rikon objects that developers are not aware of the costliness of the enterprise.

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“There has really been no disclosure to anyone interested in this project of the true extent of the contamination of the soil and of the fact that the soil cannot support any of the structures that they have shown on any of their imaginary plans,” said Rikon.

The EDC contests, however, that everyone is aware of the soil contamination and they have always been clear that this is going to be a costly project.

"We will review any lawsuits when they are filed, but we feel confident that we are on strong footing and look forward to proceeding with our plan. Last night's hearing was another step in the process that will allow us to transform Willets Point into a center of economic growth and the site of an historic environmental clean-up," stated Julie Wood, EDC spokesperson.