



NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

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Press Release

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For Immediate Release

STATE SUPREME COURT ALLOWS PUBLIC HEARINGS TO MOVE FORWARD ON WEST SIDE HUDSON YARDS REDEVELOPMENT PROJECT

CITY SEEKS TO REVAMP DERELICT AREAS FOR NEW COMMERCIAL AND RESIDENTIAL DEVELOPMENT, A NEW SPORTS AND CONVENTION CENTER, AND AN EXPANDED JACOB JAVITS CONVENTION CENTER

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New York, Sept. 21, 2004 – New York State Supreme Court Justice Herman Cahn ruled today that the New York City Planning Commission and the Metropolitan Transportation Authority may proceed with public hearings this Thursday, Sept. 23rd, to receive public input on a far-reaching set of redevelopment proposals for the western portion of Midtown Manhattan.

The proposals, known as the Hudson Yards Redevelopment Plan, include: a rezoning initiative to allow commercial and residential development; the expansion of the No. 7 Subway line to service the area; the construction of the New York Sports and Convention Center, which will serve as a home for the New York Jets, for the Olympics (if New York City is awarded the 2012 Games), and a variety of conventions, trade shows and special events that could not otherwise occur in New York; and the expansion and modernization of the Jacob K. Javits Convention Center.

As required under City and State environmental and land-use laws, the redevelopment plan is in the middle of a public review process, which includes public hearings scheduled for September 23rd. A group of organizations and individuals, including Madison Square Garden, had sought an injunction preventing the public hearing from going forward, claiming that the draft Environmental Impact Statement (EIS), which describes the potential environmental impacts of the program and presents possible measures to mitigate those impacts, is insufficient.

In denying their request, Justice Cahn noted that the environmental and land-use review processes that are currently underway establish a procedure through which interested parties can raise their issues and concerns about the redevelopment program. Justice Cahn held that while the environmental and land-use review is ongoing, and until the City Planning Commission and MTA make a final determination whether or not to proceed with the proposed actions, the Court may not step in and interfere with the administrative review processes. The Court wrote: "The EIS process is designed as a cooperative venture, the intent being that the agency have the benefit of public comment before issuing a final EIS and approving a project." In upholding the City's long-standing environmental and land-use review processes, the Court held that, ultimately, decisions as to how to address issues related to the project are left to the Executive and Legislative branches.

City officials and lawyers expressed their satisfaction with the decision. Amanda Burden, Chair of the City Planning Commission, stated: "We are pleased that the court ruling allows the public hearing to go forward, so that the City Planning Commission can hear the public's views on this important redevelopment proposal. In order to make an informed decision, the Planning Commission needs to hear from the public, and today's ruling recognizes how vital public participation is to the decision-making

process.”

Corporation Counsel Michael A. Cardozo of the New York City Law Department said, “The Court recognized that the petitioners had no grounds to stifle discourse relating to this set of proposals, which pave the way for the conversion of vast underutilized and derelict areas into a well-planned community, with far-reaching public benefits to New York City and the surrounding region.” Susan Kath, Chief of the City Law Department’s Environmental Law Division, added, “The petitioners had asked the Court to step in to disrupt a public review process, so that the Court could review the very issues that were to be raised at the scheduled hearings. The Court recognized that it should not grant this extraordinary request.”

The City’s legal team included Senior Counsel Chris Reo, Senior Counsel William Plache and Assistant Corporation Counsel Tracy Triplett of the Law Department’s Environmental Law Division as well as Environmental law Chief Susan Kath.

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