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**Testimony of
DAWN PHILIP
on behalf of
NEW YORK LAWYERS FOR THE PUBLIC INTEREST
before the
FRANCHISE AND CONCESSION REVIEW COMMITTEE
Public Hearing on the
RANDALL'S ISLAND SPORTS FIELD DEVELOPMENT PROJECT
CONCESSION AGREEMENT
June 8, 2009**

Good afternoon. My name is Dawn Philip and I am a staff attorney at New York Lawyers for the Public Interest. We represent concerned community members and a number of different organizations including Nos Quedamos, East Harlem Preservation, the Community Educational Council and the President's Council of District 4 in East Harlem, the Citywide Council on High Schools, and New York City Park Advocates. We filed a lawsuit on May 26th because of the City's continuing violation of its own land-use review policy and state environmental law.

This is the second lawsuit that community advocates filed to ensure that the City complies with the rule of law with respect to its actions on Randall's Island. In response to the first lawsuit, Justice Shirley Kornreich of the New York State Supreme Court ruled in January 2008 that the City's deal with the private schools was a "major concession," and therefore must be approved through the Uniform Land Use Review Procedure or ULURP. Instead of complying with the court order, the City has decided to continue to circumvent its legal obligations in the new concession agreement. The new concession agreement is still a major concession and as such can only be approved through the Uniform Land Use Review Procedure. Put another way, we believe that it is beyond the authority of the Franchise and Concession Review Committee to approve this concession.

Over thirty years ago, New York City voters approved a new city charter that required actions by any person or agency relating to the use, development, or improvement of real property to be subject to a uniform review procedure, ULURP. In establishing ULURP, the City recognized the importance of including the experiences, concerns, and expertise of the affected communities in shaping and influencing how the land is developed.

Under the New York City Charter, a major concession is beyond the approval authority of the FCRC and must be approved through the ULURP process. This process requires, among other things, that the agreement be made available for public comment

and that the agreement be reviewed by the local Community Board, the Borough President, and the City Council.

We also believe that the Parks Department violated the State Environmental Quality Review Act (SEQRA) by failing to adequately consider the environmental impacts of the Project. The Park's Department's truncated environmental analysis failed to assess the effects of increased use of Randall's Island as a result of the project in terms of people, traffic, energy use and solid waste disposal--All of which impact air and water pollution as well as greenhouse gas emissions. In addition, the City failed to adequately consider the impacts of installing eleven new artificial turf fields. The City admits in a study that the surface temperatures reported on synthetic turf fields can get high enough to reach levels of "discomfort" (meaning temperatures as high as 160 degrees) and may contribute to heat stress among users of the fields. The City's plans to install more drinking fountains and warning signs for children are completely inadequate to address these health risks. Given the scale and scope of this 209-acre project, a full environmental review with the requisite preparation of an Environmental Impact Statement and public comment period is necessary.

It is fundamentally unfair to preclude a community's participation in the development of land literally in its own backyard. The City's land use laws exist to provide fairness. Along with our co-counsel, civil rights attorney Norman Siegel, and Stroock & Stroock & Lavan, on behalf of the communities in East Harlem and the South Bronx, public school children, and concerned citizens, we believe that the FCRC should respect the rule of law. Given the pending litigation, we ask this Committee to refrain from taking action on the concession agreement until the judicial process is complete.

Thank you.