



Open Letter to New York City and State Officials and the International Cricket Council

**Please accept this letter and the
attachments herein, including**

1. Open Letter
2. 29 Groups that signed on to the letter
3. 144 Individuals that signed on to the letter including some marked * noting that they signed for their group
4. 90 Comments that the individuals added to the signing on

**Please find also attached the letter previously sent to the
elected officials, now being also forwarded to the ICC.
BCEQ signed on to that letter in early August.**

5. New Yorkers for Parks with the attached *Chris Rizzo Legal Memo.*

As of August 19, 2023



**OPEN LETTER TO NEW YORK CITY & STATE OFFICIALS
& THE INTERNATIONAL CRICKET COUNCIL:**

August 2023

The Bronx community has recently learned of the Mayor of New York City's proposal to allow the International Cricket Council to place a 34,000-seat temporary stadium in Van Cortlandt Park on the Parade Ground, closing the area for public use beginning in January 2024, so that several T20 [Cricket World Cup](#) games can be held there in June of 2024. The area would remain inaccessible to the public until the stadium is dismantled and the land restored.

I/We, the undersigned, individual community members or park users; or neighborhood, community, environmental advocates, or park groups/organizations are against the extended, exclusive use of parkland in Van Cortlandt Park, or any other park, for private, commercial purposes.

We also are surprised that the proposal has thus far excluded community involvement, and that the timeline is so short – allowing less than six months for laws and procedures which usually take 1-2 years. Said legislative and other regulatory processes must be completed before any municipality can make such a drastic change to the use of public parkland.

We, therefore, now request that our State and City Officials ensure that transparent and thorough public notice and review processes are complied with as required under law.

This includes, at least, the following:

1. **Permission to Change the Park's Use:** State law requires specific legislation for the Alienation of Parkland to protect the public trust interest in the park. It usually requires providing a substitute for the loss of recreational opportunities, to ensure no net loss of parkland; and,
2. **Environmental Review:** An Environmental Assessment (EA) and potential full Environmental Impact Statement (EIS) on traffic, transportation, air, water use and waste, sanitation, among other issues; and,
3. **Local Public Land Use Law Compliance:** The Uniform Land Use Review Procedure (ULURP) of city owned property is required; and,
4. **Other Local Regulatory Processes:** including a sole source concession: and others too numerous to mention; and,
5. **Equitable Treatment for Van Cortlandt Park:** Under current city policy, fees from private park use from rentals and contractual agreements go to NYC's General Fund. These funds are not distributed to the Department of Parks and Recreation, except for parks with License Agreements. There is currently no clear plan for ensuring that Van Cortlandt Park stands to benefit in any way by hosting the T20 Tournament.

SIGNATURES FOLLOW

**29 Small Groups Sign against the Cricket Stadium proposed for VCP
Open Letter to New York City and State Officials and the International Cricket Council**

1. **Friends of 4 Parks**
2. **Bronx Council for Environmental Quality**
3. **Broadway Community Alliance**
4. **NYC Wildflower Week**
5. **Riverdale/Spuyten Duyvil/Kingsbridge/Inwood Views**
6. **Northwest Bronx Indivisible**
7. **Friends of Ferry Point Park**
8. **Riverdale Main Streets Alliance**
9. **James Baldwin Outdoor Learning Center**
10. **Van Cortlandt Park Alliance**
11. **Coalition to Save Brust Park**
12. **Van Cortlandt Football Club**
13. **StreetsPAC**
14. **Bedford Mosholu Community Association**
15. **BX Girl Bike Gang**
16. **South Bronx Unite**
17. **The Heights Urban Empowerment, Inc**
18. **Friends of Inwood Hill Park**
19. **Hoboken Cricket Club**
20. **Riverdale Nature Preservancy**
21. **New Yorkers for Parks**
22. **Bronx Climate Justice North**
23. **North Bronx Racial Justice**
24. **Plant Native NW Bronx**
25. **Loving The Bronx, Inc**
26. **Friends of Pelham Bay Park**
27. **Bronx Coalition for Parks and Green Spaces (aka Speakup)**
28. **The Bronx is Blooming**
29. **Harlem River Working Group**

August 19, 2023

145 Individuals against the Cricket Stadium proposed for VCP (includes groups*)

1. Jane Sokolow
2. Joyce Hogi *
3. Robert Fanuzzi*
4. Robert Spalter *
5. Christina Taylor *
6. Marielle Anzelone *
7. Stephanie Coggins ***
8. Phil Fram *
9. Silvia Blumenfeld *
10. Daniel Guenzburger
11. Dorothea Poggi *
12. Damian McShane *
13. Lara Friedmann
14. Ray Pultinas *
15. Kathryn Heintz
16. Maria Diaz
17. Anita Antonetty
18. Dart Westphal
19. Charles Barone
20. Carol Foresta
21. Edwin Munoz
22. Robert Morrow MD
23. Amy Brown
24. I C Levenberg Engel
25. Sara Kempton
26. Dorothy Kaufmann
27. Moises Oliveros
28. Isa Tolentino
29. Ana Zamora
30. Sydney Valerio
31. Robert Cobbledick
32. Peter de Jonge
33. Elvira Ramos P
34. Margaret Hollinbeck
35. Lydia Hernandez
36. Melissa Jackson
37. Elena Metta
38. Ian Srebnick
39. Pawel Slabiak
40. Robert F Drake
41. Jay Rana
42. Gabriella Perez-Hernandez
43. Jose Rios
44. Stephen Kaplan
45. Sandra Sider
46. David Sider
47. Eric Remolona
48. Karl Appuhn
49. Marion Guck
50. Kristin Hart
51. Laurie Srebnick
52. Dante Olivia Smith
53. Jordan Moss
54. Laura Chenven
55. Mike Jackson
56. Lisa Peet
57. Kathleen Gordon
58. Lana Enyiema
59. Ruth Clement
60. Martin L. Gordon
61. Petr Stand
62. Kateh Esmaeli
63. Nicholas Chavarria
64. Joshua Gordon
65. Judy Rivera
66. Elena Mejia
67. Rebecca Gritz
68. Laura Gillman
69. Marcy Harris
70. Jessica Gritz
71. Robert Gillman
72. Elizabeth H Jerome
73. Ramdat Singh
74. Calder Orr *
75. Andrew Fader
76. Richard Pretti *
77. Daniel Guenzburger
78. Raphael Schweizer
79. Sue Ellen Dodell
80. Dale Wolff
81. Helen Meltzer-Krim
82. Margaret Groarke
83. Judith MINKOFF-Grey
84. Abigail Martin, District Leader 81st Assembly District
85. Tim Eliot
86. Gary Axelbank
87. Madeline Ritter
88. Alfred Drummond
89. Erica James
90. Joan Mussington
91. Jaylyn James
92. Anita Adolphus
93. Pat Drummond
94. Nancy Schwartz
95. Robert Fass
96. Sarah Pollack
97. Carmen Prieto
98. Katherine Robb
99. Cynthia Gubish
100. Eric McClure *
101. Chris Girgenti
102. Barbara Stronczer *
103. Laura Shepard
104. Amy Ortiz *
105. Richard Powers
106. Bob Bender
107. Mili Bonilla
108. Dr. George Zulch
109. Linda Hirlehey
110. Maggie Greenfield
111. Ana Castro
112. Buzz Roddy
113. Arif Ullah *
114. Antonio Camacho *
115. Mark Slomiany
116. Steven Day
117. Neva Heatt
118. Lorial Crowder *
119. Karen Hernandez
120. Tito Dotto
121. Seetharaman TN *
122. Ann Lane
123. Steven Toriello
124. Katya Lawson
125. Henriette Nadler Cohen
126. Marcha Johnson
127. Laurie Dawn Roddy
128. Wyldon Fishman
129. Jessica Haller *
130. Adam Ganser *
131. Edmundo Martinez
132. Thalita Mercado
133. John Kriskiewicz
134. Kasozi Wilson
135. Chelsea Matias
136. Jennifer Scarlott ***
137. Lisa Wright
138. Jessica Tobon
139. Sara Eliav
140. Precilla Zambrano
141. Karen Argenti
142. Nilka Martel **
143. Jennifer Beaugard *
144. Chauncy Young *
145. Julie Marcus

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92 Comments about the Cricket Stadium proposed for VCP
Open Letter to New York City and State Officials and the International Cricket Council

1. Erecting the Cricket Stadium in a park that is heavily used by all communities in The Bronx is inappropriate and would disrupt the many activities that are held there; in addition to bringing parking and vendors to a City Park.
2. It is a horrible idea on so many levels
3. NYC Parks are a public asset for the benefit of wildlife and New Yorkers. Public parkland should not be used for private gain and should include community inputs. We are especially concerned about impacts to local wildlife and to the historic integrity of the Enslaved African Burial Ground.
4. We need to think holistically and long-term about our community, and about Van Cortlandt Park.
5. VCP is one of the major reasons we call this Community our home.
6. NYC has to say NO to the use of our Parkland for Profit by NON community uses. The communities surrounding even a temporary use suffer air, noise, infra structure damage for months or even years while NON community businesses profit and walk away.
7. The lack of investment in the park as a condition of the stadium and the plan to install artificial turf to restore the grass outweighs to benefits
8. Just no.
9. Parks are not for sale- they are for their community members
10. Just as Yankee Stadium eliminated parkland, became a greater burden on the surrounding community, and a greater burden on the taxpayers of the City of New York; so will this cricket stadium.
11. The number and variety of assaults on Van Cortlandt Park by entities that see it as little more than a big empty lot is stunning and depressing. We should be taking non park uses, by which I mean things that thwart active or passive recreation by citizens, out of the park, not putting more in.
12. This would be a terrible blow to the peaceful use of our park
13. People use this park for all types of sports not just cricket.
14. Desecration -loss of access-traffic -enough!!!
15. I do not think the park should be taken over for this private event
16. Parkland should not serve commercial or political interests
17. Schools hold field days, thousands of kids take trips, run sports and use this park. This will not bring business if they purchase food inside the stadium. This will bring hordes of people with nothing but Broadway as an entrance and exit.
18. People live across from the park. This is not a remote and spacious area. It's an urban park, heavily used and surrounded by people living their lives. This takes the park from us and provides nothing. No business around the park can handle that many people. Public transportation can not handle that many people. There are no parking lots.
19. Without any environmental review of the potential effects of this construction and use in close proximity to freshwater wetland it should not even be in consideration. Van Cortlandt park holds diverse ecosystems that already need help and protection to thrive. A stadium needs to go through all the needed legal steps before it is just forced upon us. The ICC should be able to skip all these steps.
20. Would be an absolute eyesore in a beautiful park and take space away

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21. The lawn is all we have in this area. Don't take it away.
22. Please stop using our local park for construction sites. 25 years later and the filtration plant is still in the works and our parkland has not been fully restored.
23. I am opposed to the Cricket Stadium as it will take away highly utilized park space from our community and neighbors.
24. Please do not take up our precious park... For something that will be a complete waste of money and destroy the community
25. This is outrageous and once again show the mayor's office has no Idea what takes place in the Bronx and Van Cortlandt Park or how important the Park is to all the people of New York City. This Park is a major community hub hosting major Youth, High School, college and community cultural and sporting events year-round. It would ruin the fields or take several years to repair after, and Astro turf is unacceptable as we know the increase in injuries caused by astroturf is unacceptable!!! Save Van Cortlandt Park, it's for the People!!!
26. No stadium! Too disruptive!
27. There are plenty of stadiums in NY city. Do not take away the recreational park from the tax paying public.
28. Parks used by multiple organization for track, baseball, cricket, soccer, rugby and that doesn't include the neighborhood or people who have been coming to park for years. I've personally have been coming to Van Cortlandt Park my entire life and I'm 55 yrs old. My parents met at the park and were married 5 yrs. later.
29. It is a proposal riddled with ridiculous elements.
30. I do not agree and will not vote for elected officials who would grant this Cricket Stadium.
31. The Stadium would harm the Park and prevent the community from using a significant part of it. And there are better alternatives!
32. Not well thought out by the Mayor & City
33. "I applaud the goal to bring an event of this scale to the Bronx but am dismayed by the lack of public engagement or formal process.
34. I have decades of experience in live entertainment, events, and broadcast. I know firsthand the importance of adherence to these processes and the folly of bypassing or rushing these logistical hurdles.
35. My husband and I are new to this neighborhood, and were particularly drawn here because it was so clear that it is a vibrant, deeply committed community that absolutely should be featured on the world stage, but not if the concerns and needs of these very engaged neighborhoods are ignored. If this is to proceed it should benefit the community first and the event organizers second.
36. It harms our park and doesn't benefit our community.
37. My husband and I enjoy walking around and through the Van Cortlandt parade ground weekly. We attend concerts and movies and treasure this public resource. We strongly oppose using our precious public park for private events and profit.
38. Vehemently opposed.
39. All of the above considerations, particularly the lack of request for input from community members and general lack of transparency.

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40. No. No. Horrible idea. Very damaging
41. Bad idea given congestion, traffic and noise nuisance
42. The impact the cricket stadium will have on our park and community for a one time cricket tournament is too great an environmental and loss of a community resource price to pay!!!
43. I am opposed
44. I believe it is a bad idea to build a cricket stadium in Van Cortlandt Park because the project will have a negative environmental impact on the park, and the surrounding area. The project will likely also displace the numerous running events that take place there every year. The impact of thousands of people descending on this area will also have a negative impact, in the form of lots of trash left on the streets and sidewalks. On top of that, there is the plan that an AstroTurf surface will be left in the park. That's a terrible plan!!! New research shows that AstroTurf has a tendency to increase the possibility of leg injuries in athletes who play on it. This is not good for the thousands of young athletes who currently use the park for sports. Then there is the question of who will maintain that artificial surface over the coming years. Yes, this whole project is a terrible idea!!!
45. There are much better places to put this that wouldnt interfere with the many youth sports activities, including cross country, baseball, and soccer, that depend upon the VCP parade ground
46. This area is already congested and the park is used by many in the community. Having a cricket stadium will take away from the areas already used by Bronxites.
47. While I understand van cortlandt park has built 2 cricket fields on the parade grounds there is just simply not enough space, equipment, time, or money to build a stadium. The park is my home to run, play soccer, spend time with friends, and overall keeps my sanity through the tough times. Building a stadium there would destroy the grounds, and it's not even 100% garenteed the builders will protect the grounds during and after the build. This stadium will also create more traffic overall and makes it unsafe to go around the grounds since it'll be less open. This stadium cannot be built here it's just not feasible on any level!
48. Not worth losing park land for this stadium!
49. Why the city my try to slip these past environmental reviews as a temporary and /or recreation facility it would be an egregious affront to the community to do so. There is a dilapidated stadium less than a quarter mile away that needs a new track, turf field and stands. Turning over the natural grass of parade grounds would be travesty and within a few years it will be rough ugly turf as DPR is not equipped to maintain facilities on its own. Our parks could be great revenue generating spaces for large sporting events but DPR needs to make this a core function to build and maintain these types of facilities. VCP does not have parking for games of this magnitude, even local cross-country races bring Broadway traffic to stop.
50. Our organization includes as members coaches in the local sports/soccer leagues. We oppose the temp stadium for many reasons. First, there is limited open space in the Bronx. If the stadium is built there, it will affect use for almost a year for families and adult and youth sports. The infrastructure cannot handle the influx of people. The game should be played at already built stadiums or Randalls Island.

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51. It's my park, not Mayor Adams Park. Taking it from us for a for profit organization is unacceptable.
52. This proposal includes no plans for parking, bathrooms, or other necessities. It cannot be fully developed in time to host an event in June. It will clearly cause a lot of damage to the Parade Ground, with no compensation to the park.
53. I am completely opposed.
54. The consequences for building this stadium outweigh any potential benefits for the community. There are other places in The Bronx that are better suited for the stadium.
55. We value our parkland far more than a cricket stadium. Another venue for this kind of special interest would be far more appropriate than invaluable public parkland in the Bronx.
56. It's a ridiculous idea that will destroy the city's third largest park.
57. The proposed stadium takes sorely need public space from Bronx residents, especially those in the Northwest section of The Bronx. There are other suitable location that do not require the use of public land.
58. This is basically a money, land & resource grab of our park! There are so many other options of existing structures that can accommodate this event, without stealing this parkland from our community! We have seen this promise time & time again in different boroughs and the city never made good on any of those communities. It took a lot of work & effort of the community to make Van Cortlandt what it is today. Do not allow corporations & paid interest corrupt & steal the park from the people who use it under the false promise of providing benefits for the Bedford / Norwood / Riverdale Businesses, home owners, community that will never replace what they are taking. Take your "temporary stadium" to one of the permanent structures built for this purpose - or perhaps Central Parks Great Lawn! But leave Van Cortlandt out of your plans.
59. No to the Cricket Stadium
60. I'm concerned about the increased traffic flow, as well as not having access to the park. I'm concerned about the increased noise, due to the construction of this stadium and the shape of the grounds post cricket season, as well as the debris being generated from this event. Rodents are already an issue in the Bronx. Will alcohol be sold at this venue? This is a concern because of the potential for altercations with unruly fan goers.
61. This structure would take the park away from the neighborhood. Makes no sense .
62. Don't take away the little space we have to enjoy nature.
63. Restricting access to the park for so many months with no public input is completely unfair! There are other locations, such as Willet's Point, near Citifield, that would be much less disruptive.
64. Closing off such a large portion of the open grounds of VCP for an extended period would be a terrible hardship for the surrounding community, which uses that space daily for healthy activities. Few people in the area have the luxury of going to a gym and there is no comparable space appropriate for running, walking, casual team sports, and family gathering. Furthermore the influx of such large crowds for the tournament would cause disruptions in the local transportation and difficulties such as excessive noise and litter for local residents.
65. This parkland is absolutely vital to the local community and, while such an event would be prestigious, the needs of local citizens must come first over international prestige.

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66. "This location is not appropriate for the proposed project. It will be a huge inconvenience and imposition on residents who live on Broadway, as well as everyone else in the area. Already limited Parking, traffic etc. will be a nightmare. I'm sure there are other more suitable places for sports stadiums
67. This would take away from our precious park and drive up more pollution and destruction.
68. It is wrong to bypass the community when planning a major event in public space.
69. Sure, Central Park would never be considered for proposed stadium, and neither should Van Cortlandt Park. Green space must stay green!
70. Shut it down before it goes up
71. I do not agree for the proposed cricket stadium to be built. Construction will be taking green space away from people who use the park daily, as well as will displace wildlife. There are other options for Cricket, such as Yankee stadium.
72. It's a bad idea for so many reasons, but it's elitist. It will take up space normally for everyone and access to the games will only be for those who can afford it. When there is no game on - no one can use our park. No. No. No.
73. A temporary stadium would displace how the community is currently using the space. Building a stadium at the site of a well-used and much needed recreation space, then tearing that stadium down to rebuild the current space is absurd, disruptive, immensely wasteful, and entirely dismissive and disrespectful of the community. Taxpayers should not be forced to subsidize this injustice. Additionally, the process that has been used thus far flagrantly omits NYS requirements, including an environmental impact assessment.
74. Let keep VCP open and natural.
75. A poorly planned idea that will 1) limit access to the park, 2) destroy a historic park greenspace 3) present traffic challenges given limited public transportation or roadways leading to park - it is a bottleneck 4) create parking challenges as there are no lots sufficient for such a venue.
76. The stadium would impede the use of the park and harm the wildlife.
77. "If this is a temporary stadium how many years will it be in contracts?"
78. Parks are for the enjoyment of the public!!! Let's keep it that way!
79. For a long term solution, creating a stadium in the field where hundreds of matches happen for local players doesn't seem like a smart move.
80. White elephant project
81. I oppose this because it will actively harm the physical and mental well-being and ecological of my community, and offer absolutely no benefit in exchange.
82. Can Cortland Park is an important recreational area for several Bronx communities and must be protected
83. Public greenspace is precious! NYC has already devoted too much parkland to stadiums and associated parking lots. The fields at Van Cortlandt Park are used for cross country events, which I run in every year. Instead of taking more green space, the proposed cricket facilities should build on underutilized brownfields or parking lots, or adapt existing stadium facilities for cricket play- such as Mets or Yankee stadium, or US Tennis facilities in Flushing Meadows.

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84. A stadium in front of an historical landmark in a poorly drained area will diminish the value of the viewshed and much needed open space.
85. Vehemently against it.
86. We do need green spaces and not more stone jungles. The Bronx already suffer for lack of care and attention. We do not need more caos in our area.
87. In a city that offers a plethora of stimulating activities, Van Cortlandt Park is a most valuable resource. It offers a respite...with acres of open lawns, woods...an oasis of nature in our crowded city. Please don't squander this valuable resource. We can build this facility in multiple locations...but we can't easily create more open green space. For this reason and the legal and procedural reasons outlined below, I urge that this project not be considered for this or any site in Van Cortlandt Park.
88. The cricket match would be better served at a venue such as Yankee Stadium. The eco-system of Van Cortlandt or any other park is too fragile to handle the traffic that such an event would bring.
89. The Bronx has been marginalized, discounted and its ecosystems and neighborhoods decimated for more than two centuries. NO MORE!!!
90. No. It is a safe space for neighbors. There already many thinks creating a lot of traffic and this would further destroy the community.
91. I fully agree with BCEQ's protest of a cricket stadium being put up in so valuable a natural resource as Van Cortlandt Park. The plan is environmentally compromising and should be cancelled.
92. The proposed cricket stadium would be detrimental to the tens of thousands of users of VCP and area residents. This construction must not happen.

August 19, 2023



August 7, 2023

Honorable Meera Joshi
Deputy Mayor of the City of New York
New York City Hall
New York, New York 10007

Dear Deputy Mayor Joshi,

New Yorkers for Parks and the 23 organizations co-signing this letter appreciate Mayor Adams' and the International Cricket Council's (ICC) efforts to bring the 2024 T20 Cricket World Cup to New York City.

However, we strongly oppose the use of the Van Cortlandt Park Parade Ground for this proposal. We stand with the local elected leaders, business and environmental groups, park stewards, schools, and cricket, baseball, soccer, and track organizations who have similarly voiced opposition.

A public park is not an appropriate site for a 20-acre stadium seating 34,000 people for a private, ticketed event. Closure of this space to the public for a minimum of 7 months is a misuse of public parkland, displacing thousands of park users and cutting off the valuable public recreational and cultural programming that regularly occur on this site.

We are further concerned about the negative impacts on Van Cortlandt Park and the surrounding area. The scale, construction, and extended duration of the proposal will result in significant damage to the Parade Ground (which was fully restored at great expense to the City within the last decade), making it impossible to fully restore to public use in a reasonable timeframe. It is likely that the project would cause damage to 30% of the Parade Ground, and could require up to 2 additional years to ameliorate, resulting in no public access during that time.

As concerning are the legal questions this proposal raises. The use of public parkland for a private, paid event of this scale and duration event sets a dangerous precedent. Legal hurdles associated with the proposal are outlined in detail in the attached memo from Christopher Rizzo, a land use attorney at Carter Ledyard & Milburn LLP.

In summary:

- The proposal's duration and potential impact on the community and the Parade Ground amount to an alienation of parkland and a violation of the Public Trust Doctrine.
- Events of this magnitude are governed by SEQRA, and as such require a state review process to address traffic, transportation, parking, open space, and visual impacts.
- The Mayor's Office of Contracts and its "Franchise and Concession Review Committee" cannot grant a sole source concession to ICC without first demonstrating that there is either only one source for the required concession, or that it is to the City's best advantage to do so.
- Zoning would require that the proposal go through the ULURP process.

Beyond the negative impacts on the park, park users, and the community, there is not sufficient time for the City and ICC to transparently advance through the lengthy legal and approvals processes required for a proposal of this magnitude while soliciting and incorporating community feedback.

We strongly encourage the city and ICC to broaden its search for a more appropriate site. We are here to help in any capacity we can.

Sincerely,



Adam Ganser
Executive Director, New Yorkers for Parks

Co-Signed:

4410-4414 Cayuga Avenue Owners Corp.
Broadway Community Alliance
Bronx Coalition for Parks & Green Spaces
Bronx Council for Environmental Quality
Bronx Ruth Mullen Huddle
Enslaved People Project Steering
Committee
Fort Independence Park Neighborhood
Association
Friends of Pelham Bay Park
Kingsbridge Historical Society
Loving the Bronx
Mexican-American Soccer League NY Inc

Municipal Art Society
New York Cricket League
New York Road Runners
Riverdale Main Streets Alliance
Riverdale Soccer Club
Special Citizens Futures Unlimited
Van Cortlandt Baseball League
Van Cortlandt House Museum
Van Cortlandt Nature Group
Van Cortlandt Park Alliance
Van Cortlandt Track Club
Women of Woodlawn

CC:

City Council Eric Dinowitz, District 11

City Council Shekar Krishnan, District 25

City Council Speaker, Adrienne Adams, District 28

Bronx Borough President Vanessa Gibson

Public Advocate Jumaane Williams

New York City Comptroller Brad Lander

Parks Commissioner Sue Donoghue

State Assembly Jeff Dinowitz, District 81

State Assembly Member John Zaccaro, Jr, District 80

State Assembly Members J. Gary Pretlow, District 89

State Senate Gustavo Rivera, District 33

Senate Majority Leader Andrea Stewart-Cousins, Senate District 35

Congress Member Ritchie Torres, NY-15

US Senator Chuck Schumer

US Senator Kirsten Gillibrand

Enclosure/Attached:

Memorandum from Christopher Rizzo, Carter Ledyard & Milburn LLP

Carter Ledyard & Milburn LLP
Memorandum

To: File (zzz00-224)
From: Christopher Rizzo
Subject: Legal Issues Related to Proposed Cricket Stadium in VCP 2024
Date: July 26, 2023

Issue

This memorandum addresses potential violations of law presented by the International Cricket Commission's request to New York City for a concession, permit or license to utilize approximately 20 acres of Van Cortlandt Park's parade grounds for a temporary, 34,000-seat cricket stadium ("Stadium"). ICC has not provided detailed plans for the Stadium or laid out its plan to comply with applicable laws and public review requirements. The observations in this memorandum are therefore preliminary and subject to change.

Short Answer

Prior to issuing any approval for a stadium in a Park, New York City needs to comply with the public trust doctrine, the State Environmental Quality Review Act, the New York City Zoning Resolution, local concession regulations and other laws. The review processes required by these laws will take a minimum of one year and probably two years. There is no legal way for the City to issue approvals for the Stadium that would allow construction to begin in early 2024 for summer 2024 use.

Analysis

1. Alienation: The public trust doctrine is a creature of common law that applies to all dedicated parkland in New York State. As a common law, it is based on centuries of court cases and decisions. It requires the following: no state, county or municipality can without state legislative approval (1) allow a nonpark use of parkland (i.e., "alienate" parkland) or (2) sell or lease parkland (for any purpose). A large stadium solely serving the purposes of a single commercial entity violates the public trust doctrine. Friends of Van Cortlandt Park v. City of York, 95 N.Y.2d 623 (2001) (Legislative approval is required when there is a substantial intrusion on parkland for non-park purposes, regardless of whether there has been an outright conveyance of title and regardless of whether the parkland is ultimately to be restored.) While the Appellate Division, First Department ruled in 2002 that an amphitheater is an appropriate park use, the small, existing amphitheater at issue in that case is not analogous to a new, large-scale stadium for use by a single commercial enterprise.. SFX Entertainment v. City of New York, 297 A.D.2d 555 (1st Dep't 2002) (approving City's licensing of Randall's Island amphitheater to private operator). Note that the City sought state legislative approval for Yankee Stadium, which was built on parkland. Also note that the First Department ruled against commercial uses on the parking lots around Citifield, which are parkland. Avella v. City of New York, 131 A.D.3d 77 (1st Dep't 2015).
2. Temporary or Deminimis Exceptions to the Public Trust Doctrine: About a dozen court decisions acknowledge an exception to the public trust doctrine for truly temporary or deminimis/minor incursions on parkland. These are intended, however, to allow for very short commercial uses (a private concert)

or for other important public (albeit nonpark) projects like highway construction. See Friends of Van Cortlandt Park (closure of 28 acres for up to five years could not be qualified as temporary or deminimis).

3. Alienation Process: Under New York law, the following public process applies to alienations: (1) a municipality drafts a bill for state legislative consideration; (2) the municipality undertakes environmental review of the project under the State Environmental Quality Review Act; (3) the local council passes a home rule resolution asking for state legislative approval; and (4) only then can the state legislature act, usually approving the request but with very significant mitigation requirements (usually replacement parkland or money). See Letter from Allison Crocker, NYS Department of Environmental Conservation to Christian Dipalermo, New Yorkers for Parks, November 30, 2007, <https://www.dec.ny.gov/regulations/29418.html>.
4. SEQRA: Commercial uses of this size, particularly in parks, are presumptively Type I actions under the State Environmental Quality Review Act. See 6 NYCRR 617.4 (alteration of 2.5 acres or more for nonresidential facilities in parks are Type 1 actions). Type 1 actions presumptively require an environmental impact statement to address: (1) all environmental impacts, (2) reasonable alternatives and (3) mitigation of impacts. See 6 NYCRR 617.4. The environmental impact statement for the Stadium will need to address traffic, transportation, parking, open space, visual impacts, historic resource impacts (e.g., enslaved persons burial ground, Van Cortlandt House, etc.) and other issues.
5. Concession Rules: To issue a sole source concession to ICC, the Mayor's Office of Contracts and its "Franchise and Concession Review Committee" need to find there is either only one source for the required concession or that it is to the best advantage of the City to grant the concession to one source. 12 NYCRR 1.02. ICC will need to articulate both the public benefit from the Stadium and fair market value compensation.
6. Zoning: The Zoning Resolution only permits stadiums in certain commercial and manufacturing zoning districts. NYC Zoning Resolution Section 74-41. That provision of zoning requires the City Planning Commission to issue a special permit for stadiums after complying with the Uniform Land Use Review Process, which requires community board and borough president reviews and votes by the Commission and City Council. The special permit would require a 1-2 year public review process. VCP is parkland that is surrounded by residential zoning districts. I am not aware of any special permit exception for a "temporary stadium" or a stadium on parkland. Moreover, the Zoning Resolution further states: "In the event that a public park or portion thereof is sold, transferred, exchanged or in any other manner relinquished from the control of the Commissioner of Parks and Recreation, no building permit shall be issued, nor shall any use be permitted on such former public park or portion thereof, until a zoning amendment designating a zoning district therefor has been adopted by the City Planning Commission and has become effective after submission to the City Council in accordance with the provisions." Zoning Resolution 11-13.

In addition to complying with the laws above, ICC will need to explain why the City's approval of the Stadium would not create a public nuisance and serves the public interest in such a compelling way that it would not be irrational, arbitrary and capricious.