



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 comprised of unelected officials – a copy of court papers it planned to file today. The documents 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, in favor of a \$220 million dollar project devised by the contractor who will manage and profit from the project. If the project would have proceeded as planned, it would have fully demolished 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 by suffering minimal damage from Hurricane Sandy. In its place, the Authority planned to construct a 19-foot high, concrete laden, berm-park. The BPCNA’s petition, filed in the New York State Supreme Court requested a temporary restraining order to immediately stop work on the project in light of claims that it violated New York State’s Environmental Quality Review Act (aka, SEQRA).



The Authority agreed to halt the project, waive its right to a hearing on the restraining order and, instead, voluntarily enter into a court-ordered agreement that prohibits it from demolishing the park until the matter can be fully briefed, heard, and 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. On February 3, 2023, the Court will hear oral arguments and, thereafter, decide whether to authorize an injunction prohibiting work until a final decision is rendered. 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.

In the meantime, the BPCNA will continue working with community groups to press for a smarter and effective resiliency project. We harbor hope that the Authority will reconsider its current plan and engage with 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.

FOR MORE INFORMATION

<https://bpcna.org>

<https://savewagner.com>

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