

November 8, 2002

Robert Balachandran  
President & CEO  
Hudson River Park Trust  
Pier 40 @ West Houston St. & West St.  
2<sup>nd</sup> floor  
New York, NY 10014

Dear Mr. Balachandran:

**Re: Target retail operation on Pier 62 and alongside on Celestial**

Manhattan Community Board No. 4 has belatedly learned that Target, a nationwide discount chain, will be selling merchandise for a two week period before Christmas from a tent on Pier 62 and from the dinner/cruise boat Celestial in the water alongside Pier 62. Although Pier 62 is currently being leased to Chelsea Piers, it lies within the boundaries of Hudson River Park and is subject to the Hudson River Park Act. The board is concerned that this use may be in violation of both Chelsea Piers lease as well as the Hudson River Park Act.

First of all, the proposed use, whether on the pier or the waters alongside, seems not to be a permitted use under the terms of the Chelsea Piers lease. The only retail permitted by the lease is that which is incidental to the primary uses at the piers. For instance, a shop to sell accessories for rollerblading, skateboarding and the like would be permitted, but a retail operation to sell general house-wares and appliances would not. It appears that Target's use of Pier 62 would fall into the latter category, and would, thus, not be a permitted use.

In addition, the use of a boat, Celestial, or any other floating platform, to serve as an extension of such a retail use on Pier 62 would appear to be in violation of the requirement that any such use (i.e. a retail operation) be water dependent, as stipulated by the Hudson River Park Act, both in the original version and, especially, as recently amended. While a boat itself is certainly water-dependent, the bringing in of a boat for the express purpose of acting as additional floating space for a retail operation is precisely the type of non-water-dependent use that the Hudson River Park Act intended to prohibit in the waters of Hudson River Park.

Manhattan Community Board No. 4 urges the Hudson River Park Trust to uphold both the law as well as the provisions of its lease with Chelsea Piers with regard to this use.

Sincerely,

A handwritten signature in cursive script that reads "Simone Sindin".

Simone Sindin

Chair

Manhattan Community Board No. 4

John Doswell  
Co-Chair  
Waterfront & Parks Committee

Pamela Frederick  
Co-Chair  
Waterfront & Parks Committee

cc: Mayor Michael Bloomberg  
Manhattan Borough President C. Virginia Fields  
Local Elected Officials  
Hudson River Park Trust Board Members  
Chelsea Piers