



UPPER WEST SIDE COMMUNITY GROUP OBTAINS RESTRAINING ORDER AGAINST AMERICAN MUSEUM OF NATURAL HISTORY

Court Orders American Museum of Natural History to Immediately Stop All Construction on its Massive Expansion Project in Theodore Roosevelt Park

Judge Denies Museum & City of New York Permission to File Emergency Appeal

(New York, NY – October 29, 2018) The Upper Westside community, environmentalists, and concerned citizens celebrated a major legal victory today when New York State Supreme Court Justice Lynn Kotler issued a **temporary restraining order (TRO) halting all construction activity on a massive and illegal American Museum of Natural History expansion project in Theodore Roosevelt Park**. The order is effective through at least December 11, 2018 and may be extended as the Court deems necessary. Justice Kotler denied The Museum and the City permission to file an emergency appeal.

The Order stems from a lawsuit initiated by [Community United to Protect Theodore Roosevelt Park](#) (Community United), a citizens' group of more than 5,000 people established in 2016 to stop the Museum's environmentally hazardous *Gilder Center* expansion project. The Museum is situated within Theodore Roosevelt Park which is owned by the City of New York.

Pre-construction began earlier this year and has already resulted in the removal and deaths of three trees as well as shrubs and other plant life, and the elimination of Park entrances and substantial swaths of greenspace in the Park. Community United, working with other community groups in the City, has objected to the plan and filed the lawsuit to preserve the precious greenspace comprising the Park and to protect the surrounding community from an assortment of environmental hazards that would threaten local residents.

In issuing the TRO, Justice Kotler ordered that, “pending the hearing [on December 11, 2018] and any further date as directed by the Court, AMNH is hereby enjoined, restrained and precluded ... from engaging, and/or causing others to engage, in any construction or demolition work or activity or any Tree Removal in the Park.” That means that all construction must immediately stop, halting (at least for now) the unpopular project to which the community has been united in opposition for the last three years.

The legal argument against the Museum expansion is not complicated according to Community United's attorney, [Michael Hiller, an attorney who specializes in representing communities against over-development](#). He has argued that the City wrongfully granted the Museum the right to proceed with its project in blatant violation of the New York City Charter and without submitting to a rigorous and comprehensive Uniform Land Use Review Procedure (ULURP) process, which the City Charter requires.

Hiller also cited an independent study by GHD Environmental Consultants, a globally-recognized environmental firm, which found that the construction, if not stopped, would unearth and disperse into the community, lethal and toxic materials including cancer-causing trichloroethylene, organic lead, asbestos, carcinogenic hydrocarbons, benzene, nickel, and industrial solvents – threatening the health of everyone in the area.

The City's and Museum's response to the lawsuit has been to argue that the entirety of Theodore Roosevelt Park was set aside in 1876 as a private campus for Museum buildings. Thus, according to the City and Museum, the Park does not belong to the public; it belongs to the Museum, and no further review is required. To Mr. Hiller, that argument places the future of the entire Park in jeopardy, writing in legal papers that, "At its core, this case is about whether City government will allow Theodore Roosevelt Park to be swallowed up by Museum development, corner-to-corner and sidewalk-to-sidewalk, without any oversight, meaningful environmental review or input from the community." Hiller maintains that the City's and Museum's refusal to submit to review violates New York law and is thus illegal.

In addition, according to the lawsuit, the expansion project would destroy precious greenspace on the Upper West Side. It is undisputed in the lawsuit that the Museum expansion would destroy 11,600 sq. ft. of New York City public parkland. The Court decision today guarantees, at least for now, that the parkland has been preserved.

In commenting on the TRO, Hiller said that "Teddy Roosevelt would be cheering the Court's decision, which protects this historic park dedicated to his legacy as America's original and most prominent conservationist."

Community United's President, Laura Quinlan Messersmith, said, "For generations, Theodore Roosevelt Park has been a place where children learn to ride bikes, neighbors talk under the soaring trees, dogs play, and people rest on its graceful benches. We cannot allow this peaceful oasis to become a dangerous and toxic construction site."

William Raudenbush, the organization's Vice President, noted "Today's ruling is a victory, not only for Community United, but also for the tens of thousands of people who regularly visit and walk the bucolic paths of Teddy Roosevelt Park. The ruling represents an important first step in protecting this beloved greenspace from being converted into a private campus of lifeless steel and glass buildings."

More than 5,000 concerned individuals have already signed the Concerned Citizens' [petition](#) to protect Theodore Roosevelt Park from private development.

To find out how you can help, click [here](#), or go to <https://www.saveourpark.nyc/take-action>.

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ABOUT COMMUNITY UNITED TO PROTECT THEODORE ROOSEVELT PARK: Community United to Protect Theodore Roosevelt Park was established in 2016 as a 501(c)3 not for profit organization after the American Museum of Natural History released plans for a building expansion into a public park that significantly reduced public green space and threatened the health and community-centered character of the neighborhood. www.saveourpark.nyc