

Testimony

**Before the United State House of Representatives
Committee on Oversight and Government Reform
Subcommittee on Domestic Policy**

March 29, 2007

**Regarding the Alienation of Public Park Land for a New Yankee
Stadium**

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My name is Joyce Hogi. I am a 63-year-old widow who has lived in the Bronx, New York for the past 30 years, specifically the South Bronx area surrounding Yankee Stadium. Thank you for the opportunity to submit testimony concerning the community's reaction to the alienation of our public parkland for private use by the Yankee organization to build a new stadium.

This morning, I will tell you the sad story of how 22 acres of parkland, primarily known as Macomb's Dam and the southern portion of John Mullaly Parks, were taken from our community. How the shameful consequences of the construction of the new Yankee Stadium is the destruction of our parks; how the process to demolish our parks was "arbitrary and capricious" and just how important parks are to our community.

I. Importance of the parks to the community:

Macombs Dam Park was opened in 1899. It immediately drew neighborhood children and aspiring athletes to its extensive recreational facilities. The quarter-mile track was a favorite for local and European runners. Hannes Kohlesmainen used the track during his training for the 1912 Olympic games in Stockholm, where he won three gold medals. The track was named "Joseph Yancey Track and Field" in honor of the co-founder of The New York Pioneers Track and Field Club, an interracial team that developed many Olympic athletes.

Macomb's Dam Park and John Mullaly Park, located in the poorest Congressional district in the United States, were, essentially the Central Park of the South Bronx. This was one of the few linear parks in New York City. The parks lined up active, passive and recreational functions in the same space, providing centralized and easy access for all. Macombs Dam and the southern portion of John Mullaly Parks contained a soccer field, running track, 2 baseball / softball fields, handball and 16 tennis courts. Although in dire need of repair, these parks served the community's residents and the 20 public and private schools in the two zip codes surrounding them. Teams from other parts of the city were frequent users of the track and soccer fields.

These parks continued to be used for organized sports activities for both adults and youth after all these years. These spaces were valuable to this neighborhood in that it provided an outlet for organized senior citizens' walking clubs, track practice facilities for schools' teams, just to name a few. In an age when walking and exercise are encouraged as health benefits, this community used the parks from sunrise to sunset.

By the New York City Department of Parks and Recreation's own admission, these parks were heavily used and they issued hundreds of permits each year to groups to utilize the playing fields. A private vendor operated the tennis courts but dedicated courts were set-aside for the NY Junior Tennis League¹ to use from spring to late summer each year.

¹ New York Junior Tennis League is a non-profit 501(c)3 organization dedicated to transforming young lives through tennis. Their mission is to develop the character of young people through tennis, emphasizing the ideals and life of Arthur Ashe in the following ways: reaching out to young people who otherwise would not have the opportunity to learn and play tennis; instilling the values of humanitarianism, leadership and academic excellence; and introducing the opportunity to fully develop their tennis skills and competitive potential for a lifetime of enjoyment. (<http://www.nyjtl.org/about/index.html>)

Over 400 large oak trees, more than 50 years old provided a buffer zone and cooling area for the residents surrounding the park and the streets. The trees formed a canopy on the streets, one of which has been demapped for this project, subsequently the trees have been cut down. Relief in the summertime could be had for dwellers of hot, cramped apartments who wanted to meet and entertain family and friends and to provide outlets for their children. These parks were the social fabric of our community.

Our South Bronx community is well known as one of the epicenters of asthma affliction in the country. As a result, it is imperative that no important decisions go forward with projects if there is a chance that it makes the asthma conditions worse. That does not make it okay to create more automobile congestion. There are real human lives at stake here. We challenged the Yankees and the City to do a public health analysis where they quantify the monetary value of human lives and do a cost-benefit analysis with proposed mitigation measures to improve air quality in the area. The Draft Environmental Impact Statement (DEIS) dismisses the seriousness of the matter with the remark, “The causes of asthma and its increase over the last two decades are not certain, and the triggers for its exacerbation are only partially understood”.

A study commissioned by New Yorkers for Parks² and conducted by Ernst & Young, concluded the following: “*Every New Yorker knows how important parks are to our quality of life. They are our front yards and backyards, giving us opportunities for recreation and relaxation, providing positive and educational activities for our children and contributing to the health of our communities...* ”.

*“Parks are the city’s lungs, essential components of its health and quality of life – cleaning the air, breaking the heat, breathing life into a neighborhood....”*³ This certainly personifies the effect of the parks on our community.

II. The process that set in motion the demolition of Macombs Dam and a portion of John Mullaly Parks had no standard, and was arbitrary and capricious:

The Yankee Stadium Redevelopment Project ~ Overview (NYC Dept of Parks & Recreation)

“The New York City Department of Parks and Recreation (DPR) propose to allow for the redevelopment of a new Yankee Stadium by the New York Yankees on portions of Macomb’s Dam and John Mullaly Parks adjacent to the existing stadium site, located at East 161st Street and River Avenue in The Bronx. The new, open-air stadium with a capacity for 54,000 spectators (53,000 seats and 1,000 standing spaces) would replace the existing, approximately 57,000-seat outdated 82-year old stadium, which can effectively accommodate a modern baseball team and provide greatly improved spectator and parking facilities. The proposed project also includes the construction of four new parking garages containing approximately 4,735 spaces and the development of new and replacement park facilities within the vicinity of the proposed stadium.

² A not for profit group (aka the Parks’ Council), New Yorkers for Parks (NY4P) is the only independent watchdog for all the City’s 28,800 acres of parkland: parks, beaches and playgrounds. They are the City’s oldest and leading independent expert on park conditions, efficiency and funding.

³ New York Times, 2001

The proposed stadium, all four proposed garages, and almost all of the proposed parkland would be completed by 2009. The full development of the project would be completed by 2010.”⁴

This statement sounded the “death knell” for the parks and for the thousands of residents and school children in an area deficient in parks, exacerbating other problems already experienced.⁵ After our initial shock over this announcement (the shock never wore off), the community tried to garner some support. We were not aware that many of our elected officials had already negotiated in private with the Yankees to support this project for control of future perks. When it became apparent that we were in an “every person for themselves” situation, neighbors organized to fight the project. We have since learned that not even local Community Board 4 was made fully aware of this project until a press conference was held.⁶ We were astonished to watch how fast this project developed.⁷ I have attached a “timeline” created by **Good Jobs New York** illustrating how our precious parks were taken in eight days.⁸

Our New York state legislators, on a day at the end of the legislative session when hundreds of bills were passed, removed the protections ensuring that our beloved parks would remain undeveloped in perpetuity. They decided it was in our best interest to offer a parcel of land that is 40% bigger than that of the World Trade Center, not for a public good, but to enrich a private business. We at SaveOurParks! obtained the transcript from the Assembly and were just stunned to see how casually the vote to relinquish our beloved parkland in such an impoverished community was conducted. Despite the fact that no efforts were made to inform the community of the impending park alienation, the Assembly Member who introduced the Bill proclaimed “no community opposition” to the project. Not being informed does not mean no community opposition, except in New York City where Mayor Michael Bloomberg’s administration and our Borough President Carrión are making this stadium project their calling card. The community didn’t know there was a vote⁹ – there was no opportunity to lobby or object! As I’m sure you are aware, the National Environmental Policy Act (NEPA), the State Environmental Quality Review (SEQR) and the City Environmental Quality Review (CEQR) require that the public become informed as early as possible in cases like these. In this case, it was not the public that was informed early, it was the elected officials, the NYC Department of Parks and Recreation, and even the federal agency designed to protect our national parks -- the National Park Service.

A group of concerned citizens met in a local senior citizens’ center, chose the name “**SaveOurParks**,” drafted petitions and hit the streets. Mind you, most of us were working fulltime jobs, raising families, and then meeting every evening, going door-to-door to get

⁴ http://www.nycgovparks.org/sub_your_park/nyy_stadium/html/nyy_redevelopment.html

⁵ Data released by the US Census Bureau in September 2006 shows the Bronx has a 29.2 % poverty rate, the third highest in the nation. This area is located within the corridor that has the highest asthma rate in the city.

⁶ Enclosed is a copy of the letter sent to the Yankee organization from Community Board 4.

⁷ In NYC reports abound complaining about the length of time it takes from a City Planning application to shovel in the ground. In the case of the Yankees, what was once *years* turned out to be *months*.

⁸ See Good Jobs New York timeline and report, “Loot, Loot, Loot for the Home Team: How a Proposal to Subsidize a New Yankee Stadium would leave Residents and Taxpayers Behind.

http://www.goodjobsny.org/yankeestadium_news.htm

⁹ This was only the second alienation of parkland in NYC in recent years. The debate in the first one at Van Cortland Park for the Croton Water Treatment Plant lasted from 1998 to 2004. Located in the North Bronx, the Home Rule message was requested after the SEQR was completed. Moreover, that parkland was to be returned in full to the community as the facility is being built underground.

signatures in an effort to spread the word and organize our neighborhood. When the 1st Town Hall meeting, sponsored by the Borough President was held, approximately 500 people attended. Tensions ran high, to say the least.

We were shunned by our elected officials and we were accused of bringing in “professional protestors” by Randy Levine, President of the Yankees organization, as if the community could not discern when it was getting a bad deal. We continued to protest, holding rallies, meeting with and writing our elected officials. Unfortunately, even the few who were willing to meet with us and/or answer our letters were totally enamored by the Yankees’ project and not willing to take a stand with the very constituency that elected them to office. The media mostly was enamored as well and was not able to understand the community’s point of view as they and all the elected officials were “rounded up” on one side – that of the Yankees. The Yankees had hired Howard Rubenstein Associates, a major well-connected public relations firm in NYC to provide a steady stream of material to all the media outlets selling the project for their client. While some newspapers would print an occasional account of the proceedings, Patrick Arden of Metro NY “got it” and stayed on the case. He understood the injustices being heaped on this community. He showed up at all of our hearings. He wrote about it every chance he could.

The community reached out to other boroughs of the city, because as we understood it, the subsidies that were being given for this project would affect us all and also to alert everyone that this was a “precedent setting” action. Your park will be next!

A handful of public hearings were held, but they were a sham since the parks had already been alienated. No other project in any NYC community has been short shrifted in this way! There has been an extensive, two-year debate in Greenwich Village over moving the fountain in Washington Square Park 22 feet over. Meanwhile the South Bronx lost 22 acres of parkland overnight without any public discussion! Community residents were not given sufficient opportunity to become familiar with the plan to adequately address land-use issues and the impacts to our neighborhood. The manipulation of those who were chosen to speak was blatant. Meetings were scheduled for two hours and presentations by the Yankees and Parks Department routinely took about half that time. Building trade representatives were bused in prior to meeting times, filled most of the seats and chanted their mantra: “we want jobs”.

A town hall meeting held by the Borough President was scheduled to begin at 6 p.m. The doors were locked at about 5:50 and residents (over 150) were left out in sub-freezing weather with children, chanting: “Let us in!” Meanwhile if you came to the door and showed what appeared to be a union card, you were let in. The following day, a reporter covering the hearing for the New York Post, who himself was locked out until he showed his press pass, wrote an account of the public hearing but made no mention of the locked out residents. I e-mailed this reporter and asked why didn’t he write about the locked out residents; he said he had to make a choice of what to write about and he made his choice. I requested that he give the community equal time. I never heard from him again. The community was being hit from all sides.

Despite intense pressure from the Bronx Borough President Carrión, our local Community Board¹⁵ voted against the Yankee project, which was at last, a victory for the community! Since that time, all members who voted “nay” and whose terms were up for renewal were not renewed. If a member chaired a committee and the term was not up, that chair was taken away. The Board Chair, who voted for the project was thrown off. We surmise it was because he didn’t “deliver” the vote the Borough President wanted. The Borough President has defended his actions, stating that he wants a board that supports his vision. What’s so insane about all of this is that the board’s vote is only advisory!

The integrity of the purported public participation as outlined in the New York City’s Uniform Land Use Review (ULURP), the State Environmental Quality Review (SEQR) and the City Environmental Quality Review (CEQR) just leaves the community shaking their heads and wondering, “what ever happened to community involvement?”¹⁶ This is poor planning; top-down development that any self-respecting urban planner knows is the exact wrong way to plan a project. This development is detrimental to our community. It destroys parkland, which will burden our already clogged roads, diminish air quality and negatively affect the quality of life for a large community.

SaveOurParks!, supported by other organizations seeking alternative transportation, believed that everything should be done to encourage mass transportation. We argued for improved subways, the building of a Metro-North station at Yankee Stadium,¹⁷ and for the rehabilitation of the neighborhood’s Melrose train station on the Harlem and New Haven lines.¹⁸ We argued for train tickets tied to game tickets as an incentive to use mass transit. We have a Congressional appropriation (SAFETEA-LU; Earmark No 2289) for \$2.4 million to upgrade Metro-North stations in the Bronx and construct a station at Yankee Stadium. Everything seemed to be lined

¹⁵ Community Board members are appointed by the Borough President to a two-year term. This board is designed by the City Charter to represent the interests of the (sic) community. City Council Members can recommend a portion of the members.

¹⁶ In New York City, the sale, rent, lease of city-owned land, or as in this case, the taking of public land for a private use, invokes a process in place called; Uniform Land Use Review Procedure (ULURP).¹⁶ Because they knew early that the project would have a great environmental impact, and to qualify for the Federal National Park Service (NPS) Environmental Assessment (EA), the Lead Agency, the NYC Department of Parks and Recreation, decided on a complete CEQR review as well. All of the steps were taken, concurrently, quickly, and with no intent on asking the public what it wanted, only taking comments.

¹⁷ Metro-North Hudson is a commuter train line that currently runs past the stadium. A temporary Metro North Station went up within days during our recent subway strike.

¹⁸ Metro-North Harlem & New Haven commuter trains; a short walk to the stadium or a convenient bus stop at this location.

up for a station, but the project did not address it. Yankee Stadium is in an excellent location to take advantage of transit options, sitting in the fork of these three commuter rail lines and two subway train lines and several buses. With rising gas prices and the “induced demand” that is created when more garages are built, this made perfect sense to the community.

We who opposed the destruction of our parkland do not oppose development in the South Bronx; on the contrary, we welcome it! We recognize the powerful and positive impact responsible urban development can have, particularly in impoverished communities like mine. We do, however, oppose insensitive, irresponsible, top-down development that favors developers and ignores local residents. The Yankee Stadium project is a classic example of such irresponsible development. There were numerous options that the community would have gladly supported. For example, renovating on its current site as several other stadiums are doing; the Los Angeles Angels and the Boston Red Sox come to mind. Or they could have cooperated with former Borough President Fernando Ferrer’s “Safe at Home” plan and built a new stadium just south of the existing one that would not have encroached on a residential community. For 20 years, the Yankees talked up the inadequacies of the stadium and the Bronx and talked numerous times about moving to Manhattan or New Jersey. Now their lease is up and they have no place to go. Instead of working with them to ensure the best deal for everyone, our legislators gave the Yankees everything they wanted, to the detriment of my neighbors and me. As for the Yankees threat to move out of the Bronx – there has not been a realistic alternative location presented. The New York Yankees are the most successful sports franchise in the United States, in part due to their location in the Bronx with access to the best media. They issued the empty threat of “if we don’t get the parks, we will have to go elsewhere” to the city officials and to the judges who presided over the community’s lawsuits. First of all, the organization knows, as we all do, that they have no where else to go that would give them the kind of economic bonanza, including cable deals, marketing of its logo and legacy, and the attendance they reap from being located in the Bronx. The team has become a billion-dollar team by playing in the South Bronx. The Yankees and The Bronx are inextricably linked.

“Economic Development for the community will occur as a consequence of this new stadium,” we are told by the supporters. Economic development will occur as a result of our changing times, not a stadium. The New York Yankees have been our neighbors for over 80 years. Given the poverty and unemployment rates in the South Bronx, it would seem that no economic benefits have been realized as a result of having the legendary Yankee Stadium in our community. There have been many lost opportunities for better investment on behalf of the team. Numerous studies support how publicly subsidizing stadiums doesn’t yield large returns for the taxpayer. Indeed, the stadium will represent an economic dead zone in the middle of the neighborhood for the entire off-season.

We were told in a contentious community board meeting by parks officials that we are getting better and bigger parks, that we would not get if the Yankees weren’t building a new stadium. There were funds allocated to refurbish these parks and the waterfront parks we are being promised was already included in the plan by the City to build pathways along the entire Harlem River, so it did not need to be a part of this project. Additionally, the replacement parks, scheduled to be built atop concrete parking garages are subject to closure on game days for “security reasons”. When the stadium was renovated in the 1970’s Mr. Steinbrenner promised to

renovate Macombs Dam & Mullaly Parks in exchange for New York City giving him the lots for parking and a municipal garage that the community is not allowed to use. Those promises were never fulfilled. Now there will be four new parking garages that are designated for spectators and we are being told by the City it will not generate more traffic. Taking of public parkland in any situation for vehicular parking is disturbing, but particularly so when it is done in an “Environmental Justice Community”. There is no analysis in the EIS, (which is required as part of the City’s land use procedure) of the impacts – ecologically, socially or economically – of destroying the contiguous swath of park and open space that had served the community for all these years. There is no specific reference or analysis of the relationship of park use, its location to schools¹⁹ and residences and the social organization fabric of the community.

No consideration has been given to the negative environmental consequences of building this stadium and garages. It is very clear from reading the EIS that:

- ✓ The proposed stadium will decrease the value of adjacent properties.
- ✓ There will be an increase of pollution, both the kind that causes asthma as well as light pollution from night games.
- ✓ These represent a cost the citizen must bear without compensation.

Macombs Dam Park was improved in the early 1980’s using funds from the Land and Water Conservation Fund Act of 1965 (LWCF). To gain approval to convert this park to a non-park or private use required that the following criteria be met:

1. **The Review must look at practical alternatives for the project.** The Yankees only spoke of one plan.
2. **New parkland must be of same “market value” as old parkland.** Details of how much each park is worth were never given to the community, so how do we know its value?
3. **New parkland must be of equivalent usefulness and location.** The new parks have different types of activities, will they more used more than the old parks? They will be further away so access for the elderly, especially would be limited.

Parkland swap must comply with Statewide Comprehensive Outdoor Recreation Plan (SCORP). It does not. The plan states that the Bronx does not have enough quality parkland in the 1st place. It also says that new parkland is supposed to be easier for people with disabilities to get to.

This is where we had our greatest hope! After the project gained approvals in all the agencies as per the ULURP, we were certain that the National Parks Service (NPS) would protect us, especially given the assurances we were getting that they would thoroughly and fairly review the application and that sometimes those approvals take up to a year. All correspondence and promises to the contrary were, as we were to find out, just an exercise. The approval from the National Parks Service was handed to the Yankees within a 2-week time frame during which a long Independence Day weekend occurred. Little did we know that NPS was complicit with the City, the State and The Yankees prior to the community hearing about this project.²⁰ The Yankees had hired high-powered lobbyists Michael Rosetti and Bill Paxon of the law firm, Akin, Gump, Strauss, Haur and Feld to lobby the federal agencies to push their project through.

¹⁹ See enclosed map of schools.

²⁰ See enclosed article: Metro New York, “Teamwork key to victory”, Patrick Arden; Thursday, August 31, 2006

Before the renovation started, our children were kicked off the ball fields in Macombs Dam Park on 18 game days to allow for spectator parking and revenue was collected by a private vendor. After the Federal monies were used to improve the park, the City let it deteriorate over the years until it looked like the open space you would see used for recreation in a poor third world country. Regrettably, time does allow me to give you an item-by-item account of this project, but I have prepared for each of you a packet with additional information that could not be included here. If a picture is, indeed worth a thousand words, then these speak volumes.

The Yankees argue that by any measure of a modern ballpark other than seating capacity, the existing stadium is too small and functionally inadequate. Although its seating capacity is sufficient, there is not enough space to support the fans and players or to offer appropriate food and other services. The argument is made that there is only one weight room that must be shared with the visiting teams. For this, an entire community gets thrown into chaos!

INTERIM RECREATION AREAS: ~NYC Department of Parks and Recreation

“To provide the community with replacement facilities during construction of the Yankee Stadium Redevelopment Project, the following interim areas will be created”:

- *A fitness path surrounding Mullaly Park, just to the north of the stadium project. This path offers a measured distance for the community residents who wish to continue jogging or walking in the park vicinity. (This caused an “uproar” among residents as a path was stenciled on the sidewalk surrounding a nearby park, with messages as to your progress and how many feet, etc you had walked or jogged)*
- *By Spring of 2007, DPR will have completed construction of a temporary park on the site of what is now Lot 1, at the corner of Jerome Avenue and East 161st Street. This park will offer a synthetic turf baseball field as well as a surrounding track. (A groundbreaking was finally held on December 14, 2006. Surface work and fencing are done, but we are told that the weather has to warm up before the artificial turf can be glued down. We anticipate that a late Spring deadline will be met.)*
- *At the request of the Bronx Delegation of City Council, Parks will construct temporary baseball fields on the site of the future tennis courts on the Harlem River. These synthetic turf fields have an estimated completion date of Summer 2007 and will be available for use until the permanent baseball fields in Heritage Field (the current stadium) are available to the public. (We have since learned that the ball fields cannot be erected because of contamination on the site – see attached article)*

Visioning and public involvement are necessary for development to any community. The residents of the South Bronx were denied the opportunity,

III. Consequences for Macombs Dam and a portion of John Mullaly Parks caused by the construction of the new Yankee Stadium:

In a word; “Shameful!”

- Imagine living across the street from a major development project (100 ft or so) with trucks lining up outside as early as 4 A.M., idling for up to an hour or longer.

- Imagine dust coming into your apartment that cannot be controlled regardless of how tightly your windows are closed or how many curtains you hang.
- Imagine mud and water ponding on the streets.
- Imagine, if you will, the noise from jackhammers going non-stop. I have had residents tell me they leave home during the day because they can't stand the noise.
- Imagine water from the taps running brown from who knows what?
- Imagine trying to cross a busy street with children or as an elderly person, dodging traffic because drivers are losing patience with trying to maneuver around all the truck traffic and just run lights.
- Imagine the tennis center vendor ~ who had lost 9 of his courts to the construction, but was told he could operate until the end of April 2007 ~ receiving a letter from DPR a week before he had to close the remainder of the courts on February 28th because construction was ahead of schedule and storage of equipment would occupy that space.
- Imagine the drone of helicopters flying over the construction area up to seven days a week

Our parks and over 400 trees have been sacrificed to make room for the new stadium and four new parking garages. This exchange of trees for parking spaces will further affect our air quality, negatively impacting already high asthma rates in the neighborhood. In addition, an 800-car garage and large loading docks will be built adjacent to a skateboard park, basketball courts, wading pool, gymnasium and picnic areas, directly affecting the health of our children and residents. According to the Draft Environmental Impact Statement (DEIS), several loading docks for food delivery, team & other deliveries, trash and storage pickup and space for 10 large mobile media trucks with hookups. The New York City Department of Parks and Recreation argues to the contrary, but common sense dictates otherwise, that because of its close proximity to the stadium, these facilities are in danger of being closed on game days.

The new stadium will sit in a residential area about 100 feet from several fully-occupied apartment houses. Residents of these buildings on the street adjacent to the stadium will face a monolithic 14-story wall enclosing the stadium, isolating residents, even the numerous Yankee fans from the neighborhood. Imagine the trees you are used to seeing outside your front window where your children and neighbors socialized now replaced by this wall, further damaging the community. Plans include a host of retail establishments within the stadium. How will this plan impact local businesses if fans are encouraged to remain within the stadium walls to shop and eat at the restaurants there?

The demoralization of community residents is acutely felt. Because the city was an advocate of this project, city employees effectively had their hands tied. Schoolteachers, health care workers, Parks employees etc; all who knew the negative effects to the community could not protest openly for fear of retribution (read community board excerpt – community board members are volunteers). We ran into numerous city employees in the court house who did not want to put their names on a petition.

Residents who fought together now feel betrayed not just by their officials but also by each other. It's a crazy thing but many residents are unable to look back and see how we did not stand a fighting chance against this "speed-bullet" process of taking our parks and giving the Yankees

exactly what they wanted. Every organization in the approval process, save the community board voted for this project regardless of the testimonies we gave or the documents we submitted. We were struggling to raise funds for our court challenges and the Yankees had unlimited funds to counter our claims.

With the loss of the parks, schools are hard-pressed to find adequate spaces for what had been their home games. Teams must travel great distances to play; if they can get the permits. The New York City Department of Parks and Recreation is trying to accommodate the community, but they issue numerous permits, not just to schools, but little leagues, nonprofit groups, etc. Many schools do not have recreational facilities on site so the parks were the natural outlets. Competition for space in the remaining parks is fierce.

There has been a total lack of accountability during the construction.

- We provided an analysis of and lobbied for a Stormwater Management Plan. This was never done.
- Borough President Carrión was the cheerleader for this project and should appoint a community liaison to monitor conditions at the site.
- The EIS provided for a full time health professional during construction. No such person has been introduced to the community.

Finally, around midnight, Sunday August 13, 2006, the parks department staff came into our community; closed off this lovely tree-lined 162nd Street, put up fencing around Macombs Dam Park, posted security guards and trucked in what was later determined to be a very high-quality mulch to put around the trees as the backdrop for the groundbreaking of the new stadium, scheduled for August 16. When residents arrived on Monday morning for their walks, jogs on the track they were told, “this is private property” and they weren’t let in. The day after the groundbreaking, the trees were cut down! What a sad day for the community! Now we will get park features made of artificial turf placed atop parking garages. This turf is the new darling of the parks department, but it presents a whole new set of problems. Studies have shown that this stuff is dangerously toxic! These parks, however, are not scheduled to be built for another 3 – 5 years, after the new stadium is completed and the garages built.

Thank you for the opportunity to make this presentation.

Teamwork key to victory

Feds advised city, state, Yanks on stadium plan, documents show

WORLD JOURNAL

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SOUTH BRONX More than a year before ground was broken for a new Yankee Stadium on Bronx parkland, a red flag was raised at the National Park Service.

The federal agency had paid \$422,850 for improvements to an 11.2-acre portion of Macombs Dam Park in 1979, giving it a final say over the project's use of parkland. By law, any park receiving money under the Land and Water Conservation Fund must remain a park, unless it is replaced with parkland of equal or greater value, "usefulness and location." Proposed projects must also consider "all practical alternatives" before parks are seized.

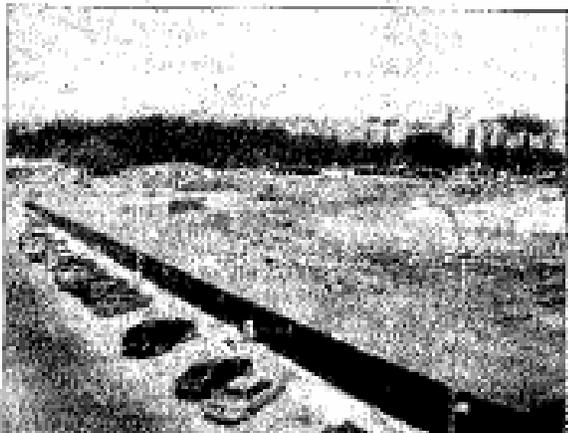
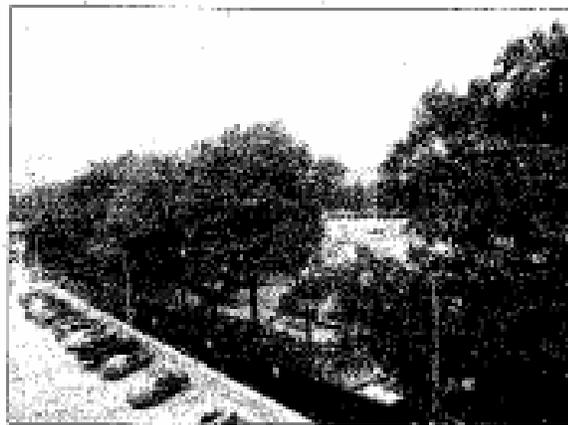
Quoting a letter from the city, NPS agent Jean Sokolowski shot off an e-mail to state officials.

"You are concerned," she wrote in the May 9, 2005, note, which was obtained by Metro through a Freedom of Information Act request. "Develop recreational facilities atop two of the garages" is a questionable DWCF option."

Team players

But whatever concerns the NPS may have had about the replacement park plan soon evaporated, and it waved a white flag instead.

A month later, before the public had learned of the Yankees' plan, Sokolowski and two other NPS executives traveled to Macombs Dam Park, where they met with representatives from the city, the state and the Yankees. A June 7, 2005, e-mail from the city's Parks Dept. thanks the NPS officials not only for coming but for their "willingness to work together." The memo—



WHAT A DIFFERENCE four days makes. Top, Macombs Dam Park is lined by trees on Aug. 18. Below, on Aug. 22, the trees are gone, making way for the new Yankee Stadium in the South Bronx.

and most subsequent correspondence — is copied to an attorney for the Yankees.

In an internal e-mail following that meeting, DWCF manager Jack Howard writes the three NPS agents walked away "confident that they will be able to work with the city and the state to ensure that the [federal park-replacement approval] process has been satisfied without it preventing the proposed project from being developed."

A done deal

As early as March, 18, 2005, NPS official Pat Gillespie

appeared to drop all pretense of independent analysis. In an e-mail to colleagues, she suggested, "Maybe they can sell pieces of [the old stadium] to build the replacement park!" Three months before the Bronx neighborhood found out about the plan, she added, "There seems to be community support for this project."

But a July 19, 2005, memo from state parks official Thomas Lyons painted a different picture, with details of the first public meeting at the Bronx Museum of Arts. "Most of the comments centered around community

concerns," he wrote, noting the "particular interest represented by Community Board 4," which would overwhelmingly reject the plan four months later.

By that time, though, the NPS had already become an active partner in pushing the plan forward, though it had not seen any environmental reviews or land appraisals. After consulting with Gillespie, Lyons advised the city to include "a specific section within the EIS entitled 'Conversion of Parkland.' Later the coaching gets more specific, such as when the city is told to jazz up the use of Rupert Ham as park acreage rather than describing its utilitarian function as a walkingway: "Replace 'pedestrian promenade' with 'passive park.'"

Taking their word

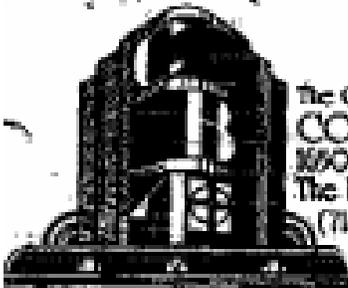
Early on the NPS decided to forego its own assessment under the National Environmental Policy Act, relying instead on the city's Environmental Impact Statement. After that, the NPS agreed to an April 2006 Memorandum of Agreement with the state, the city, the Yankees and Bronx County.

But at that time, Howard had told Metro the city's plan to break ground in the coming months was unrealistic. He was still waiting to see the state's proposal, he said, noting that "public controversy" could "adversely impact that proposed action."

"Some conversions are simple, others can take a year to garner final approval," he said. "We are aware of what's going on, but there are no shortcuts. We have a responsibility to follow the law."

The state's parkland conversion proposal was finally received by Howard on June 7, but he "would be out of the office," he wrote in an e-mail. He approved the conversion 30 days later.

Metro Thursday, August 31, 2006



The City of New York
COMMUNITY BOARD 4
1650 Schryn Avenue, Suites 11A & 11B
The Bronx, New York, 10457
(718) 299-0600
FAX (718) 294-3870

ADRIAN RABIN
Chairperson

DAVID MOJICA
District Manager

June 28, 2005

Mr. Randy Levine
President
The New York Yankees
Yankee Stadium
Bronx New York 10451

Dear Mr. Levine:

The following letter is to voice our disappointment for not being invited to a press conference you organized announcing the plans to develop a new Yankee Stadium. At the June 28, 2005 General Board Meeting, after some discussion ensued related to the board's disappointment for being excluded in this press announcement, the Board Members voted unanimously to send you a letter in this regard.

We are particularly concerned that you did not include us in your list of invitees, given that we are the local governmental agency that will review the ULURP Applications attached to this new development. In addition, as the legal entity responsible for advocating on behalf of the resident's interest in Community District Four, we are left with no answers when community residents question us on the details of this press conference.

We would hope that you will keep us informed of any new developments as it relates to the new Yankee Stadium and that we can foster a closer relationship based on mutual respect and understanding.

**Letter to Randy Levine
New York Yankees page -2-**

We would appreciate if you contact our board office to schedule a meeting where we can voice our concerns related to this project and to open a line of communication with your organization.

Please contact David Mojica, District Manager, at 718-299-0800, to schedule a meeting between your organization and Community Board Four or for any other matter.

Sincerely,

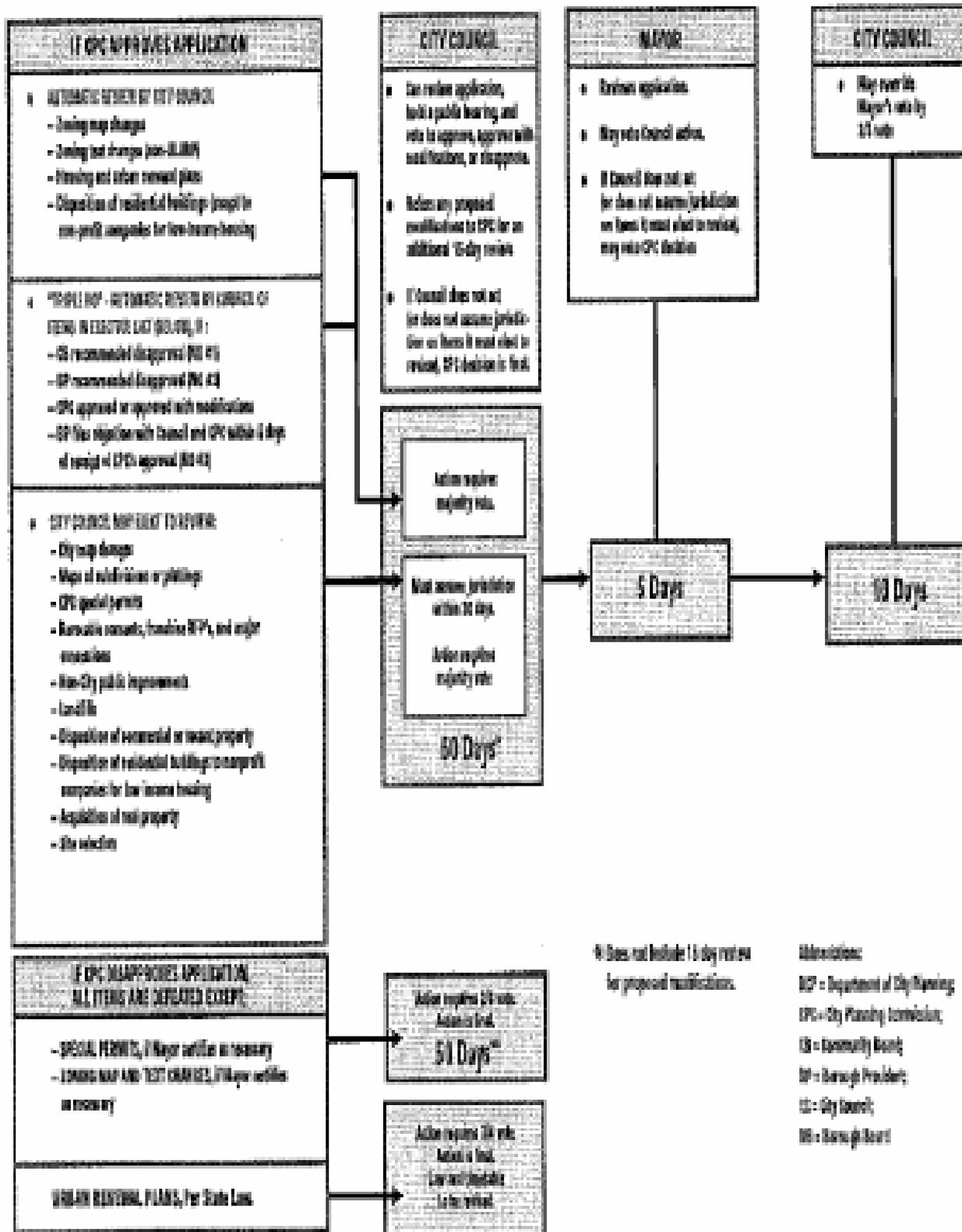


**Ade A. Rasul
Chair**

**cc: Bronx Borough President Adolfo Carrion, Jr.
Congressman Jose E. Serrano, 16th District
Senator Ruth Hassell-Thompson, 36th District
Senator Jose Marco Serrano, 28th District
Assemblywoman Carmen Arroyo, 84th District
Assemblyman Michael Benjamin, 79th District
Assemblywoman Aurelia Greene, 77th District
Councilwoman Maria Baez, 14th District
Councilwoman Helen Diane Foster, 16th District
Councilwoman Maria Del Carmen Arroyo, 17th District**

UNIFORM LAND USE REVIEW PROCEDURE

CITY MAP STATUS	DEPARTMENT OF CITY PLANNING Application and Pre-Certification	COMMUNITY BOARD	BOARD OF PRESIDENT and PROVISION BOARD	CITY PLANNING COMMISSION	
<ul style="list-style-type: none"> MAP 9 CONVERSION APPLYING TRANSIT MAP CHANGE OPEN SPACE PERMITS REZONING CHANGE SUBDIVISION BASE CORRECTION NON-CONFORMING IMPROVEMENT HOUSING UNSATISFACTORY PLAN UNSATISFACTORY ACQUISITION OF REAL PROPERTY REQUISITION OF REAL PROPERTY REDEVELOPMENT 	<ul style="list-style-type: none"> Receive application and related documents Forward application and documents within 5 days to CP, DP, and CC (and CD - if project affects more than one CD) Certify application as complete 	<ul style="list-style-type: none"> holds public holds public hearing submit recommendations to CP, DP (and CD) concrete rights introduction if P=withdraw 	<ul style="list-style-type: none"> DP/submit recommendations to CP or submit right to draw if DP project affects more than one CD may hold public hearing and submit recommendations to CP or submit right to draw 	<ul style="list-style-type: none"> holds public hearing approve, modify or disapprove application file approvals and approvals with notification with City Council disapprove or fail, except for zoning map change, special permits, and infrastructure plans 	<p>SEE CHART BELOW FOR THE PROCESS FOR CITY COUNCIL AND MAYORAL REVIEW (Charter Section 187-C)</p>
PROCESS TAKES	No Specified Time (and when 6 months, applicant or DP is withdrawing, may appeal to CP for withdrawal)	60 Days	30 Days	60 Days	
Clock = 1 Year					
TOTAL DAYS		60 Days	90 Days	150 Days	



Abbreviations: DCP = Department of City Planning; CPC = City Planning Commission; CS = Community Board; SP = Borough President; CC = City Council; SB = Borough Board

GJNY's Legislative Timeline of Parkland Grab: June 15-June 23, 2005

June 15, 2005: An Agreement is Made

A Memorandum of Understanding (MOU available on www.goodjobsny.org) was signed by the Empire State Development Corporation (ESDC), the city and its Economic Development Corporation, and the Yankees. In the MOU:

- The city and ESDC agree to make a "collaborative effort to seek State legislation as quickly as possible" authorizing the construction of the new stadium and parking garages on public parklands;
- The city, ESDC, and the Yankees agree to cooperate in preparing draft legislation in seeking a Home Rule message from the New York City Council*, and the Yankees "have the primary responsibility for gathering" the support of local elected officials.

June 18, 2005-June 19, 2005 (Saturday and Sunday):

The State Legislature Takes Action

Over the course of this weekend, two bills were introduced in the state legislature to authorize the use of public parkland for a stadium and parking garages.

- A Senate bill (S5818), sponsored by Queens State Senator Frank Padavan, was referred to the Senate Rules Committee;
- The following day, an Assembly bill (A8932), sponsored by Assembly Member Carmen E. Arroyo and cosponsored by other members of the Bronx delegation, was initially referred to the Cities Committee.

June 20, 2005: City Council Grants Approval

A Home Rule message cosponsored by Bronx Council Members Joel Rivera (Chair of the committee) and Helen Foster**, was introduced before the New York City Council Committee on State and Federal Legislation authorizing the state to move forward.

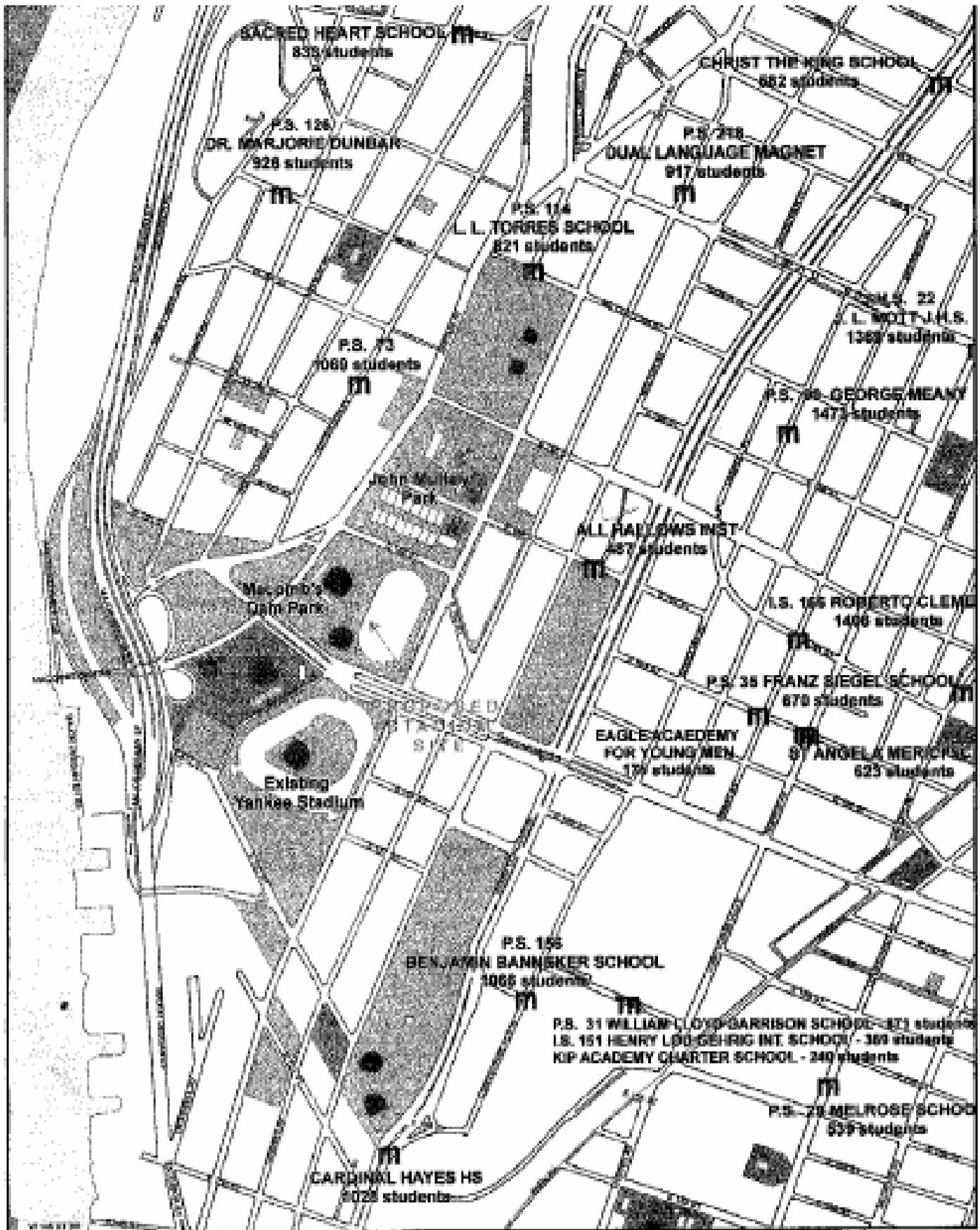
- The accompanying Fiscal Impact Statement indicated that there would be no costs;
- Minutes from the committee meeting indicate that the Home Rule message was not discussed;
- Minutes from the Stated Council meeting that afternoon indicate that the Home Rule message was "coupled on the General Order Calendar" to be voted on with about a dozen other items;
- The bill passed unanimously with one abstention.

June 23, 2005: Final Approval from the State

A day after the bill was passed in the Senate, the Assembly voted unanimously for the bill, which was signed into law by Governor Pataki on July 19, 2005.

* A City Council "Home Rule message" is a formal request for specific state legislation. Parks may not be taken from the public without authorization from the state.

** Council Member Foster has since voiced her opposition to the project.



Schools in the vicinity of Yankee Stadium

Sources: The New York City Department of Education, 2005. & The New York City Department of City Planning, 2005.