

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

BRONX COUNCIL FOR ENVIRONMENTAL )  
QUALITY and CHAUNCY YOUNG )

Petitioners, )

-against- )

The CITY OF NEW YORK, the NEW YORK )  
CITY COUNCIL, the NEW YORK CITY )  
ECONOMIC DEVELOPMENT )  
CORPORATION, the NEW YORK CITY )  
DEPARTMENT OF SMALL BUSINESS )  
SERVICES, the NEW YORK CITY )  
DEPARTMENT OF PARKS AND )  
RECREATION, and MITCHELL J. SILVER, as )  
Commissioner of the New York City Department )  
of Parks and Recreation )

Respondents. )

Index No.: 100240/ 2018

AFFIDAVIT OF CHAUNCY  
YOUNG

I, Chauncy Young, affirm under penalty of perjury that I am over the age of eighteen, suffer no legal disabilities, have personal knowledge of the facts set forth below, and as to those facts that I do not have personal knowledge, I believe them to be true:

1. I am submitting this affidavit in further support of the Article 78 petition the BCEQ and I filed to challenge the decision of the City of New York (“NYC” or the “City”), and several of its agencies, to allow private development on Pier 5, which is land that NYC had previously committed to parkland as a part of Mill Pond Park along the Harlem River in the Bronx.

2. I have been a member of the Bronx Council for Environmental Quality (“BCEQ”) for 8 years, and am a founding member and former Coordinator of the Harlem River Working Group (“HRWG”). The BCEQ has over 200 paying members with an 800 community participants, and its work is done by a dedicated group of volunteers, mostly local residents. Our organization

was founded in 1971 and has long worked with community residents and government towards improving the quality of the land, water and air quality in the Bronx.

3. In 2009, as a member of BCEQ, I became one of the founding members and organizer of the HRWG, a coalition of community groups active in protecting the waterfront. The Harlem River Working Group was formed to work toward restoring the Harlem River; reconnecting the waterfront with the people; recreating the water's edge; and reinvigorating waterfront, recreational and commercial activities.

4. The Harlem River Working Group and BCEQ convened meetings with City, State and Federal Partners to work for the improvement of the Harlem River Waterfront. In 2011, the Harlem River was designated as one of seven rivers nationwide to be included in the Urban Waters Federal Partnership, with the expressed goal of cleaning up and restoring water and waterfront resources. Federal Partners, through the designation, were to work with City and State and the local partner, the Harlem River Working Group to redevelop the Harlem River Waterfront. BCEQ and the Harlem River Working Group held monthly meetings with City, State and Federal Partners, along with community and park organizations and neighborhood stakeholders. At one time, the Harlem River Working Group had over fifty institutional members. The Mill Pond Park Extension featured prominently in these meetings, including the federal funding for a pocket wetland, which was a park use of the Pier, while permanent funding was sought.

5. Based on community dialogues, the majority of hundreds of residents surveyed favored parkland over residential uses for the city's Harlem River Waterfront, particularly near areas like Pier 5 adjacent to a new Park. Mill Pond Park was the site of numerous of our community

visioning events and celebrations and much of the focus of these events was on the community's vision for the extension of Mill Pond Park.

6. Representatives of the Harlem River Working Group and BCEQ, including me, met with the Deputy Parks Commissioner to discuss possible park developments, including boat access, a children's playground and the potential development of a velodrome after a proposal failed to take hold at a Brooklyn Park location. With the Support of the Deputy Commissioner, our community began working with Partnership with Parks, a Parks Department funded organization, to develop more robust community visioning sessions. Community participation was very enthusiastic and over the space of several months we collected hundreds of drawing and wish lists of local Bronx community members.

7. I attended Bronx Community Board 4 Meetings, in addition to Community Board Meetings in CB1, 5, 7 & 8 during this time and shared what we had gathered from local residents to develop the Harlem River Greenway and Waterfront Plan. The Mill Pond Extension, or Pier 5, was an integral part of this Harlem River Waterfront Plan. In our meeting with the Community Board, the Borough President's Office and with the Department of Parks, there was never any discussion of developing this area into anything other than parkland, the only question was about raising the funds and finalizing a vision for the park extension. The City and the Department of Parks' Commitment to the extension of Mill Pond Park to the South was not only made in these meeting and in numerous other public settings, but can be plainly seen in the Park Department's own map of Mill Pond Park, which labels the southern section, Pier 5, as "Future Park Expansion", which can be seen in our Exhibit K.

### Mill Pond Park Boundaries

8. I have reviewed the maps provided by the City defendants in this matter, and notice that they do not accurately reflect the boundaries of Mill Pond Park. Map No 13105 is the Borough President's Map of the area, sometime before the creation of Mill Pond Park. Map No. 13115, an amendment of Map No. 13105, shows that in July 2006, the replacement land for the Yankee Stadium development was established as park. However, this area is only a portion of the existing Mill Pond Park.

9. The conclusion I draw from this is that the City has been sloppy in its mapping of parkland. The change in Map No. 13115 does not reflect either the additional 2 acres of park the City committed to create as part of the Gateway Mall project or the City's commitment to expand Mill Pond Park south to the bridge once funding became available. Because the Gateway Mall agreement pre-dated the Yankee Stadium project, it should have been incorporated in the updated map. While I was aware that the Pier 5 land was not always park, the public records show that on June 30, 2006, the City prematurely ended its lease with a commercial entity (the Acris record is attached as Ex. W to this affidavit) and then Respondent has acknowledged that several weeks later, in August 2006, the land was transferred to the permanent jurisdiction of the parks department, along with the rest of Mill Pond Park, for park use.

### The Community's Reliance On the City's Promises To Expand Mill Pond Park

10. I have read the City's response to the Petition and strongly disagree with their contention that the City did not make a commitment to the community that Pier 5 is parkland. In the course of my work for the HRWG, between 2009 to 2015, I was regularly in contact with city officials

regarding the development of environmentally sound public spaces and parks along the river, including Pier 5.

11. The reason I believe Pier 5 is parkland is that I was regularly told that was so by people in position of authority within the City, including the Deputy Commissioner of Parks. This position likewise was reflected in actions the City took, such as putting Pier 5 under the jurisdiction and control of the Department of Parks and Recreation (the "Parks Department") and in approving and releasing the materials included as exhibits to our petition, consistently presenting the land as park. We commonly described Pier 5 to the community as the Velodrome Site proposal for Olympics 2012 -- clearly parkland.

12. In my dealings with the City regarding Pier 5, the City officials routinely referred to the land as designated parkland, but without funding. The City officials also explained that part of the reason the Pier 5 site was not developed is that there was soil contamination that was costly to remediate.

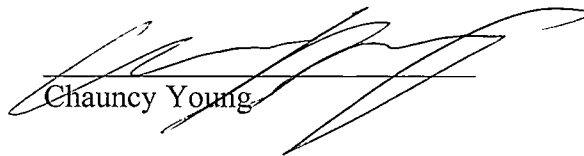
13. Our joint work focused on visioning sessions with community members so that once the funding came through, the land could be dedicated to its best park use. The Parks Department officials both participated in these sessions and encouraged me and other community members to invest our time in these efforts. It was the Parks Department that connected the MIT Urban Studies Department to the HRWG so that the community needs would be reflected in their studies and proposals. Our joint work also included advocating for funding for the future development of the Pier 5 Park, Mill Pond expansion. In 2013, the Parks Department funded a project to work with the community to create a park use for the Pier 5 site. Among the ideas the Parks personnel advocated was to create a "Friends of Pier 5" group as other parks have, to fund raise for its development.

**Change of Use of Pier 5**

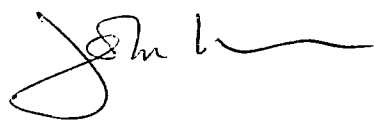
13. Despite these years of productive collaboration with the City on the Harlem River parks projects, I was not informed directly when the City decided to change the use of the land at Pier 5. I learned of it in 2017, at the beginning of the Bronx Community Board hearing process. Given the years we worked together, and the consistent position of the City over that time, I expected that the City would alienate the parkland before starting a development project and that the City would provide a replacement park to compensate the community for our loss.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 23, 2018

  
Chauncy Young

Sworn to and subscribed before me,  
a Notary Public of the State of New York  
on this 23<sup>rd</sup> day of May 2018.



**JOHN G. MCDONALD**  
Notary Public, State of New York  
No. 02MC6335047  
Qualified in New York County  
Commission Expires December 28, 2019