

*For Immediate Release*

## **APPEALS COURT AFFIRMS CITY'S PLAN TO GO FORWARD WITH WASHINGTON SQUARE PARK IMPROVEMENTS**

### ***PLAN WOULD RESTORE THE HISTORIC FOUNTAIN IN THE PARK'S CENTER AND ADD MORE GREENSPACE FOR PARK USERS***

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New York, March 8, 2007 – A State midlevel appeals court has just ruled that the New York City Department of Parks and Recreation to proceed with its longstanding plan to renovate Washington Square Park.

Washington Square Park, located in the Greenwich Village Historic District, has long served as a social, artistic and political gathering space. In 2003, the Parks Department announced its intent to renovate the heavily used park, both to restore crumbling park features and to enhance community members' ability to make use of park space. The City developed its reconstruction plan after extensive collaboration with local residents. The plan has received the support of Manhattan's Community Board 2 and numerous local civic organizations, and has been approved by the City's Landmarks Preservation Commission and Art Commission.

In the case, entitled *Greenberg v. City of New York et al*, Jonathan Greenberg and other local individuals unsuccessfully alleged that the Community Board's endorsement, and the approval of the City's Landmarks Preservation Commission and the Art Commission, were invalid. They claimed the Parks Department had made incomplete and misleading presentations of its plans at the public meetings, with regard to aspects of the plan, which calls for:

- 1) moving the park's fountain approximately 22 feet,
- 2) decreasing the size of the fountain plaza to create more greenspace in the park, and
- 3) increasing the capacity of the fountain's water jets.

The Appellate Division, First Department, today reversed a lower court's injunction. That injunction had prohibited the Parks Department from renovating the park's fountain and fountain plaza areas until it obtained additional approvals from the Community Board, Landmarks Preservation Commission, and Art Commission. In siding with the City, the Appellate Division determined that the City was forthcoming with all three bodies, and that each had received sufficient information.

Specifically, the Court found that "the Community Board's role in the review process [for projects of this type] is merely advisory," and that overturning the approving bodies' previous decisions would be inappropriate because the "petitioners can point to no legal requirement that the precise measurements of the plaza or fountain strength be disclosed...." It found evidence in the record showing that the Community Board and Art Commission explicitly considered the issues about which petitioners had claimed these bodies were uninformed, and that these issues were not relevant to the Landmarks

Preservation Commission's assessment of the project's historic preservation aspects.

City officials and lawyers praised the decision. "We are delighted with the court's ruling, which vindicates our considerable efforts to design the project, work with the community and review bodies, and enhance Washington Square Park," noted Parks Commissioner Adrian Benepe. "We look forward to moving ahead with the process, so that these long-awaited improvements can soon become a reality." He added, "We are gratified by the support we have received from so many members of the public throughout the process, and we thank them for their patience while we work to finally get Washington Square and its many users the restoration they deserve."

Corporation Counsel Michael A. Cardozo of the New York City Law Department said, "The Court has affirmed that the public review process for renovating Washington Square Park was thorough and fair. Rehabilitating Washington Square Park will keep it accessible and beautiful for generations to come."

Deborah A. Brenner, the Law Department attorney who argued this case on appeal, said: "The court correctly refused to allow the personal objections of a few individual petitioners to override the previous approvals of this project by three very different and unique public bodies." She added, "Allowing such legal challenges would effectively bring urban improvement to a standstill."

Brenner, an Assistant Corporation Counsel in the Law Department's Appeals Division, handled the case with input from Leonard Koerner and Barry Schwartz, also of the Appeals Division. In addition, Chris Reo, Michael Burger, and Amanda Goad of the Environmental Law Division; and William Heinzen of the Legal Counsel Division, also assisted.

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