



HARVEY EPSTEIN
NYS ASSEMBLY

BRAD HOYLMAN
NYS SENATE

**Joint Testimony of Assemblymember Harvey Epstein and Senator Brad Hoylman for the
Public Hearing on the East Side Coastal Resiliency Project
July 31st, 2019**

We are New York State Assemblymember Harvey Epstein and New York State Senator Brad Hoylman. Each of our respective districts includes a large portion of the area that would be affected by the City of New York's proposed East Side Coastal Resiliency (ESCR) Project, the subject of today's hearing. Thank you for the opportunity to testify before the City Planning Commission regarding our concerns with this project.

Our waterfront community must have protection from the threats of climate change and the disastrous effects of another Superstorm Sandy; equally important is ensuring the preservation and expansion of public open greenspace, which our community lacks. For the community, which includes over 17,000 NYCHA residents, East River Park is a place for recreation, relaxation, and family gatherings. A multi-year closure caused by the project will eliminate this vital greenspace, waterfront views, walkways, and bike paths, all integral to our community. Worse, the project could potentially stir up hazardous material left over from the manufactured gas plants in the area, creating health impacts for the community. The proposed project would also destroy much of the existing ecology in the area, including trees, insect habitats, and tidal wetlands. It also poses a risk to the wellbeing of certain species of fish in the area, including herring and striped bass.

We hope through this process that concerns raised by the community about the closure of the park will be addressed. As Community Board 3 (CB3) has noted in their resolution on ESCR, the process to date has created distrust in our government and agencies. Moving forward, we strongly urge the city to work to rebuild that trust by providing regular updates to the Community Boards that cover the project area and other discussion-based meetings on the project's progress that have been requested in CB3's resolution.

Given the \$1.45 billion dollar cost of the project, the importance of its goals, and the profound community impacts that the construction and closure of the park will have, the city should appoint an outside panel of experts to analyze the existing proposal and determine whether that plan is the best approach to provide long term protections against flooding while preserving the public's access to valuable greenspace. As noted in CB3's resolution, community members have sought the creation of an expert panel to study additional protective options including

decking over the FDR, the construction of a barrier to protect NYCHA residents on lower floors, and a phasing plan for construction that ensures the timely completion of any project while mitigating the amount of time that public space is taken out of service. A similar panel was appointed by the Mayor to review the Department of Transportation's plan for the rehabilitation of the Brooklyn Queens Expressway.

Not only do the costs and community impacts of the ESCR project merit the appointment of an expert panel, they also mean that project should be approached with prudence, ensuring that it can proceed without the threat of legal challenges. Based on legal analysis presented to us by counsel for the State Legislature, it is our belief that a failure by the city to seek parkland alienation legislation leaves the city vulnerable to a lawsuit that could delay the implementation of flood protections and the overall plan. To avoid the delays that a lawsuit would pose, the city should seek the State Legislature's approval for the project in the form of a parkland alienation bill, which is typically sought by "municipalities wishing to convey, sell, or lease municipal parkland or discontinue its use as a park," according to New York State Parks Recreation and Historic Preservation's Handbook on the Alienation and Conversion of Municipal Parkland.

The potential for unforeseen delays and the unpredictability of hurricane season necessitate the implementation of interim protections, perhaps in the form of deployable barriers. This technology is readily available and has already been adopted by the city for use as part of the Lower Manhattan Coastal Resiliency project. Similar measures must also be put into place to protect East Side communities.

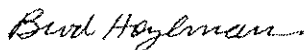
Finally, any project that would interrupt the day to day of the park must mitigate disruptions to the daily operations of The Lower East Side Ecology Center, the 20-year-plus steward of the park is a non-profit organization located in the heart of the East River Park. It is critical that we support the Lower East Side Ecology Center by either revising the ESCR plan to mitigate the negative effects it would have on the Ecology Center, or relocate the Center to a new building within the community for the duration of the renovations.

While the ESCR project has the essential goal of making New York City's East Side more resilient to flooding, and includes laudable initiatives such as making the waterfront more accessible, adding more trees, and rebuilding the amphitheater, the proposed plan will have profound negative effects on the availability of greenspace, and ecology in the community. Further, we do not believe the city has taken all the appropriate steps to ensure the project can proceed uninhibited. As a result, we strongly believe an expert panel should be appointed to offer an outside perspective on the proposed project's feasibility and its goals in light of the concerns raised by the community.

Sincerely,



Harvey Epstein
Assemblymember



Brad Hoylman
State Senator

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THE CITY OF NEW YORK
DEPARTMENT OF CITY PLANNING

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ULURP PUBLIC HEARING

Nos. 42 & 43

EAST SIDE COASTAL RESILIENCY

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NYC DCP

120 Broadway

New York, New York

July 31, 2019

11:35 A.M.

B E F O R E:

MARISA LAGO, CHAIR

City Planning Commission

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CHAIR LAGO: Okay. Then we will
move to Talia Crawford;

Who will be followed by Thomas
Sellin.

MS. CRAWFORD: Hi, everyone.

I'm Talia Crawford. I'm here on
behalf of Assemblymember Harvey Epstein and Senator
Brad Hoylman.

Thank you, CPC, for organizing
this hearing.

And this is a summary of their
joint testimony.

The East River Park is a place for
relaxation, recreation and family gathering.

A multi-year closure caused by the
project will eliminate vital green space,
waterfront views, walkways, bike paths, which are
all integral to our community.

As CB3 noted in their ESCR
solution, the process has created distrust in our
government agencies. Our offices strongly urge the
City to work to rebuild that trust by providing
regular updates to Community Boards that cover the
project areas.

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The City should also appoint an outside panel of experts to analyze the existing proposal and determine whether the plan is the best approach to provide long-term protections against flooding, while also preserving the public's access to the valuable green space.

Based on legal analysis presented to us by the Council for the State Legislature, it is our belief that a failure by the City to seek parkland alienation legislation leaves the City vulnerable to a lawsuit that could delay the implementation of flood protections and the overall plan.

To avoid a delay, the City should seek the State Legislature's approval for the project in the form of a Parkland Alienation Bill.

The unforeseen delays and unpredictability of hurricane season necessitate the implementation of interim protections, perhaps in the form of deployable barriers. This technology has already been installed by the Lower Manhattan Coastal Resiliency and should be put in place to protect the East Side communities as well.

The project could also disrupt the

1
2 daily operations of the Lower East Side Ecology
3 Center, a non-profit in the heart of the East
4 River.

5 It is critical that we support the
6 Lower East Side Ecology Center by either revising
7 the ESCR plan to mitigate negative effects on the
8 center or relocate them during the duration of
9 renovations and keep them in the district.

10 While the ESCR project has good
11 intentions, the proposed plan will have negative
12 effects on the availability of green space and
13 ecology in the community. The City has not taken
14 the appropriate steps to ensure that the project
15 can proceed uninhibited.

16 And our offices believe that an
17 expert panel should be appointed to offer an
18 outside perspective on the proposed project's
19 feasibility and goals in light of concerns raised
20 by the community.

21 CHAIR LAGO: Thank you, Ms.
22 Crawford.

23 Questions?

24 (No response.)

25 CHAIR LAGO: Thank you for the