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ZONE DEFENSE | 2:26 PM

COURT KNOCKS OUT BUILDING BLOCK OF LOWER EAST SIDE STACKED TOWER

By Rachel Holliday Smith

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The site of the Two Bridges development on the East River in lower Manhattan, on July 16, 2019. Photo: Ben Fractenberg/THE CITY

Developers planning to stack a 100-story waterfront apartment tower atop a Lower East Side senior residence and retail space have lost a round in their game of real estate Tetris.

A panel of state appellate judges recently ruled the storefront's long-term leaseholder must have a say in how the property's development rights get used.

That decision could set back the proposed multi-tower Two Bridges megadevelopment, attorneys and activists familiar with the case say — even as developers wage a separate court battle brought on by Manhattan elected officials.

Little Cherry LLC has 25 years left on a long-term ground lease at 235 Cherry St., a vacant building that was once a Rent-a-Center and pharmacy for the neighborhood's Pathmark supermarket.

JDS Development and its principal Michael Stern want to build a 1,000-foot tower that would cantilever over the one-story brick building and sit atop of the Two Bridges Senior Apartments next door. But they need the Cherry Street property's development rights, said Little Cherry's attorney, Raymond Hannigan.

Now, he says, the court made “a serious decision putting a roadblock in the way of Mr. Stern's development.”

“He can't build his megaproject without getting our client's consent. And we're refusing to give our consent,” Hannigan told THE CITY.

Marci Clark, a JDS spokesperson, said the company disagrees with the court's decision and will “continue to defend the case vigorously.” She insisted the order will not change building plans.

“The case nor the ruling will impact the development in any meaningful way,” Clark said in an email.

Hope for Opponents

Local opponents of the towers see the matter differently.

“It gives Little Cherry an enormous amount of leverage to basically say no to this building,” said Trever Holland, a longtime neighborhood activist with Tenants United Fighting for the Lower East Side (TUFF-LES) who lives near the site and has been against the Two Bridges development for years.



...and other local groups more time to develop their own plan for the area.

“Let them fight. Let them go on, delay,” he said. “But in the end, when they finish, we’re hoping that all those proposed towers cannot happen.”

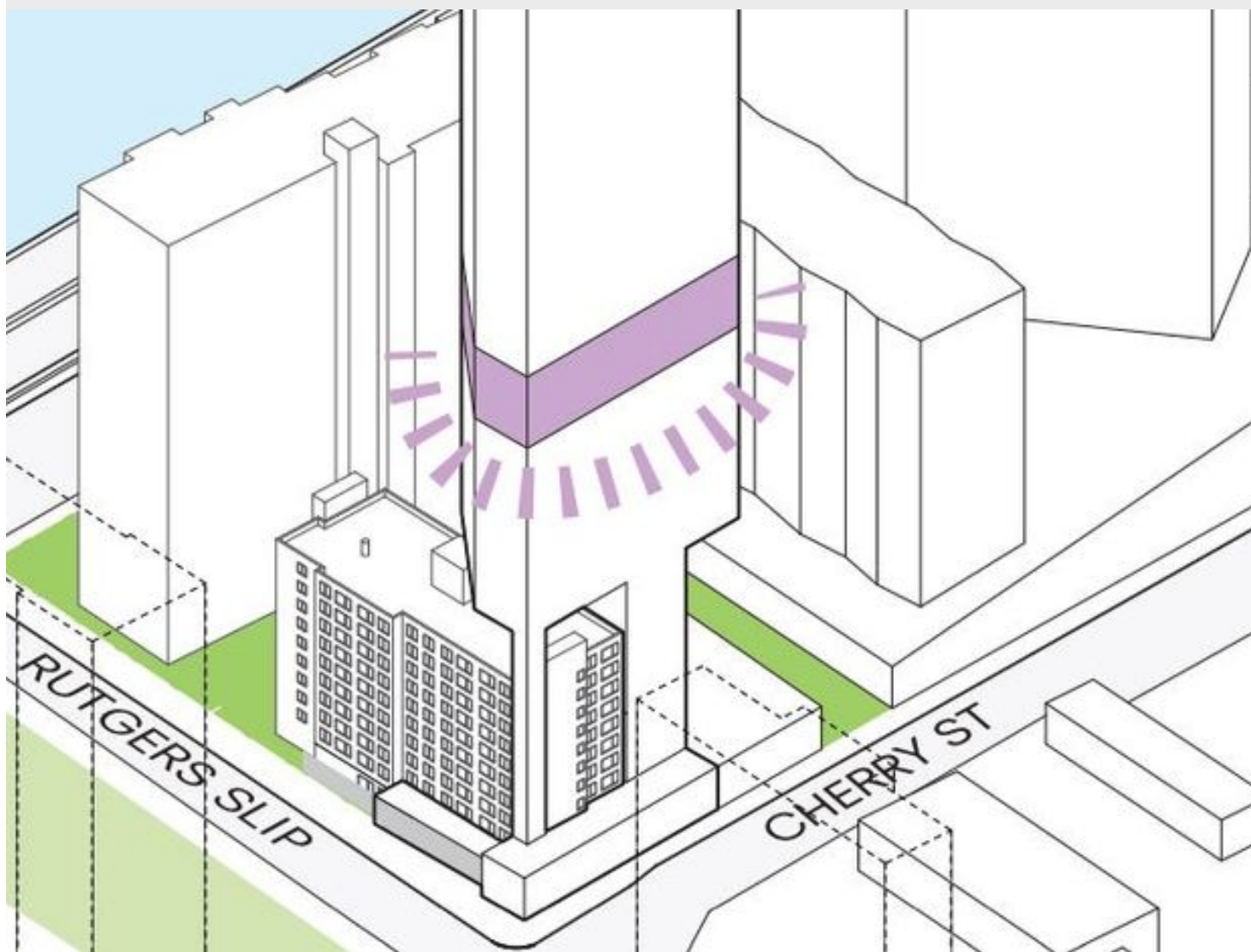
New Rules Eyed

Before the end of this year, a group of Lower East Side residents and organizations — including Holland, Good Old Lower East Side (G.O.L.E.S.) and [CAAAY](#) Organizing Asian Communities — hope to complete an application to [remake zoning rules in the area](#).

Their plan targets an area stretching from Catherine Street to Montgomery Street, between South and Cherry streets, that would encompass all of the buildings planned in Two Bridges.

If the proposed changes become part of the city zoning rules, all new buildings would be capped at 350 feet — about 35 stories — and require half of the units in all new residential development to be affordable.

By contrast, the four planned Two Bridges Towers are slated to rise 70 stories and higher, their size boosted by development bonuses that apply in Manhattan under older zoning rules. In exchange, 20% of units must be set aside as affordable housing.



anned tower as part of the Two Bridges development that would be built over a senior housing complex and a one-story building at the Slip and Cherry Street. *Photo: JDS Development*

The local group has regularly met with the Department of City Planning and received technical help from consultants with the Collective for Community, Culture, and Environment. The process has been challenging, Holland said, and very complicated.

But he and other participants say they've found meetings with the city especially productive after a state Supreme Court judge indicated in June [he favored plaintiffs fighting the Two Bridges development](#) in a case brought by City Council Speaker Corey Johnson, City Council Member Margaret Chin and Manhattan Borough President Gale Brewer.

The judge's final ruling on that case is expected to come in or before August.

To attorney Paula Segal of TakeRoot Justice, who is also working with the rezoning group, the judge's comments "really opened the door to a collaborative approach" with the city.

"We're really happy about that," she said.

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