

STATEMENT FOR CB 11 Meeting – April 21, 2009 on Behalf of EHARM

Yesterday, the City of New York conducted a public hearing under Article 2 of the NYS Eminent Domain Procedure Law, the purpose of which the City claimed was to inform the public of the proposed acquisition of certain properties and to review the public use to be served by the Harlem-East Harlem Fifteen Amended Urban Renewal Plan and its impact on the local environment and residents.

Then, the first thing that the City did was submit a host of documents that have already been approved by the City Planning Commission, the City Council and the Mayor's office, including the Amended Urban Renewal Plan, the Final Environmental Impact Statement and a 2008 Blight Study.

So basically, this meeting that was allegedly called to review the public purpose and environmental impacts of the Amended Urban Renewal Plan began with the City of New York submitting all the documents that prove that the City has already held public hearings, already considered and approved the public purpose, and already approved a Final Environmental Impact Statement pursuant to the Uniform Land Use Review Procedure (ULURP) in the City Charter.

EHARM's attorney, Brian Nugent, attended the meeting and correctly pointed out that the public hearing was a sham. The City of New York is mandated to review urban renewal plans and eminent domain actions under the City Charter [Section 97-c(8) and (11)]. The City went through that process and it concluded the process in October of 2007. Since the ULURP process considers the same elements as the state law, the NYS Eminent Domain procedure exempts the City from conducting the Eminent Domain Procedure Law hearing that was held yesterday. In fact, in 2006, the City of New York was in the Supreme Court of this state arguing that they were not required to conduct the very type of hearing they conducted yesterday. In 2006, the City argued that because of the ULURP process in the New York City Charter, they City does not need to comply with Article 2 of the Eminent Domain Procedure Law.

So why did the City hold this hearing? Not because they cared what the Public thought or because they wanted to review any public purpose or environmental impact. All that has already been signed, sealed and delivered by the City. The real reason for the hearing was to:

(1) Give the City more time to acquire the private properties in the E125 Project Area. By having this duplicative and unnecessary hearing, the City gets to re-start the three-year clock to acquire the properties. The three year period would now start from the date that the City issues determination and findings following yesterday's hearing. Fortunately, our attorneys were in the New York County Supreme Court on Friday morning and succeeded in obtaining an injunction to prevent the City from issuing any determinations and findings until we go back to Court on May 5th and speak with the Judge about why New York City is having a completely unnecessary meeting.

(2) A second reason for yesterday's sham hearing is for the City to have an opportunity to try and correct, at least on paper, the deficiencies that EHARM identified in its legal papers when EHARM filed an Article 78 proceeding in December challenging

the actions of New York City. Now, armed with EHARM's allegations, the City can try to dance around their problems by issuing the new determination and findings.

BLIGHT STUDY

The City submitted a 2008 Blight Study to support the finding of blight in the Harlem-East Harlem Urban Renewal area, and specifically in the E125 Project site area. The blight study included a Visual Assessment Survey, where a licensed architect visually assessed the area and identified elements that were observed as Good, Fair, Poor or Critical. Critical elements are the most severe conditions. EHARM's attorney, Mr. Nugent, did a thorough review of the Blight Study, and what he found will come as no surprise to some of you.

The blight study did not identify the property owners, but merely laid out each lot and the conditions observed on each. So Mr. Nugent reviewed each lot in the proposed E125 Project area and cross-referenced it with the property ownership records and he found that one property owner was responsible for the majority of the so-called "blight" in East Harlem. Essentially, he identified a "Slum Lord of East Harlem." This single property owner had over 24 critical conditions on its properties, including graffiti, litter, broken fences, broken sidewalks, deteriorating surface conditions. But it gets worse: Mr. Nugent discovered that this Slum Lord has been the owner of these properties for over 30 years. Mr. Nugent discovered that the Slum Lord of East Harlem is the City of New York. That's right – the City of New York's own blight study shows that the City's properties are strewn with litter, graffiti and unsightly conditions.

What the City of New York has done in East Harlem is an absolute disgrace. By their own admission via their Blight Study, the City has neglected its properties for decades, allowing unsightly litter, graffiti, broken fences, and broken sidewalks to fester on city-owned properties. Then, after neglecting their own property and neglecting the people and merchants of East Harlem for decades, the City comes back and now tells the hard-working merchants and business owners who have maintained their private properties and stayed the course in Harlem, that New York City needs to take those well-kept private properties. Why does New York City need to taken them? Because the city has done a blight study that shows that the city-owned properties around these viable businesses are covered with litter, graffiti and other unsightly conditions! In other words, the city has manufactured and maintained blight in East Harlem over four decades, so that they City could come back in 2008 to forcibly take our property, our neighborhood, our businesses and a piece of our community and hand if over to a private developer so that everyone reaps the benefits from East Harlem, except of course, the very people that live here, work here and call Harlem their home.

The East Harlem Alliance of Responsible Merchants will not sit idly by while New York City abuses the legal process, abuses eminent domain and abuses the East Harlem Community. If you remember anything I have said, please remember that New York City has gone on paper in their Blight Study and have admitted to allowing and maintaining critical unsightly conditions on their own properties – properties that they have owned for over thirty years. Certainly New York City possessed the finances, the people and the equipment to have cleaned up their own property in East Harlem over the years. But they didn't. They did nothing. Why? I'll tell you why. If the City had cleaned up its own properties that constitute 80% of this E125 Project

area, then the whole area might have looked TOO good; it might have looked SO good, that the powers that be would not be able to take our hard-working merchants' private property and turn it all over to their developer friends to build a mixed-used development that will rain down profits upon everyone involved, except of course, the people and merchants who make up this community.

So the City ignored its responsibilities, ignored the people of East Harlem – just as they have ignored the voice of this Community Board and the Borough President in opposition to this project. They don't care what we, the Harlem community have to say about our own community.

When the City's previously failed project (UPTOWN NY) crashed and burned, the city admitted that they made the mistake of not seeking community input. This time – with the proposed E125 Project, the City has made some progress. This time – they sought the community input – but then they ignored it. So, maybe we can all hope that that the City will FINALLY come up with a plan where they not only listen to the community's input, but they actually incorporate that valuable input into the Plan.