

# New Yorkers for Parks

Manhattan Community Board 2  
NYU Expansion: Impacts on Open Space  
Alienation Presentation - October 18, 2010



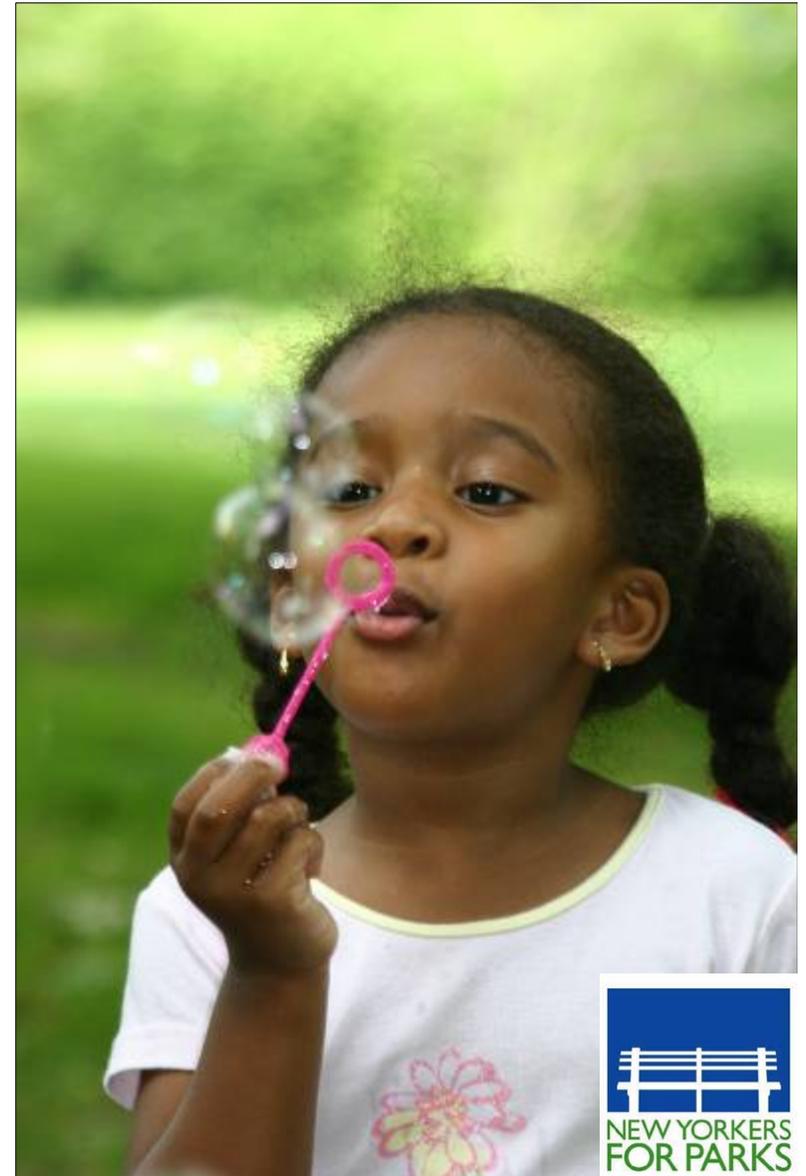
# Mission of NY4P

---

New Yorkers for Parks is the independent organization fighting for greener, cleaner and safer parks in all five boroughs.

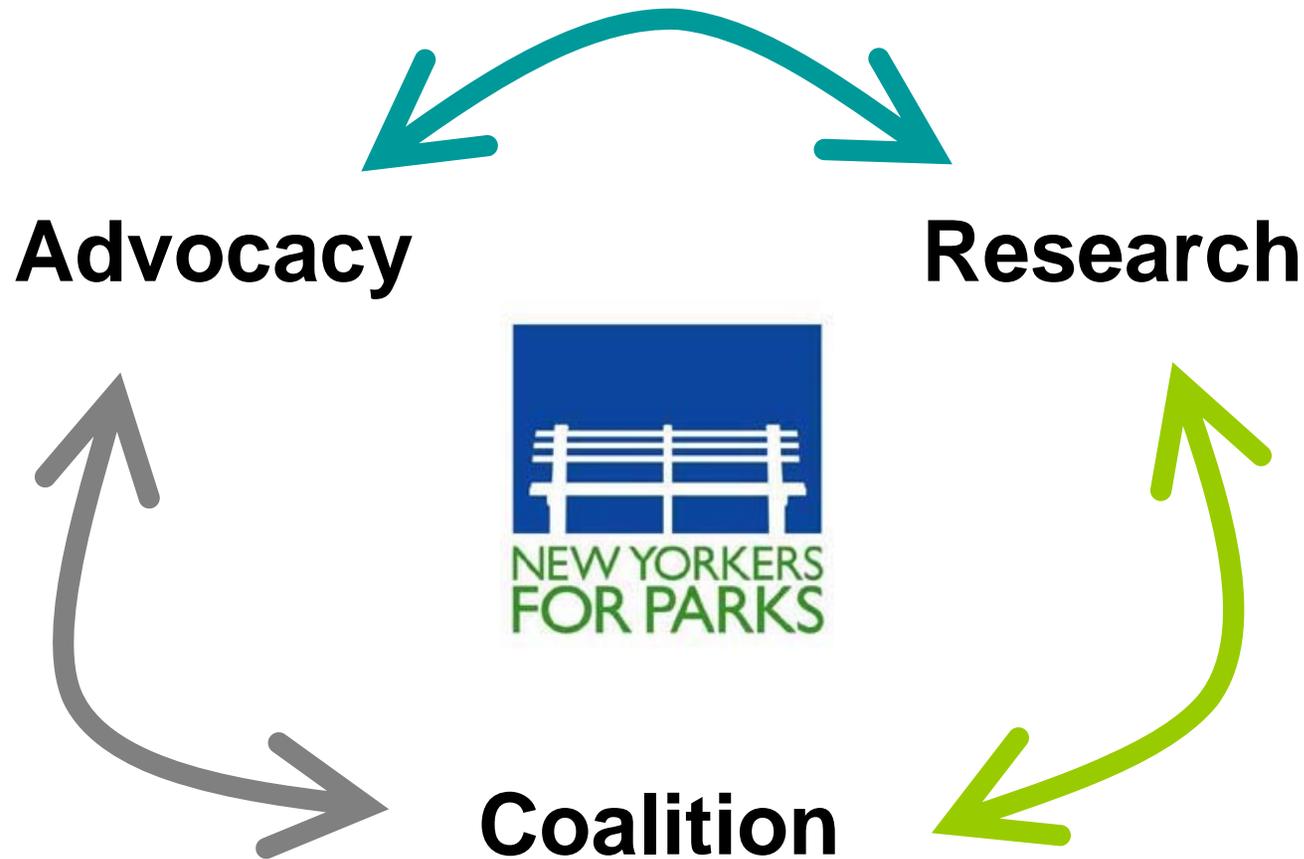
We provide the tools that help communities build better parks for better neighborhoods.

Great parks make a great  
city



# GOAL: A WORLD-CLASS PARKS SYSTEM FOR ALL NEW YORKERS

---



# Parkland Alienation: An Alarming Trend



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.

**Alienation** is the taking of public parkland for non-park purposes. The courts have decided on a case-by-case basis what constitutes “non-park purpose.”

“Parkland is impressed by a public trust, requiring legislative approval before it can be alienated or used for an extended period of time for non-park purposes.” *Friends of Van Cortlandt Park, et al. v. New York City*

# How Does Alienation Occur?

Requires the approval of both the City and State

1. ULURP
2. City Council resolution asking State for special legislation to alienate
3. State Legislature
4. Alienation

To comply with SEQRA, a **full** environmental review, including public hearings, must be conducted **prior** to the New York City Council's passage of a home rule resolution to request alienation authority from the State Legislature.



## **PARK**

Canarsie Park

Coleman Square Playground

Collect Pond Park

Columbus Park

John J Carty Park

Robert Moses Playground

Seaside Wildlife Nature Park

Shore Road Park

South Beach Midland Manor

Spring Creek Park

St Michaels Park

Starlight Park

Van Cortlandt Park

Mullally & Macombs Dam Parks

## **NON-PARK USE**

Inactive Waste Transfer Station

Unexplained closing

Parking

Converted to employee parking

Fenced-off Parkland

Proposed site for UN expansion building

Proposed road

Overflow space from adjacent school

Bus shelter

Active Composting Station

Cemetery

Construction

Water filtration plant

New Yankee Stadium

# Recent Examples of Alienation

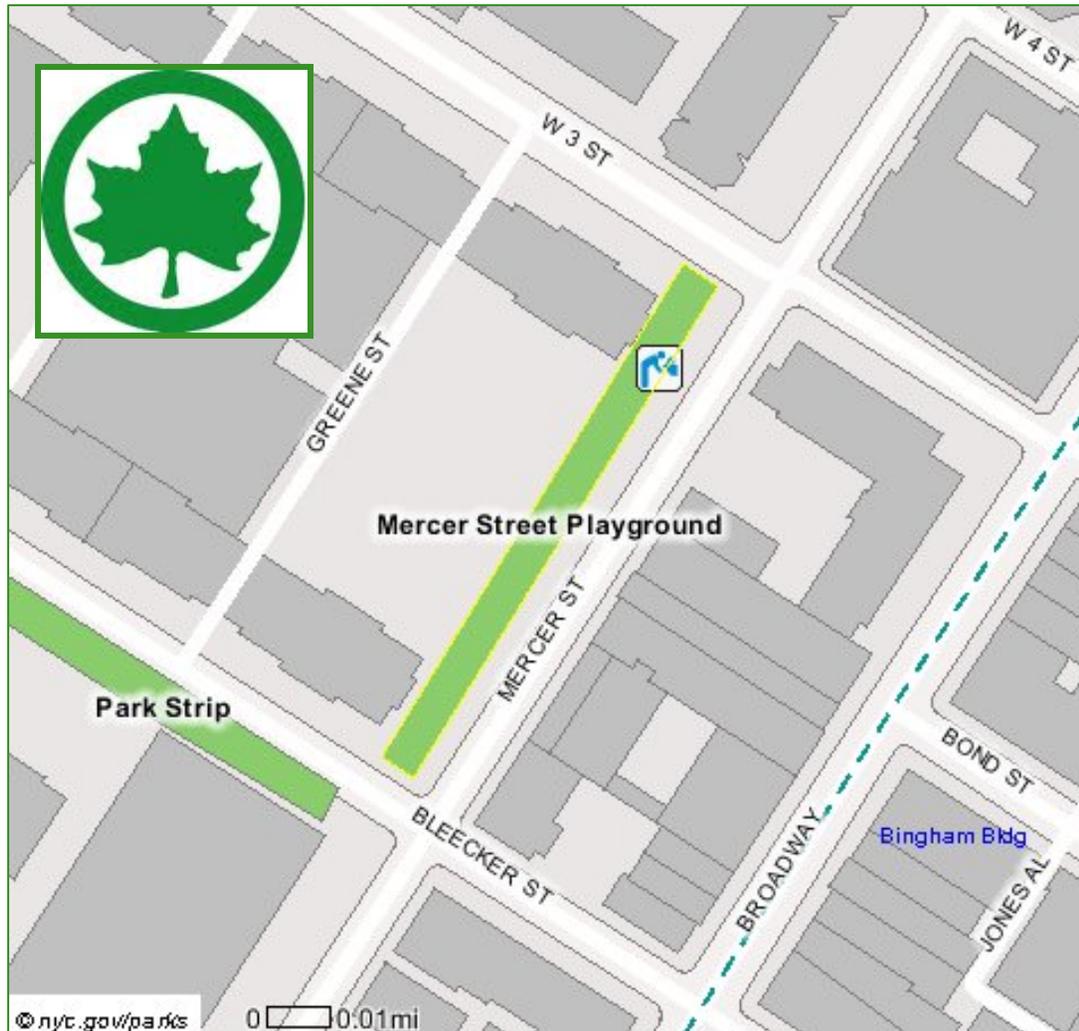
## Van Cortlandt Park

- seminal, complicated case
- set legal precedent: whenever parkland is taken for non-park purposes State Legislative approval needed.

## Yankee Stadium

The proposals should have gone through the City's ULURP procedure, with hearings before the CBs, City Planning and the City Council.

# Mercer Playground



In 1995 the Department of Transportation gave Parks a permit to use the site. Two years later the site was formally transferred to Parks, and plans were made for capital improvements.”

*Department of Parks & Recreation*

# Next Steps

## FOIL

- New York State Freedom of Information Law
- Information gathering

## ULURP

- acre-for-acre mitigation
- open space ratios
- design issue: public accessibility to interior parks

