

KAREN ARGENTI **JOYCE HOGI**
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July 28, 2017

Honorable Mitchell J. Silver
Commissioner, Department of Parks and Recreation
The Arsenal, 830 Fifth Avenue
New York NY 10065 by email to Mitchell.Silver@parks.nyc.gov

Dear Commissioner Silver,

This purpose of this letter is to appeal the decision by your agency to surrender parkland under your jurisdiction at Bronx Parks: Pier 5 and part of Mill Pond.

As you are aware New York City Department of Parks and Recreation (DPR) surrendered jurisdiction and management of the Pier 5 area, encompassing a portion of Bronx Bloc 2356, Lot 2 and a portion of the southwestern end of Block 2539, Lot 2 for assignment to the Department of Small Business Services (DSBS). New York City Department of Citywide Administrative Services (DCAS) Assistant Commissioner Randal Fong was notified of this decision by (DPR) Assistant Commissioner of Planning and Development Alyssa Cobb Konon in letter dated June 5, 2017.

A second letter dated June 19, 2017 was from DSBS Deputy Commissioner Andrew Schwartz requesting the above stated parcels be assigned to DSBS jurisdiction. A third letter dated June 28, 2017 from DCAS Acting Deputy Commissioner Laura Ringelhelm accepted the jurisdiction from DPR and assigned jurisdiction and management to DSBS, “*effective immediately*”.

As the administrative head of your agency, and supervisor of Assistant Commissioner Konon, you are the next in line to address this appeal and remedy the mistake reflected in this letter and the series of letters that followed an action. This appeal is timely as the letters of surrender were only made public through a FOIL request fulfilled on July 7, 2017.

Toward that end, you and the City of New York are hereby on notice of the following information. It would appear that in order to surrender said property, the procedure for Amendments in the Zoning Resolution should have been followed, and was not.

According to Section 11-13 of the New York City Zoning Resolution:

“ . . . In the event that a #public park# or portion thereof is sold, transferred, exchanged or in any other manner relinquished from the control of the Commissioner of Parks and Recreation, no building permit shall be issued, nor shall any #use# be permitted on such former #public park# or portion thereof, until a zoning amendment designating a zoning district therefor has been adopted by the City Planning Commission and has become effective after submission to the City Council in accordance with the provisions of Section 71-10 (PROCEDURE FOR AMENDMENTS). ”

Attached is the 2006 change to Map 13115 from the City Planning Commission Amendment and the Finance Department documentation for Mill Pond Park; the **entire of Lot 2** in Block 2539 is mapped parkland.

“It must not be forgotten that the park is still the refuge of the people.” (Henry B. Dawson 1855)

LWCF Conversion

Please note is that this same area of Mill Pond Park south of the Tennis Courts was land substituted from the Macomb's Dam Park Federal conversion, in relation to the building of the new Yankee Stadium.

The National Parks Service (attached) response to a FOIL request, illustrates the boundary lines for the same part of Mill Pond Park funded by Federal Highway 6(f) Land and Water Conservation Fund conversion, in accordance with Map 13115. This includes the small part of the park which is unimproved and being proposed for surrender. If the deBlasio Administration's intention is to surrender this land currently under your jurisdiction, "NPS approval must be obtained prior to the occurrence of the change." (36 CFR Ch. I, § 59.3 Conversion requirements.)

Gateway Mall Waterfront 2 acres

Finally of note is the building of the Bronx Terminal Market Gateway Mall and its proximity to the waterfront, and the waterfront requirement to create open space or donate parkland. According to page 2 of the December 8, 2005 CEQR No. #04DME017X Notice of Completion for the FEIS, "the proposed project does not include the development of a public open space, waterfront esplanade, Instead, it is anticipated that the City, with contributions from the project sponsor, would develop a portion of this area with a 2-acre public open space. The programming of this open space and required actions for its development are yet to be determined. ..." Those two acres are denoted in the area where the main entrance to Mill Pond Park is located today.

Parkland is a sacred privilege which should be preserved. Please advise what actions you will take concerning this appeal of the series of decisions presented and other documentation attached. You can contact Karen at 646-529-1990 or Joyce at 917-743-0865.

Thank you for a speedy response.

Sincerely,

Karen Argenti *Joyce Hogi*
Karen Argenti and **Joyce Hogi**

Enclosures: Letters concerning illegal surrender of parkland
Finance Department Document and Map of Mill Pond Park
NPS map and description of the LWCF 6(f) of Mill Pond Park

Copies to (*without enclosures*):

Hon. Gregg Bishop
Commissioner, Department of Small Business Services
100 William Street, 7th Floor, New York, NY 10038

Hon. Laura Ringelhelm
Acting Deputy Commissioner, Real Estate Services
Department of Citywide Administrative Services
1 Centre Street, 20th Floor, New York, NY 10007

Hon. Zachary W. Carter
Corporation Counsel of the City of New York
100 Church Street, New York, NY 10007

Hon. Scott Stringer
Comptroller
1 Centre Street, 5th Floor, New York, NY 10007

Jack W. Howard, Manager jack_howard@nps.gov
State and Local Assistance Programs
National Park Service - Northeast Region, (215) 597-1565: Office

Hon. Rose Harvey, Commissioner
NYS Office of Parks Recreation and Historic Preservation (OPRHP)
Albany NY, 12238

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New York City Department of Parks and Recreation

Geoffrey Croft, Parks Advocate gmcroft@verizon.net