

The Parks, Recreation and Open Space Committee and the Arts & Institutions Committee of Community Board #2, Manhattan, held a joint meeting on Monday, October 18<sup>th</sup> at 6:30pm at the PS 41 Auditorium.

There were 168 community residents who signed the attendance sheet.

Former City Council Member and former CB2-Chair, Alan Gerson kicked off the meeting with information regarding the legislation he had proposed requesting the transfer of open spaces from the Department of Transportation (“DOT”) to the Parks Department. This legislation currently lies dormant and he strongly urged the City Council to reactivate this legislation and get mayoral approval. He believes that the DOT’s control of these greenways is “bad management policy” since they lack the expertise to manage them properly. Mr. Gerson also requested that the community remain engaged and urge the Council to move forward.

Tobi Bergman, and David Gruber, respective chairs of the Parks Committee and Arts and Institutions Committee, then jointly led the meeting.

Tobi Bergman introduced Connie Lee, the new fellow from Borough President Scott Stringer’s office, who will be working specifically on the green strips issue.

CB2 member Terry Cude then introduced Andrew Berman, Executive Director of the Greenwich Village Society for Historic Preservation (GVSHP). Mr. Berman offered the historical context of the superblocks and the creation of the green strips. The superblocks were part of Robert Moses vision of urban renewal, which took place during the 1930’s through the 1960’s. Moses was able to achieve much of his vision throughout the City, but Greenwich Village was uniquely successful in stopping his plans for major changes to the neighborhood. Mr. Berman added that the preservation of the green strips is a continuation of this epic battle against Moses and every effort should be made to keep these strips public and open.

Terry Cude, before introducing the next round of speakers, cited discussions in 2007 (when the co-gen plant was being reviewed) that NYU had agreed to the remapping of park strips to the Parks Dept. Ms. Cude added that there are community uses to almost all of the strips, including the LaGuardia Corner Garden and Mercer-Houston Dog Run.

[http://www.nyc.gov/html/mancb2/downloads/pdf/parklandcb2\\_10\\_18\\_2010.pdf](http://www.nyc.gov/html/mancb2/downloads/pdf/parklandcb2_10_18_2010.pdf)

### **La Guardia Corner Garden**

Ellen Horan, VP of the La Guardia Corner Garden “LCG”, was the next speaker. Ms. Horan discussed the history of the LCG, which was created in 1981. The community garden has 25 plots, each of which is maintained by a garden member. More than 100 people have gardened there over the past three decades. LCG is home to a large variety of plant species, vegetables and apple, pear and peach trees. In addition, it provides a venue for numerous community events, including many school programs as well as concerts throughout the spring, summer and fall.

At present, LCG is subject to a two-year lease with the Department of Transportation and can be evicted at anytime. Ms. Horan commented that these strips are parkland without parkland status and politicians need to complete the transfer of these strips to the Parks Department. In addition, LCG is intimately connected to the “ribbons of green”, these strips and interior open space, which were always designed to be open park space.

Finally, Ms. Horan stated that if NYU 2031 goes through, 176 trees will be taken down on the superblocks and it is highly probable that LCG would not survive. She cited that the area in the central Village is highly underserved by open space, green space and recreational facilities. Ms. Horan concluded by urging the City to move forward to preserve these areas for the community.

### **Mercer-Houston Dog Run Association**

Beth Gottlieb, President of the Mercer-Houston Dog Run Association (MHDRA), was the next presenter. Ms. Gottlieb recounted the history of the site, which included the following highlights:

Prior to the 1960's the site was home to tenement buildings, which were then razed decades ago.

1960's: Neighborhood families banded together to use the empty lot (on an informal basis) to exercise their dogs.

Jan 2, 1979: The City Planning Commission certified an amendment to the Urban Renewal Plan allowing NYU to build the Coles Gym.

February 15, 1979- CB2 approved the CPC's Urban Renewal Plan on the condition that ***“NYU has offered to develop and maintain the rundown Mercer St. strips in keeping with City Requirements and community preference.”***

June, 1979: CB2's Parks & Recreation committee report referenced the University's offer to construct a dog run, play and sitting areas, as well as maintain the Mercer Street strip.

1981: NYU completed construction of the Coles Gym and dog run and on October 13<sup>th</sup> the MHDRA was officially incorporated.

In the 1990's, the dog run fell into serious disrepair, with both sidewalks and the dog run periodically sinking in spots.

In April 2008, a new MHDRA board sent a letter to NYU's President Sexton requesting that the University honor the commitment made back in 1979. More than one year later, a contract was signed by NYU to repair the asphalt surface with proper drainage. July 2009 marked the official reopening of the restored dog run.

More than 270 families and 315 dogs from the Village, Soho and Noho currently use MHDRA. Over the past three decades, the dog run has been a vibrant and valued facet of the community. Ms. Gottlieb concluded by stating that the dog run is now in a precarious position because of the NYU 2031 development plans.

### **Friends of LaGuardia Place:**

Larry Goldberg, President of Friends of LaGuardia Place, followed Ms. Gottlieb. Mr. Goldberg recounted the history of the Friends of LaGuardia Park, which was incorporated in 1986. The goal of the Friend's Association was to create a park, which was centered around a commemorative statue of Fiorello LaGuardia. Mayor LaGuardia, who grew up nearby on Macdougall Street, had been instrumental in lifting the City out of the depression by promoting public works, schools and civic improvements. The park and statue were funded solely by the Friends of LaGuardia Place, who continue to fund the park's maintenance.

Two months ago, ground was broken for Adrienne's Garden, which will be a new toddlers garden. Adrienne's garden received unanimous approval from CB2, the Parks Dept. DOT and the Public Design Commission.

Mr. Goldberg concluded by stating how the Friends Association has been a vibrant part of the community for years and intends to remain so for many years to come.

### **Mercer Playground:**

Enid Braun, president of the Lower Manhattan Neighbor's Organization for Parks "LMNO(P)" described the organization's origin in 1991. LMNO(P) was created as a grassroots effort by families living in Soho, Noho, Little Italy and the Village, to get much-needed park and playground spaces.

The 2-block strip on Mercer Street (between Bleecker and West 3<sup>rd</sup> Street) had been an open paved space used by neighborhood children to ride bicycles, play ball and other activities. In 1991, NYU submitted a proposal to CB2's park committee to construct a fence around the strip, which was widely condemned by the community as a play to privatize the park. A task force, created by Tony Dapolito, was comprised of Mr. Dapolito, members from LMNO(P), WSV Tenants' Association and NYU's Bob Cohen. The task force met between 1991 and 1992, which led to a series of meeting with DOT and the Parks Department. Local architect and parent, Peter Wormser designed drawings for a new park and a settlement was reached between the NYU and the task force.

In 1995, DOT transferred the strip to the Parks Department. Between 1992 and 1996, LMNO(P) raised nearly \$200,000, including \$26,000 from local residents and businesses. The Mercer Playground held its official opening ceremony on May 15, 1999. The unique public space has been used for both active and passive activities. Over the years, it has been home to heralded art installations, including two murals painted by 400 students from Stuyvesant High School in 2001, following 9/11. LMNO(P) sees the park as one's backyard, a free form outdoor gathering space to be used by all generations.

### **Superblocks Coalition**

Terri Cude, Co-Executive of the Superblocks Coalition, discussed “moving forward”. Ms. Cude stated that the CB2 area has the second lowest amount of open space in the entire borough of Manhattan. These strips provide the critical light, air and space, which we all desperately need. In addition, these areas are well served by city ownership and well maintained by dedicated volunteer groups.

Ms. Cude presented several photographs taken one week earlier, illustrating NYU’s negligence maintaining various areas, including the parkland strip in front of Coles gym. Moreover, NYU took parkland from the community in order to construct Coles. The parkland was replaced with a rooftop playground above the gym, which was eventually closed because of its inaccessibility. Consequently the argument can be made that the University still “owes” the community park space.

The green strip taken by NYU in order to construct Bobst Library was supposed to be offset by the creation of Gould Plaza. Unfortunately, Gould Plaza is not a green space. It offers no public seating or shade and has accessibility issues because it is not at street level. The sculpture that had been there has been removed and there are slippery glass sections when it rains.

The Village community has suffered many decades because of the University’s claim to build “as of right” or “purchased property that needs a variance or special permit”. The University has failed to demonstrate why they need these park strips. CB2 has asked numerous times for an explanation and has never gotten a response. Their argument that placing parkland between buildings makes them more accessible is incomprehensible. The strips are clearly more accessible when they are closer to the streets.

Multiple attempts were made in 1967, 1979, 1995 and at other times to remap these strips and transfer them from DOT to the Parks Department. These efforts continue to be blocked by NYU and Ms. Cude urged NYU to stop thwarting the community’s wishes. In conclusion, Ms. Cude stated that the parkland is not NYU’s property to use as leverage in their negotiations during the ULURP process. “NYU should not seek to acquire the city-owned parkland strips as part of their ULURP, and should instead support their remapping to the Parks Department.”

### **New Yorkers for Parks (NY4P)**

- [New Yorkers for Parks-Presentation on Parkland Alienation \(October 18, 2010\)](#)

Alison Beha, NY4P Director of Research, Planning, discussed her organization, which is an advocacy group that has been in place for more than a century. NY4P represents parks and park interests in all five boroughs and fights for greener, safer and cleaner parks.

Its mission is about access, equitability and preservation of parks. The mission is accomplished through a three-tiered platform of coalition, research and advocacy.

Ms. Beha discussed three key concepts including the public trust doctrine, parkland alienation and the legal process. The public trust doctrine, by definition, is the preservation of certain resources for public use by the government. "Parkland is a precious commodity and is sheltered by the Public Trust Doctrine-whose theory is to afford the greatest legal protection to parks or land held in the public's trust". The mapping of an area as parkland gives them the highest degree of protection.

The concept of alienation "is the taking of public parkland for non-park purposes". Both New York State and New York City have used this concept to take over park space for non-park purposes. Ms. Beha cited the example of the new Yankee Stadium, which was built on 22 acres of beloved parkland.

NY4P's current mission is two-fold which includes the opposition and monitoring of the park alienation process. The alienation procedure requires both City and State approval. The four-step procedure in order to alienate or demap parkland is the following:

1. ULURP
2. The City council has to pass a resolution requesting the State to sponsor special legislation granting the City permission to alienate the park
3. The State Legislature has to approve the City's legislation
4. The legislation goes back to the City and the area can be legally alienated.

Recently, steps have been bypassed in this process as with Yankee Stadium, which did not undergo the ULURP process, thereby precluding the public's participation.

Over the past five to eight years, we have seen the alienation of at least 13 parks, the largest two being Yankee Stadium and Van Cortlandt Park (where a water filtration plant was built). Litigation for Van Cortlandt Park resulted in more than \$200 million dollars being funded to other Bronx parks.

Ms. Beha stated that since there is no law regarding alienation, the only way to deal with it is through litigation, which strengthens the process. NY4P believes that the strips and Mercer playground are parkland, which the Parks Department has acknowledged.

NY4P has issued a freedom of Information Letter to the Department of Transportation and Parks Department to determine who actually owns the land. They will get back to us as soon as they get that information. Ms. Beha added that these areas "look like a park, act like a park, the Parks Department claims it's a park and whether or not it's explicitly parkland, it's certainly implicitly parkland and thus has every right according to any other open space". NY4P will be monitoring this issue very closely and has offered to be a resource for the Board and Community.

## NYU

- [NYU Presentation on Open Space in CB 2 \(October 18, 2010\)](#)

Alicia Hurley, NYU VP for Governmental Affairs and Community Engagement reviewed the following 6 areas, which NYU is seeking to demap:

- A. Mercer Street (between West 3<sup>rd</sup> and West 4<sup>th</sup> Streets)
- B. Mercer Street (between West 3<sup>rd</sup> and Bleecker Streets)
- C. West 3<sup>rd</sup> Street (between LaGuardia Place and Mercer Street)
- D. LaGuardia Place (between West 3<sup>rd</sup> and Bleecker Streets)
- E. Bleecker Street (between LaGuardia Place and Mercer Street)
- F. Mercer Street (between Bleecker and Houston Streets)

Ms. Hurley discussed how NYU is trying to work with the community and has helped fund the opening of Adrienne's Garden and assisted the Mercer Street Dog Run. In addition, Ms. Hurley conceded that the University's history with the community has not always been an "A+ work" and that they are trying to improve ways to work with the community.

Lori Mazor- NYU's AVP for Planning and Design discussed why NYU is interested in these strips. Ms. Mazor acknowledged that these are very important blocks for the community and NYU and believes that both can work together to obtain a positive outcome.

Ms. Mazor stated that NYU's goal is "to create a plan for everyone that's not a campus in the traditional sense, not a public park, but something in-between". The presentation continued with a walk-through of NYU's plans and the point was made that there is a current sense of ambiguity about whether these spaces are public or private. Ms. Mazor stated that the spaces don't feel open to the public and that the Washington Square Garden, in particular, is highly underutilized. The University's intention is to make the open spaces more accessible to everyone. More specifically, the proposed site plan provides an accessible open space at grade level, more welcoming entrances and pedestrian-friendly passages.

### **Questions from Community Board members to NYU's Alicia Hurley:**

Lisa Cannistaci- asked Ms. Hurley why the two smaller parks fell into disrepair and what does NYU plan to do about it?

Ms. Hurley responded, "Nobody wanted to spend the money on them" at the time, but that the University was committed to repairing all the problematic areas. Ms. Hurley also stated that the University had worked with Larry Goldberg on the new Adrienne's Toddler Garden. In response, Mr. Goldberg made the statement that although he appreciated NYU's contribution to the garden, it's very important to keep the park space

open for everyone. “You can’t get credit for the nice things you do when you want to take over the land that’s open to everybody.”

Shirley Secunda- asked Ms. Beha about the how the concept of alienation comes into play if the strips are owned by the Dept. of Transportation.

Ms. Beha responded that there is no current precedent for this and pro-bono lawyers are conducting research on this topic. She added that their principle argument is that “while this is not explicitly mapped as parkland, it has been used as for decades now as passive and active parkland.”

Carter Booth- stated that NYU’s argument to take over these spaces doesn’t sound compelling. Mr. Booth added that many of the University’s proposed goals already exist (in many respects) including accessibility at grade, welcoming entrances and connections to the street. In addition, Mr. Booth stated that the University’s plan does not add anything back to the community and is not an equitable exchange.

Ms. Hurley responded that NYU’s intention was to look at this in a holistic fashion and work together with the various interested parties. Ms. Hurley added that the University’s intention is to make these areas work for the benefit of the community at large.

#### **Speakers from Community:**

1. Rhoma Mostel- stated that the green strips were mapped as parkland and belong to the public. She also mentioned that we have limited green spaces for the community.
2. Jody Berenblatt-spoke on behalf of Kate Hamilton, founding member of LMNOP. She stated that she had no problem with NYU working within its current zoning limits and is completely opposed to giving City owned land to NYU.
3. G. Bedrosian- who is resident of 505 La Guardia, read excerpts from “David Byrnes’ Bicycle Diaries”. She commented that the reuse and redesign of existing parts by NYU is most important, as well vigilance and responsibility over existing open spaces
4. Vincent Capozzi- is a new member of the Mercer Street Dog Run and a Village resident for 4 years. He stated how valuable it is to have the green strips as a gathering place for the community and how they are here to serve the public.
5. Sara Fisk- grew up playing in the Mercer playground and has been a lifelong resident. She added that NYU is not meeting the needs of the children in the area.
6. Sylvia Rackow- a resident of 505 La Guardia described NYU’s poor maintenance of the gardens and sidewalks in Washington Square Village. She urged the Board to preserve the strips, which are so important to the community.
7. Ronna Texidor- a resident of Thompson Street talked about how the NYU construction over the past few years has turned her into an activist. She asked the question about why the needs of 21 year olds are more important than the needs of the community?
8. Annie Balliro- a new member of the Mercer Street dog run, stated how critical the dog run, gardens and park spaces are to the community.

9. Joan Schenkar- a 20-year resident of Cornelia Street stated how Greenwich Village in the 20<sup>th</sup> century was heralded for its freedom and the history of the 21<sup>st</sup> century will be the Village's colonization by NYU. She added that the community's history with NYU is a "long trail of tears".
10. Pat Albin- a long standing resident of 505 La Guardia strongly urged community leaders to prevent giving away public land to NYU, a private institution. She stated that NYU's arguments for requiring these strips are weak and disingenuous. She also cited the University's poor maintenance of existing open spaces and property, including Sylvette.
11. Sascha Roker- grew up on Thompson and was involved in the development of the Mercer St. playground. She raised the issue of the Morton Williams supermarket, which is desperately needed by the community.
12. Rita Lee- was District Manager of CB2 when the green strips were planned and recalled the association of people who worked so hard to put these places together. She stated that NYU was mandated by the City's Board of Estimate to maintain the strips (including the gardens and dog run), which they haven't done.
13. Elaine Hudson- pleaded that the community desperately needs parkland.
14. Jed Schwartz- resident of 88 Bleecker Street, talked about how he loves the Village because it has a unique human scale mixture of open space and buildings.
15. Judith Callet- president of Bleecker Street Merchants Residents Association discussed the history of the superblocs and raised the issue about how the community can't afford to lose any more space and air.
16. Lee Schwartz-represents 100 units at 88 Bleecker Street. Ms. Schwartz, who is a poet, sang the song "This Land is your land, this land is my land" with revised lyrics..."This land is your land, this land is our land, from up to 8<sup>th</sup> Street and down to Houston, this land belongs to NYU and me..." Ms. Schwartz' key point being that the land belongs to NYU and the community.
17. John Kramer- grew up in the neighborhood and stated that the parks should be protected. He also wanted to know when the local council representatives would take a position on the green strips.
18. Austin Miller- who was attending his first community board meeting and is a long-time resident of Silver towers, stated that he was sure that other options were available to NYU.
19. Jeff Katz- has lived in the Village for 41 years and commented on how NYU has been a terrible steward of anything they maintain. He compared NYU to his 2 year old, whose favorite words are "mine, mine, mine" and "more, more, more" and said we need to tell them "no, no, no".
20. Peter Lang- questioned the University's finances and said that he hoped they are factoring in the expenses of what they are planning. He mentioned his niece who couldn't attend NYU because she was offered a partial scholarship. The University said they didn't have the funds to give her a full scholarship.
21. Judy Lagida- a resident of Washington Square Village raised the issue of NYU's maintenance of the Washington Square gardens. She added that the gardens hadn't been watered for months (from May-August) and that the children's playground on Mercer Street has been in disrepair for a decade.



22. Glen Milstein-has lived at the corner of Mercer and Bleecker for 10 years. He stated that light and air are a legacy for our children and how the land NYU desires belongs to the community. He added that the issue is not about NYU's "footprint" but about "light, air and honesty".
23. Susan Goren- grew up at 505 LaGuardia. and discussed NYU's faulty maintenance of their property. She also questioned who is funding NYU's 2031 Master plan.
24. Jane Barowitz- has lived in the neighborhood for decades and is concerned about the lack of places for her grandchildren to play. She also stated that NYU has been insensitive to the community's needs.
25. Hiroko Rodriquez- who attended meeting with her husband Steve and infant son, stated how she wanted her son to be able to play at Mercer Playground and that she did not want the privatization of public space. Her husband Steve added that he has been a resident of the area for more than 20 years
26. Dr. Alan Herman- has been a lifelong resident living through the Robert Moses days. He stated that NYU has been motivated by their self-interest and has not been a good neighbor. Finally, he urged the Board to come out as forcefully as possible against NYU's plan for the green strips.
27. Dr. Eileen Ain- who described herself as the Pied Piper, serenaded us with her flute. She is NYU graduate of Psychology and Music and is a gardener at La Guardia gardens. Her message was that we desperately need park space for meditation, breathing and poetry.
28. Miriam Kaplan- claimed that NYU is being dishonest about why it wants the strips. She stated that NYU's interest in the strips is to enable them to meet zoning requirements needed for the new construction on the superblocks. She also mentioned that Abu Dhabi has offered NYU money to build in Greenwich Village
29. Raymond Cline- asked what's the definition of a good neighbor and put forth the statement "who has the gold makes the rules". He believes NYU "has the gold" and that the Community Board is an important part of stopping this:
30. Sara Jones- stated that she was in agreement with Miriam Kaplan and added that if NYU does not get the strips, they can't build the 40-story hotel. She wants the DOT to transfer the strips to the Parks Dept. and stated that "she lives in Greenwich Village, not Green-less Village"
31. Milton Polsky – questioned whether NYU was listening and if so, how were they going to respond to the community's needs?