

The Gates And The Water Filtration Plant

by Anne Schwartz

Friday, February 18, 2005 12:00 AM -

"THE GATES"

Is it "the first great public art event of the 21st century" (Michael Kimmelman's review [in the New York Times](#)

) or something resembling a construction site or car wash (

[New York Daily News](#)

)? "An opportunity for self-examination and transcendence," (

[letter to the New York Times](#)

or a work of art "of joy and beauty that [has] no purpose whatsoever" (the artists Christo and Jeanne-Claude in the

[Gotham Gazette](#)

) ?

Whether it is art or a "colorful spectacle," as former Parks Commissioner Henry Stern described it in an essay posted on his New York Civic [site](#), the Central Park installation, "The Gates," is a celebration of the park itself.

During the quarter-century since the artists first proposed "The Gates" (three mayors vetoed it), the park itself was beautifully restored. On February 13, when the fabric panels were unfurled on orange gates winding through the wintry landscape, the park was ready. As New York Times columnist Joyce Purnick [wrote](#), "If there really is a time for everything, this is the time for 'The Gates.' Spend a moment in the park and it's apparent. The installation has transformed the park into a public party."

It has also been a bonanza [for the city](#), which has a special [web site](#) for the event. People have come from all over the world to see Christo and Jeanne-Claude's latest work. Before the installation, the city predicted it would generate an estimated \$80 million in business and \$2.5 million in tax revenue.

As with previous Christo installations, the visitors become part of the experience of the work. In this way, the event is true to Olmsted's democratic vision of the park as a place where people of all social classes come to enjoy themselves, and reminds us how much the city needs such public spaces. The parks department estimated that one million people came to the park on the first four days, 450,000 on the first Sunday alone - far more than the typical crowd of 65,000 in

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February or even of 250,000 on a balmy spring Sunday. And that inevitably raises the question, if all these people can come to the park for "The Gates," why wouldn't the city allow half that number to gather last August to exercise their right of free speech, another long-cherished function of the city's public space? (It is true, though, that hardly a visitor to "The Gates" strayed onto the grass.)

The other essential part of the installation, of course, is Central Park itself. Walking through the corridors of gates under panels snapping like flags in the wind, or looking from an elevated vantage at the serpentine orange-lined paths, the viewer inevitably looks more closely at the artistry and natural beauty of the park. For two weeks, at least, all eyes are focused on the city's great work of landscape art and one of the most significant public spaces in the world.

VAN CORTLANDT PARK UPDATE

The city has begun clearing the site in Van Cortlandt Park in the Bronx slated for the construction of a water filtration plant, even as several lawsuits to stop the plant are working their way through the courts.

After a decade-long fight over building the plant in the park, state and city elected officials approved the use of parkland for the facility last year in exchange for \$240 million of additional funding for Bronx parks. The city is building the plant to fulfill a federal requirement to filter the 10 percent of the city's water that comes from the Croton watershed.

The plant is to be built underground beneath the current driving range of the Mosholu Golf Course in the park's southeast corner, along Jerome Avenue. The city has said it would replace the driving range and clubhouse on top of the completed facility, returning all but two acres to public use.

Neighborhood residents and park advocates bitterly fought the plant. They continue to maintain that an industrial facility, with chemicals trucked in and sludge trucked out, does not belong in public parkland next to a densely populated community and that there is a better site available in an industrial park on city-owned land in Eastview, in Westchester County. They cite increased traffic, dust, noise, and loss of the green space closest to residential areas during the six to eight years of construction, and doubt that the city will really allow the public back in that part of

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the park because of security concerns.

The city preferred the Bronx location because of engineering, security, and cost considerations and a desire to keep essential city infrastructure within its borders. Park officials and most Bronx politicians were in favor of using the park because of the unprecedented amount of funding promised for park projects in the borough. Labor unions vociferously supported putting the plant in the park to keep jobs in the city, although there is no written requirement that a percentage of the jobs go to Bronx or city residents.

Monitoring the Construction

Now that site preparation has started, neighborhood groups remain deeply distrustful that the city agency in charge of the project, the city Department of Environmental Protection, will make sure its contractors provide the full mitigation and protections promised in the [environmental impact statement](#)

. They already have concerns that construction work, including cutting down 40 huge old oak trees and pounding pilings into bedrock, has begun ahead of schedule and before noise barriers, dust control, wetland protections, and traffic controls have been put in place.

City Department of Environmental Protection Spokesman Charles Sturcken said that the work so far was just to provide a staging area for the roadwork. Susan Amron, deputy chief of the environmental law division of the city law department, said that work on the fence and the sound barrier was stopped by a temporary restraining order that was in effect (though was lifted on February 4) because of the litigation. "The fact that it hasn't happened yet doesn't mean it is not going to happen in the first phase," she said.

Residents are also concerned that the required facility monitoring committee has not yet been set up, so the community has no idea of what aspects of the construction are being monitored - for example, truck emissions - or how it is being done. Sturcken said that the agency has contacted the affected community boards and is in the process of organizing the committee, which must meet at least four times a year. Community members are also unhappy that the office set up near the construction site to provide information and take complaints is open only during working hours, and that people must visit in person to make inquiries. They would also like to see a list of complaints posted on the agency's web site, along with their resolution. Sturcken said that the office "will be more community friendly once the project gets going." He said that people could phone in complaints to 311 and call the agency's public affairs office if

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they need more information.

The community groups also feel that the agency must do something to reduce the impact of dust and truck exhaust on people living near the site. "The city is spending \$240 million on parks, but spending nothing on people who live across the street from the site for air conditioners so they don't have to open their windows in the summertime," said Lyn Pyle, a member of the environmental justice committee of the COVE, a local after-school and teen program.

The Legal Battle

In a final attempt to block the plant, four different lawsuits have been filed.

--Bronx Environmental Health and Justice, a community group, charges that the city's decision to put the facility in the park instead of Eastview has a disparate impact on low-income, minority populations. The agency's final environmental impact statement determined that, with the mitigation measures it detailed, there would be no adverse impact.

The group maintains that construction at Van Cortlandt, which requires digging a 9-acre, 80-foot-deep hole and removing 162,000 truckloads of rock and dirt, would create far more pollution than an aboveground building at Eastview and would affect a minority population 10 times larger than in the area around the industrial site in Westchester. There are 3,000 residents within the affected area at Eastview, compared with 26,000 residents, most of them minorities, within a half-mile radius of the park. "The Environmental Impact Statement says that particulate matter will increase by a factor of four at Van Cortlandt Park," said Ed Lloyd, law professor at Columbia Law School's Environmental Law Clinic, which is providing legal representation for the group. "The city admits there will be an increase in asthma death rates because of that. There are enormous health effects at Van Cortlandt that don't exist at Eastview."

Lloyd said, "There's an alternative site for this plant that we think is environmentally, economically, and from an environmental justice perspective, the more appropriate site where this should go. The city decision is not supported by the factual analysis that they themselves put in the Environmental Impacts Statement."

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-- Friends of Van Cortlandt Park is suing the city on the grounds that it did not properly rezone the parkland for industrial use through the city's public land review process (ULURP). The city maintained that it did not have to conduct the review process because it did so in 1999 when it attempted to site the plant without state legislative approval, but last year, after the impact statement was released, it issued a "Mayoral Override Memo" of the zoning. The Friends lawsuit was dismissed by the lower court, but the group is considering an appeal.

-- A lawsuit by the Croton Watershed Clean Water Coalition charges that the city did not consider an alternate technology called microfiltration, which uses a membrane with tiny pores. A facility employing this technology, they say, would be smaller, less expensive to build and operate, require fewer chemicals, and produce no sludge. The city, however, said that using the still developing membrane technology would be riskier and also more expensive because additional treatment would be needed to eliminate color, odor, and minerals found in the Croton water. The Croton coalition is now in the process of filing an appeal after its suit was dismissed by the lower court.

--The Town of Eastchester has also sued. It alleges that the environmental impact statement did not take what is called a "hard look" at the impacts on the town, where a small pumping station near schools and residences would have to be significantly expanded if the plant is built in Van Cortlandt Park.

For More Information

[Department of Environmental Protection Croton Filtration Plan](#)

[Website of community opponents to the filtration plant](#)

Past articles in Gotham Gazette about the filtration plant

February 2, 2005 [Community Gazette: Work Stopped at Filtration Plant](#)

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August 2004 [\\$243 Million for Bronx Parkland? Who Will Decide?](#)

July 2004 [The Filtration Plant in Van Cortlandt Park](#)



Anne Schwartz is a freelance writer specializing in environmental issues. Previously, she was the editor of the Audubon Activist, a news journal for environmental action published by the National Audubon Society, and an editor at The New York Botanical Garden.