

**AFFIDAVIT OF JOSEPH REIVER IN SUPPORT OF VERIFIED PETITION**

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

JOSEPH REIVER, having been duly sworn, deposes and says:

***Background***

1.     I am the Executive Director of Elizabeth Street Garden, Inc. (“ESG”).

2.     Prior to joining ESG I was involved in organizing early efforts, beginning in May 2013, to save Elizabeth Street Garden (sometimes “the Garden”) since the start in May of 2013. In August 2014, I worked with other community members and Garden supporters to create the nonprofit organization Friends of Elizabeth Street Garden, Inc. (“Friends”). In 2017, some members of Friends decided to form a new organization, ESG.

3.     ESG is a 501(c)(3) nonprofit, volunteer-based organization. ESG filed its nonprofit Certificate of Incorporation with New York State in October 2016. On January 26, 2017, Elizabeth Street Garden, Inc. received a federal tax-exempt 501(c)(3) determination from the IRS.

4.     ESG’s mission is to protect and preserve Elizabeth Street Garden (“the Garden”), often referred to as “the heart of Little Italy,” in its entirety, helping to preserve much-needed community green space in Little Italy. It maintains the Garden, manages all operations, free public programs and events and advocates to save the garden.

5.     As ESG’s Executive Director, my work encompasses a wide range of activities:

- working with local elected officials, community organizations, local businesses, neighbors, and community members to save the Garden in its entirety;

- working with local volunteers to keep the gates of the garden open to the public, increasing public accessibility;
- curating and managing many of the Garden’s free public programs and events, including ESG’s public school class visit workshops, which, since 2017, have hosted over 750 students from Public School (“P.S.”) 1 and P.S. 130; and
- overseeing all online, social media, and website content.

6. I also volunteer in the Garden, contributing to the physical maintenance and design of the garden by helping with plantings, foundational work and design.

***Elizabeth Street Garden***

7. Elizabeth Street Garden is approximately 20,265 square feet and has spacious lawn areas. The main lawn area on the Elizabeth Street side of the Garden is roughly 5,800 square feet and is a central area for public activities, programs, and events. There is also a covered area under a large lean-to where programming can take place if there is a light rain, as well as paved resting areas.

8. The Garden is landscaped with twenty-two mature trees, including two bradford pear trees, seventeen juniper trees, two royal repress trees and one mulberry tree. There are an additional twenty-five trees of varying ages: one Italian fig tree, one franklin tree, one berry tree, one plum tree, one cherry tree, one apple tree, two weeping white pine trees, two spice trees, one Japanese spice tree, one Japanese maple tree, one Chinese maple tree, nine holly trees, one hydrangea tree and two tamarack trees.

9. Twelve gardening plots (eight 8.5 feet x 10feet, two 4.5feet x 14.2feet, and two 5feet x 17feet) are planted with a variety of beautiful flowers, plant life, herbs, vegetables, and fruit. Volunteers, visitors, and students all take advantage of the gardening plots.

10. The statuary in the Garden includes a pair of marble columns and an iron gazebo designed by Olmsted Brothers for Burrwood, the former home of Walter Jennings, and a stone-and-granite balustrade designed by French landscape architect Jacques-Henri-Auguste Gréber. The balustrade was removed from the 36-acre Lynnewood Hall, considered to be one of the largest Gilded Age mansions in the Philadelphia area. Other significant statuary includes two resting strong lions, a stone female figure, two marble sphinxes, an Italian cartouche, and several decorative stone urns.

### *The Community of Volunteers*

11. ESG's volunteer community is comprised of a diverse group of people including local neighbors, residents from throughout the City, and world travelers. The past two years have seen the largest outpouring of volunteer support in the Garden's history.

12. Garden visitors are greeted by a volunteer who sits by the front gates, offering information and monitoring all garden activity. Volunteer greeters at the Garden enable us to keep the gates open, keep all visitors safe, and ensure a peaceful environment.

13. ESG's committed volunteers dedicate their time and energy to organizing the hundreds of free public programs offered in the garden year-round and to maintaining the Garden by planting and caring for flowers, herbs, vegetables, fruits, and other greenery.

14. Volunteers also share the Garden's story across the city and online and support ESG's efforts to protect and preserve the Garden we all cherish by working with local elected officials and other organizations.

15. ESG aims to hold at least one public meeting each month where volunteers give feedback on their experience working in the garden and are welcome to bring new ideas for programs, gardening, maintenance and operations. At these meetings, many volunteers have

described their experience working in the garden as extremely valuable, enabling them to develop a personal connection with the unique natural and community space that is the Garden as well as with members of the surrounding community.

***Elizabeth Street Garden’s Contribution to the Community***

16. ESG is able to be open to the public seven days a week, all year long, solely because of our volunteers. As we rely on our volunteers to keep the gates open each day, the Garden’s hours change with the seasons to account for the weather conditions. Currently, Elizabeth Street Garden is open more than fifty hours each week during the summer and twenty-eight hours each week during the winter. Specifically, weather permitting, our hours are as follows:

	April - May	June - August	September - October	November - March
Weekdays	12 PM - 5 PM	11 AM - 6 PM	12 PM - 5 PM	12 PM - 4 PM
Weekends	10 AM - 5 PM	10 AM - 6 PM	10 AM - 5 PM	12 PM - 4 PM

On days where the real feel temperature falls below forty-five degrees Fahrenheit, we do not ask our volunteers to brave the cold for such long hours and the gates remain closed. Occasionally, if a volunteer is willing, we will open to gates during temperatures below forty-five degrees Fahrenheit and/or if there is light rain or snow.

17. While currently much of our efforts are concentrated on saving the garden, it is our intention that when we do so, we will refocus our resources so as to expand these hours to accommodate all those who wish to visit the garden year-round. ESG remains open to community input and preference on this matter.

18. ESG offers year-round free public programming based on environmental

awareness, sustainability, gardening, education, wellness, fitness, art, and culture. As a center for our community, ESG organizes events for neighbors and tourists from all different backgrounds, providing countless opportunities to come together and foster unique bonds of friendship and affinity. This past year, over 2,100 people enjoyed games, activities, and free food and refreshments donated by local businesses at our 6th Annual Harvest Festival held on October 20th, 2018.

19. The Garden is also an ever-changing outdoor classroom, providing education to both children and adults about urban wildlife, habitat restoration, eco-gardening and sustainable stewardship. In 2017, ESG partnered with the Lower East Side Ecology Center to plant fruits and vegetables and teach over 200 local P.S. 1 students about composting and earthworm benefits. In 2018, ESG partnered with iDig2Learn to teach over 550 local P.S. 1 and P.S. 130 students about the benefits of urban green space, teaching students about native plant species, seeds and garden wildlife, and shade gardens. P.S. 130 classes visited the Garden through the fall and winter so that students could learn about the transitions of the seasons in nature.

20. The Garden is a healing oasis where visitors can breathe fresh air, rejuvenate, and escape the bustling streets of New York City. The Garden hosts weekly Yoga and Qi Gong classes and has partnered with Golden Bridge Yoga and New York Police Department's Fifth Precinct for the annual *Zen (in) Your Precinct* domestic violence awareness event & yoga/fitness practice. Since April of 2017, ESG has provided, year-round, a weekly *Warm from Within* breathing workshop based on the Wim Hof Method of exposure adaptation through breath, which continues to draw devoted participants of all ages even on cold winter days.

21. Marked by its unique balance of nature and statuary, the garden is a place of inspiration for artists, poets, musicians, performers and thinkers of all kinds. In 2017, ESG

celebrated these artistic presences with Summer Nights Wishes, a group show curated by Marie Salomé Peyronnel on the importance of nature in the city. ESG maintains an ongoing *Call to Artists* that showcases submitted works inspired by the garden online each week, eventually manifesting as an exhibition in the Garden. In 2018, the Garden hosted *The Color Of*, an exposition by two local artists incorporating a towering hand-collaged totem and botanical installations, and *Murmurs*, an installation featuring a recorded collection of stories whispered by local New Yorkers.

***Significant Negative Impacts to the Community if the Garden is Destroyed***

22. With Little Italy and lower Manhattan changing at such a fast pace, the Garden provides a unique, safe and beautiful space for neighbors of all backgrounds and ages to meet one another and grow together as a community. Destroying and developing the Garden would not only disrupt and halt all community operations on the Garden site for several years, but it would ensure that such public use on the current scale would never again take place on the Garden site.

23. The community has invested significant resources into the Garden and the efforts to save the Garden in its entirety. To destroy the Garden would be devastating to the character of the neighborhood, as well as the surrounding community.

24. Little Italy and SoHo are starved of open space, with an open space ratio of 0.07 acres per one thousand residents (3 square feet per resident), one of the lowest open space ratios in the city. While these neighborhoods account for twenty three percent of the population in Manhattan Community District 2, they only have three percent of the district's open space. Destroying the Garden would reduce the amount of public community green space even further.

25. Access to sunlight plays a crucial role in attracting and benefitting visitors who

often relax in the sun all year long. In the winter, most visitors stay in the garden for as long as the sun reaches the Garden before disappearing behind buildings. Once the sunlight is gone it becomes significantly colder and there are fewer visitors in the garden. In the spring, summer, and fall visitors come to relax in the sun, tan, play games and partake in other activities. For a significant majority of the year, the Garden gets an abundance of sunlight almost all day long.

26. The sunlight also plays a crucial role in bringing life and nature to the Garden. Without the current access to the sun, the Garden would not have the large lawn areas where many activities take place, nor would the Garden be able to grow many of the plants, flowers, and vegetables that are currently in the gardening plots. These plots are used by ESG volunteers, visitors to the Garden, and students throughout the year.

27. Destroying the garden and constructing a seven-story building would significantly reduce the access to sunlight for visitors and any greenery that would later be reintroduced to the space. The proposed open space in the development would mostly be covered in shadow throughout the year, especially through the winter when the majority of the space would almost always be in shadow.

28. Many of the Parks that do exist in the surrounding area are almost completely paved, such as DeSalvio Playground, or serve different purposes, such as the basketball courts and soccer fields at Sara D. Roosevelt Park. While these spaces are also beneficial to the community in their own way, they serve different uses than the Garden, a true green space with several sizable lawn areas, community planting beds, and mature trees.

29. With my intimate understanding of the space and everything that occurs in the Garden, I am certain that the proposed 6,700 square feet of open space in the Haven Green development would not be enough space to provide for the many uses and offerings for which

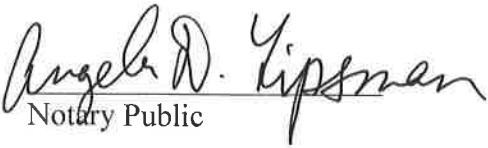
the Garden currently provides. From the spring through to the fall there are often more than 200 people in the garden at the same time. Larger events such as the Annual Harvest Festival attract over 2,000 people throughout the day.

30. Having worked in the Garden almost every day for the past nearly six years, I have personally witnessed the sense of community in our neighborhood return. Because the Garden is a place for anyone and everyone, no matter your background, age or orientation, the sense of community has grown tremendously. Neighbors have come together in the Garden to relax and enjoy the open space, to participate in the free programming, and to enjoy the free public events. Over the past five and a half years, Elizabeth Street Garden has grown as a community garden, as a park, as a center for the community, and as a museum showcasing unique sculptures and artifacts; it has become an iconic New York City destination.

31. The attached photographs illustrate the unique environment of the Garden, its use throughout the year and the diversity and popularity of the programming at the Garden. I personally took each of the photographs attached hereto as Exhibit A, except for the photograph labeled Fig. 7, for which I was present at the time it was taken. Each photograph is a fair and accurate representation of Elizabeth Street Garden on the day and/or at the event listed.

  
JOSEPH REIVER

Sworn to before me this 5<sup>th</sup> day of March 2019.

  
Notary Public

ANGELA DANIELLE LIPSMAN  
Notary Public, State of New York  
Registration #02LI6287740  
Qualified In New York County  
Commission Expires Aug. 19, 2021