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# Where the Sidewalk Ends, Abruptly: Delivery Ramp Vexes Condo's Residents in Lower Manhattan

The Appraisal

By MATT A.V. CHABAN    JAN. 11, 2016

In a library just off the lobby of 20 Pine Street, a condominium conversion a block from the New York Stock Exchange, a couple of neighbors met last week to address a problem that had been vexing them for more than a year: a ramp for FedEx's new Lower Manhattan distribution center.

At 44 inches wide and 80 feet in length, it obstructs about a third of a stretch of sidewalk along Nassau Street, on the western side of the building.

"Not only is it unsightly, it's dangerous," said Bernard Urban, a branding consultant and six-year resident. "It's taking up all this space. It doesn't seem secured — someone is going to get hurt."

Outside the 408-unit building, an Art Deco office tower remade by Armani, it was trash day. Clear recycling bags full of natural pet food cans and soy milk cartons and a thicket of moldering Christmas trees ran alongside the ramp. Jackets snagged and strollers slipped as people brushed by one another single file.

It is a common scene in New York, where residents must negotiate construction fences, hot dog carts and costumed characters, where the most precious spaces are not parks or waterfront esplanades but the pavement running between them.

“The sidewalk is to New York as the freeway is to L.A. — it’s where we come and go, and what could be more contested?” said Mitchell L. Moss, a professor of urban policy at New York University.

The residents of 20 Pine Street believe the city wrongly awarded permits to the owner of the storefront FedEx will soon occupy. In November, the board brought a lawsuit in State Supreme Court charging misdeeds and insider deals by the owner of the retail space. At the very least they would like the ramp removed, though there is some hope that without the ramp, FedEx would have to relocate the distribution center as well.

“If someone like FedEx can come in here and get whatever they want, what is to stop it from happening on any block in the city?” said Stacey Haefele, co-president of the 20 Pine condominium board.

To avoid traffic, FedEx has long used urban distribution centers, sites where parcels are delivered in the morning and distributed throughout the day using hand trucks. They are closed to the public and do not serve as places to receive packages.

A handful of the centers dot Manhattan, including one near the South Street Seaport that served the financial district, at least until Hurricane Sandy. When it was flooded three years ago, and important documents and machinery were lost, the center was abandoned.

FedEx went in search of higher ground, and in early 2014 it reached an agreement to take one of the four storefronts at 20 Pine. The space, once used as the sales gallery for the building, had sat vacant for nearly five years.

“All anyone at the building ever asked us was: ‘What’s going in? What’s going in?’” said Jacob Klein, whose New Jersey firm bought the retail spaces for \$19 million in 2013. “We finally find a tenant, and they seemed O.K. with it. Then, I don’t know what, something changed.”

To some, the arrival of FedEx was yet another test of how glamorous the building really was. Named the Collection, it opened in 2006 with a concert by John Legend and a showroom complete with catwalk. But when the recession hit, complaints about surface finishes — is this place Armani or a knockoff? — led to a pileup of lawsuits. A restaurant, not a shipping center, was supposed to have replaced the showroom.

“We were pioneers down here after 9/11, and given the caliber of the building, this is not what we were expecting,” said Heather Curatolo, who bought her unit in 2007 and now runs Paws on Pine, a pet concierge service, from her apartment. Studios now sell for about \$850,000 and two-bedrooms for \$2 million or more.

When Mr. Klein first filed plans with the city for the ramp in January 2014, its express purpose was as a delivery entrance for the FedEx center. Examiners rejected the ramp as an encroachment on the sidewalk.

Mr. Klein then hired an expediter, Ronny Livian, to see if there was a solution. He helped submit a new set of plans that reclassified the ramp as providing wheelchair access to FedEx’s space, in compliance with the American With Disabilities Act. The city approved this approach.

Residents argued that if the real purpose was for wheelchair access, and not deliveries, a lift inside the sorting center could have sufficed. They also believe that Mr. Livian, a former Manhattan commissioner with the Department of Buildings, effectively lobbied to get the project approved by the city.

Mr. Livian said it was impossible to unduly influence the department. “The code is the code, and we were brought in to figure it out,” he said.

The board tried to have the project stopped over the summer in State Supreme Court, but a judge ruled that the permits were valid, and construction resumed in June. The community board, in a strictly advisory role, passed a unanimous resolution the next month asking the Buildings Department to investigate “in the interest of safety, security and quality of life of all residents.”

“Clearly it’s necessary,” said Catherine McVay Hughes, the community board chairwoman, “but they could have come up with a more graceful solution that respects the neighborhood.”

The city halted construction a few times over compliance issues, but the metal and concrete ramp was completed last month. It is currently wrapped in beige plywood, which many residents feel detracts from the building’s stately limestone facade, though Mr. Klein said nicer metal panels are on back order.

FedEx believes the ramp poses no risks, Jim Masilak, a company spokesman, said in an email, though he also pointed out that Mr. Klein’s firm was the one responsible for it. “FedEx is the tenant and its landlord is constructing the access ramp for its use,” he said. “We will work collaboratively with the appropriate parties to resolve any issues on code.”

Within 20 Pine, the discord reached new heights on Nov. 16, when the FedEx center was getting a coat of epoxy paint. Fumes filled the building, and the plaza was soon cluttered with residents and dozens of children in bassinets and strollers, evacuated from a day care center in the building.

Billy Zhao, who shares a 13th-floor, two-bedroom condominium with his wife, son and newborn daughter, rushed home to usher them outside along with his wife’s father. He said they were treated for dizziness and shortness of breath at an ambulance. “Is this really something that belongs in a residential building?” Mr. Zhao said.

To Mr. Moss, the N.Y.U. professor, these are just the latest growing pains for a neighborhood constantly in transition. “This is a pre-Colonial street adapting to the 21st century,” he said. “Of course there will be problems.”

***Correction: January 11, 2016***

*Because of an editing error, an earlier version of this article misspelled the given name of a co-president of the 20 Pine condominium board. She is Stacey Haefele, not Stacy.*

***Correction: January 11, 2016***

*An earlier version of this article misstated the length of the ramp at FedEx's new Lower Manhattan distribution center. It is 80 feet, not 7.*

Email: [appraisal@nytimes.com](mailto:appraisal@nytimes.com)

Twitter: @MC\_NYC

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