

**KATHY HOCHUL**  
Governor  
Commander-in-Chief

**RAYMOND F. SHIELDS, JR.**  
Major General  
The Adjutant General

To: Adrienne Rogatnick, Board President - Knickerbocker Greys  
FROM: Kevin Getnick, General Counsel - NYS Division of Military and Naval Affairs  
DATE: 22 November 2022  
RE: Park Avenue Armory

It has come to the attention of the New York State Division of Military and Naval Affairs (“DMNA”) that the Knickerbocker Greys (“the Greys”) have asserted a right of access and meeting space within the New York State Armory at 643 Park Avenue, New York, NY (“the Armory”) and have raised questions as to the language and intent of the relevant agreement and lease.

As all relevant parties are aware, The State of New York, acting through the Empire State Development Corporation (“ESDC”) on behalf of DMNA, leased the property of the Armory, except for the military demised premises and the shelter demised premises, to the Seventh Regiment Armory Conservancy, Inc. (“the Conservancy”) for the purposes of restoration and renovation of the building and creation of a cultural center. The duration of said lease, executed in 2006, is for ninety-nine (99) years.

Aside from the aforementioned exceptions, that agreement unequivocally removed all actual and/or claimed occupancies from the Armory so that possession of the Armory could be delivered to the Conservancy “free and clear.” As such, the Greys’ access to the armory, as granted by DMNA, ended in 2006. Moreover, said lease explicitly provided the Conservancy with the authority to set forth all rules and regulations for access to the armory from the date of execution through the duration of said lease. The lease makes no reference, actual or implied, to support a claim that the Greys have any rights encumbering the lease or that the Conservancy is obligated to provide the Greys with any access to, or space within, the Armory.

Furthermore, DMNA’s position regarding the nature of the Conservancy’s lease as it pertains to the Greys was unambiguously addressed via the attached correspondence dated December 15, 2006. Therein, DMNA reiterated that the Conservancy has the authority to set all rules and regulations for access to the Armory, and specifically directed the Greys as follows:

“Please also be advised that, inasmuch as your organization has no leasehold, occupancy or other agreement of any kind at the Armory, you are hereby given notice to vacate and remove all personal property belonging to you from the Armory by January 3, 2007, which is a date at least ten (10) days from service of this notice. Right of access and scheduling of meetings must be scheduled through the Conservancy from that date forward.”

DMNA’s position is definite: The Conservancy’s 99-year lease is a valid contract enforceable under New York State law. That lease creates no obligation to provide access or space to the Greys.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Getnick', with a long horizontal stroke extending to the right.

Kevin Barrett Getnick  
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Copy furnished

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