



NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

Michael A. Cardozo, *Corporation Counsel*

Press Release

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LAWSUIT CHALLENGING CITY'S REZONING OF CONEY ISLAND IS DISMISSED

Contact: Kate O'Brien Ahlers, Communications Director, (212) 788-0400, media@law.nyc.gov

New York, May 11, 2010 – A New York State Supreme Court judge has dismissed a lawsuit brought against the City by several individuals and a community organization that claimed that the environmental review of the City's rezoning of Coney Island was inadequate and that approval of the comprehensive rezoning plan by the City Council exceeded its legal authority.

In a lengthy opinion dated May 6, 2010 (and received by the Law Department today), Supreme Court Justice Eileen Rakower upheld the rezoning plan and dismissed the suit. The Court found that the environmental impact statement (EIS) prepared in support of the Coney Island Rezoning Plan properly analyzed each area of environmental concern. Regarding the claim that the City Council exceeded its authority when it approved the Plan, Justice Rakower found that the overall rezoning plan "is reasonably related to the (undisputed) legitimate governmental purpose of revitalizing the Coney Island economy, while restoring Coney Island to its iconic status as a world-renowned amusement center and destination for visitors both near and far."

City Planning Commissioner Amanda M. Burden noted, "Coney Island is an icon to New Yorkers and the world, and the City's plan for Coney Island will reclaim its title as the world's greatest open, affordable and accessible urban amusement park. This legal decision is excellent news for Coney Island fans around the globe, and for the surrounding community which will be revitalized thanks to new development and jobs. And I hope everyone comes out Memorial Day weekend to enjoy the new Luna Park!"

New York City Economic Development Corporation President Seth W. Pinsky said, "The decision by the Court to uphold the rezoning supports our efforts to foster economic revitalization in an area of the City where nearly one-sixth of its residents lives in subsidized housing, and unemployment rates have skyrocketed. The City Council's passage of the Coney Island Revitalization Plan was the first step; now we can continue unencumbered, as we build Coney Island into a year-round, 21st Century amusement and entertainment destination."

New York City Corporation Counsel Michael A. Cardozo of the New York City Law Department added, "We are very pleased with the Court's decision dismissing this suit. The decision upholding the Coney Island Rezoning Plan acknowledges the long-standing efforts made by the City and City Council in order to restore Coney Island to its status as a world-class amusement district."

A group called "Save Coney Island, Inc." and several individuals who asserted that they live or work in the area brought the lawsuit in 2009.

The case was handled by Chris Reo, Haley Stein and Sarah Kogel-Smucker of the New York City Law Department's Environmental Law Division, with paralegal assistance from Francine Galvez.

The Coney Island Rezoning Plan is a comprehensive redevelopment program that is designed to revitalize Coney Island as a year round, vibrant and affordable urban amusement and entertainment district that also provides area residents with much needed housing, local retail and year-round job

opportunities. Under the Plan, Coney Island's unique history and character will be built upon by setting aside and developing a 27-acre year round amusement and entertainment district with open and enclosed amusements, eating and drinking establishments, hotels and small-scale complementary retail (e.g. bathing and surf shops) that are found in modern amusement parks. The Plan updates area zoning and encourages revitalization through the redevelopment of vacant and underutilized land in order to develop housing, including affordable housing, and local retail businesses. The Plan also designates 10 acres as parkland to ensure that traditional and open-air amusement uses along the historic boardwalk are preserved in perpetuity. The Plan was approved by the City Council in July 2009.

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