



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**COREY JOHNSON**  
Chair

**ROBERT J. BENFATTO, JR., ESQ.**  
District Manager

May 10, 2013

Hon. Andrew M. Cuomo  
Governor, State of New York  
New York State Capitol Building  
Albany, New York 12224

Hon. Michael Bloomberg  
Mayor, City of New York  
City Hall  
New York, New York 10007

Hon. Sheldon Silver  
Speaker, New York State Assembly  
Legislative Office Building, Room 932  
Albany, New York 12247

Hon. Dean G. Skelos  
Majority Leader  
New York State Senate  
Legislative Office Building, Room 909  
Albany, New York 12247

Ms. Diana Taylor  
Chair  
Hudson River Park Trust  
Pier 40, West Houston Street  
New York, New York 10014

**Re: Future of Pier 76 as part of Hudson River Park**

Dear Governor Cuomo, Mayor Bloomberg, Speaker Silver, Speaker Skelos and Chair Taylor:

Pier 76, near West 36<sup>th</sup> Street and the Hudson River, is located within Manhattan Community Board No 4 (CB4). It is currently being used as a NYPD Tow Pound and Mounted Police Unit. At some point in time, to be determined, it is intended by NY State Law, to become part of Hudson River Park. This letter addresses two issues related to that goal:

1. Relocation of NYPD Tow Pound to allow 50% of the pier to be developed as park land.
2. Changes in the HRP Act for Pier 76 requested by HRPT to make the pier more financially beneficial to the Hudson River Park.

Relocation of NYPD Tow Pound

The Hudson River Park Act (HRP Act), enacted by New York State in 1998, stipulates that the city of New York shall use best efforts to relocate the tow pound on Pier 76 (but no set date is specified) so that fifty percent of Pier 76 could be developed for passive and active public open space, with the remaining 50% retained by NYC for unspecified commercial development of any kind, which could include any legal use. (The full text of the relevant section is in footnote 1 below)

In February 2011, CB4 wrote a letter to the NYPD respectfully asking that the city “(1) provide CB4 with a list of such best efforts it may have taken to date and/or (2) initiate a study or task force to do just that”. We said further that a simple statement that it’s hard and/or expensive to find a suitable solution, as was cited by NYPD, was not sufficient. The full letter is attached as Exhibit 1. As of today, we have not received any response to this request, which leads us to believe that (1) no efforts to relocate the tow pound have taken place and (2) none are planned.

Accordingly, CB4 again asks that the city initiate a study or task force to find a solution to relocate the tow pound, as stipulated by NY State law (the HRP Act).

#### Changes in the HRP Act for Pier 76 requested by HRPT

CB4 wrote another letter in June 2012 in which it discussed at length the financial challenges facing HRP and endorsed a series of proposed changes to the HRP Act to help the Trust become financially sound. The full letter is attached as Exhibit 2. Several of these changes affect Pier 76, as follows:

- A provision to strengthen the terms of the departure of the NYPD tow pound (and now also the Mounted Unit) from Pier 76 to a date certain (vs. the words “best efforts”)
- A further change to permit the Trust to retain 100% of the income from the future development of Pier 76 (now destined to go to NYC directly under the current law), again with the provision that the pier be developed with at least 50% open space for park use.

Other changes include longer lease term limits (affecting all commercial piers in the park), the removal the non-waterfront portion of the park south of Chambers Street and other minor changes (Pier 54 footprint, clarify dredging, etc.) that have been favorably received by the community and elected officials, including CB4. Many, if not most of these changes, have been discussed publically many times in the past 18 months. CB4 urges our elected officials to move toward agreement on a final list of changes that may be implemented in the current legislative session lest we lose another year to inaction. Note that CB4 has no comment on specific use changes for Pier 40.

As stated in our June 2012 letter, our support for any changes to the HRP Act is conditioned as follows:

1. That the Trust, and local elected officials, will continue to explore ways to seek increased public funding for the park, both for its completion as well as ongoing maintenance.
2. That other methods of increasing funding will also be sought.
3. That no such changes to the HRP Act shall decrease the amount of public open space, and that one goal of said changes shall be to increase public open space to the extent possible, even at commercial nodes.

4. That no such changes will limit or bypass the public processes already in place (such as the EIS process, ULURP, public hearings, etc.) to permit public involvement and comment on any particular development proposal that may arise going forward.

50% of Hudson River Park is within CD 4, including several sections that are yet to be funded. It is very important to CB4 that Hudson River Park continues to be built, and then maintained in the best possible manner for the future, and we hope these changes will provide more options for the Trust help to accomplish this goal in the future.

Sincerely,



Corey Johnson  
Chair



John Doswell  
Co-Chair  
Waterfront, Parks and Environment

[signed 5/10/13]

Marten de Kadt  
Co-Chair  
Waterfront, Parks and Environment

#### Attachments

- Letter February 2011 to New York Department of Design & Construction & NYPD re Pier 76 lighting modifications.
- Letter June 2012 to City & State elected officials re changes to the Hudson River Park Act.

#### CC

- NYC Council Speaker Christine Quinn
- Congressman Jerrold Nadler
- NYS Senator Brad Hoylman
- NYS Assemblyman Richard Gottfried
- Manhattan Borough President Scott Stringer
- Madelyn Wils, Noreen Doyle - HRPT
- CB 1 and 2 Chairs & Waterfront Chairs
- Arthur Schwartz, Chair HRPT Advisory Council
- Friends of Hudson River Park

#### Footnote 1

(1) HUDSON RIVER PARK ACT - Approved and effective Sept. 8, 1998

Sec 7, 9 (c) The city of New York shall use best efforts to relocate the tow pound on Pier 76. Subsequent to relocation of the tow pound, the city of New York shall convey to the trust a possessory interest in fifty percent of Pier 76 for passive and active public open space use for a period not to exceed 99 years, provided that such open space portion of Pier 76 shall be contiguous to water. Upon such conveyance, the portion so conveyed will become part of the park and will be used solely for passive and active public open space uses.