

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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In the Matter of the Application of

ELIZABETH STREET GARDEN, INC., RENEE GREEN,
ELIZABETH STREET, INC., ELIZABETH FIREHOUSE
LLC and ALLAN REIVER,

Petitioners,

For a Judgment Pursuant to Article 78 of the Civil Practice
Law and Rules

-against-

THE CITY OF NEW YORK, THE DEPARTMENT OF
HOUSING PRESERVATION AND DEVELOPMENT,
MARIA TORRES-SPRINGER, in her capacity as
Commissioner of the Department of Housing Preservation and
Development, THE NEW YORK CITY COUNCIL, and THE
NEW YORK CITY PLANNING COMMISSION,

Respondents.
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Index No. 152341/2019

Hon. Debra A. James

**AFFIDAVIT OF ALLAN
REIVER IN SUPPORT OF
AMENDED VERIFIED
PETITION**

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

ALLAN REIVER, being duly sworn, deposes and says:

1. I am a plaintiff in this proceeding and by reason of my ownership or control of co-plaintiff, Elizabeth Street, Inc., am the lessee of the Elizabeth Garden site from the City of New York, and by reason of my ownership or control of co-plaintiff, Elizabeth Firehouse LLC, am the owner of the adjacent firehouse at 109 Elizabeth Street.

2. I became aware of a large vacant, trash strewn lot on Elizabeth Street shortly after moving to New York, and having previously redeveloped neglected areas in Denver and realized their potential to re-vitalize whole neighborhoods, visualized doing the same there. I rented a loft

across the street at 210 Elizabeth Street and with the support and encouragement of Community Board 2 Parks, Recreation and Cultural Affairs Committee, based on my vision of a unique community garden populated with architectural antiques, stone and iron statuary, fountains, gazebos and similar objects in a park-like setting, I leased the site in February 1991 and set about the realization of that vision.

3. The clearing of years of accumulated trash, debris and garbage, covering the 20,000 square foot site with soil, planting it with sod, shrubs, trees, installing a sprinkler system and obtaining, curating and placing the architectural and garden artifacts took years during which, in accordance with the wishes of Community Board 2, I replaced the existing fencing and secured the site.

4. Fortuitously, in 2003 I was able to acquire the historic firehouse at 209 Elizabeth Street adjacent to the Garden site which is a "Building of Special Significance" in the Special Little Italy Historic District. That allowed me to expand my vision of a revitalized neighborhood, and I set about completely transforming the virtually derelict structure into a home for myself, a gallery to house and display my collection of unique artifacts, and a showroom from which to sell those I didn't wish to retain.

5. In 2005, upon completion of the firehouse renovation and having provided access to the Garden from its southerly side, I designed and had installed at a prominent location on the Elizabeth Street side of the Garden a sign both announcing my gallery at 209 Elizabeth Street and welcoming the public to access the Garden through the gallery as, at that time I had neither the staff or means of securing the Garden. See Exhibit A, a true and accurate photograph I took in June 2005 of the sign that said "Garden Visitors Welcome. Access Through Gallery" which was located at the current entrance to the Garden on Elizabeth Street from 2005 to 2017.

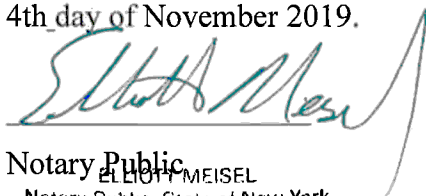
6. In 2013, with the assistance of community members and, I was able to obtain sufficient staffing to insure safety of the public and security for the Garden enabling it to be made accessible to the public for longer hours and directly from Elizabeth Street for their use and enjoyment.

7. Destroying Elizabeth Street Garden, would not only be a devastating blow to my vision and almost 30 years of work but would cause irrevocable harm to what is now a transformed and vital community and its residents who rely heavily on its presence and amenities.



ALLAN REIVER

Sworn to before me this
4th day of November 2019.



Notary Public
ELLIOTT MEISEL
Notary Public, State of New York
No. 31-7887005
Qualified in New York County
Commission Expires September 30, 2022