



Carlina Rivera
New York City
Council



Brian Kavanagh
New York State
Senate



Nydia Velázquez
United States
Congress

Yuh-Line Niou
New York State
Assembly

August 24, 2020

Mitchell Silver, Commissioner
New York City Department of Parks & Recreation
830 Fifth Ave
New York, NY, 10065

Lorraine Grillo, Commissioner
New York City Department of Design and Construction
30-30 Thomson Avenue
Long Island City, NY 11101

Dear Commissioners Silver and Grillo:

We write regarding the Lower East Side Ecology Center's (LESEC) compost yard at East River Park. As construction for the East Side Coastal Resiliency (ESCR) project is slated to begin this fall, it is problematic that there are still basic unanswered questions about the future of the compost yard both during ESCR construction or after it is completed. We urge you to implement measures that ensure the uninterrupted operation of the composting program during the construction and commit now to engage with LESEC to include the Compost Yard in the final design for East River Park once ESCR is completed.

In 1990, LESEC started this compost program to beautify a 15,000 square-foot lot leased from the City, as part of LESEC's broad efforts to demonstrate that reducing waste can improve the local environment and enhance sustainability. The garbage strewn lot was transformed into a vibrant community green space, as the soil was amended with compost and a garden grew. In subsequent years, the Center was able to bring composting to a broader community by collecting

organic waste at the Union Square Greenmarket, and to partner with Parks to establish the East River Compost Yard, launching sustainability and public education programs in East River Park.

Throughout the community engagement process for ESCR, the community expressed broad support for the continuation of the composting program. LESEC has worked diligently to create a proposal that would allow the compost yard to remain in the Park during the course of the ESCR construction project and after the project is completed.

When Relocation is Required, Provide an Appropriate Alternative Site

We understand that the City has suggested that, under the auspices of the Department of Sanitation (DSNY), the compost yard will be relocated to a site in Upper Manhattan during the course of the construction project. While a relocation will be necessary, a site so far away will deprive the Lower East Side community of this vital resource and create operational burdens for LESEC by separating them from the other organizations and local residents and volunteers who support the compost yard. Since the City has also failed to commit to returning the compost yard to the Park, it is feared that this relocation would ultimately become permanent.

We understand that the City has said that LESEC's preferred alternative site, the parking lot south of the yard, is not feasible. We request that Parks continue to work with LESEC to ensure minimal impact on their operations during relocation and to identify an alternative location for additional composting capacity in the Lower East Side.

Return the Compost Yard to the Park After ESCR is Complete

Many in our community have joined LESEC in expressing concerns over the City's lack of communication about the prospects for returning the compost yard to East River Park after the ESCR project. It is our understanding that, to date, the City has not formally committed to return the yard to the Park, and the exclusion of the yard in the ESCR construction plans has compounded the worries of many residents about the potential loss of such an important community-based program in our neighborhood.

According to LESEC, it has been suggested that the City's reluctance to commit to returning the compost yard to the Park has been informed by the court decision in the *Matter of Raritan Baykeeper Inc. v. City of New York*, which found that a compost processing facility of some 20 acres in Brooklyn's Spring Creek Park did not qualify as a park use and was not permissible without an act of the State legislature.¹ That judgment seems to have hinged on several characteristics of the Spring Creek facility, including its size and scale, its specific usage, and the fact that it was not publicly accessible. These factors may be assessed quite differently in the case of LESEC's compost yard. In any case, we would appreciate it if you would please clarify whether the City is determining the fate of the compost yard in East River Park based on the judgment in the *Raritan Baykeeper* case. Does the City believe parkland alienation is needed for

¹ *Raritan Baykeeper, Inc. v. City of New York*, 42 Misc. 3d 1208(A)

the compost yard to be returned to the Park, and if so, why? We request that the City commit now to allowing the compost yard to return to the Park after the ESCR project is completed, and that you begin working with us to obtain any necessary approvals and with LESEC to include the compost yard in the design plans for the Park.

LESEC Headquarters

Finally, we would like clarification on the status of LESEC's headquarters. We understand that the Parks Department has offered to extend the term of the license agreement with LESEC for the organization's headquarters to September 4, 2020, with two additional one month option periods at the Department's discretion, to provide sufficient time for the Center to transition the headquarters into the new space at Seward Park. However, some of our offices and the LESEC are under the impression that the promised repairs at the Seward Park House have not been completed. Can you confirm the repairs are completed and ready Seward Park House is ready for occupancy? We request a walkthrough with LESEC of the Seward Park House as soon as it is ready for use.

Thank you for your attention to these important aspects of our efforts to minimize and mitigate the impact of the ESCR project on our Lower East Side community. We look forward to your response. If you have any questions or if you would like to discuss this matter, please feel free to contact any of us directly or via Greer Mayhew in Senator Kavanagh's office at 212-298-5565.

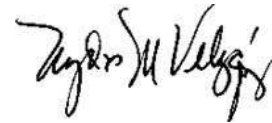
Sincerely,



Brian Kavanagh
State Senator



Yuh-Line Niou
State Assemblymember



Nydia Velázquez
U.S. Congresswoman



Carlina Rivera
City Councilwoman

cc: Mayor Bill de Blasio
Kathryn Garcia, Commissioner, New York City Department of Sanitation