



## **For Immediate Release**

### **Wagner Park Demolition Paused Pending Court Review**

- **Neighborhood association filed [Petition](#) in New York Supreme Court citing violations of the state's Environmental Quality Review Act**
- **Move comes after park was closed and local authorities began removing benches and statuary**

### **Community Files Lawsuit Requesting Restraining Order. BPC Authority Sees Handwriting on Wall and Stops Project!**

NEW YORK (Dec. 14, 2022) -- A neighborhood association representing residents of New York City's Battery Park City neighborhood and others in lower Manhattan has successfully halted a project that would demolish Wagner Park until the plan can be reviewed in State Supreme Court.

An agreement to temporarily stop the project came after the [Battery Park City Neighborhood Association](#) ("BPCNA") on Monday provided the Battery Park City Authority ("Authority") – a state agency composed of unelected officials – a copy of court papers it planned to file today. The papers included a petition and affidavits from residents detailing claims the Authority systematically manipulated the process for reviewing and approving the demolition and reconstruction of Robert F. Wagner Jr. Park ("Wagner Park"), a plan formerly known as the South Battery Park City Resiliency Project and thousands have signed an [online petition](#) to [Save Wagner Park](#).

The BPCNA's claims of improper conduct included the distortion of information about the actual design, turning a blind eye to valid scientific studies, disregarding opinions of leading experts, rejecting reasonable alternative solutions and ignoring the best interests of the community. The Authority pushed aside long-standing local concerns including those expressed in Community Board Resolutions. It chose to forgo available federal funding to limit oversight. In other words, the process was manipulated to select a predetermined design.

The plan, as is, will fully demolish Wagner Park, a 25-year-old, award-winning, National Register-eligible, lush green park regarded by many as the heart and soul of the community. Paradoxically, the park was built to withstand the 100-year flood and performed as intended. It suffered minimal damage from Hurricane Sandy. In its place, the Authority wants to construct a 19-foot high, concrete laden, berm-park. The BPCNA's petition, filed in the New York Supreme Court, asks the court to prohibit all construction on the Park pending its ruling on BPCNA's claims. In the meantime, we are pleased to announce that the Authority's attorneys read the





detailed allegations in the Petition, the Authority waived its right to a hearing and entered into a court-ordered agreement halting construction on the Park until the matter is resolved by the court.

*“We consider this first step to be a tremendous victory for the right of our community to be meaningfully heard and considered in the governance of its neighborhood,”* said BPCNA member Gregory Sheindlin. *“Equally important, we hope to establish a ‘best practice’ precedent for many upcoming resiliency projects throughout our cities, states and nation. They must include meaningful collaboration between governing officials, subject matter experts and community stakeholders.”*

Over the next six weeks, the parties will file legal briefs. In February, the Court will likely hear oral arguments. Ultimately, the Court must decide whether the Authority violated the requirements of SEQRA. If so, the Court will declare the Environmental Impact Assessment null and void. This will halt work on the project and compel the Authority to reassess its plan.

Until then, the BPCNA will continue working with community groups to press for a smarter and effective resiliency project. It is our ultimate hope that the Authority will reconsider its current plan and engage the community in a *meaningful* collaboration so that, together, we can achieve a resiliency plan that will be admired and replicated throughout our city, state and nation.

Links to filed documents:

- [Petition](#)
- [Affidavit of Petitioner Battery Park City Neighborhood Association \(Britni Erez\)](#)
- [Affidavit of Petitioner Kelly McGowan](#)
- [Affidavit of Nonparty Jennifer Jones](#)
- [Affidavit of Nonparty James Hamilton](#)
- [Affidavit of Nonparty Yvette Yasui](#)
- [Alternative 1A Design for Wagner Park](#)
- [BPC Authority’s Initial Assessment & Proposed Designs for Wagner Park, 2017](#)

FOR MORE INFORMATION

<https://bpcna.org>

<https://savewagner.com>

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