



NEW YORK STATE SENATOR

Tony Avella

## Appellate Court Issues Historic Decision to Keep Parkland Public in Willets West Lawsuit

TONY AVELLA July 2, 2015

(QUEENS, NY) Today, State Senator Tony Avella, along with the City Club of New York, Queens Civic Congress, members of Willets Point United Inc., NYC Parks Advocates, and nearby residents/business owners opposed to the “Willets West” mega-mall proposal, announced that the Appellate Division of the First Department issued a historic decision in their favor which will keep parkland public.

The lawsuit filed by State Senator Tony Avella, City Club of New York, Queens Civic Congress, members of Willets Point United Inc., and nearby residents/business owners against the “Willets West” mega-mall proposal, challenged the give-away of 47 acres of Queens parkland worth an estimated \$ 1 Billion to build the "Willets West" mega-mall adjacent to CitiField.

The suit sought a declaratory judgment to invalidate approvals already granted to the project, as well as a permanent injunction to prevent the construction of a megamall on City parkland without the proper State legislative authorization or proper zoning. The Supreme Court of New York had ruled against Senator Avella and Petitioners, and the group appealed last August.

Today, Senator Avella, along with appellants, declared that the appellate court had announced its ruling in favor of Petitioners. In a unanimous decision, the appellate court granted injunctive relief and declared that the development can go no further without state legislative approval.

“Today’s decision sends a message loud and clear – our parks are not for sale. The fact of the matter is, this land was intended to be parkland, not the development of a shopping mall. In a city where public land is in short supply, simply handing parkland over is a betrayal of the public trust. The court has affirmed what we have been fighting for all along, and I am thrilled to see this decision come down on the side of justice,” **said Senator Tony Avella.**

“I am very pleased that the Appellate Division, in blocking the development of a shopping mall on parkland next to Citifield, has upheld the ancient common law doctrine that requires any government agency to obtain the approval of the State Legislature before disposing of parkland. This extra layer of protection for parkland has evolved in recognition of the fact that parkland is a scarce and precious resource. It makes it a little bit more difficult for our government to give such land away. It makes sure that we think twice before doing so, no matter how worthy or expedient the proposed project may be,” **said John Low-Beer, Attorney for the Petitioners.**

“We’d like to thank Senator Avella for being part of this important suit. This decision confirms first that our parks are for our people, and second that city government must comply with the law, just like the rest of us. There are many people who have contributed enormously to this effort. The City Club of New York is delighted to have been instrumental in launching this case, together with Senator Avella, Save Flushing Meadows Corona Park, Queens Civic Congress, Willets Point United, and many other civic organizations and local residents, and in particular, the wonderful group of Plaintiffs” **said Michael Gruen of the City Club of New York.**

“Since 2007, we have battled the City at all times over its plans for Willets Point, which expanded in 2012 against the community’s wishes to include the gigantic proposed ‘Willets West’ mall on public parkland,” “Today the Appellate Division agrees with what we’ve said all along: The City and developers failed to follow lawful procedure and now as a result their whole project cannot proceed. If Queens residents knew as much as we do about the horrendous traffic gridlock and other negative impacts of this Willets West/Willets Point Phase One project, they would be celebrating this court victory together with us. Today’s court decision absolutely vindicates all of our efforts and strengthens our resolve to continue challenging and opposing bad development propositions for our area. We’re especially thankful to Senator Avella, who has always done right by his constituents, City Club of New York which spearheaded the lawsuit, and stellar attorney John Low-Beer,” **said Gerald Antonacci, leader of Willets Point United.**

"We are very pleased with the decision case. It is disgraceful that these developers are attempting to seize 48 acres of public parkland and the Mayor and City Council supported it," "We are very pleased with the decision case. It is disgraceful that these developers are attempting to seize 48 acres of public parkland and the Mayor and City Council supported it," **said Geoffrey Croft, President of NYC Park Advocates, Plaintiff.**

“The Queens Civic Congress is thrilled that justice has finally been served and Flushing Meadows Corona park will remain available for use by the people of Queens. QCC, as a party to this action is deeply indebted to Senator TonyAvella, our fellow parks advocates and

especially to the City Club and its attorneys for their diligent hard work in making this happen,” **said Richard Hellenbrecht, Vice President of Queens Civic Congress.**

“The entire premise of this parkland having to be developed in order for the rest of the Willets Point development to be completed was proven wrong in this decision. This shows that the taking of public land cannot be used for private gain,” **Paul Graziano, Plaintiff and Urban Planner.**