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## Was Manhattanville Blighted?

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Driving back to Manhattan during a blizzard in 2000, Harlem musician Dave Nuss lost control of his van on the Cross Bronx Expressway. He was driving with his bandmates from a gig in Massachusetts to his West Harlem home in the middle of the night.

The van began to skid and spiraled 180 degrees.

“All these cars were spinning around us. It was one of these total near-death experiences,” Nuss says. Everybody—the “carload full of all the most luminary free jazz saxophonists”—made it out of the wreck alive, but the “Father Ship,” Nuss’ nickname for the van, was totaled.

He returned early in the morning to the Hint House Artist Collective, a studio space on 131st Street where he was living with his wife and baby daughter at the time. He had to leave immediately to play drums at a funeral that morning for a friend who had recently died. When he came back home later, he saw his beat-up van on the street—with a ticket.

“My wife was mad at me and the baby was crying. It was just one of these moments when everything was falling apart,” he recalls. He went across the street to his friend Frank, who ran a repair shop. Nuss’ friends from Pedro and Jose’s Auto Body Shop, who had sold him the van, came out to help too. “They were like, ‘We can fix it,’” Nuss says. These shop owners, plus a few car repair workers from a different shop around the corner, came out to help, made some repairs, and began to fix the body of the car and the engine.

“Everyone was like, ‘We gotcha.’ It was an amazing feeling of support,” Nuss says. One of them suggested throwing a benefit party for the Father Ship.

“I think that sense of intimacy and support from a neighborhood is just hard to find,” Nuss,

now 39, recalls at a recent interview at a Starbucks on the Upper West Side. “I remember just feeling that low moment, when everybody from the block came out. ... We have a space to do it. We don’t have to get a fucking permit. It was like the community was there, it was so strong.”

This is the version of the Manhattanville neighborhood that Nuss remembers. To him, it was a tight-knit block where he practiced and lived—in a property that, nearly 10 years later, would be torn down by one of New York’s largest property owners.

Nuss describes a quiet manufacturing district on the southwest tip of Harlem, from 125th Street to 134th Street, from Broadway to the Hudson River. This roughly 17-acre plot of land is the intended site of Columbia University’s \$6.3 billion campus expansion.

And eight years after the block joined together for his benefit concert, the neighborhood was deemed “blighted” by the state due to claims of “substandard and insanitary” conditions. But stories like Nuss’—and even some dispute within the legal community—raise questions about the usefulness of the “blight” label, and whether it really should have applied to Manhattanville.

Crunched for space, the University announced in 2003 that it would look northward from its Morningside swath of land to Manhattanville, intending to build an entirely new campus with laboratories, classrooms, and academic facilities. The project, Columbia has said, will redevelop an industrial area depressed by a lack of activity. In addition to increasing public space, Columbia has pledged to provide thousands of jobs and \$150 million toward neighborhood benefits, such as affordable housing and education.

The project is now at a crossroads, transitioning from around six years of public process and legal battles to the early stages of demolition and construction.

Since it proposed the expansion, Columbia has rapidly made deals with property owners and gained control over nearly every lot in the zone—except for two who have fought to hold on to their land.

Tuck-It-Away Self-Storage owner Nick Sprayregen and gas station owners Parminder Kaur and Gurnam Singh have continued to decline to sell to the University, unlike their surrounding neighbors.

And Columbia has repeatedly said that those parcels, which represent a total of around nine percent of the expansion zone, are vital to the vision. Eminent domain—the process by which the state seizes private property for the “public good,” providing just compensation for the owner—officially came into the picture in 2004, when the University asked the state to consider condemnation.

In New York State, a taking can be justified by the finding of “blight,” a controversial term which has been at the center of this project’s litigations. The state’s determination of blight in 2008 gave the green light for eminent domain on behalf of the University.

But the holdouts sued the state in a case that has worked its way to New York's highest court, the Court of Appeals, which gave the clearest push forward for the expansion in June 2010, ruling that seizing "blighted" land on behalf of Columbia's new campus is legal.

This Friday, the United States Supreme Court is scheduled to hold its conference to decide whether or not it will consider hearing an appeal from the property owners. (They appealed to the nation's highest court after the Court of Appeals decision, but the odds are around one percent that the court will hear it, lawyers say.)

Some neighborhood tenants and owners—most no longer in Manhattanville as Columbia continues to break ground and demolish properties—have strongly contested this blight label.

Nuss remembers a community vibrant enough to support his improvisational group—the No-Neck Blues Band—local businesses, and his family. He raised his daughter in the Hint House.

"I can definitely tell you at the time, there were no issues about that neighborhood having problems with blight, crime, disease, garbage, none of that stuff—it's just not true, totally not true," he says.

But it's sometimes hard to believe Nuss is talking about the same area as other residents who say they agree with the determination of blight.

Richard Gonzalez, a project manager in Columbia's Urban Design Lab, who grew up on 138th Street just north of the expansion site, recalls a dangerous and empty neighborhood. "It was like a no man's land—seriously," he says. "You're walking down a corridor with these blank facades. No life. No activity. You really felt alone going through that neighborhood."

This disparity in views on Manhattanville's conditions touches upon a fundamental question when evaluating the process that paved the way for Columbia's expansion: Was the neighborhood really blighted, and given the process by which the criteria of blight were determined, was the state's designation of blight an appropriate justification for the use of eminent domain for a private university?

To some closely involved in the project and to some watching from the sidelines, it's clear that Columbia's investment in Manhattanville is going to be a positive force in a struggling neighborhood, providing thousands of jobs in a terrible recession and creating much-needed space for a major institution of higher learning.

But among those supporters, there's a handful critical of condemnations founded on blight, which they see as very disconnected from the benefits of the new campus.

To these dissenters, blight is a legal farce, not based in reality, and available exclusively for the purpose of taking property. And some owners and tenants who founded and grew businesses in Manhattanville, argue not only that blight is a superficial and absurd measure to justify eminent domain, but further that Columbia played a central role in

creating the conditions they used to find blight.

As Columbia tears up the neighborhood today, planting seeds for a quarter-century development project, some questions remain about whether or not the process of the University's takeover was truly a fair one.

### **The Legal Art of Blight**

Attorneys Norman Siegel and Philip van Buren have dozens of boxes and volumes of documents related to the Manhattanville case in their Midtown law offices.

Both lawyers have fought the use of eminent domain for Columbia for several years, as counsel for Sprayregen of Tuck-It-Away Storage, who owns a total of around 240,000 square feet of property in the University's expansion footprint.

In an interview last month in a large conference room in their Madison Avenue office, Siegel and van Buren both stumbled over the word "blight," saying they have trouble talking about it without offering disclaimers.

"Nobody really knows what it is," says Siegel, a well-known civil rights attorney who lost a recent bid for public advocate. Before going into any specific properties, Siegel emphasizes that understanding the inherent flaws in the blight law is essential—mainly that blight is a vague tool crafted to be whatever government wants it to be.

Blight, as a legal term to describe a "substandard and insanitary" area, is laughable to Siegel, because it is so meaningless. Before criticizing the state's methodology, van Buren, too, pauses for a few seconds. "You say 'the blight.' I say, what blight? Because I don't think there is blight there," he says, continuing on to discuss "blight-like symptoms."

A consultant of the state, AKRF, which was hired to conduct a study of blight, identified several criteria for this designation in Manhattanville: poor or critical building conditions, 25 percent or higher rates of vacancy, or site utilization of 60 percent or less. In going through each of the 67 lots in the neighborhood, AKRF concluded that, based on its definition, there are high enough of instances of physically poor conditions, emptied properties, and underdevelopment to label the area "blighted"—which it did in 2008.

Many law experts, though, agree that blight is not really a condition, but rather a determination. And in New York, there is a lot of freedom in the legal system to determine blight.

"It is undeniably clear that the New York courts have been more liberal in allowing cities and agencies to identify properties as blighted than most jurisdictions have been," explains law professor Thomas Merrill, an expert in property law.

"Blight is not a word of analysis—it's a conclusion," adds law professor Richard Briffault, another property expert. "You decide whether the area is blighted or not, but you can't look at it and say, 'This is blighted.' Blight is the result." This kind of legal mechanism is not unique—where a term derives meaning from its role in the actual law, in this case to pave the way for eminent domain.

Still, blight is not real. It exists only where government finds it. Or as law professor Lance Liebman says, “Blight is a euphemism that’s being used to serve certain rhetorical and legalistic purposes.”

But with a flexible definition, some question whether it is an appropriate measure to justify taking someone’s property.

“There was no way that they were going to lose, because they’re going to end up getting anything that they want,” says Sprayregen in an interview inside a windowless office of the Tuck-It-Away Storage facility on Broadway and 131st Street.

Newspaper articles on his legal battles are scattered in the room, and images of Bruce Springsteen decorate the walls. A 48-year-old Upper East Side resident, Sprayregen has five children, at least one of whom may want to go into his business, he says.

He owns four different storage buildings in Manhattanville now facing condemnation.

The fact that something as vague as blight could ultimately be the reason he loses his property is frustrating to him. “It’s disgusting, it really, really is.” “It really is disheartening for anyone who feels that there should be a certain amount of fairness in the system,” he says.

The Empire State Development Corporation, which gave the blight designation, responded to these criticisms in a document prepared at the end of the comment period for this project, arguing that blight is appropriately vague. “It is unnecessary to compute precisely the degree of deterioration or obsolescence or any other factors. Application of these factors requires the exercise of judgment and common sense,” it wrote, explaining that the legislature outlines a broad range of factors that can be considered when establishing blight, such as deterioration, inadequate maintenance, or poorly designed street patterns.

And some argue that blight is in fact a fitting measure in this area. “They [AKRF] really derived a correct approach,” says Gonzalez, a local resident from Columbia’s Urban Design Lab. “When you are looking at what constitutes blight, you have to look at the social fabric as well as the invisible infrastructures—the networks that you don’t see.”

Still, there are supporters of the project who take issue with the legal art of blight. Susan Russell, chief of operations for City Council member Robert Jackson, believes in the project, and believes in the Community Benefits Agreement, which she helped negotiate. She does not believe in blight.

“Have we stretched the definition so far to the point that it’s a little on the side of ridiculousness?” Russell, who has a background in law, says in an interview in her Washington Heights office.

“It’s false,” she says. “Blight in this situation ... functioned as a legal fiction to justify the eminent domain.”

### **How Columbia's Acquisitions Changed Manhattanville**

When Nick Zuhusky, co-owner of Despatch Moving & Storage Co. on 131st Street, was preparing to sell his property to Columbia, the level of stress became so high that he lost 50 pounds.

The property had been in his family for decades—his father had run the business, and after he passed away, he and his brother took over. Next door, his sister Anne Whitman owned another storage facility, Hudson Moving and Storage.

Both businesses eventually sold to the University—Zuhusky began discussions in 2007, and he and his brother made the decision to sell that summer.

There were a lot of factors involved in the decision, and Zuhusky, now 59 and retired, says that negotiations with Columbia were very friendly. After all, his 10-story warehouse stored thousands of boxes of University files.

But when giving up his property became a reality, the situation took a toll on his health. “The stress became unbearable,” he says in a recent phone interview. “I had to go to the hospital for a couple of days.” He went on medications.

Simply emptying out his place and returning stored properties to their owners was a daunting task.

“It was a very emotional time for the whole Zuhusky family. It caused a lot of bickering,” he remembers.

For several owners and tenants in the neighborhood, the threat of eminent domain loomed as rumors about Columbia's plans spread. Zuhusky declined to discuss any specifics of his negotiations with the University, though he said that eminent domain, generally, was always on the minds of landowners in the area.

And when Columbia began the process of purchasing as much land as it could, the dynamics of the neighborhood changed.

“We all became wary of each other,” Zuhusky says of his other neighborhood merchants. “The last few years, everyone didn't really talk to each other. We didn't know what was going on.”

It can be common in projects of this scale that involve a single developer—with an announced master plan, buying as many properties as it can over several years—that there are adverse effects in the interim, whether through vacancies or lack of upkeep due to anticipated sales or condemnation. Some who worked in the area say that fears of eminent domain on behalf of Columbia's project were very prominent.

“We didn't want to get into a situation where they were condemning properties,” says Brad Barr, a partner with Bradford N. Swett Management LLC, which owned multiple parcels in the expansion zone. “It just becomes a lot of money and legal costs.”

Initially, his company wanted to hold on to those properties as an investment in

Manhattanville. “We thought that area had great potential.” But maintaining a stake in the neighborhood was not worth litigation. “If Columbia was going to end up with the whole thing, we had to get on the band wagon,” he says.

With Columbia’s presence looming and with eminent domain in its back pocket, some argue that there was little incentive to develop the area. “If you look at that area, the property owners were starting to develop themselves,” Pat Jones, former chair of Community Board 9 and former president of the West Harlem Local Development Corporation, says in an interview inside CB9’s district just east of the expansion site.

But, she says, “Columbia’s big and it was moving fast.” Once the University made its presence and intentions known, things changed. “They [businesses] were there for so many years and now that they could capture and be a part of the economic development of the area, it’s like somebody’s [Columbia] pulling the rug out from under you.”

Robert Kasdin, senior executive vice president of Columbia, says that every single negotiation with property owners was fair. “Because we are of this community, we approached every single negotiation as one in which both Columbia and the owner had to come out feeling that the deal was fair and both sides won,” he says.

And maybe that’s why the final holdouts have not reached a deal. Amanjit Kaur, the 19-year-old daughter of the gas station owners fighting eminent domain, says that her family’s interactions with Columbia were often stressful.

“Quite a few times, they came knocking on our door, asking us if we wanted to sell,” she says. “We didn’t think at all that it would lead us to today, where we are being kicked out of our own place.”

### **Did Columbia Create the Blight?**

The threat of eminent domain—and its potentially negative effects on the neighborhood—plays a side role to one of the central arguments of those fighting condemnation: that Columbia maintained, exacerbated, or created the conditions of blight in the neighborhood.

Though he clearly believes that blight is a problematic mechanism for justifying a taking, Siegel, attorney for Sprayregen, contends that most negative conditions that do exist in the area were the fault of Columbia, not the longtime property owners. He argues that there were, in fact, direct ways that the University created deteriorated conditions—not just through its looming presence.

In some ways, the argument is quite simple. Columbia owned a significant amount of property at the time of the study, so shouldn’t the blame for poor conditions fall to the neighborhood’s main landowner?

City records show that the Columbia bought properties rapidly starting in 2002, to 2007 when AKRF, the state’s consultant, finished its study that it began a year prior. As AKRF states directly in its “Manhattanville Neighborhood Conditions Study,” the official name for the blight study, Columbia purchased 31 lots between 2000 and 2007. At the time that the

study was published in 2007, 16 additional lots were also under contract with the University, so that the Columbia essentially had control over 48 of 67 lots in the expansion zone—about 72 percent of the entire site.

“They shouldn’t be the beneficiary of their own dirty hands,” Sprayregen says. He argues that Columbia bought properties, let them waste, and did not renew leases to purposefully create vacancies—offering the state all the conditions it needed to give the green light for eminent domain.

This argument is put forth in “No Blight,” a lengthy alternative study put together by Siegel, van Buren, and a few other authors, that seeks to prove that the neighborhood is not in fact blighted, and that any blight-like conditions that exist are the fault of Columbia.

Tuck-It-Away and the gas station owners won a surprise victory at the New York State Supreme Court Appellate Division, which referenced the study in its decision deeming eminent domain for Manhattanville illegal in December 2009. But the state’s highest court, the Court of Appeals, categorically rejected this argument in June 2010, and representatives from the ESDC and the University, when approached for this story, both point to this decision. (ESDC officials declined to give an interview, and Columbia representatives declined to comment on any specifics of the lawsuits, saying that it is not a party to the case, which is between the state and the property owners. AKRF declined to comment.)

“Can you claim blight and cause the state to advance condemnation procedures if you were the cause of the blight and the condemnation procedures are for your benefit? It’s kind of a sort of circular thing,” Jones from CB9 says of this debate.

A simple criterion to pick apart this question is vacancy. In AKRF’s study, 15 lots are listed as suffering from 25 percent vacancy rates, which is one measure in its methodology that can earn a property the label of “poor or critical condition.”

In the “No Blight” study, Siegel and his team track the uses of properties through reverse phone directories, and in properties with a 50 percent or greater decline immediately prior to Columbia’s acquisition, the study determines that the University created the vacancy. Of the 15 parcels listed in AKRF as being in critical condition due to vacancies, ten were caused by Columbia, according to “No Blight.”

Take, for example, one property, 635 West 125th St., which Columbia bought in 2002. Several retail tenants are listed up until 2006, but by 2007, the levels of vacancy were high enough for AKRF to mark it as critical. At 613 West 129th St., which Columbia also gained in 2002, a repair shop is listed as a tenant until 2006, at which point vacancy levels became high enough to meet the state’s “poor” standards.

Though the reverse phone directory data may be inconsistent or unreliable, it is clear that the University had great control over the area being studied: Columbia owned 14 of the 15 “critical” properties with vacancies.

To some, that’s reason enough to discredit the state’s study and methodology.



“Maybe the answer with the blight study is to separate Columbia properties from non-Columbia properties,” Sprayregen says, raising questions over whether it’s fair that any University-owned parcels be considered in neighborhood conditions. To him, it seems that the question of who actually owns these lots is brushed aside. “They ignore that, because it gets in their way. It is reprehensible.”

“It’s akin to the kid who kills his parents and begs the court’s mercy for being an orphan,” says Ilya Shapiro, senior fellow with the Cato Institute, which filed an amicus brief to the U.S. Supreme Court supporting the Manhattanville property owners. “You’re creating your own blight. It doesn’t pass the smell test.”

The same debate applies to physical conditions, too. Department of Buildings records show that there are six properties with hazardous Environmental Control Board violations that arose after Columbia’s acquisition. For example, at 553 West 133rd St., there are zero violations prior to University ownership, and then five after it gained control.

This is not to say that there weren’t properties where Columbia reduced the number of violations, or did renew leases. And one of Sprayregen’s properties does currently have 11 violations. (He responds that the property is very old and “there will always be repairs and replacements.”)

Still, some say that the state’s reliance on such specific details is unfair when Columbia has varying degrees of involvement in those specific conditions.

Considering that the University plans to demolish most buildings anyway, Siegel says, “Should any of that property be included in the study?”

The property owners have also argued that the state’s use of consultant AKRF constituted a conflict of interest, since Columbia earlier had retained the company for its Environmental Impact Statement. The state has argued that AKRF was selected based on its merit, and ESDC also hired a second firm, Earth Tech, in response to these criticisms.

For some tenants observing the change, it did feel like Columbia created the negative conditions. Simon Yohanes, a member of the Eritrean Club, which used to be housed in a University-owned building on 125th Street, said that it was obvious Columbia didn’t care about maintaining good conditions and tenants. “They did one thing after another to make sure people left,” he says. “It doesn’t make sense that Columbia has control of the whole property and saying this is blighted, when at the end of the day, they are going to benefit from it.”

There is extensive record that counters this stance in the Court of Appeals and elsewhere. A letter from Matthew Early, associate vice president of facilities operations for the University in 2007, to the ESDC, outlines Columbia’s “stabilization efforts” for all 37 properties it owned at the time. (Siegel, who nearly has the exact date of that letter memorized calls it the “quintessentially self-serving document.”)

The 23-page document goes through each property and cites poor internal conditions and Columbia’s efforts to remedy them. For example, at 613 West 129th St.—cited earlier as

one of the properties where the University supposedly created the vacancy—the letter says that the tenant who left the space also left behind a large amount of debris, which Columbia removed. The University also installed a heating system, the letter says.

The ESDC document prepared at the end of the comment period for this project says that prior owners were clearly responsible for poor conditions. And the Court of Appeals decision reads, “Since there is record support that the Project site was blighted before Columbia began to acquire property in the area, the issue is beyond our further review.” ESDC’s petition to the Court of Appeals also strongly disagrees with claims that Columbia created deteriorating conditions, citing the University’s investment of more than \$6 million on urgent repairs to building systems and other property conditions, and arguing that the state’s determination was based on the site conditions as a whole, not any one factor. The agency’s brief also says that the authors of the “no blight” study demonstrate no pertinent engineering and planning expertise.

Maxine Griffith, Columbia’s executive vice president for government and community affairs, says that the University did work to maintain properties it bought. “A tremendous amount of energy was put into ensuring that the buildings did operate well,” she says in a recent interview.

But there were limits to the University’s investment: “In a building that one is going to go in and renovate substantially or where there’s going to be demolition, you’re not about to put on two more floors and a penthouse. But in terms of complying with code, which a lot of those buildings did not do, Columbia knew ... that we had to go in and do the right thing, even if the previous owners let things go,” she says.

Kasdin, too, says that Columbia has always maintained its commitments to keep all its properties safe and compliant with the law.

Whether or not Columbia created any negative conditions, the process does raise the question over whether the blight criteria were fair. While some say Columbia’s bare minimum care for its properties seems unjust, others say it is simply logical. “If I were a trustee of Columbia ... I’d be rather upset if I found out Columbia was pouring lots of money into these ... shops, when the plan was 1 to 2 years down the road demolish them and start building a new campus,” law professor Merrill says. “It’s kind of to be expected that someone who is acquiring for a major development.”

Law professor Briffault adds that, furthermore, there’s no other way Columbia could have gone about this process. If Columbia had to take the blame for the poor conditions of properties it bought, then it would send a message to future developers to condemn a potential expansion area right away, rather than engage in fair market transactions, he argues. If Columbia is punished for buying deteriorating properties, then the University would have had to push for eminent domain from the start.

“It’s a problematic argument,” he says of the notion that Columbia created blight. “Columbia is being blamed for buying, rather than condemning outright.”

## **Columbia, the Urban Developer**

Whether Columbia created the blight or not is irrelevant to some who point to an unparalleled opportunity to both redevelop the neighborhood and keep Columbia competitive.

The image of Manhattanville that architect Peter Gluck remembers is one of gas and oil flowing down the streets into the sewer, right to the river. His business, Peter Gluck and Partners, Architects, moved from its space in Union Square in 2004, where the rents became too expensive, to a location on 131st Street in the expansion zone.

“Architects always have to look for non-trendy places because we need a lot of space,” he says in a recent interview in his now year-old location on 127th Street, a nearly deserted block east of Amsterdam Avenue. Manhattanville seemed to be a perfect fit. “It was completely abandoned,” he says. “It was quiet and it was a little scary, I think, for some people in the beginning.”

He would have loved to avoid the hassle of a further relocation. But Gluck, who has designed for the University where his wife is a professor, says that he was happy to step aside for the expansion. “They need the space desperately, so this was an incredibly smart, proper move for Columbia as much as it hurt me. I mean I would have loved to stay there. From day one, I recognized that it was the best thing for the city and for Columbia.”

Comparing auto shops to a vibrant campus, it was a no-brainer. “There was no community. I mean, I was the community, who the hell else was there? Nobody.”

Gluck doesn’t have much to say about blight. “I don’t see it as blight, I see it as, is this good thing for the city? Is this in the public interest or isn’t it?”

Gluck’s perception—that the neighborhood will absolutely be better off with the University in it—is shared by many. Whether that’s because of blight, though, is clearly up for debate.

“Requiring blight is a little bit irrational, because the question should really be not how bad the property is but what sort of potential redevelopment has for the community at large,” law professor Merrill says.

Though much of AKRF’s study focuses on specific conditions, there is also a clear historical argument to be made too—that the neighborhood needed a developer like Columbia with a master plan.

Griffith, Columbia’s executive vice president for government and community affairs, knows the neighborhood’s historical challenges well. She participated in two studies of the area around the ’90s, first with her own firm, Griffith Planning and Design, and later when she was teaching at Columbia.

A native of Harlem, she remembers a lively meat market on 12th Avenue. Her father, from the West Indies, would buy goat milk there. “I’d maybe use the word ‘distressed.’ If you were to walk in the neighborhood just as a lay person, it would probably not be seen as attractive, but it would be seen as vibrant and you could see people working and doing things,” she says.

In both studies of the neighborhood she participated in, there was interest in promoting economic activity within the exiting community, and better taking advantage of one of the few places in Manhattan where the water meets grade. "It wasn't a place that really engaged people."

She avoids the word blight.

"For me, rather than focusing on a word, I would say that this is an area that was really underserved by development," and the two studies made that clear, she says.

"Who's going to come and spend the money necessary in a way that wouldn't turn its back on the community that was still engaged? That was the conundrum, so when I heard about this job [at Columbia] ... I said, of course. What better than a university? And what better symbol?"

When asked about the neighborhood conditions prior to Columbia's acquisition, Kasdin says, "The streets were largely empty of pedestrians during most hours of day and night. It was a very, very quiet post-industrial area." He also points to the Environmental Impact Statement for the project, part of the public review process, which includes a section on the area's history. The EIS describes the stock market crash in 1929, leading to a period when much of the neighborhood was considered a slum. Development in the second half of the century was mostly educational only, through City College.

"The impression of the Project Area is one of outdated and antiquated industrial buildings, surrounded by transportation viaducts, and taller residential and institutional redevelopment," the EIS, released in 2007, reads, citing recent development that's occurred on all sides of the expansion zone, but not inside.

On the streets of Manhattanville, there's of course a range of opinions on the long-term change. Orlando Norer, 36, who has lived just around the corner from 125th Street and Broadway for 17 years, said the neighborhood has seen some rough times, and he's looking forward to seeing what Columbia can bring.

"It's gonna be nice," he says, standing on the stoop of his apartment building looking at the construction on 125th. "It was pretty bad. I hope they'll have security guards at night."

Gonzalez from the Urban Design Lab, who grew up in the neighborhood, is not afraid to say that Manhattanville is blighted. "The neighborhood has been blight ever since I knew it," he says. "It was always an area derived for cars."

It's hard, though, to find someone who will say that eliminating blight is a prominent reason for Columbia to expand into the area. Yet notions of blight were central to the lawsuits that have paved the way for the University's vision, which has come to depend on eminent domain.

Kasdin says, "I really can't speak to the issue of blight because there is a comprehensive court record, and the New York State Court of Appeals in a unanimous verdict upheld ESDC's finding of blight. It's a legal determination. I have nothing to add."

In response to questions of the appropriateness of blight findings, Elizabeth Mitchell, spokesperson for the ESDC, wrote in an email: "It should also be pointed out and emphasized that this project is BOTH a Land Use Improvement Project, which must be predicated upon a finding of 'substandard and insanitary' conditions, as well as being separately and independently a Civic Project, which requires no such predicate. The promotion of education by and of itself is a public use that underlies and supports this Civic Project and the exercise of ESDC's powers in furtherance thereof."

This is an interesting facet of the case often overlooked—that the civic purpose can function on its own to justify condemnation, without blight.

Then why use blight at all? Shapiro from the Cato Institute points out that, from a public relations standpoint, blight can be a safer route, even if it's far removed from the actual benefits of a project. "Government actors are still wary of having a political firestorm on their hands. Using blight is one way to temper that political backlash," he says, arguing that it is harder to disagree with the elimination of blight, versus the taking of a well-kept property for a greater good of economic development.

"Columbia is right to want to expand into Manhattanville, from the point of view of the city as a whole," says Julia Vitullo-Martin, senior fellow at the Regional Plan Association, an urban research and advocacy group.

When people say blight in reference to Manhattanville, Vitullo-Martin says, they really mean underdevelopment, which is not the fault of current property owners, but rather the city, which left the area zoned as industrial. "Why is Manhattanville underdeveloped? ... When people in the area complain about the condition of their neighborhood, what they're really complaining about is decades of bad city policy and planning policy," she says.

For property owners, it boils down to a much simpler problem. Blight, in a traditional, non-legal sense, connotes something much worse than current conditions of underdevelopment.

"A crack on the sidewalk does not define blight," says Amanjit Kaur, daughter of the gas station owners. "To me, blight would mean the slum kind of area, where these buildings are completely run down—no business, just vacant plots of land and homeless people," she says.

But Russell, who recognizes inherent problems in the blight designation, does not think any of these debates would be reason enough to oppose the plan. "There's far too much other opportunity here."

### **Moving On**

On a recent Monday afternoon, Eddie Pizzo, co-owner of Pizzo Brothers Inc., General Contractors, sits in his office on 131st Street looking at Google Maps.

One of the few remaining businesses on the block, he has a lease with the University, guaranteed until 2012—at which point Columbia has to give the business six months notice to vacate.

Having been in this location since 2000, he says it seems a bit strange to seek out new homes for his business. On Google Maps, he looks at the screen, comparing the one-mile difference from a potential East Harlem relocation to a Bronx relocation.

“This place was pretty dismal,” Pizzo, 49, recalls of the roughly 7,000 square-foot property when his business first moved in as a tenant in 2000. “We fixed it up, made it homely.”

The Bronx location is much cheaper, he says, but he wonders whether his business can continue in an outer borough.

Pizzo, who has seen the neighborhood change over a decade, recalls the atmosphere on the block. He remembers the worn-out counters at a corner diner, the opera singer who spent time in the Hint House Artist Collective, and the radio playing in Pedro and Jose’s Auto Body Shop downstairs. “It was definitely alive, never dead. I’ve always felt safe,” he says, peering out his window to the vacant lot where the Hint House Artist Collective used to sit.

Regardless of whether the expansion is positive or not, or whether the area is blighted or not, for some tenants and property owners, saying goodbye has not been easy.

Nuss, who lived in the Hint House until 2001 and practiced with his band in the space until the bitter end, returned to the area in the beginning of November, last month, to pick up some equipment from Tuck-It-Away.

He saw the construction team removing the top floor of the building that was once his studio and home. “When I saw the pieces of brick being taken down one by one on the top floor, it really represented ... the end of a personal era, and a very creative era,” he says.

His colleague Tamara Gayer, a visual artist who worked in Hint House—and whose name was on the lease for many years—remembers a diversity of businesses in 1997 when they first moved in.

“I think everyone was really involved in the neighborhood,” she says, recalling when one fellow artist painted a mural on a neighboring auto mechanic’s door after a fire. “If someone would throw out a painting they didn’t like, one of the businesses would usually hang it up and put it on the wall somewhere. You’d walk down the block and someone would say to you, ‘No music today? What’s going on?’”

Leaving the neighborhood, which she says was perfect for artists, was not too difficult, since they saw it coming. But, “It’s still sad to see it’s gone. It was home. ... It was a long winding down,” she adds.

For Ramon Diaz, owner of Floridita Restaurant and Tapas Bar, even a small relocation from Broadway to 12th Avenue next year is worrisome. After being on 125th Street and Broadway for 35 years, ultimately as a tenant of the University, the move could hurt business, he says. “I made this move because I had no options.”

Parminder Kaur, who owns the gas station on 125th with her husband, says she can’t even dwell on the possibility that losing her property could soon be a reality. “When I think

about it, I'm sick. I can't explain how I feel," she says. "If you own property, that means it's yours."

For Pizzo, who says he is grateful that Columbia redeveloped the Studebaker Building across the street—one of the properties often cited as an immediate positive change from the University's acquisitions—leaving the neighborhood is not ideal.

"This place here, I'm sorry, is as solid as it comes," he says, considering the question of blight in the neighborhood. "Look at the beams, look at the structure. It's not blighted. It is not crumbling."

And though he's prepared to make the move—he is already looking for new spaces—part of him does not want to leave the neighborhood behind. He says, "I would love to stay."

Sam Levin   vol. 9, issue 11   In Focus

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