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Press Release

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WATERFRONT ACCESS RESTORED IN RED HOOK

CITY WINS LAWSUIT TO REMOVE 200-FOOT LONG METAL FENCE BLOCKING WATERFRONT ACCESS

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New York, July 1, 2008 – Yesterday, a Brooklyn Supreme Court judge restored public access to part of the waterfront in Red Hook by ordering the removal of an 18-foot tall, 200-foot long metal fence that separates the city-owned Red Hook Recreation Area from the Henry Street Basin. The fence was erected without permission by Gowanus Industrial Park, Inc., who owns some of the land underneath water in the Henry Street Basin – a harbor along the Hudson Bay in the Red Hook section of Brooklyn. The owner claimed the fence was needed to prevent trespassers from entering its property. However, the City successfully argued that the unsightly fence should be removed because it entirely blocks the public's visual and physical access to the water from the nearly 70-year old public park.

New York State Supreme Court Justice Robert Miller ordered that the fence be removed within 90 days. The Court's decision also discusses the recent directive to remove the fence by the State Department of Environmental Conservation. He stated in his decision that "the fence significantly and unreasonably restricts the common use of the waterfront and does not serve the public good."

The City brought the lawsuit in 2005 in Kings County Supreme Court to remove the fence and restore the public's access to the waterfront. City attorneys claimed, in part, that the fence violated the City's rights as the waterfront landowner and that it constituted a public nuisance by denying the public physical and visual access to the waterfront.

"Red Hook Park is a popular neighborhood destination which offers both active recreational opportunities including handball, basketball, soccer, and fitness, and passive recreation including strolling along the park grounds, communing with friends, and relaxing on a park bench," said Parks & Recreation Commissioner Adrian Benepe. "The removal of the fence opens up Brooklyn's picturesque waterfront and gives Brooklyn residents and New Yorkers another reason to visit this fabled community park."

"This is a huge victory for the residents of Brooklyn," said Daniel Greene, who argued the case in court. "Red Hook Park is a popular destination with its lively soccer games and family friendly atmosphere. With the removal of the fence, the public will once again be able to enjoy views of the storied Brooklyn waterfront from the park."

The City and Department of Parks and Recreation was represented by Assistant Corporation Counsels Daniel Greene and Chris Reo of the Law Department's Environmental Law Division.

Photographs of the fence and the court's decision can be obtained from the Law Department.

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