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Press Release

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For Immediate Release

COURT ALLOWS STATEN ISLAND BOTANICAL GARDENS PROJECTS TO PROCEED

JUDGE RULES THAT PLANS FOR A TUSCAN GARDEN, A SEPT. 11TH GARDEN AND A WETLANDS RESTORATION HAVE BEEN "CAREFULLY" REVIEWED BY PUBLIC OFFICIALS AND ARE CONSISTENT WITH THE HISTORIC CHARACTER OF THE SNUG HARBOR AREA

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New York, May 24, 2004 – A challenge to three garden restoration projects planned by the New York City Department of Parks & Recreation and Department of Cultural Affairs for the Staten Island Botanical Garden located in Snug Harbor was dismissed late Friday (May 21, 2004) by New York County Supreme Court Judge William A. Wetzel. The challenge was brought by the Snug Harbor Alliance and four individuals who alleged that the projects would destroy trees and impair Snug Harbor's historic character. The petitioners argued that the City agencies did not comply with the State Environmental Quality Review Act (SEQRA) and the City Environmental Quality Regulations (CEQR) when they approved the projects.

They complained that the City's plan to cultivate a Tuscan Garden and Vineyard, install a garden memorial for victims of Sept. 11th, and restore a distressed wetland could not be undertaken until involved City agencies drafted a full environmental impact statement discussing these projects' individual and cumulative impacts on Snug Harbor. Snug Harbor, which once served as a rest home for aged seamen, is a national historic landmark due to its unique place in the nation's maritime history. The City acquired the Snug Harbor property in the 1970s and has since been preserving it as public parkland. The Court rejected all of the petitioners' claims, finding that the City fully complied with SEQRA and CEQR in its approval of the project and, in addition, that none of the projects would cause harm to historic resources or trees, as the petitioners had claimed.

The Court wrote that, "[w]hile the petitioners' papers ring with hysteria about the loss of trees, the fact of the matter is that numerous dedicated professionals, civic organizations and public officials carefully vetted this project and upon completion Snug Harbor will be exactly what was intended when the City first acquired it." Judge Wetzel also found that all three projects were restorative in nature and therefore wholly consistent with the historic character and purposes of the Snug Harbor property.

Senior Corporation Counsel Christopher King of the New York City Law Department said, "We are pleased with Judge Wetzel's dismissal of the lawsuit and the Court's recognition of the restorative and beneficial nature of these projects. The Parks Department, in partnership with the Botanical Garden and the Snug Harbor Cultural Center, took great pains to design each of these projects in keeping with the historic character of Snug Harbor. The City did this in a way that will greatly improve the public's use and enjoyment of this special place. We feel the judge weighed the evidence carefully in the case and came up with the correct decision."

All three of the project's at issue have earned their share of public praise and recognition. The Tuscan Garden and Vineyard project will involve the restoration of a dilapidated building and its surrounding

landscape, which is currently overgrown by nuisance and invasive species. Once completed, the Tuscan Garden will resemble a famous garden located in Florence, Italy. The restored building and small vineyard will be used for educational purposes, including classes on the art of winemaking. The Sept. 11th memorial will be located in a woodland area that is also overrun by invasive species. When finished, it will be a quiet, restive place where visitors can enjoy newly restored native plants and trees. The third project will involve restoring a distressed wetland in order to enhance Snug Harbor's ecological diversity and aesthetic beauty.

The New York City Law Department litigated the case on behalf of the Parks Department. In addition to Christopher King, Assistant Corporation Counsel Daniel Greene worked on the case. Both lawyers are members of the Law Department's Environmental Law Division.

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