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November 14, 2013

Veronica White  
Commissioner  
NYC Department of Parks and Recreation  
830 Fifth Avenue  
New York, NY 10065

Dear Commissioner White:

I write to express significant concern with the Brighton Beach comfort station and the process undertaken by the Department of Parks and Recreation to determine location placement. As you know, the Parks Department is constructing a new modular structure intended to replace the previous comfort station. The proposed new structure, however, threatens to significantly alter the quality of life for many of the residents I represent.

On October 29, 2012, Superstorm Sandy hit our shores and devastated communities along the coast, many of which fall in the Eighth Congressional District. In addition to the personal destruction that my constituents faced, public areas overseen by the City were substantially impacted, including our beaches. Faced with this devastation, Mayor Bloomberg made a public commitment to reopen the City's beaches by Memorial Day. While the effort to expeditiously restore our beaches is commendable, public sentiment and concern should not have been overrun in the process.

Residents in the immediate vicinity first became aware of the comfort station project in early March, and prepared to express their opposition at a rally. In response, the Parks Department asked the concerned community members to cancel the rally in exchange for a meeting. They agreed. Yet, it is my understanding that before such meeting occurred, project construction began in the dead of night on March 5.

While the New York City Department of Small Business Services had authorized contractors to perform such work 24 hours a day, the City broke ground after learning of community disapproval and requesting dialogue before a public protest occurred. In this regard, the decision to move forward with construction on March 5 absent that dialogue is deeply troubling.

Further, recent evidence that the City knew of significant neighborhood concern is also disturbing. In correspondence dated March 6, 2013, Deputy Parks Commissioner Therese Braddock urged expeditious action and acknowledged that raising the “elevation of the modulars” for vehicle height clearance purposes “would incite major community opposition.” This acknowledgement of potential community backlash should have been addressed through open dialogue, not a race to drive piles in the ground.

In addition to the failure to provide concerned residents with a meaningful opportunity to be heard, the comfort station project attempted to evade environmental and ecological regulations. On June 5, 2013, the New York State Department of Environmental Conservation served your department with a Notice of Violation for unauthorized excavation, placement of gravel, and installation of a wooden form. Further, on August 16, 2013, a State Supreme Court ruled that the City did not complete the required environmental review and halted construction pending a final decision of the Court or publication of an Environmental Impact Statement (EIS). Apparently, absent judicial intervention the Parks Department would have proceeded in violation of the law.

There has also been a climate of misinformation that clouds the procedural integrity of this project. When community residents inquired about alternate locations for the placement of the comfort station, they were erroneously told that FEMA required the station to be built at the original location in order to get reimbursed. This representation appears to be inaccurate. A letter sent from the agency’s Federal Coordinating Officer Willie G. Nunn on July 19, 2013 states that “FEMA does not regulate a project’s design or location.”

Lastly, this administration has responded favorably to quality of life concerns expressed in other parts of New York City. For example, when residents from the Upper East Side, Chelsea and SoHo opposed bike rack locations earlier this year, the Department of Transportation responded swiftly to remove those structures from these affluent neighborhoods. The people of Brighton Beach, a hardworking, moderate income and middle class immigrant community, justifiably expect the same responsiveness and respect.

For the reasons set forth above, I urge the Parks Department to halt any plans to resume construction of the comfort station and to engage the community in a robust dialogue about an alternative location.

best regards,

A handwritten signature in black ink, appearing to read "Hakeem Jeffries".

Hakeem Jeffries  
MEMBER OF CONGRESS

cc: Commissioner Kevin Jeffrey