

**Council Member Levin and Senator Squadron Support
BHA and STVN in Scenic View Violation Lawsuit**

For Immediate Release, February 9, 2015

Brooklyn, NY – On February 4, following oral arguments in the BHA and Save the View Now's lawsuit regarding Pierhouse's intrusion into the Brooklyn Promenade's Special Scenic View District ("SV-1"), NYS Supreme Court Judge Knipel reserved judgment on Plaintiffs' motion for a preliminary injunction and Defendants' motion to dismiss in order to review the testimony and materials submitted.

In support of the lawsuit by the BHA and Save the View Now, Council Member Stephen Levin, a Brooklyn Bridge Park Corporation (BBPC) Board member, submitted an affidavit that stated in part: *"I am very dismayed that DOB and BBPC staff would, in my opinion, misinterpret the clear language of the Zoning Resolution (SV-1) I am also very dismayed that, to my best recollection, BBPC staff never brought that issue to the attention of the BBPC Board".*

Senator Daniel Squadron also issued a joint statement with Councilmember Levin that concluded: *"At the request of our constituents, including Save the View Now and the Brooklyn Heights Association, we have reviewed the Zoning Resolution establishing the Scenic View District and the SV-1, as well as calculations from the developer and city pertaining to the Pier 1 project. It is our view that SV-1 zoning rules have been incorrectly applied. This incorrect application should be addressed, and compliance with the SV-1 zoning rules should be ensured."*

The BHA and STVN are grateful to Councilmember Levin and Senator Squadron for their support.

Rather than address the merits of the case, the Defendants' argue that the BHA and STVN are too late in bringing the lawsuit, which is simply not the case. Indeed, when the BHA and STVN's attorney informed the City on November 25, 2015 that we would commence legal action, Sarah Kogel-Smucker, a Corporation Counsel attorney, responded: *"I see this is your "final notice" but urge against rushing to court next week as it is unripe."*

First the City states that it is too early to bring our lawsuit, then it argues before the court that it is too late. The Defendants are simply hoping that their illegal changes to the project plans for Brooklyn Bridge Park will go unnoticed. This type of behavior by government agencies is unacceptable.

After reviewing the full record, it is our hope that Judge Knipel will allow the case to proceed on the merits and will find that Defendants have violated SV-1.

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