



NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

Michael A. Cardozo, *Corporation Counsel*

Press Release

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For Immediate Release

**SUPREME COURT JUDGE REJECTS CHALLENGE
TO BROOKLYN BRIDGE PARK DEVELOPMENT PROJECT
SLATED FOR THE BROOKLYN WATERFRONT**

PLANNED 77-ACRE WATERFRONT PARK AND ASSOCIATED RESIDENTIAL DEVELOPMENT MAY PROCEED

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

New York, Nov. 28, 2006 – Kings County Supreme Court Justice Lawrence Knipel ruled late yesterday that the proposed Brooklyn Bridge Park development project may proceed as planned.

The park development project will reclaim a 1.3-mile stretch of Brooklyn's commercial and industrial waterfront for public enjoyment, replacing abandoned shipping piers, parking lots and storage sheds with a world-class public recreational resource, including multi-purpose playing fields, playgrounds, shaded ball courts, open lawns, pockets of natural landscape, boardwalks, and 12 acres of safe paddling waters. To assure that the park continues to benefit City residents well into the future, it is designed to be self-sustaining. To that end, planning for the park development project included associated private residential buildings, with all the revenue from those development parcels reserved to pay for the park's future operating and maintenance costs. The project plan, which was developed by the Brooklyn Bridge Park Development Corporation with City and State oversight and extensive public input over several years, was approved by the Empire State Development Corporation in January 2006.

In yesterday's decision, Justice Knipel rejected the challenges to the project brought by the Brooklyn Bridge Park Defense Fund, Inc. and individual petitioners, who had claimed that the inclusion of the development parcels in the project's overall design violated New York State's public trust doctrine. This doctrine prohibits land that has been reserved for public use from being utilized for any non-public purposes, such as housing.

However, as noted by Justice Knipel, the doctrine does not prevent the development of housing on parcels that "are not parkland, have never been parkland and were never designated to become parkland." Justice Knipel also rejected the petitioners' challenges to the environmental review of the project, holding that the City and State satisfied their obligation to take a hard look at the anticipated environmental impacts of the project, as well as their attempt to reinstitute an earlier draft master plan for the park developed by community members in 2000.

"We are gratified that the Court ruled that the development of Brooklyn Bridge Park may proceed as planned, and we look forward to working with our partners in the New York State government and the Brooklyn Bridge Park Development Corporation to getting started," said Parks Commissioner Adrian Benepe. "Once completed, Brooklyn Bridge Park will be for the 21st Century what Prospect Park was to Brooklyn in the 19th Century and Marine Park was in the 20th Century. This 80-acre park will offer residents and visitors an oasis within New York City, and will boast access to the waterfront and sweeping and magnificent views of Manhattan and the East River and the harbor. Park users will enjoy several types of playing fields, miles of boardwalks and paths and areas for kayaking and other water

activities. Brooklyn Bridge Park will truly be a priceless resource for our City."

Carrie Noteboom, an Assistant Corporation Counsel with the Law Department's Environmental Law Division, said, "We are pleased that the Court recognized that the petitioners' objections were based on their own policy preferences about the project, rather than the law. Like many other successful and well-loved parks in the City, Brooklyn Bridge Park will enjoy a steady stream of financial support from private sources, ensuring that it remains an asset for years to come. With the Court's ruling, this much-needed public open space resource may now go forward for the benefit of all New Yorkers." Construction of the park is expected to begin in 2007 and be completed in 2012, with the first phase open by 2009.

The City's legal team included Deputy Chief Susan Amron and Assistant Corporation Counsel Carrie Noteboom of the New York City Law Department's Environmental Law Division.

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