



A Coalition of Civic, Greening, Recreation and Economic Development Groups

State of New York
Department of environmental conservation

New Yorkers for Parks Testimony
In OPPOSITION TO THE alienation of parkland
In old mill creek park
March 30, 2004

Introduction

Good evening. My name is Allison Farina and I am the Director of Government and Community Affairs at New Yorkers for Parks (NY4P), a citywide advocacy organization working to protect and promote New York's 28,700 acres of parkland.

I am here today to oppose the taking of 20 acres of parkland for use as an industrial, compost facility in Brooklyn's Old Mill Creek Park.¹ The State of New York has a duty -- pursuant to the public trust doctrine -- to keep parks intact for the people of New York so residents can enjoy using them. The Department of Sanitation's (DOS) attempt to alienate parkland in this illegal manner sets an unacceptable and irresponsible precedent across the city. Additionally, its compensation plan is inadequate.

Public Trust and No Alienation Procedure

No one can question the need to preserve parkland and open space in New York City. Parks are rare commodities and, as mentioned, the State has a duty to protect them. NY4P is here today because in Old Mill Creek Park, the DOS built and began operating a composting facility in the park without obtaining permission from the State legislature to do so. If such unregulated actions are ignored and condoned, the stage is set for similar violations throughout the city. This pattern poses a threat to the very existence of all NYC parks.

A Dangerous Trend

Total disregard for the sanctity of public open space is the most alarming point about this case. Improper parkland alienation is a distressing trend in all five boroughs and if it continues to go unchecked, the results will be disastrous. From encroachments into Ocean Breeze Park in Staten Island to the alienation of Robert Moses Park in midtown Manhattan, instances of parkland being used for non-park purposes are growing in number.

Inadequate Compensation Plan

In addition to a lack of public accountability, the DOS's mitigation plans at Old Mill Creek are inadequate. The DOS proposal is too vague. Additionally, while an environmental

¹ The United States Park Service has deemed composting to be a non-park use and it was upheld in SFX Entertainment Inc. v. City of New York, 747 N.Y.S.2d91 (1st Dep't 2002).

assessment was performed, no environmental impact statement was prepared. How is one to know what level and type of mitigation is appropriate?

Conclusion

In conclusion, while NY4P recognizes the environmental benefit of composting and waste facilities, we advocate that:

- When necessary, all parkland is alienated in a legal manner according to the state and city laws that govern the process;
- An adequate mitigation plan is established that replaces lost parkland, to an equal or greater degree, for the communities affected by the alienation;
- Other possible locations have been reviewed and rejected: NY4P firmly believes that parkland must always be a location of last resort – not the first preference because it is the cheapest.

Parks clean the air, break the heat, and breathe life into our neighborhoods. They are places for our city kids to play, exercise, and experience the green outdoors. They are not a luxury, but an essential city service that needs to be defended.

Thank you.