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Assemblyman 57th District

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August 12, 2011

Mr. Kenneth Adams
President and CEO
Empire State Development Corporation
633 Third Avenue
New York, NY 10017-6706

Dear Mr. Adams:

Collectively, we represent the neighborhoods surrounding the Atlantic yards project in the state legislature. Since the approval of the project in December 2006, the undersigned expressed a desire for the Empire State Development Corporation to provide greater transparency, oversight and accountability in its governance of the Atlantic Yards Project.

In July 2009, we wrote to your predecessor Dennis Mullen to express our shared concern that ESDC should not approve the modified general project plan (MGPP) for Atlantic Yards without further environmental review. We noted that the MGPP as adopted by the ESDC would permit Forest City Ratner Companies (FCRC) to meet its initial obligations by building only an arena, a residential building and a substantial amount of surface parking space. As it appeared likely that further development on the Atlantic Yards site will be significantly delayed from the project's original schedule, we noted that there would likely be adverse environmental impacts that had not yet been studied. We called on the ESDC to undertake a supplemental environmental impact statement. Notwithstanding the concerns of these and other elected officials, in September of 2009, ESDC approved the MGPP.

On July 13, 2011, New York State Supreme Court Justice Marcy Friedman ruled against ESDC and FCRC in a suit challenging the approval of the 2009 MGPP. The court found that, by failing to perform an SEIS, ESDC's approval of the 2009 MGPP lacked a rational basis and therefore violated State environmental law. The court's decision further criticized ESDC's attempt to justify its failure to produce an SEIS by submitting a technical memo in response to a November 2010 order, writing, "...the Technical Analysis assumes, without any corroborating studies, that the environmental impacts will largely be independent of the duration of construction. It thus fails to undertake a meaningful analysis of the effects, on

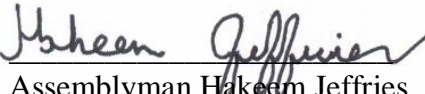
such important areas of environmental concern as neighborhood character, of the potentially protracted delays, identified in the Development Agreement...” As a result, the court ordered ESDC to perform an SEIS and reconsider the 2009 MGPP.


More than seven years have passed since Atlantic Yards’ announcement, and almost five years have passed since its original plan was approved. In that time, we have seen the promises of affordable housing and local jobs move nearly a generation into the future. Phase 1 of the 2009 MGPP is already more than a year behind schedule. The neighborhoods surrounding the project have experienced well-documented health and quality of life issues from project construction, and we remain concerned about even greater impacts from the following :


- changes to the arena design that diminish or remove mitigations described in the FEIS which were intended to lessen the impact of siting an arena in a residential neighborhood;
- the delay of more than a decade in creating open space planned for the project’s second phase; the space will instead be used for a surface parking lot that will increase traffic impacts, negatively effect air quality and decrease quality of life in the surrounding neighborhoods;
- the developer’s commitment to build only a fraction of the affordable housing originally promised for the site, resulting in the construction of only slightly more units of affordable housing than have been displaced;
- a net negative economic impact for the taxpayers of New York State and New York City resulting from an Atlantic Yards Arena ; and
- a significant delay in the decking of the Vanderbilt rail yards, raising the likelihood that the project will fail to realize its goals of connecting Fort Greene, Prospect Heights, Boerum Hill and Park Slope and removing the blighting influence of the rail yards.

We therefore call on ESDC to accept the court’s order, and take immediate action to comply with it in good faith. We strongly urge you to take this opportunity to accelerate the delivery of promised public benefits, and to involve local communities and their elected officials to plan changes that reduce the impacts of extended Atlantic Yards construction.

Sincerely,


Assemblyman Hakeem Jeffries


Senator Velmanette Montgomery


Assemblywoman Joan Millman


Senator Eric Adams

cc: Mayor Michael Bloomberg
Borough President Marty Markowitz
Representative Yvette Clarke
Council Member Letitia James
Council Member Steven Levin
Council Member Brad Lander
Nizjoni Granville, Chair, CB8
Michelle George, District 8 Manager
Daniel M. Kummer, Chairman, CB6
Craig Hammerman, District 6 Manager
John Dew, Chairman, CB2
Robert Perris, District 2 Manager