

petitions were submitted to the Arts Commission in the third week of December 2005.

(Portions of the Petitions attached as Exhibit #JM1)

5. Washington Square Park is a historic park that preserves much of the artistic layout of 1870 by Calvert Vaux, the landscape architect of Central Park. The survival of its romantic “landscape” design is a benefit to the city and indeed the nation.
6. I am glad for the Landmarking Law, which makes the preservation of the Park’s now historic 1870 design possible. The City’s Landmarking Law was an outgrowth of the battle to save the West Village led by Jane Jacobs in the early 1960’s. I was a member of the Committee to Save the West Village (1959-1962, renamed the West Village Committee, 1962) which fought successfully for the removal of an NYC Planning Commission designation of it as a “blighted area needing urban renewal”. Forty five blocks between West St. and Hudson St. from 14th St. to Morton St. would be demolished totally leaving only the two churches: St. Luke’s and St. Veronica’s standing. This entire large area included many inhabited historic houses and 19th century palatial warehouses.
7. Department of Parks and Recreation (“DPR”) is planning the “urban renewal” and modernization of the Park with total disregard for the sacrifices in social, health, aesthetic, historical, ecological and environmental concerns that will result from the reconstruction. DPR is asking the community to accept its plans for the redesign of the Park without complaint and without being apprised by full and public disclosure of the true extent of the plans.
8. When I visit the Park, I am struck by the ingenuity of the 1968-1970 plan conceived with community input and that respected the historic 1870 layout.
9. New areas for special activities such as playgrounds, outdoor concerts, and quiet paved areas for reading, study, and passive recreation were tucked away under the trees. The general

experience of walking, ... moving... through the Park was and remains that of a great and changing variety of levels and views which make the Park seem actually larger than it really is, full of surprises, and with an area capable of receiving large assemblies of the public that are contained within the low wall of the central fountain plaza.

10. In particular, the most striking addition to the Park was giving the fountain the appearance of being sunken. This was created by gently sloping the area south of the arch very slightly upwards to the fountain plaza and then encircling the fountain plaza with a low wall. This sunken effect invites the public into the park and gives those going towards the fountain the transforming impression that they are walking down to an actual body of water in nature. However four other paths lead into the park away from the fountain area. You have a choice.
11. I have heard from musicians who play in the fountain plaza inside the walled perimeter it produces an acoustic effect that both retains the quality of the music played there from the perspective of people enjoying the music from within the fountain plaza and also withholds the volume of the music from the perspective of people outside the fountain who may be engaged in other activities. This effect is contrary to the normal effect produced when playing or performing in the open air. Performers and audiences normally experience a dissipation of the sound upwards in the open air, which always has to be offset by the use of amplifiers. No amplification is needed now in the playing area of the fountain plaza.
12. I am saddened by the recent loss of mature old trees that continues to occur without any inquiry or investigation of the likely cause-including the dewatering that was necessitated by the large NYU building to the south of the park in 2001, when 10 trees died. In the past year four large trees have been cut down.
13. As I understand, the stated policy of a Parks Department is to preserve the stars of the park

system - the old grand trees. Commissioner Benepe stated at a hearing before the New York City Council Parks Committee on December 19, 2006 at which I was present, that the Department is dedicated to preserving trees in New York City - especially the older mature ones because of their great ecological value.

14. Unfortunately, it seems the Parks Department is not truly committed to saving the grand old trees of the Park. There appears to be no individual assessment for these trees.
15. Normally the canopy of grand old trees provides the shade so necessary in the summer in NYC without which any park would be unbearably exposed to the sun and without which it would be almost impossible to stay there for any length of time. It is common knowledge that broad-leafed trees create oxygen and cool the air providing a great benefit to the congested urban area of downtown. Trees also reduce smog.
16. I am most concerned that the Parks Department is not acknowledging the importance of the fact that New York City is an ozone and particulate matter non-attainment zone. One can easily find the EPA determination at <http://www.epa.gov/oar/oaqps/greenbk/pncs.html#NEW%20YORK>. And one can't avoid the NY Times headline of February 3, 2007 : " Science Panel Calls Global Warming 'Unequivocal'" <http://www.nytimes.com/2007/02/03/science/earth/03climate.html>
17. I have read and studied the DPR- Capital Projects. 2. Division - Contract No. M-098-105M. The full extent of the destruction of the present park was only revealed in March 2006 to potential contractors but had not been made known to the Community Board 2 or the Landmarks or Art Commissions in presentations made in February, March and May, 2005 and January 2006.
18. For example, thirty-two trees from the first quadrant alone, including most of the trees around

the fountain plaza are to be “removed” (Exhibit D). This in the interest of creating a larger continuous “green space”, by shifting the fountain and its plaza twenty-three (23) feet to the east, reducing the plaza 10-30%, and eliminating a charming, winding pathway that crosses the northwest lawn. Heavy machinery will certainly menace all the trees that are near the pathway, as it is torn up, and the quiet seating there will be eliminated.

19. Veteran trees in the other areas of the Park will surely be disturbed and threatened, by the new construction, and by the demolition of existing electrical and water lines, new curbing and new heavier and wider pathways. The fragility of tree root systems has been overlooked and dismissed by DPR’s scant analysis.
20. The Parks Department erroneously claims that this major redesign will produce an ecological benefit based on a 20% increase in green area and a reduction of paved area. But DPR does not consider that a new continuous lawn cannot provide the same environmental benefits as the existing green area containing healthy mature trees. Grassy lawns do not provide nearly as much benefit impact on air quality that trees do, nor do they block the fall of particulates nor do they provide any of the benefits of shade.
21. The creation of a new and larger grassy lawn is not necessary. If the DPR leaves the fountain in its present location without disturbing the surrounding trees, the Park will still have three extensive lawns in the northwest quadrant without sacrificing the trees. The present lawns only need upkeep (there are also lawn grasses that tolerate well being walked on- which could be an alternative).
22. DPR plans to replace *in numbers* the lost mature trees by planting smaller, decorative trees in the center strip of two new 51-foot wide paved avenues introduced on the East-West axes leading to the mid-point of the fountain. This is not sufficient to mitigate the significant

environmental impact caused by the loss of the large, mature shade trees. The smaller, decorative trees would provide at most minimal shade because of their smaller canopy size which will not shade any new seating as they are to be set along the center of a fifteen foot wide planter with bushes and flowers to each side. This central planted area will be bordered on each side by a 18 foot wide paved path. This is the new 51-foot wide “paved avenues.” This intrusion will destroy more mature trees.

23. As much as small trees cannot replace the larger trees, even more so, lawn cannot replace mature trees. Particularly, lawns provide even fewer benefits than trees – and manicured lawns do and will disturb the Park’s ecology. Rather than providing shade and nesting areas, lawns are detrimental, ozone-depleting, and requiring high- maintenance including the use of gas lawn-mowers; they demand use of pesticides and have decreased capacity of air pollution prevention. Lawns do not reduce` air pollution (mown turf grass has very limited vascular surface areas and shallow root systems which limit their ability both to intercept air born particulates and to make an effective carbon sink. In the middle of the Global warming crisis, I find this project reprehensible.
24. The EAS claim that DPR plans for the Park will yield 20 % additional “greenery” (1.95 acres) is not only very misleading, but also undocumented.
25. Real lawn is specified in the Project. But upon information and belief, the DPR has not guaranteed that some of these lawns will not be replaced by artificial turf – a change that the DPR has made in over 70 parks, including two “passive recreation areas”, not ball-fields, (South Oxford Park and soon Cadman Plaza Park). (Exhibit #JM 2 “A Turf War” – Synthetic Turf in New York City Parks” published by NYers for Parks, a major New York City parks advocacy organization.)

26. As a parent and grandparent I was appalled last year when I heard that the new enlarged Children's Playground to be built in Phase II or III (phases of which we have regrettably few details) will be installed with artificial grass. In hot weather, toxic gases are released not just menacing the children whose lungs are much closer to the ground than those of adults but will go into the general neighborhood atmosphere. Two sets of toxicants -- polycyclic aromatic hydrocarbons (PAHs) and toxic metal were found in this artificial turf that the City has already installed. My concerns are based on an article that was published *and given to the DPR last year*: "Hazardous Chemicals in Synthetic Turf" by William Crain and Junfeng Zhang in Rachel's Democracy & Health News #871 September 7, 2006
<http://www.precaution.org/lib/06/ht060907.htm> (Exhibit JM#3)
27. I am very alarmed that the DPR Office of Forestry, signed **none** of the 68 Contract Drawings issued in conjunction with Phase I (THE RECONSTRUCTION OF THE FOUNTAIN, PLAZA AND NORTH WEST QUADRANT IN WASHINGTON SQUARE PARK, LOCATED BETWEEN WAVERLY PLACE, WEST 4TH STREET, UNIVERSITY PLACE AND MACDOUGAL) and especially did not sign Sheet #3 "REMOVALS" or Sheet #4 which is the "STAGING AND TREE PROTECTION PLAN". As the tax-supported division within the City Parks Department, surely the Office of Forestry should have been the first people consulted, as they have the special expertise to review any landscape designer's plan, specifically, for work in a park that will affect trees. This expertise is needed especially for Washington Square Park's veteran trees that now face imminent extinction and/or degradation.
28. DPR proposed redesign of Washington Square Park would have a deleterious affect on the

aesthetic appeal of the Park. It has been my ¹ invariable experience that arranging three-dimensional objects in a rigid, grid system or in a symmetrical relationship to each other robs them of their full visual value. Three-dimensional forms must be placed in a relationship with one another so that each can be appreciated on its own and is not crowded or overwhelmed by nearby works – even a few feet, sometimes a few inches makes all the difference. The proposed plan does not take this maxim of design into account and instead proposes to align the two principal large features of the park, arch and fountain, rigidly and symmetrically with each other, thus causing a visual competition and muddling the experience of both. The proposed layout would destroy the aesthetic delicacy created by the current positioning of the Arch and the Fountain.

29. Architect of the Washington Memorial Arch, Stanford White, established a balance between the Arch and the fountain that was dynamic – not symmetrical -- a primary aspect of landscape design as distinct from urban design. Landscape Architect Bob Nichols when he had to design-away the three busy roads through the park that were de-mapped in 1966, enhanced White's positioning of the arch through his sensitive and ingenious solution that further distanced the fountain from the arch and made it appear sunken without actually moving it. The Parks Department plan to move the fountain to align with the center of the arch would destroy the great site-specific dynamically balanced creation of these two experienced architects.
30. DPR has not been forthcoming with the Village community regarding the extent of the plans in either earlier presentations of the plan to "restore" the Park, or in DPR's present disclosure that the Park is to be "reconstructed". Until the issuance of the Negative Declaration on November

¹- Since graduating from the University of St. Andrews, my entire working life has been that of curator and preservationist The Victoria and Albert Museum, London 1951-1955, Norwich Castle Museums 1955-57,; member Friends of Central Park 1968- present , International Tree Foundation UK, 1952 - present

8, 2006, DPR spokespersons had maintained that the impact of the work would be minimal, and that the Park, being less than ten acres, did not qualify or necessitate any serious environmental study. Hence no Scoping was offered or presented. Under pressure a late appearing EAS was published in October 2006.

31. In fact, the Project includes the up to fourteen-foot-wide sidewalks that encircle the park, making the affected area *well* over ten acres. Further, the Plan is actually a Type 1 project rather than the minimal adjustment of the interior that the Parks Department had originally claimed it was. (Exhibit A, 2). Type 1 projects, as I understand, require a full EIS unless the lead agency can show that there is at most minimal potential disturbances. This massive rebuild/redesign is filled with many very probable disturbances.
32. I wrote a letter to NYC Office of Environmental Coordination on December 5th, 2006, requesting that the agency assist the Parks Department to complete DPR's environmental review responsibilities and correct DPR's failure to disclose essential information. (Exhibit #JM4).
33. In particular, the EAS and Negative Declaration documents lack the published details for Phase I that were made known only to contractors after the Art Commission hearing on January 9, 2006. The DPR's intentions, revealed in the Contractors' Bid Book dated January 15, 2005, of 600 pages and 68 large drawings, should have been made public along with the Landmarks Commission report of May 2005. So far none has been forthcoming and the Art Commission should not have been asked for its review and approval lacking a report from Landmarks and seeing the Bid books. These gaps in disclosure to the Office of Environmental Coordination constitute serious and deliberate segmentation, which is not permitted under CEQR, SEQRA, or the applicable Federal environmental laws. Furthermore, we question whether the DPR was

able to satisfy the requirements of the “preliminary approval” by the Art Commission of January 9, 2006 that approved only conservation of the bronze and stone work of the two statues and the fountain, but withheld approval of the repositioning of these three works of art pending receiving from the DPR mockups that would illustrate in three-dimensional form the repositioning of the fountain and the statues.

34. The Parks Department has failed to state the Purpose and Need of this very large Type I project, despite its obligation under CEQR and SEQRA to do so. “Improved access is claimed” but in fact, access is reduced. For example, the four sitting areas surrounding the eastern part of the Washington Square Park have been eliminated, according to a birds-eye drawing presented by the Parks Department several times at various public hearings in early 2005.
35. Apart from the issue of segmentation, there are also issues of the federal rights of the disabled, which are basically ignored in the EAS and the Negative Declaration; there is not any enumeration of where and why "access has to be improved"; there are not any reports of “non-safety”, which has to be improved; there is not any analysis of the benefits of "removing" thirty-two trees just in Phase I alone, in order to provide a larger lawn, nor any study of how the installation of underground irrigation, the general flattening-out of the Park's slopes and undulations, and "returning to grade" (-without any elaboration of what is meant by this term) will permanently affect the Park's natural resources. And, exactly how much "vehicular traffic" in the Park is anticipated, for the benefit of which new park paths have to be set on cement foundations, necessitating cutting the roots and the canopy of all the trees in their vicinity. (This is divulged only in the Contractors' Bid Book, and accompanying Plans.)

36. Paragraph Part 2 22. Criteria for Significance of the CEQR Handbook states that, “the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species: impacts on a significant habitat area” are but two criteria that will have significant effect on the environment. I am concerned that removal of so many trees will seriously affect bird life as well as air quality. As a matter of fact, a hawk was recently spotted in Washington Square Park.
37. It is noteworthy that the veteran trees have at least survived, if not actually flourished, under DPR’s stewardship.
38. But now the very same DPR, while spending needless millions of dollars, is abandoning its charge as protector of our most valuable trees.
39. The above is by no means an exhaustive list of information about the DPR’s Plans that has not been disclosed to the public.
40. Please insist on the issuance of a Positive Declaration and an EIS.

JESSIE McNAB

Dated: New York, NY
February , 2007

Sworn before me on this _____ day of February, 2007

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