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Did city miscalculation sideline North Brooklyn's new waterfront park?

Posted on December 15, 2011 by Yolanne Almanzar

The East River waterfront where Williamsburg meets Greenpoint is a jewel in the city's plan to open the shore of North Brooklyn to the public – and the city's Department of Parks and Recreation is paying dearly for it. The Bloomberg administration is now obligated to pay more than \$122 million to acquire waterfront land from two private property owners. Yet two years ago, city lawyers had claimed the property was worth only \$20 million.



Privately owned Brooklyn waterfront: for now, out of public park's reach. Photo: Michael Freedman-Schnapp

So far, the city has spent or committed a total of \$200 million to acquiring real estate for Bushwick Inlet Park. More than one-third of the park site remains in private hands, and the city has informed property holders that it has no more funds to spend. The future of the project, known as Bushwick Inlet Park, is now uncertain.

At first glance, the pieces of Bushwick Inlet Park are falling into place. A bustling Astroturf soccer field off Kent Ave. puts players and spectators within view of the water. Open since January 2010, it joins East River State Park next door in bringing New Yorkers to a spot that has long been inaccessible.

The soccer field is just a tantalizing bit of a much bigger promise by the City Planning Commission: to create waterfront open space alongside the new apartment buildings made possible by its 2005 rezoning of Williamsburg and Greenpoint. The city's land use [map](#) shows a vast area extending west of Kent Avenue, from North 9th Street across to the Greenpoint bank of the inlet, all simply labeled "park."



The rezoning plan called on the City of New York to **condemn and acquire 28 acres of privately owned real estate** to create the park. So far it has been able to obtain only about 16 acres, at a cost many times greater than the Bloomberg administration's projections.

Last year, the city's Law Department reached a settlement with two waterfront property owners in a condemnation case: It agreed to pay \$28.7 million for a parcel at 50 Kent Avenue and \$93.4 million for 86 Kent Avenue. Documents submitted in 2009 by the city's Law Department show that the city had earlier claimed the two sites were worth just \$6.4 million and \$13.6 million respectively.

The Parks Department has also so far paid \$18 million to the owners of a former fuel oil tank depot directly to their north, who had failed in their application to build a new power plant at the site. The city has

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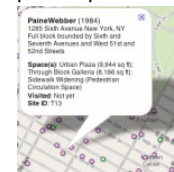
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The Greenpoint Williamsburg Waterfront Access Plan, including Bushwick Inlet Park (parcels 19-22). Courtesy New York City Department of City Planning.

budgeted to pay another \$60 million toward acquisition of that land over the next four years.

The remaining 12 acres are unlikely to be acquired anytime soon. More than half the space is occupied by a company called CitiStorage, whose massive facility there counts among its clients the

City of New York. The Administration for Children's Services, and departments of Housing Preservation and Development, Environmental Protection, Education and Health and Mental Hygiene are among the city agencies that store records there. So does the unit that needs to buy the land: The Department of Parks and Recreation.

This summer, **city officials informed** the owner of the CitiStorage property in a letter that they did not have funds for further land purchases for Bushwick Inlet Park, nor a "schedule for the acquisition of the site." (The owner, Norman Brodsky, did not respond to requests for an interview.) The earlier transactions suggest Brodsky's site would cost the city upwards of \$100 million to acquire, not counting costs associated with relocating the business.

At an October presentation by city officials to the Greenpoint Williamsburg Community Advisory Board, which monitors progress on **commitments made by the Bloomberg administration** in connection with the rezoning, the Department of Parks and Recreation confirmed in a PowerPoint that funds were not available: "Acquisition of the other three sites is currently unfunded, however we continue to seek outside resources." The parks department told The New York World it is exploring unspecified sources of grant funds.

Future land deals are unlikely to be bargains for the city. Joshua Rikon, an attorney who has represented property owners against the City of New York in eminent domain cases, said the final few parcels in a project are usually the hardest and most expensive to buy. Said Rikon, "The last properties you need in order to accomplish a development should have a greater value."

Rikon added that in his experience, the city often submits unrealistic estimates of property appraisals during condemnation proceedings. And in contrast to the Law Department's decision to settle with the Williamsburg land owners, he has seen the city's lawyers fight to the bitter end on cases they expect to win. While he cautions he's not familiar with the details of the Bushwick Inlet case, Rikon suspects "that the city came to a realization that there were substantial flaws with their appraisal." Opting to go to trial instead of reaching a settlement, he noted, can leave the city exposed to far more costly judgments from the court.

Yet perhaps the most difficult piece of land left to acquire may be a site whose owners say they will not sell for any amount of money. The five-plus acres hugging the crescent of Bushwick Inlet were identified by the City Planning Commission as a **"critical link in the two-mile chain of continuous public access"** to the waterfront. A portion of the property belongs to the **Greenpoint Monitor Museum** – a nonprofit founded by a neighborhood couple, Janice Lauletta-Weinmann and George Weinman, to preserve the legacy of the Civil War battleship built and launched at the site. They obtained the tracts as a gift in 2003 from Motiva Enterprises, a refinery affiliate of Shell Oil, which continues to own the remainder of the site. (Motiva has not disclosed its intentions for its property, which is undeveloped; a spokesperson said that no one has contacted the company about buying the property.)

To the Weinmanns Bushwick Inlet seemed like the perfect spot for their future museum, chartered in 1996 and without a home ever since. According to Lauletta-Weinmann, her husband had an ancestor on the original USS Monitor when it sank. The Monitor was the first ironclad ship to be launched by the U.S. Navy.

"For 50 years, the land was undeveloped

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For 30 years, the land was undeveloped not being used and the city didn't care," said Lauletta-Weinmann.

Last year, her nonprofit spent about \$15,000 from a state grant obtained by Assemblymember Joseph Lentol to create a sign marking the site, set up picnic tables and make other improvements. She and her husband are looking for additional sources of revenue to build the museum and say they are willing to work with the city to make the park a reality, but only if they get to keep their land.



In October, the Greenpoint Monitor Museum unveiled a sign on a plot of waterfront its directors vow not to sell. Photo: Patrick Halliday/Greenpoint Gazette

"We wouldn't accept any negotiations because there's nothing to negotiate about," she said. "We're not leaving the land and we're not leaving the museum."

The \$200 million land deal

But with funds for buying property now dry, the question remains: Did the city underestimate how much it would have to pay to buy the site of Bushwick Inlet Park?

The mayor's press office did not return phone calls and emails seeking comment. But court filings during the city's three-year battle with the owners of 50 and 86 Kent Avenue suggest the Bloomberg administration had been counting on a judge to agree that the property should be priced as if it would remain low-rise industrial space, instead of much more valuable residential land. A report prepared for the city's Law Department by appraiser Cushman and Wakefield said the property at best could be used for industrial development, and that it was in "poor physical condition" at the "end of its useful economic life." Wrote the appraiser: "It is our opinion that the highest and best use of the property is for demolition...and industrial redevelopment."

Yet meanwhile, the city was permitting high-rise apartment buildings to be built nearby on the same waterfront and changing zoning to allow residences in most of the surrounding area, which had previously been limited to industry. The law firm hired by the property owners, 9th Street Equities and Fifty Kent Avenue Associates, pointed to the city's actions to turn Williamsburg into a residential community as evidence to bolster its case. "The city has no basis for treating [the park site] differently from other portions of the waterfront," read a letter by Michael Sillerman, a partner at Kramer, Levin Naftalis and Frankel.

After two years in court, the city and the land owners remained far apart. The appraiser for the owner of 86 Kent Avenue claimed that land the city had calculated should cost less than \$14 million was in fact worth \$147 million, arguing that the industrial land would be rezoned for mid- and high-rise apartments similar to those further south on the waterfront. The city continued to insist that were it not for the park, the area would have remained industrial. The final deal had the city pay \$93,375,000 for 86 Kent Avenue — far closer to the owner's claimed value than the city's.

Construction on the sections the city does now own are moving ahead; the Parks Department has budgeted \$4.1 million for construction this fiscal year. But many area residents are dismayed that the full waterfront greenway promised in the rezoning may never come to be. "Why didn't the city acquire this land before rezoning?" asked Ryan Kuonen, a member of Neighbors Allied for Good Growth, a Greenpoint group that staged a "Where's Our Park?" demonstration this fall. "They really rushed this through without thinking it out."

The Bloomberg administration's quest to secure the 2012 Olympic bid may have been one reason. NYC2012 enticed the International Olympic Committee with beach volleyball and aquatics "in a [spectacular new waterfront park](#) facing the Manhattan skyline" (at 4:13), and the City Council approved the Williamsburg rezoning, including the park, just weeks before the Olympic committee's vote. In a recent report on the [transformative impact of New York's failed Olympic bid](#) on the city's landscape, New York University public policy professor Mitchell Moss noted the effort helped spur new parks on the north Brooklyn waterfront.

Ward Dennis, co-chair of Neighbors Allied for Good Growth and land use chair of Brooklyn Community Board 1, said he worries the park pledges will never come to fruition. "The big issue now is that the city has no plans for acquisition in the immediate future," he said. "Two-thirds of the potential park has yet to be acquired. You can't build a park if you don't own it."

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