

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND

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OLD TOWN CIVIC ASSOCIATION, SOUTH BEACH CIVIC
ASSOCIATION, WESTERLEIGH IMPROVEMENT
SOCIETY, QUEENS CIVIC CONGRESS, WARREN SCHREIBER,
STATEN ISLAND BOROUGH PRESIDENT VITO J. FOSSELLA,
COUNCILMEMBER JOANN ARIOLA, COUNCILMEMBER
VICKIE PALADINO, COUNCILMEMBER KRISTY
MARMORATO, COUNCILMEMBER ROBERT F. HOLDEN,
COUNCILMEMBER DAVID CARR, COUNCILMEMBER
INNA VERNIKOV, COUNCILMEMBER SUSAN ZHUANG,
ASSEMBLYMEMBER SAM PIROZZOLO,
ASSEMBLYMEMBER MICHAEL W. REILLY, JR.,
ASSEMBLYMEMBER MICHAEL TANNOUSIS, SENATOR
ANDREW J. LANZA, ASSEMBLYMEMBER ALEC
BROOK-KRASNY, ASSEMBLYMEMBER MICHAEL
NOVAKHOV, SENATOR STEPHEN CHAN
ASSEMBLYMEMBER LESTER CHANG, ADDISLEIGH
PARK CIVIC ASSOCIATION, BAYSIDE HILLS CIVIC
ASSOCIATION, BAY TERRACE COMMUNITY ALLIANCE,
BELLCOURT CIVIC ASSOCIATION, BELLEROSE
COMMONWEALTH CIVIC ASSOCIATION, BELLE
HARBOR PROPERTY OWNERS ASSOCIATION,
BROADWAY-FLUSHING HOMEOWNERS
ASSOCIATION, CAMBRIA HEIGHTS CIVIC ASSOCIATION,
CREEDMOOR CIVIC ASSOCIATION, DOUGLASTON
CIVIC ASSOCIATION, HOLLISWOOD CIVIC ASSOCIATION,
HOLLIS HILLS CIVIC ASSOCIATION, HOWARD BEACH
LINDENWOOD CIVIC ASSOCIATION, JUNIPER PARK
CIVIC ASSOCIATION, KEW GARDENS CIVIC ASSOCIATION,
NEPONSIT PROPERTY OWNERS ASSOCIATION,
NORTHWEST BAYSIDE CIVIC ASSOCIATION, ROSEDALE
CIVIC ASSOCIATION, WE LOVE WHITESTONE,
ELMHURST UNITED, WESTMORELAND ASSOCIATION,
BERGEN BEACH CIVIC ASSOCIATION, MARINE
PARK CIVIC ASSOCIATION, MILL ISLAND CIVIC
ASSOCIATION, DYKER HEIGHTS CIVIC ASSOCIATION,
MORRIS PARK COMMUNITY ASSOCIATION,
VAN NEST NEIGHBORHOOD ALLIANCE,
ALLERTON HOMEOWNERS AND TENANTS
ASSOCIATION, WATERBURY LASALLE
COMMUNITY ASSOCIATION, MIDTOWN SOUTH
COMMUNITY COUNCIL, PARK WEST VILLAGE TENANTS
ASSOCIATION, THE BLACK INSTITUTE, MET COUNCIL
ON HOUSING, SAVE SECTION 9, PRESIDENTS CO-OP &

**VERIFIED
PETITION**

CONDO COUNCIL, MARK ANDERSON,
 JOSEPH MCALLISTER, ROSEANN MCALLISTER,
 ELIZABETH MORRISSEY, PATRICIA ANCONA,
 KALMAN CHARNAS, CLAUDIA GRECO, EDWARD
 ROHRLICH, ROSEMARY HEAD, JEAN STUMBO,
 BEN STUMBO, JOE YOUNGSTINE, ROBERT MAZZUCHIN,
 AKIS SINESI, MICHAEL TROTTA, CARIN M. BAIL,
 IRA CHAZAN, KAREN CHAZAN, YIATINCHU,
 PAUL DIBENEDETTO, EDWARD GOYDAS, JEAN
 HAHN, LATONIA HARRIS, RICHARD HELLENBRECHT,
 RENE HILL, PHYLLIS INSERILLO, ROSEMARIE JOHNSON,
 JANET MCCREESH, ANTHONY NUNZIATO,
 KAREN ODAIRA, MICHAEL O'KEEFE,
 WILLIAM PERKINS, JR., JOSEPH RAMAGLIA,
 ASHOOK RAMSARAN, ARLENE SCHLESINGER,
 REV. CARLENE O. THORBS, RAFAEL RUIZ A/K/A
 RALPH RUIZ, ALICIA SPEARS, SEAN WALSH,
 LAURA SPALTER, ROBERT SPALTER, BERNADETTE
 FERRARA, MARY JANE MUSANO, PATRICIA VELELLA,
 PATRICIA V. MARINELLO, LISA VELELLA
 GINA CALIENDO, PHIL KONIGSBERG, EUGENE FALIK
 VITO LABELLA and FRAN VELLA-MARRONE,

Petitioners,

-against-

CITY OF NEW YORK, ERIC ADAMS, in his official capacity as
 Mayor of the City of New York, NEW YORK CITY COUNCIL,
 NEW YORK CITY PLANNING COMMISSION and
 NEW YORK CITY DEPARTMENT OF CITY PLANNING,

Respondents.

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I. INTRODUCTION

1. This Article 78 proceeding challenges the City of New York, Eric Adams, in his official capacity as Mayor of the City of New York, the New York City Council, the New York City Planning Commission and the New York City Department of City Planning's (collectively "Respondents" or "City") violation of basic and fundamental principles set forth in the State

Environmental Quality Review Act (“SEQRA”) and the City Environmental Quality Review (“CEQR”) in the adoption of City of Yes for Housing Opportunity. See City Council legislation adopted December 5, 2024:

(<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=6888427&GUID=4B132BCA-7483-462C-8588-B6B921596C48&Options=ID|Text|&Search=City+of+YEs>); and Mayoral signing of Legislation dated, **December 18, 2024** (<https://www.nyc.gov/office-of-the-mayor/news/935-24/transcript-mayor-eric-adams-holds-bill-signing-ceremony-related-city-yes-housing>).

2. Petitioners will demonstrate conclusively that Respondents breached their obligations pursuant to SEQRA and CEQR in enacting the first citywide overhaul of the Zoning Resolution of the City of New York (“ZR”) in over sixty years.

3. Respondents violated their environmental obligations in at least three critical ways: first, by failing to take a “hard look” at significant areas of environmental concern without providing a rational basis or reasoned elaboration for this failure; second, by segmenting City of Yes (“Rezoning”) into three distinct stages as if each stage were independent, this violation of law served to avoid assessing the cumulative impacts of each phase of the Rezoning; and finally, Respondents overhauled New York City Zoning without proposing any mitigation or any rational explanation for failing to propose reasonable alternatives that offered mitigation.

4. The City therefore failed to address the significant negative environmental consequences of the Rezoning in any meaningful manner.

5. This is only the second citywide zoning revision undertaken by the City of New York in the entire history of New York City zoning. Crucially, this is the first citywide overhaul of zoning subject to the precepts of SEQRA and CEQR.

6. The Zoning Text Amendment challenged herein is known as City of Yes for Housing Opportunity, which was adopted by the New York City Council and signed into law by the Mayor of the City of New York on December 18, 2024.

7. The first two phases of the Rezoning are known as Carbon Neutrality and Economic Opportunity, enacted respectively in December 2023 and June 2024. Each of the first two phases were subjected to independent and uncoordinated environmental assessments. Each phase, however, has significant environmental consequences for the ensuing phases.

8. In order to avoid assessing and mitigating the most severe and environmentally damaging aspects of the Rezoning, Respondents unlawfully failed to take a “hard look” at significant areas of environmental concern and divided the environmental determinations in City of Yes into three distinct separate actions as if each piece of this integrated city plan was separate and independent. Each phase of City of Yes received a separate and segmented environmental review.

9. As the Affirmations of Paul Graziano (Ex. A), Walter Mugdan (Ex. B) and George Janes (Ex. C) demonstrate, Respondents failed to take “any” look at significant areas of environmental concern, failed to look at the cumulative impacts of the combined phases of City of Yes and failed to offer mitigation and reasonable alternatives that would serve to reduce major areas of adverse and significant negative environmental consequences.

10. This breach of statutory mandates, coupled with the failure of Respondents to take a “hard look” at the impacts of overdevelopment on the strained and overburdened infrastructure of the City and the absence of a reasoned elaboration of the City’s failure to do so, represents the core of this proceeding and the violations of SEQRA and CEQR set forth herein.

11. By dividing City of Yes into three distinct stages, the environmental review failed to assess the full cumulative impacts of the environmental consequences of New York City's far reaching and broad-based land use policy changes. Each stage of City of Yes was subject to separate environmental analysis, thus serving to diminish and blunt the full environmental impact of the City's overhaul of the 1961 ZR.

12. The City used segmentation and an omission of the "hard look" prerequisites of SEQRA to avoid a study of the full cumulative impacts of its drastic policy change. For the first time in the history of New York City's 1916 first in the nation zoning, the City has embarked upon a process that reverses decades of legislation protecting open space, air, light, height restrictions, density and long established safeguards protecting the public's health and safety.

13. The utilization by the City of New York of a generic approach to its Environmental Impact Statement ("EIS") reduced the entirety of the City of New York to 28 prototypical sites and 14 representative neighborhoods. The selection of prototypical sites served to avoid a "hard look" at many low-density communities. For example, there are more than 300,000 potential sites that could have been reviewed in the City of New York. The arbitrary selection of a limited number of sites served to avoid a full and proper assessment of the depth and extent of the long-term environmental impacts of the Rezoning. This failure is pronounced in areas previously protected by Zoning in the homeownership communities of Richmond, Kings, Queens and Bronx Counties. In New York County, zoning provisions that protected high-density communities have been similarly eroded without due regard to environmental consequences. (See Affirmations of Experts annexed as Exhibits "A", "B" and "C".)

14. Employing a generic methodology for the Rezoning allowed for the avoidance of any site-specific review pertaining to significant negative environmental consequences.

However, Respondents concede that this massive citywide rezoning will have an unmitigated and significantly negative environmental consequences in many areas of environmental concern such as: Community Facilities and Services (early childhood programs, schools); Open Space; Transportation (traffic, transit, pedestrian); Historical and Cultural Resources; Shadows; Urban Design and Visual Resources; Natural Resources; Hazardous Materials; Noise; and Construction. The City arbitrarily and irrationally refused to propose any alternative that would have offered mitigation in any of the above areas. The environmental review precluded any offer of mitigation.

15. The three segmented stages of City of Yes are Carbon Neutrality ("stage 1"), passed in December 2023; Zoning for Economic Opportunity passed in June 2024 ("stage 2"); and Zoning for Housing Opportunity ("stage 3") enacted on December 17, 2024. Each stage was unlawfully reviewed and analyzed separately serving to coverup and conceal the full environmental impacts of City of Yes. The three stages of City of Yes form one piece of an integrated and coordinated public policy overhaul, yet the City's decision to environmentally review each stage separately has served to undermine the legislative purpose of incorporating environmental awareness into decision making.

16. The issues raised in this proceeding relating to segmentation and the "hard look" paradigm of SEQRA are rooted in the legislated purpose of the Act and long-established case precedent interpreting SEQRA and CEQR application to major policy decisions. ECL 8-103(7) states the following:

It is the intent of the legislature that the protection and enhancement of the environment, human and community resources shall be given appropriate weight with social and economic considerations in public policy. Social, economic, and environmental

factors shall be considered together in reaching decisions on proposed activities.

17. The Court of Appeals in the seminal case of *Matter of Jackson v. New York State Urban Development Corp.*, 67 N.Y. 2d 400, 414-415 [1986], held that:

SEQRA ensures that agency decision-makers – enlightened by public comment where appropriate – will identify and focus attention on any environmental impact of a proposed action, that they will balance those consequences against other relevant social and economic considerations, minimize adverse environmental effects to the maximum extent practicable, and then articulate the bases for their choices.

II. HISTORICAL BACKGROUND OF NEW YORK CITY ZONING

18. New York City enacted the first in the nation zoning provisions in 1916. New York City land use regulations were triggered by overcrowding slum conditions, diminishment of air, light and open space, chaotic and uncontrolled market conditions causing unhealthy and unsafe conditions.

19. New York was the first municipality in the nation to enact municipal zoning in order to regulate light, air, open space, health and safety through comprehensive land use regulations spawned by the progressive era sweeping the nation at the turn of the 20th century.

20. Customarily cited as the motivating factor behind the creation of the New York City Building Code Zoning Resolution of 1916, was the devastating impact of the forty-story, 1,200,000 square foot Equitable Life Building developed between 1912-1915. The historical background recited provides the Court with important and relevant context as to the dramatic overhaul of New York City Zoning implicated in this proceeding.

21. The 1916 New York City Zoning Resolution which was motivated by the system of tenement-houses, ignored any minimum standards of light, air, fire safety or open space.

Therefore, the 1916 Zoning Resolution set minimum requirements for rear yards for buildings

ten feet or taller. New York City tenements also motivated the 1929 New York State Multiple Dwelling Law, which set minimum standards for fire safety, courtyards, and side yards and light and air for all buildings with three or more units.

22. The monstrous out of context size of the Equitable Life Building located at 120 Broadway transformed the surrounding streets of Lower Manhattan into dark cavernous canyons blocked off from the open sky and sun.

23. The movement to enact zoning was not solely concerned with issues of height and density. New York City has long acknowledged through decades of legislative reforms that the purpose of zoning is to regulate land use in order to protect the public health, safety and general welfare. The landmark case of *Euclid v. Ambler*, 272 U.S. 365 (1926) set the framework for the constitutionality of zoning to restrict and regulate the use and occupation of private lands.

24. In 1936, New York City established the City Planning Commission (“CPC”). The purpose of the CPC was to create a comprehensive citywide plan to regulate the developing low-density communities in the Bronx, Brooklyn, Staten Island and Queens to promote, preserve and protect the American dream of homeownership. Robert Wagner was Commissioner of the City Planning Commission, which began developing the 1961 rezoning during the 1950’s, to codify City policy in relation to enhancing and protecting the quality of life of New York City’s emerging middle class.

25. New York City’s 1961 zoning regulation was the first major overhaul of citywide zoning policy. Its general purpose was to establish safe, environmentally sound and healthy residential districts. The 1961 zoning separated the City’s map into various Use Groups with varying degrees of density and noxious potential. The districts were divided geographically into residential, commercial, industrial and manufacturing.

26. ZR § 21-00, enacted on February 26, 1967, articulated the general purposes behind the formulation of New York City's residential zoning districts.

27. The legislative purposes of New York's residential zoning was delineated in separate subdivisions ("a"- "i") of ZR § 21-00. Each subdivision was crafted in furtherance of promoting the health, safety and welfare of New Yorkers to accommodate a well-considered plan in enhancing the quality of life for all New Yorkers. The various sections are summarized as follows: a) providing sufficient space in appropriate locations for residential development; b) to protect residential areas against fire, explosions, toxic and noxious matter, radiation, and other housing hazards, including noise, odorous matter, heat, glare, and other objectionable influences; c) to protect residential areas against heavy traffic and against through traffic of all kinds; d) to protect residential areas against congestion by regulating the density of population and the bulk of buildings; e) to protect neighborhood character, particularly the character of designated areas of historic and architectural interest; f) to provide for access to light and air by controls over the spacing and height of buildings and other structures; g) to provide appropriate space for educational, religious, recreational health and similar facilities; h) to encourage and to provide freedom for unique, attractive and innovative architectural design; and i) to promote a well-considered community plan to promote stability of residential development, the character of the district, its peculiar suitability for particular uses and to conserve the value of land and buildings.

28. New York City's 1961 zoning accomplished its legislative purpose through the establishment of regulations governing bulk, light and air, number of dwelling units, maximum height, regulation of lot size, maintenance of open space, required parking, lot coverage, and the coordinated mapping of zoning districts.

29. The 1961 zoning set public policy priorities relating to fire safety – later codified in New York State and New York City Building Codes, the separation of uses to enhance safety, to prevent nuisances, establish setback controls, minimize high density districts, and minimize incompatible uses.

30. The 1961 zoning was necessitated because the original 1916 framework needed to be completely reconsidered. By mid-century, the underlying principles of the 1916 zoning no longer stood the test of time. If, for example, the City had been built out at the density envisioned in 1916, it could have contained over 55 million people, far beyond its realistic capacity. Crucially, the City's still vacant areas, particularly in Queens, the Bronx, parts of Brooklyn and Staten Island, needed to be developed at densities that would enhance the quality of life of New York's newly emerging middle class, particularly returning war veterans.

31. The 1961 zoning coordinated use and bulk regulations, incorporated parking requirements and emphasized the creation of open space. The 1961 zoning set residential density requirements and limitations in the newly emerging neighborhoods of the Bronx, Brooklyn, Queens and Staten Island to encourage low-rise single family and two-family homeownership.

32. Extensive study and proposals incorporating the policy objectives of the Wagner Administration to preserve and enhance the quality of life of residential districts resulted in the Texts and Maps that would become the foundation of the Zoning Resolution of 1961.

33. As it relates to this proceeding, City of Yes represents a significant reversal of this guiding philosophy of the 1961 zoning because of the purported housing crisis. The City asserts that the housing shortage has resulted in a litany of human consequences including high housing costs, displacement and gentrification pressure, segregation, increased homelessness, tenant

harassment and low quality housing. Petitioners are not challenging policy decisions that would serve to eliminate these various public ills.

III. NATURE OF THIS PROCEEDING

34. In this proceeding, Petitioners do not question whether or not City of Yes accomplishes its avowed purposes. Petitioners acknowledge that public policy is the province of the legislative and executive branches, and not the courts. However, a violation of the State and City environmental statutory scheme cannot be countenanced. The legislative and executive branches, however, cannot violate the law that relates to environmental protections for the citizens of the City of New York. **That is the issue at stake in this proceeding.**

35. Petitioners are asserting the claim, supported by extensive factual and expert evidence, that the adoption of City of Yes resulted from a wholesale and unprecedented failure to follow the statutory, regulatory and judicial precedents of SEQRA and CEQR into this monumental transformation of New York City zoning.

36. The reach of City of Yes touches upon virtually every aspect of the 1961 zoning legislation. This includes, but is not limited to in relevant part, control over the bulk size and density of residential districts, the structure of zoning districts, the regulation of large scale development, the limitation of nonconforming uses, the regulation of historic districts, the maintenance of minimum standards of design and aesthetics in architecturally unique districts, the elimination of off street parking requirements that accompany new development, the elimination of light and air standards, limiting public involvement in administrative discretionary reviews relating to variances and special permit applications that promote the avoidance of zoning regulations.

37. The failure of the City of New York to take a “hard look” at significant areas of environmental concern, to propose even minimal mitigation measures or reasonable alternatives to avoid and reduce the serious and critical negative environmental impacts of City of Yes, and to have divided a comprehensive interrelated integrated policy into three separate individual stages is patently unlawful and violates every fundamental principle of SEQRA and CEQR as governed by the CEQR Technical Manual.

38. The segmented review alongside the failure to offer reasonable alternatives served to reduce, conceal and coverup the overall cumulative environmental impact of City of Yes. The City of Yes has introduced thousands of pages of zoning regulatory changes that will compromise New York City’s fragile infrastructure, reduce opportunities for air and light, and create overcrowding of facilities for early childhood and public education and reduce and eliminate open space. Generally, City of Yes failed to assess or analyze its impact upon New York City neighborhood character and the socioeconomic conditions throughout the high density areas of Manhattan and the homeownership communities in Little Neck, Bayside, Bay Terrace, Whitestone, Flushing, Laurelton, Glen Oaks, Douglaston, Rosedale, Cambria Heights, Hollis, Bensonhurst, Bay Ridge, Marine Park, Dyker Heights, Flatbush, Ridgewood, Glendale, basically the entirety of Staten Island, and throughout the Bronx including Riverdale, Pelham Bay, City Island, Throgs Neck, etc.

IV. PROCEDURAL HISTORY OF CITY OF YES

a. Land Use Review Procedure - Segmented

39. Each segment of City of Yes was reviewed independently and separately through the City’s land use and environmental review process governed by the *New York City Charter*, Chapter 8, § 197-a-d and in coordination with the State Environmental Review Process

(“SEQRA”) and the City environmental regulations (“CEQR”). The review of the three segments of City of Yes occurred independently from one another, both in the environmental review process and in the City land use approval review process.

40. The public review of the environmental and the City land use approval review process for all three phases began in or about early 2023 and concluded in December 2024. The first phase was Carbon Neutrality, the second phase was Economic Opportunity, and the final phase was Housing Opportunity.

41. The proposal for all three segments of City of Yes originated with the New York City’s Department of City Planning (“DCP”) in 2022. DCP is responsible for issues relating to the City’s physical and socioeconomic configuration. See *New York City Charter*, § 197-a.

42. Upon completion of the plans by the DCP, all three phases of City of Yes were submitted separately at different points in time to the impacted Community Boards of the City of New York. See *New York City Charter*, § 197-a.

43. By virtue of the citywide nature of the City of Yes rezoning, each individual Community Board received notice of the rezoning.

44. Each individual Community Board received each phase of the City of Yes proposal independently and separately without any explanation by the City as to the relationship of each separate part to the other. Therefore, Community Board members were not informed of and did not have the ability to comment upon the cumulative interrelated impact of each phase upon the zoning changes that would be built upon in the succeeding phases.

45. Community Boards are comprised of individuals selected by the Borough President and the local Councilmembers. These individuals serve as volunteers. Pursuant to the *New York City Charter*, Community Boards are advisory and have no official decision-making

authority in relation to zoning, however decision makers rely upon Community Boards to assess the impact of their decisions upon the public. There are 59 Community Boards throughout the City of New York, each performing an advisory role on land use matters. See *New York City Charter*, Chapter 69, § 2800.

46. Upon completion of the individual Community Board review, involving public hearings, comments, and presentations by City Officials and concerned citizens, each individual Community Board had an opportunity to vote on each phase of City of Yes on separate occasions, each phase reviewed independently and separately without any information as to the cumulative impacts of the stages yet to be revealed by the City.

47. In or about October - December 2023, Carbon Neutrality was reviewed by Community Boards throughout New York City in isolation and without context or relationship to the environmental consequences of the next two phases of City of Yes, Economic Opportunity and Housing Opportunity.

48. In the Spring of 2024, Economic Opportunity was reviewed by Community Boards throughout New York City in isolation and without context or relationship to the environmental consequences of the other two phases of City of Yes, Carbon Neutrality and Housing Opportunity.

49. On April 29, 2024, Housing Opportunity, challenged herein, was referred by DCP to all 59 Community Boards citywide, all Borough Boards and Borough Presidents. Once again, DCP circulated the housing piece of the City of Yes puzzle as an independent isolated proposal.

50. Thirty-six Community Boards disapproved Housing Opportunity, and eighteen approved. However, not one Community Board had the benefit of reviewing the environmental consequences of City of Yes as a comprehensive land use plan involving three phases.

51. For each phase, Community Board and Borough Board rejections were largely centered upon the unmitigated negative environmental consequences pertaining to community facilities, deficient infrastructure to handle increased density – particularly in relation to sewage, water pollution and storm water overflow that plague many low-rise communities, lack of resources for overburdened early childhood and elementary public schools, increased traffic and pollution due to elimination of parking regulations, the lack of consideration of the wholesale transformation of low-density neighborhoods, and the complex voluminous nature of rezoning the entirety of the City of New York in one fell swoop.

52. Prior to City Council and Mayoral review, the City Planning Commission (“CPC”), pursuant to the *New York City Charter*, must review and vote upon zoning changes.

53. CPC is a thirteen-member panel with seven members appointed by the Mayor, each Borough President has one appointment, and one member is appointed by the Public Advocate. The Chair of the CPC is appointed by the Mayor and also serves as Director of DCP. Zoning proposals submitted to CPC are subject to public hearings and a vote. *New York City Charter* § 197-d(a).

54. CPC voted to approve Carbon Neutrality, Economic Opportunity and Housing Opportunity separately as distinct individual land use applications. The relationship and connection to an overall land use policy was not reviewed by the CPC.

55. The New York City Council reviewed, held public hearings and approved each phase of City of Yes separately. The review and vote on each phase excluded any reference or consideration to the cumulative impacts of the City of Yes program.

56. The final step for City of Yes required Mayoral approval pursuant to *New York City Charter* § 197-d(e)-(g).

57. Mayoral approval for each step occurred separately, and without context or relationship to each prior or subsequent step in City of Yes. This segmentation unlawfully, arbitrarily and capriciously reduced the cumulative environmental consequences of City of Yes such that proper mitigation or alternatives could not be proposed.

b. Environmental Review Procedure - Segmented

i. Carbon Neutrality

58. Each phase of the environmental review process was reviewed without regard to the zoning changes that were implicated in and connected to the phases of City of Yes that followed. As set forth in detail herein, this served to mask, disguise, lessen, and ignore significant areas of environmental concern.

59. Carbon Neutrality addressed numerous zoning changes that would allow for a landscape that could adapt a green-friendly environment. In doing so, the City needed to address bulk, height and density characteristics that were built upon in the two phases that followed. Therefore, the accumulation of additional height and bulk in coordination with the following two phases was ignored in the environmental review process.

60. Carbon Neutrality impacted zoning in the areas of the addition of rooftop solar systems, solar canopies installed over parking lots, development of solar energy systems, wind turbine systems along the City's waterfront, energy storage systems, replacement of fossil fuel based systems with electrified systems, retrofitting or replacing exterior walls and roofs, and incentives for designing walls, ceilings to accommodate green energy, rooftop greenhouses, automated parking using mechanical trays and racks to store vehicles, public bicycle parking, the allowance of permeable paving which is a type of pavement with a porous surface that allows rainwater to pass through it into the ground below.

61. On April 21, 2023, pursuant to CEQR, DCP published an Environmental Assessment Statement (“EAS”), rather than an Environmental Impact Statement (“EIS”), concluding that the zoning changes proposed for Carbon Neutrality as a standalone proposal would not result in any significant adverse environmental impacts. Therefore, pursuant to CEQR, on April 21, 2023, DCP issued a Negative Declaration that was based upon the findings within the EAS.

62. A Negative Declaration precludes the full public hearing and review process that results in an EIS. A full public review with public comments would have been implicated if DCP had issued a Positive Declaration triggering mitigation and alternatives.

63. For each area of environmental significance covered by the CEQR Technical Manual, including neighborhood character, socioeconomic conditions, open space, shadows, community facilities, natural resources, waterfront revitalization, coastal zones, infrastructure, air quality, solid waste and sanitation services, energy, transportation, traffic, and hazardous materials, DCP found no adverse environmental consequences as a result of Carbon Neutrality.

64. The Negative Declaration for Carbon Neutrality had the effect of separating all of the environmental consequences of the zoning changes triggered by Carbon Neutrality from the vast number of zoning changes adopted in the two phases that followed, Economic and Housing.

ii. Economic Opportunity

65. Economic Opportunity (“EO”) addressed significant land use issues that triggered radical citywide zoning changes in order to accommodate commercial and manufacturing expansion.

66. For example, the zoning changes adopted by EO authorized businesses to locate within and in close proximity to residential communities, expanded allowances for commercial

uses that existed prior to residential zoning protections, allowed commercial uses on the 2nd floor of residential buildings that previously limited commercial uses to the first floor, allowed commercial uses to be located above residences in areas where this was previously prohibited, eased restrictions on bars and restaurants in relation to noise code regulations, expanded home occupation uses, facilitated commercial uses within large scale development projects like those sponsored by the New York City Housing Authority, allowed the CPC to approve large scale commercial spaces in residential districts, created a CPC authorization to allow a 2500 square foot retail service or office use to locate residential districts provided that the commercial storefront is located at least 100 feet from an intersection, and created new zoning districts for manufacturing and commercial use that would be located in close proximity to residential districts.

67. On October 27, 2023, DCP issued a Negative Declaration determining that the zoning changes for EO would not have a significant adverse environmental impact in 19 areas of environmental concern, including: land use zoning and public policy; socioeconomic conditions; community facilities and services; open space; shadows; historic and cultural resources; urban design and visual resources; natural resources; hazardous materials; water and sewer infrastructure; solid waste; energy; transportation; traffic; air quality; greenhouse gas emissions; public health; and neighborhood character.

68. Therefore, by reviewing EO as a standalone independent initiative divorced from the other two phases of City of Yes, no mitigation was proposed that would be necessitated by the cumulative impact of Economic Opportunity zoning changes combined with Carbon Neutrality and Housing Opportunity.

69. The environmental review of Economic Opportunity did acknowledge that there would be significant environmental consequences for locating commercial uses in close proximity to residential uses. However, without any reasoned elaboration, no rationale was provided for the failure to conduct a full environmental review mandated by such finding.

iii. Housing Opportunity

70. Zoning changes pertaining to the housing segment of City of Yes was finalized by DCP and referred to all 59 community boards and Borough Presidents for review and comment.

71. For the first time in the procedural history of the City of Yes rezoning project, DCP issued a Positive Declaration mandating the full substantive and procedural protections set forth in New York's laws, rules and regulations governing the environmental review process pursuant to SEQRA and CEQR. See Article 8 of ECL and related rules in 6 NYCRR § 617 et seq.

72. Respondents provided public notification and public hearings to assist DCP in determining the scope of the project. See 6 NYCRR § 617.8.

73. The scoping process reviewed the housing phase of City of Yes independently and separately from the first two phases – Carbon Neutrality and Economic Opportunity.

74. A Draft Environmental Impact Statement (“DEIS”) was circulated for public and review comment. No cumulative impacts resulting from the first two phases were included in the DEIS or offered in the scoping proposals submitted to the public by Respondents.

75. Upon receipt of public comments, a Final Environmental Impact Statement (“FEIS”) was published by Respondents. Purportedly, the FEIS incorporated public commentary into the FEIS. Once again, the FEIS did not include the cumulative impacts of the first two phases of City of Yes.

76. It was determined by the DCP, as lead agency in the preparation of the EIS on behalf of the CPC, that the housing segment of City of Yes viewed independently and separately from the first two segments – Carbon Neutrality and Economic Opportunity – would not have any significant adverse environmental impacts on land use, zoning, or public policy, socioeconomic conditions, historic resources, natural resources, water and sewer infrastructure, solid waste and sanitation services, energy, air quality, and greenhouse gas emissions.

77. It was determined by DCP that the City of Yes housing segment would have significant negative adverse environmental impacts in the areas of community facilities and services, open space, shadows, archeological resources, urban design and visual resources, transportation and noise. However, the extent of the negative environmental impacts were viewed separately and independently of the first two phases of City of Yes, thus underestimating and concealing many significant adverse environmental impacts.

78. Notwithstanding a finding of significant negative environmental impacts in the above defined areas, no mitigation was proposed and no alternatives that included mitigation was proposed.

c. Generic Environmental Review

79. The City published its FEIS as a generic environmental review. A generic review is undertaken when the project or proposal covers a large geographic area and no site-specific projects have been identified. See 6 NYCRR § 617.10.

80. The methodology for the FEIS was based upon 28 prototypical sites and 18 representative neighborhoods selected by the DCP out of over 300,000 potential sites. The utilization of prototypical sites was flawed in the area of shadow impacts.

81. Respondents failed to calculate or assess the additional height created by bulkheads, parapets, mechanical equipment and other rooftop additions in assessing impact on shadows, urban design historic and cultural resources and the urban landscape. Respondents failed to include rooftop additions into their calculation of maximum building heights, whereas zoning allows for rooftop additions above maximum building heights, the FEIS included rooftop additions within maximum building heights thus underestimating the height of buildings by as much as thirty-five feet. See ZR § 23-40 et seq. The zoning diagrams utilized in the FEIS omit all rooftop equipment, bulkheads and parapets. (See Affidavit of George Janes annexed hereto as Exhibit “A”.)

82. The prototypical and representative neighborhood sites selected by the DCP intentionally excluded any sites located in specific low-density residential neighborhoods that will be severely and negatively environmentally impacted by City of Yes.

83. The utilization of selected sites resulted in an FEIS that failed to take a “hard look” at significant areas of environmental concern including neighborhood character, socioeconomic conditions, open space, shadows, infrastructure, solid waste and sanitation services, community facilities and services, and water and sewer infrastructure. (See Affirmations of expert witnesses annexed as Exhibits “A”, “B” and “C”.)

84. The failure to examine water and sewer infrastructure and natural resources resulted in an arbitrary and capricious finding of no significant adverse impacts related to water demand or sanitary and stormwater infrastructure. (See Affirmation of Walter Mugdan annexed as Exhibits “B”.)

85. By virtue of the utilization of a generic methodology, the City refused to offer any proposed mitigation because without specific site determinations, the City arbitrarily asserted that no mitigation was possible.

86. The FEIS, contrary to rules and regulations governing SEQRA, refused to offer any alternatives to the City of Yes proposal that would contain mitigation.

87. The City arbitrarily determined that any proposal that would offer mitigation would not be feasible to achieve the goals of the City of Yes zoning proposal.

88. This conclusion was offered without any reasoned elaboration as to why it was not feasible to modify certain aspects of the City of Yes. The City failed to explain, within the four corners of the FEIS, why its policy objectives could not be accomplished without certain mitigating proposals that would have ameliorated severe negative environmental consequences identified in the FEIS. This is particularly true in relation to New York City's overburdened infrastructure as set forth in the Affirmation of Walter Mugdan (Ex. B) and the overburdened public educational system as acknowledged by Respondents. 6 NYCRR § 617.9(b)(v).

89. The independent environmental review and the absence of alternatives or mitigation divorced from the first two segments underestimated significant environmental impacts, thus precluding full disclosure to decision makers and impeding a proper consideration of alternatives and mitigation.

V. UNLAWFUL SEGMENTATION

90. All three phases of City of Yes are under the jurisdiction of the same Lead Agency and Applicant – DCP and CPC.

91. The Rezoning resulting from the three phases are all parts of the same action - the Rezoning.

92. The phases were implemented in sequence, one after the other. In fact, City of Yes for Housing Opportunity started before City of Yes for Economic Opportunity had finished.

93. Segmentation is defined as “contrary to the intent of SEQR” because an integrated action is wrongfully evaluated in increments. Specifically, the increments evaluated for determining environmental significance in most topic areas of study — may be smaller and less significant when segmentation occurs.

94. The SEQR Handbook lists the factors in determining whether an action has been unlawfully segmented, if one element can be answered in the affirmative, segmentation has occurred. The factors are as follows:

- Purpose: Is there a common purpose or goal for each segment?
- Time: Is there a common reason for each segment being completed at or about the same time?
- Location: Is there a common geographic location involved?
- Impacts: Do any of the activities being considered for segmentation share a common impact that may, if the activities are reviewed as one project, result in a potentially significant adverse impact, even if the impacts of single activities are not necessarily significant by themselves?
- Ownership: Are the different segments under the same or common ownership or control?
- Common Plan: Is a given segment a component of an identifiable overall plan? Will the initial phase direct the

development of subsequent phases or will it preclude or limit the consideration of alternatives in subsequent phases?

- Utility: Can any of the interrelated phases of various projects be considered functionally dependent on each other?
- Inducement: Does the approval of one phase or segment commit the agency to approve other phases?

95. Purpose: Each of the text amendments is a part of the same “City of Yes” effort, which Respondents have promoted as a singular program “for a more sustainable, prosperous, and affordable NYC.” (See Affirmation of George Janes [Ex. C] wherein he describes Respondents’ representations acknowledging a common project.)

96. Time: The City of Yes amendments were conceived as a series of amendments that were conducted in sequence, sometimes overlapping.

97. Location: They are citywide changes that largely overlap each other geographically. At times the different actions are even amending the same sections of the Zoning Resolution.

98. Impacts: There are overlapping changes in many areas including building height and shape that potentially increase the impacts if reviewed as one project. For example, the Rezoning changes the building envelope by expanding obstructions on the roof and in rear yards. Together, these changes impact shadows, urban design and visual resources and neighborhood character. As analyzed, the changes to the building envelope for the Rezoning were given a negative declaration and became part of the baseline conditions for the subsequent Housing Opportunity phase.

99. All the changes to the building envelope that were a part of City of Yes should have been analyzed together. By breaking them into pieces, Respondents segmented the action.

100. Economic Opportunity (“EO”) and Housing Opportunity (“HO”) also overlap. For example, EO permits a wider variety of non-residential uses to locate in more areas. At the same time, HO brings new housing to these same areas. Considering the zoning proposals together would most obviously better disclose impacts on transportation, as workers and residents have different travel patterns. (See Affirmation of George Janes annexed as Exhibit “A”.)

101. Common Plan: Perhaps the simplest way of understanding the City of Yes zoning changes and why they should have been evaluated in a single environmental review, is looking at the common act of updating a Comprehensive Plan. New Comprehensive Plans are typically subject to a single generic environmental review. There isn’t an environmental review for transportation and a different environmental review for housing and another for land use. Rather, all of the topic areas are evaluated as part of a single action because one topic area may influence other topic areas. For example, permitting more uses and allowing commercial uses to locate as-of-right in more places will impact transportation as new workers find their way to new places of work. Likewise, new housing will impact transportation as those new residents travel from their homes. Evaluating them separately risks underestimating the impact on the transportation system, especially since EO and Carbon Neutrality (“CN”) were given negative declarations. Once the first two actions received negative declarations, the underlying changes created by those two actions became part of the baseline conditions for HO. Any impacts created by the first two actions would never be shown as a part of the increment created by the zoning changes. This

is textbook segmentation, and is contrary to the intent of SEQR and which the Lead Agency must diligently avoid. (See Affirmation of George Janes annexed as Exhibit “C”).)

102. Further, the Lead Agency, the DCP on behalf of CPC, repeatedly referred to the City of Yes zoning changes as integrated and/or complementary actions. For example, in a January 8, 2024 memo, DCP wrote: “New York City faces multiple challenges and each of the citywide zoning text amendments in City of Yes are designed to be complementary in addressing ways our zoning makes it harder for the City to meet our climate, economic, and housing affordability crises. These challenges we face are not mutually exclusive, and by enabling businesses and buildings to better adapt to changing economic conditions, we can also ensure that the city is more resilient and inclusive in its approach to facing climate and housing affordability crises.” (See Affirmation of George Janes annexed as Exhibit “A”).)

VI. PARTIES

a. Staten Island Community Organizations

103. Old Town Civic Association with an address of 74 South Railroad Avenue, Staten Island, NY 10305 is a community-based environmentally concerned organization in Richmond County representing cooperators, tenants, condominium owners, and residents impacted by the Rezoning at issue in this proceeding.

104. South Beach Civic Association with an address of P.O. Box 050374, Staten Island, NY 10305 a community-based organization in Richmond County that advocates on behalf of community members that are impacted by environmental issues such as traffic, congestion, noise, pollution and neighborhood character. The Association represents homeowners, tenants, condominium owners, and residents impacted by the Rezoning at issue in this proceeding.

105. Westerleigh Improvement Society with an address of P.O. Box 140043, Staten Island, NY 10314 is a community-based organization in Richmond County representing homeowners, tenants, condominium owners, and residents impacted by the low-density legislative changes in the Rezoning at issue in this proceeding. Specifically, the Improvement Society membership is affected by the environmental impacts left unmitigated by the introduction of Accessory Dwelling Units (“ADU”) and the introduction of commercial uses in close proximity to their homes.

b. Elected Officials

106. Staten Island Borough President Vito Fossella represents the citizens of Richmond County. Richmond County is home to many low-density single and two family communities that will be deleteriously impacted by the increased density, traffic, congestion, population growth, and destruction of neighborhood character established by the Rezoning. The challenged Rezoning represents a wholesale departure from longstanding public policy that respected the open space, air and light, stress on infrastructure and the neighborhood character within the County of Richmond.

107. Councilmember Joann Ariola is a resident of New York City, Queens County. Councilmember Ariola is the Minority Leader of the City Council representing District 32. Councilmember Ariola is a lifetime resident of Ozone Park and Howard Beach. The district represented by Councilmember Ariola is a community of low-rise housing that will be eviscerated due to the unreviewed negative environmental consequences of the Rezoning.

108. Councilmember Vicky Palladino represents District 19 in Whitestone, Queens. The district represented by Councilmember Palladino is a community of low-rise housing that will be eviscerated due to the unreviewed negative environmental consequences of the Rezoning.

109. Councilmember Kristy Marmorato represents District 13 in the Bronx. The district represented by Councilmember Marmorato is a community of low-rise housing that will be eviscerated due to the unreviewed negative environmental consequences of the Rezoning.

110. Councilmember Robert F. Holden represents District 30 in Middle Village, Queens. The district represented by Councilmember Holden is a community of low-rise housing that will be eviscerated due to the unreviewed negative environmental consequences of the Rezoning.

111. Councilmember David Carr represents District 50 in Staten Island. The district represented by Councilmember Carr is a community of low-rise housing that will be eviscerated due to the unreviewed negative environmental consequences of the Rezoning.

112. Councilmember Inna Vernikov represents District 48 in Brooklyn, New York. The district represented by Councilmember Vernikov covers a series of neighborhoods – many of them with large Orthodox Jewish populations – in southern Brooklyn, including Brighton Beach, Homecrest, Manhattan Beach, parts of Midwood and Sheepshead Bay, and a small section of Coney Island. This district will be overwhelmingly impacted by the cumulative effects of the three phases of the Rezoning, particularly the introduction of commercial uses and dangerous Energy Storage Systems.

113. Councilmember Susan Zhuang represents District 43 which is based largely in Bensonhurst and its outlying neighborhoods, including portions of Sunset Park and Dyker Heights and smaller areas in Bath Beach, Borough Park and Gravesend. The district represented by Councilmember Zhuang is a community of low-rise and mid-level housing that will be eviscerated due to the unreviewed cumulative negative environmental consequences of the Rezoning.

114. Assemblymember Sam Pirozzolo represents New York State's 63rd District. The district consists of neighborhoods within western and central Staten Island, such as Arlington, Bloomfield, Travis, Todt Hill, Silver Hill, Chelsea, Port Ivory, Rosebank, Heartland Village and New Springville. The district represented by Assemblymember Pirozzolo is a community of low-rise and mid-level housing that will be eviscerated due to the unreviewed cumulative negative environmental consequences of the Rezoning.

115. Assemblymember Michael W. Reilly, Jr. represents New York State's 62nd District. His district includes the South Shore of Staten Island, as well as parts of the Mid-Island. The district represented by Assemblymember Reilly, Jr. is a community of low-rise and mid-level housing that will be eviscerated due to the unreviewed cumulative negative environmental consequences of the Rezoning.

116. Assemblymember Michael Tannousis represents New York State's 64th District. His district represents parts of Southern Brooklyn and the East Shore of Staten Island. The district represented by Assemblymember Tannousis is a community of low-rise and mid-level housing that will be eviscerated due to the unreviewed cumulative negative environmental consequences of the Rezoning.

117. New York State Senator Andrew Lanza represents New York State District 24. The district represented by Senator Lanza is a community of low-rise and mid-level housing that will be eviscerated due to the unreviewed cumulative negative environmental consequences of the Rezoning.

118. Assemblymember Alec Brook-Krasny represents District 45 in Brooklyn, New York. The 45th Assembly District includes portions of Sheepshead Bay, Midwood, Manhattan Beach, Gravesend, and Brighton Beach. This district will be overwhelmingly impacted by the

cumulative effects of the three phases of the Rezoning, particularly the introduction of commercial uses and dangerous Energy Storage Systems.

119. Assemblymember Michael Novakhov represents District 46 in Brooklyn, New York. His district contains Coney Island and Sea Gate, as well as parts of Bath Beach, Bay Ridge, Brighton Beach, Dyker Heights and Gravesend, Fort Hamilton, Calvert Vaux Park, Luna Park, the Wonder Wheel, the New York Aquarium and the Dyker Beach Park and Golf Course are within this district. This district will be overwhelmingly impacted by the cumulative effects of the three phases of the Rezoning, particularly the introduction of commercial uses and dangerous Energy Storage Systems.

120. New York State Senator Stephen Chan represents District 17 in Brooklyn, NY. His district includes Sunset Park, Bensonhurst, Bath Beach, Bay Ridge, Dyker Heights and Kensington. This district will be overwhelmingly impacted by the cumulative effects of the three phases of the Rezoning, particularly the introduction of commercial uses and dangerous Energy Storage Systems.

121. Assemblymember Lester Chan represents District 49 in Brooklyn, NY. District 49 Dyker Heights, Sunset Park, Borough Park and Bensonhurst. This district will be overwhelmingly impacted by the cumulative effects of the three phases of the Rezoning, particularly the introduction of commercial uses and dangerous Energy Storage Systems.

c. Queens Community Organizations

122. Queens Civic Congress with an address of P.O. Box 604759, Bayside, NY 11360 is a community-based organization representing over 65 neighborhoods in Queens County representing homeowners, tenants, condominium owners, and residents impacted by the Rezoning at issue in this proceeding.

123. Addisleigh Park Civic Association with an address of P.O. Box 120023, St. Albans, NY 11412 is a community-based organization in Queens County representing homeowners, tenants, condominium owners, and residents impacted by the Rezoning at issue in this proceeding. The Association's geographic coverage includes members residing in or around Merrick Blvd., 180th Street, Sayres Avenue to 115th Avenue in the County of Queens. This is a low-density community of first time homeowners, largely African American, that will have their neighborhood character substantially altered due to the introduction of high-density uses such as ADUs and commercial uses into this one and two family homeownership community.

124. Bayside Hills Civic Association with an address of P.O. Box 640246, Oakland Gardens, NY 11364 is a community-based organization in Queens County representing homeowners, tenants, condominium owners, and residents impacted by the Rezoning at issue in this proceeding.

125. Bay Terrace Community Alliance with an address of P.O. Box 604076, Bay Terrace, NY 11360 is a community-based organization in Queens County representing homeowners, tenants, condominium owners, and residents impacted by the Rezoning at issue in this proceeding.

126. Bellcourt Civic Association with an address of 211-19 38th Avenue, Bayside, NY 11361 is a community-based organization in Queens County representing homeowners, tenants, condominium owners, and residents impacted by the Rezoning at issue in this proceeding.

127. Bellerose Commonwealth Civic Association with an address of P.O. Box 260225, Bellerose, NY 11426 is a community-based organization in Queens County representing homeowners, tenants, condominium owners, and residents impacted by the Rezoning at issue in this proceeding.

128. Belle Harbor Property Owners Association with an address of P.O. Box 940178, Rockaway Park, NY 11694 is a community-based organization in Queens County representing many homeowners, tenants, condominium owners, and residents impacted by the Rezoning, specifically inadequate infrastructure to accommodate increased sewage and flooding that is at issue in this proceeding.

129. Broadway-Flushing Homeowners Association with an address of P.O. Box 580024, Flushing, NY 11358 is a community-based organization in Queens County representing homeowners, tenants, condominium owners, and residents impacted by the Rezoning at issue in this proceeding.

130. Cambria Heights Civic Association with an address of P.O. Box 110007 Cambria Heights, NY 11411 is a community-based organization in Queens County representing homeowners, tenants, condominium owners, and residents impacted by the Rezoning at issue in this proceeding. Cambria Heights is a community of first time homeowners that were drawn to this community based upon the low-density one and two family home characteristics of the community that will be impacted by loss of open space, high density, inadequate community facilities to accommodate the population growth that will result from the Rezoning.

131. Creedmoor Civic Association with an address of P.O. Box 260143 Bellerose NY, 11426 is a community-based organization in Queens County representing homeowners, tenants, condominium owners, and residents impacted by the Rezoning at issue in this proceeding.

132. Douglaston Civic Association with an address of P.O. Box 630222, Little Neck, NY 11363 is a community-based organization in Queens County representing homeowners, tenants, condominium owners, and residents impacted by the Rezoning at issue in this proceeding.

133. Holliswood Civic Association with an address of 86-119 Marengo Street, Hollis, NY 11423 is a community-based organization in Queens County representing homeowners, tenants, condominium owners, and residents impacted by the Rezoning at issue in this proceeding.

134. Hollis Hills Civic Association with an address of P.O. Box 650493, Fresh Meadows, NY 11365 is a community-based organization in Queens County representing homeowners, tenants, condominium owners, and residents impacted by the Rezoning at issue in this proceeding.

135. Howard Beach Lindenwood Civic Association with an address of 155-12 89th Street, Howard Beach, NY 11414 is a community-based organization in Queens County representing homeowners, tenants, condominium owners, and residents impacted by the severe inadequacy of the infrastructure to accommodate sewage overflow and flooding resulting from the Rezoning at issue in this proceeding.

136. Juniper Park Civic Association with an address of P. O. Box 790275, Middle Village, NY 11379 is a community-based organization in Queens County representing homeowners, tenants, condominium owners, and residents impacted by the Rezoning at issue in this proceeding.

137. Kew Gardens Civic Association with an address of P.O. Box 150062, Kew Gardens, NY 11415 is a community-based organization in Queens County representing homeowners, tenants, condominium owners, and residents impacted by the Rezoning at issue in this proceeding.

138. Neponsit Property Owners Association with an address of 224 Beach 148th Street, Neponsit, NY 11694 is a community-based organization in Queens County representing

homeowners, tenants, condominium owners, and residents impacted by the severe inadequacy of the infrastructure to accommodate sewage overflow and flooding resulting from the Rezoning at issue in this proceeding.

139. Northwest Bayside Civic Association with an address of P.O. Box 604975, Bayside, NY 11360 is a community-based organization in Queens County representing homeowners, tenants, condominium owners, and residents impacted by the Rezoning at issue in this proceeding.

140. Rosedale Civic Association with an address of P.O. Box 220116, Rosedale, NY 11422 is a community-based organization in Queens County representing homeowners, tenants, condominium owners, and residents impacted by the severe inadequacy of the infrastructure to accommodate sewage overflow and flooding resulting from the Rezoning at issue in this proceeding.

141. We Love Whitestone with an address of P.O. Box 29, Whitestone, NY 11357 is a community-based organization in Queens County representing homeowners, tenants, condominium owners, and residents impacted by the Rezoning at issue in this proceeding.

142. Elmhurst United is a community organization representing homeowners, tenants, condominium owners, and residents that will be affected by population growth and increased density without proper environmental review.

143. Westmoreland Association is a community organization representing homeowners, tenants, condominium owners, and residents that will be affected by population growth and increased density without proper environmental review.

d. Brooklyn Community Organizations

144. Bergen Beach Civic Association with an address of P.O. Box 340626, Brooklyn, NY 11234 is a community-based organization in Kings County representing homeowners, tenants, condominium owners, and residents impacted by the severe inadequacy of the infrastructure to accommodate sewage overflow and flooding resulting from the Rezoning at issue in this proceeding the Rezoning at issue in this proceeding.

145. Marine Park Civic Association with an address of Carmine Carro Center, 3000 Fillmore Avenue, Marine Park, Brooklyn, NY is a community-based organization in Kings County representing homeowners, tenants, condominium owners, and residents impacted by the severe inadequacy of the infrastructure to accommodate sewage overflow and flooding resulting from the Rezoning at issue in this proceeding.

146. Mill Island Civic Association with an address of P.O. Box 340113 Ryder Station, Brooklyn, NY 11234 is a community-based organization in Kings County representing homeowners, tenants, condominium owners, and residents impacted by the severe inadequacy of the infrastructure to accommodate sewage overflow and flooding resulting from the Rezoning at issue in this proceeding.

147. Dyker Heights Civic Association is a community organization representing homeowners, tenants, condominium owners, and residents that will be affected by population growth and increased density without proper environmental review.

e. Bronx Community Organizations

148. Morris Park Community Association with an address of 1824 Bronxdale Avenue, Bronx, NY 10462 is a community-based organization in Bronx County representing

homeowners, tenants, condominium owners, and residents impacted by the Rezoning at issue in this proceeding.

149. Van Nest Neighborhood Alliance with an address of 636 Van Nest Ave, Bronx, NY 10460 is a community-based organization in Bronx County representing homeowners, tenants, condominium owners, and residents impacted by the Rezoning at issue in this proceeding.

150. Waterbury LaSalle Community Association with an address of 1145 Hobart Avenue, Bronx, NY 10461 is a community-based organization in Bronx County representing homeowners, tenants, condominium owners, and residents impacted by the Rezoning at issue in this proceeding.

151. Allerton Homeowners and Tenants Association Bronx is a community organization representing homeowners, tenants, condominium owners, and residents that will be affected by population growth in low density communities without proper environmental review.

f. Manhattan Community Organizations

152. Midtown South Community Council with an address of 331 W. 38th Street, New York, NY 10018 is community-based organization in the County of New York representing homeowners, tenants, condominium owners, and residents impacted by the higher density issues resulting from increased development in campus housing projects and aesthetic issues caused by changes in Landmark District zoning allowing for reduced regulations on transferring air rights.

153. Park West Village Tenants Association with an address of P.O. Box 20339, Park West Finance Station, New York, NY 10025 is a housing development-based Tenant organization in the County of New York representing tenants and residents impacted by the increased density resulting from the Rezoning at issue in this proceeding.

g. New York City Community Organizations

154. The Black Institute with an address of 470 Vanderbilt Avenue, 9th Floor, New York, NY 11238 is a citywide Black-led organization focusing on public policy issues related to environmental justice. The Black Institute has focused on four major areas in which to enact justice for communities of color and to confront barriers to social, racial, and economic inclusion. The Black Institute maintains members that will be impacted by the socioeconomic displacement and discriminatory aspects of City of Yes affecting low-density communities of color such as Cambria Heights, Rosedale, Laurelton, Hollis, South Jamaica and high-density communities of color that contain New York City Housing Authority complexes throughout Manhattan, Brooklyn, the Bronx and Queens.

155. Met Council on Housing with an address of 1 State Street 24th Floor, New York, NY 10004 is a citywide community-based organization representing tenants impacted by the socioeconomic, open space, community facility and neighborhood character impacts of the Rezoning at issue in this proceeding.

156. Save Section 9 with an address of 188 Lincoln Avenue, APT 17F, Bronx, NY 10454 is a tenant led coalition that educates and organizes public housing tenants. Save Section 9 members actively work to prevent gentrification, displacement, and privatization of public housing. The organization seeks to expand affordable housing and will be impacted by the reduction in affordable housing and expansion of market rate development of the Rezoning at issue in this proceeding.

157. Presidents Co-op & Condo Council is a community organization that will be deleteriously impacted by the increased density resulting from Campus Infill and the introduction of UAPs.

h. Richmond County Petitioners

158. Mark Anderson residing at 712 Jewett Avenue, Westerleigh, Staten Island, NY is President of the Westerleigh Improvement Society. Mr. Anderson is a lifelong resident of Westerleigh. He was involved in the rezoning of Westerleigh to a low-density R2 and R3X district. Mr. Anderson lives in close proximity to the higher density development that will be caused due to addition of ADUs and the allowable subdivision of parcels due to smaller minimum lot sizes/widths. He will be impacted by the negative environmental consequences of the increase in noise, congestion, pollution, loss of open space and increased development serving to destroy the homeownership neighborhood character of his community.

159. Joseph McAllister and RoseAnn McAllister residing at 24 Cambria Street, South Beach, Staten Island, NY live in close proximity to areas in their neighborhood that will be rezoned for higher density. They will be affected by increased traffic, congestion, pollution, loss of open space and increased density, particularly as it pertains to the character of their R3X district. Mr. McAllister is the President of South Beach Civic Association.

i. Queens County Petitioners

160. Carin M. Bail residing at 219-44 Stewart Road, Hollis Hills, NY. Ms. Bail is the President of the Hollis Hills Civic Association. She is a resident of Hollis Hills for over 40 years. Her property will be adversely affected due to the decimation of the low-density R2A zoning category regulations including the reduction in lot size/width, removal of front yard regulations pertaining to aesthetics and open space, reduction in size of all yards and green space and increased lot subdivisions, significant increase in FAR, street wall height, lot coverage and the introduction of additional units due to ADUs and subsequent elimination of single-family zoning designation.

161. Ira Chazan and Karen Chazan reside at 86-15 214th Street, Hollis Hills, NY. Their property will be adversely affected due to the decimation of the low-density R2A zoning category regulations including the reduction in lot size/width, removal of front yard regulations pertaining to aesthetics and open space, reduction in size of all yards and green space and increased lot subdivisions, significant increase in FAR, street wall height, lot coverage and the introduction of additional units due to ADUs and subsequent elimination of single-family zoning designation.

162. Yiatin Chu resides at 162-50 14th Avenue, Whitestone, NY. Her property will be adversely affected due to the decimation of the low-density R2A zoning category regulations including the reduction in lot size/width, reduction in size of all yards and green space and increased lot subdivisions, significant increase in FAR, street wall height, lot coverage and the introduction of additional units due to ADUs and subsequent elimination of single-family zoning designation.

163. Paul DiBenedetto residing at 36-10 210th Street, Bayside, NY is impacted due to the increased density, denigration of his quality of life and loss of neighborhood character of his low-density R2A district. Increased density will be introduced by a new geographical area defined as Transit Zones.¹ Mr. DiBenedetto is the Chair of Community Board 11 in Queens and a 25-year resident of the Bellcourt neighborhood. Mr. DiBenedetto was involved in crafting the

¹ **Outer Transit – Oriented Development Areas** are new geographical areas created by the Rezoning. This geography encompasses blocks adjacent to the Inner Transit Oriented Development areas. **Inner Transit – Oriented Development Areas** generally encompass blocks within multi-family zoning districts (R3-2, R4, R5, R5b, R5d, R6-R10). These districts are approximately one-half mile walking distance or less from a subway station. **Great Transit – Oriented Development Areas** allows increase bulk to enable multi-family housing in all Transit-Oriented Development (“TOD”) areas. The Rezoning removes parking requirements for new development in these areas. This zone modifies the previously existing Dwelling Unit Factor (“DUF”) to facilitate increased density in one and two family zones as well as semi-detached and multiple family zones. This includes, but is not limited to, large reductions to minimum lot, widths and sizes; large reductions to minimum front, side, and rear yard requirements, the elimination of front yard uniformity provisions; and reductions to mandatory green space.

Bayside rezoning of 2005 that contextually rezoned Bayside specifically to protect neighborhood character from overdevelopment and the negative environmental consequences of loss of open space, stress on infrastructure, overtaxed community facilities and increased traffic, congestion, noise and pollution.

164. Edward Goydas resides at 217-55 Peck Avenue, Hollis Hills, NY. He will be adversely affected due to the decimation of the low-density R2A zoning category. This will significantly impact density due to the reduction in lot size/width, removal of front yard regulations pertaining to aesthetics and open space, reduction in size of all yards and green space and increased lot subdivisions, significant increase in FAR, street wall height, lot coverage and the introduction of additional units due to ADUs and subsequent elimination of single-family zoning designation.

165. Jean Hahn residing at 68-40 Clyde Street, Forest Hills, NY. Ms. Hahn lives in a Transit Oriented Development Area ("TOD"). This creates increased density by allowing for rooming houses creating population because developments consisting multiple smaller apartments, such as studios and one bedrooms will be created. She will be affected by increase in noise, congestion, pollution, loss of open space and increased development.

166. LaTonia Harris resides at 119-14 202nd Street, St. Albans, NY. Ms. Harris lives in close proximity to the higher density development that will be caused due to addition of ADUs and the allowable subdivision of parcels due to smaller minimum lot sizes/widths. Ms. Harris will also be impacted because she lives in a flood-prone area. She will be harmed by the severe inadequacy of the infrastructure to accommodate sewage overflow and flooding resulting from the Rezoning at issue in this proceeding.

167. Richard Hellenbrecht residing at 246-72 86th Road, Bellerose, NY is a Former Chair of Community Board 13 Queens. Mr. Hellenbrecht worked on the Cambria Heights, Laurelton, Rosedale and Glen Oaks/Bellerose/Floral Park contextual rezonings². He lives in close proximity to areas in his neighborhood that will be rezoned for higher density. He will be affected by increased traffic, congestion, pollution, loss of open space and increased density, particularly as it pertains to the character of their R2 district and transit zone.

168. Rene Hill residing at 115-05 178th Place, St. Albans, NY. Ms. Hill is a Former Chair of Community Board 12 Queens and Former President of the Addisleigh Park Civic Organization (APCO). Ms. Hill will be affected by increased development both within and outside of the Addisleigh Park Historic District which is in close proximity to her home. Ms. Hill will be impacted by the increased traffic, noise, pollution, congestion and density caused by the Rezoning. She will be harmed by the severe inadequacy of the infrastructure in her neighborhood to accommodate sewage overflow and flooding resulting from the Rezoning at issue in this proceeding.

169. Phyllis Inserillo residing at 159-12 92nd Street, Howard Beach, NY is the President of the Howard Beach Lindenwood Civic Association. Ms. Inserillo will be impacted by the increased traffic, noise, pollution, congestion and density caused by the Rezoning. She will

² In New York City, "contextual rezoning" refers to zoning changes designed to ensure new developments harmonize with the existing character of a neighborhood, often through regulations on building height, setbacks, and street wall continuity, and is identified by suffixes like "A", "B", "D", or "X" after the zoning designation. Contextual zoning aims to maintain the scale and form of traditional neighborhoods, ensuring new buildings fit in with the existing streetscape. It's primarily implemented through zoning map amendments, adding a layer of mandatory regulations on building height, setbacks, and yard requirements to create more restrictive building envelopes. Quality Housing Programs: These regulations are often part of the Quality Housing Program, which was created in the 1980s to promote high-quality housing that is harmonious with its surroundings. Contextual districts are identified by suffixes like "A", "B", "D", or "X" after the zoning designation (e.g., R6A, R6B, R7A, R7B, R7D, R7X).

be harmed by the severe inadequacy of the infrastructure in her neighborhood to accommodate sewage overflow and flooding resulting from the Rezoning at issue in this proceeding.

170. Rosemarie Johnson resides at 60-63 68th Street, Maspeth, NY. Ms. Johnson will be impacted by the increased traffic, noise, pollution, congestion and density caused by the Rezoning.

171. Janet McCreesh residing at 33-43 157th Street, Flushing, NY is a 25-year resident of Broadway-Flushing. She is a past President of the Broadway- Flushing Homeowners Association. She will be impacted due to the increased density, denigration of her quality of life and loss of neighborhood character of her low-density R1-R2A district. Increased density will be introduced by a new geographical area defined as Transit Zones. She will be impacted by the increased density caused by ADUs in the Outer Transit Zone.

172. Anthony Nunziato residing at 56-04 Remsen Place, Maspeth, NY is the President of the Juniper Park Civic Association. Mr. Nunziato will be impacted by the increased traffic, noise, pollution, congestion and density caused by the Rezoning due to an increase in FAR and additional population resulting from the introduction of ADUs in his neighborhood.

173. Karen Odaira resides at 87-45 Clover Place, Hollis, NY in the Holliswood section of Hollis. Her property will be adversely affected due to the decimation of the low-density R2A zoning category regulations including the reduction in lot size/width, removal of front yard regulations pertaining to aesthetics and open space, reduction in size of all yards and green space and increased lot subdivisions, significant increase in FAR, street wall height, lot coverage and the introduction of additional units due to ADUs and subsequent elimination of single-family zoning designation.

174. Michael O’Keefe residing at 241-15 88th Avenue, Bellerose, NY is the President of the Creedmoor Civic Association. He is a lifelong resident of Bellerose. His property will be adversely affected due to the decimation of the low-density R2A zoning category regulations including the reduction in lot size/width, removal of front yard regulations pertaining to aesthetics and open space, reduction in size of all yards and green space and increased lot subdivisions, significant increase in FAR, street wall height, lot coverage and the introduction of additional units due to ADUs and subsequent elimination of single-family zoning designation.

175. William Perkins, Jr. residing at 259-69 148th Road, Rosedale, NY is the former VP of the Rosedale Civic Association. Mr. Perkins, Jr. will be adversely affected by the increase in density due to the reduction in lot size/width, reduction in size of all yards, and green space and increased lot subdivisions. He will be harmed by the severe inadequacy of the infrastructure in his neighborhood to accommodate sewage overflow and flooding resulting from the Rezoning at issue in this proceeding.

176. Warren Schreiber residing at 13-24 Bell Boulevard, Bayside NY (Bay Terrace) is the President of Queens Civic Congress, Co-President of Presidents Co-op and Condo Council (PCCC), Vice-Chair of CB7 Queens, and Board President of Bay Terrace Cooperative Section 1. He will be adversely affected due to “Campus Infill”³ provisions which will dramatically increase density and unit count as-of-right in garden apartment (and other) developments.

177. Joseph Ramaglia residing at 239 Beach 140th Street, Belle Harbor, is a 40-year resident of Rockaway and property owner of a single-family house on a large lot similar to over

³ Campus Infill refers to distance-between-building regulations. Zoning rules establish standard minimum distance between buildings in large scale apartment complexes thus preserving open space. Infill development allows for development in previously protected open space thus reducing previously protected light, air and recreational opportunities. The Rezoning also eliminates regulations that require street plantings and other environmentally sound requirements for housing development.

40% of the properties in Belle Harbor. Mr. Ramaglia will be adversely affected by the increase in density due to the reduction in lot size/width, reduction in size of all yards, and green space and increased lot subdivisions. He will be harmed by the severe inadequacy of the infrastructure in his neighborhood to accommodate sewage overflow and flooding resulting from the Rezoning at issue in this proceeding.

178. Ashook Ramsaran residing at 69-70 184th Street, Fresh Meadows, NY is the Vice-President of Queens Civic Congress. 25-year resident of Fresh Meadows. He will be adversely affected by the increase in density due to the reduction in lot size/width, reduction in size of all yards, and green space and increased lot subdivisions.

179. Arlene Schlesinger resides at 79-16 209th Street, Hollis Hills, NY. She will be adversely affected by the increase in density due to the reduction in lot size/width, reduction in size of all yards, and green space and increased lot subdivisions.

180. Rev. Carlene O. Thorbs residing at 145-01 116th Avenue, Jamaica, NY is the Chair, Community Board 13 Queens. Rev. Thorbs will be adversely affected by the increase in density due to the reduction in lot size/width, reduction in size of all yards, and green space and increased lot subdivisions. He will be harmed by the severe inadequacy of the infrastructure in his neighborhood to accommodate sewage overflow and flooding resulting from the Rezoning at issue in this proceeding.

181. Rafael Ruiz a/k/a Ralph Ruiz residing at 104 Grosvenor Street, Douglaston, NY (Douglas Manor) in the Douglaston Historic District. Mr. Ruiz will be adversely affected by the increase in density due to the reduction in lot size/width, reduction in size of all yards, and green space and increased lot subdivisions.

182. Alicia Spears residing at 117-25 225th Street, Cambria Heights, NY for 30 years. She will be adversely affected by the increase in density due to the reduction in lot size/width, reduction in size of all yards, and green space and increased lot subdivisions. She will be harmed by the severe inadequacy of the infrastructure in her neighborhood to accommodate sewage overflow and flooding resulting from the Rezoning at issue in this proceeding.

183. Sean Walsh residing at 242-10 Alameda Avenue, Douglaston, NY is the President of the Douglaston Civic Association and a 40-year resident of Douglaston. He will be adversely affected by the increase in density due to the reduction in lot size/width, reduction in size of all yards, and green space and increased lot subdivisions.

184. Phil Konigsberg residing at 23-25 Bell Boulevard, Bayside, NY. He will be adversely affected by the increase in density due to the reduction in lot size/width, reduction in size of all yards, and green space and increased lot subdivisions.

185. Eugene Falik resides at 1034 Dickens Street, Far Rockaway, NY. He will be harmed by the severe inadequacy of the infrastructure in his neighborhood to accommodate sewage overflow and flooding resulting from the Rezoning at issue in this proceeding. He will be adversely affected by the increase in density due to the reduction in lot size/width, reduction in size of all yards, and green space and increased lot subdivisions

j. Bronx County Petitioners

186. Laura Spalter and Robert Spalter residing at 5480 Mosholu Avenue, Riverdale, Bronx, NY is the Former Chair, Community Board 8 Bronx, President of Broadway Community Alliance, and Co-Founder of Bronx Committee Against Overdevelopment. Mr. & Mrs. Spalter will be adversely affected by the increase in density due to the reduction in lot size/width, reduction in size of all yards, and green space and increased lot subdivisions.

187. Bernadette Ferrara residing at 636 Van Nest Avenue, Van Nest, Bronx, is the Former Chair, Community Board 11, Bronx and lifelong resident. Ms. Ferrara is the President of Van Nest Community Alliance. She will be impacted due to the increased density, denigration of her quality of life and loss of neighborhood character of her low-density district. She will be impacted by the increased density caused by ADUs in the Transit Zone.

188. Mary Jane Musano residing at 1145 Hobart Avenue, Schuylerville, Bronx NY is the President of Waterbury LaSalle Community and Homeowners Association. She will be impacted due to the increased density, denigration of her quality of life and loss of neighborhood character of her low-density district. She will be impacted by the increased density caused by ADUs in the Transit Zone.

189. Patricia Velella residing at 1907 Seminole Avenue, Morris Park, Bronx, NY is a 60 year resident of Morris Park. She will be impacted due to the increased density, denigration of her quality of life and loss of neighborhood character of her low-density district. She will be impacted by the increased density caused by ADUs in the Transit Zone. She will be adversely affected by the increase in density due to the reduction in lot size/width, reduction in size of all yards, and green space and increased lot subdivisions.

190. Patricia V. Marinello resides at 1248 Rhineland Avenue, Morris Park, Bronx. She will be adversely affected by the increase in density due to the reduction in lot size/width, reduction in size of all yards, and green space and increased lot subdivisions.

191. Lisa Velella resides at 1240 Rhineland Avenue, Morris Park, Bronx, NY. She will be adversely affected by the increase in density due to the reduction in lot size/width, reduction in size of all yards, and green space and increased lot subdivisions.

192. Gina Caliendo resides at 1238 Rhinelander Avenue, Morris Park, Bronx, NY. She will be adversely affected by the increase in density due to the reduction in lot size/width, reduction in size of all yards, and green space and increased lot subdivisions.

k. Kings County Petitioners

193. Elizabeth Morrissey residing at 2056 Stuart Street, Madison-Homecrest, Brooklyn, NY is the President of Madison-Homecrest Civic Association. She will be adversely affected by the increase in density due to the reduction in lot size/width, reduction in size of all yards, and green space and increased lot subdivisions. She will be harmed by the severe inadequacy of the infrastructure in her neighborhood to accommodate sewage overflow and flooding resulting from the Rezoning at issue in this proceeding.

194. Patricia Ancona resides at 1727 Hendrickson Street, Marine Park, Brooklyn. She will be adversely affected by the increase in density due to the reduction in lot size/width, reduction in size of all yards, and green space and increased lot subdivisions in close proximity to her home. Additionally, Ms. Ancona will be living next to a newly installed Energy Storage System which creates a potential fire and toxic chemical waste hazard.

195. Kalman Charnas resides at 1729 Hendrickson Street, Marine Park, Brooklyn. He will be adversely affected by the increase in density due to the reduction in lot size/width, reduction in size of all yards, and green space and increased lot subdivisions in close proximity to his home. Additionally, Mr. Charnas will be living next to a newly installed Energy Storage System which creates a potential fire and toxic chemical waste hazard.

196. Claudia Greco and Edward Rohrlisch reside at 1715 Hendrickson Street, Marine Park, Brooklyn. They will be adversely affected by the increase in density due to the reduction in lot size/width, reduction in size of all yards, and green space and increased lot subdivisions in

close proximity to their home. Additionally, Ms. Greco and Mr. Rohrlisch will be living next to a newly installed Energy Storage System which creates a potential fire and toxic chemical waste hazard.

197. Rosemary Head reside at 1717 Hendrickson Street, Marine Park, Brooklyn, NY. Ms. Head will be adversely affected by the increase in density due to the reduction in lot size/width, reduction in size of all yards, and green space and increased lot subdivisions in close proximity to her home. Additionally, she will be living next to a newly installed Energy Storage System which creates a potential fire and toxic chemical waste hazard.

198. Jean Stumbo and Ben Stumbo reside at 1667 Hendrickson Street, Marine Park, Brooklyn. They will be adversely affected by the increase in density due to the reduction in lot size/width, reduction in size of all yards, and green space and increased lot subdivisions in close proximity to their home. Additionally, Mr. & Mrs. Stumbo will be living next to a newly installed Energy Storage System which creates a potential fire and toxic chemical waste hazard.

199. Joe Youngstein resides at 1721 Hendrickson Street, Marine Park, Brooklyn. He will be adversely affected by the increase in density due to the reduction in lot size/width, reduction in size of all yards, and green space and increased lot subdivisions in close proximity to his home. Additionally, Mr. Youngstein will be living next to a newly installed Energy Storage System which creates a potential fire and toxic chemical waste hazard .

200. Robert Mazzuchin residing at 2129 Ryder Street, Marine Park, Brooklyn, NY – R4 is the President of Marine Park Civic Association. He will be adversely affected by the increase in density due to the reduction in lot size/width, reduction in size of all yards, and green space and increased lot subdivisions. He will be harmed by the severe inadequacy of the

infrastructure in her neighborhood to accommodate sewage overflow and flooding resulting from the Rezoning at issue in this proceeding.

201. Akis Sinesi residing at 2410 E. 66th Street, Mill Island, Brooklyn, NY is the President of Mill Island Civic Association. He will be adversely affected by the increase in density due to the reduction in lot size/width, reduction in size of all yards, and green space and increased lot subdivisions. He will be harmed by the severe inadequacy of the infrastructure in her neighborhood to accommodate sewage overflow and flooding resulting from the Rezoning at issue in this proceeding.

202. Michael Trotta residing at 7520 Avenue V, Bergen Beach, Brooklyn is the President of Bergen Beach Civic Association. He will be adversely affected by the increase in density due to the reduction in lot size/width, reduction in size of all yards, and green space and increased lot subdivisions. He will be harmed by the severe inadequacy of the infrastructure in her neighborhood to accommodate sewage overflow and flooding resulting from the Rezoning at issue in this proceeding.

203. Vito LaBella (Brooklyn) resides at 7711 Ridge Blvd, Brooklyn, NY. He will be adversely affected by the increase in density due to the reduction in lot size/width, reduction in size of all yards, and green space and increased lot subdivisions and the introduction of ADUs in the Transit Zone.

204. Fran Vella-Marrone resides at 1357 79th Street, Brooklyn, NY. He will be impacted due to the increased density, denigration of her quality of life and loss of neighborhood character of her low-density district. She will be impacted by the increased density caused by ADUs in the Transit Zone.

I. Respondents

205. Respondent City of New York is the governmental entity implementing zoning rules for the municipality.

206. Respondent Eric Adams is the Mayor of the City of New York, Chief Administrative Officer of the City of New York responsible for the execution and administration of the Zoning Rules of the City of New York. Upon information and belief, his principal place of business is located at City Hall, New York, NY 10007. Respondent Office of the Mayor of the City of New York (the “Mayor’s Office”) is an “agency” within the meaning of Public Officers Law § 86(3).

207. Respondent New York City Council is the legislative body of the City of New York responsible for the passage of the Zoning Resolutions of the City of New York.

208. Respondent, The Department of City Planning (DCP) is New York City’s land use agency that carries out the administrative functions relating to land use on behalf of the New York City Planning Commission.

209. Respondent New York City Planning Commission (“CPC”) is the agency responsible for land use determinations including zoning decisions. The Mayor appoints the Chair who is also the Director of City Planning. The Mayor also appoints six other members, each Borough President appoints one member, and the Public Advocate appoints one member. The Chair serves at the Mayor's pleasure while the other 12 commissioners each serve for staggered terms of 5 years. The CPC has an official determinative role in the Uniform Land Use Review Process (“ULURP”) pursuant to § 197-c(a) of the City Charter.

VII. SEQRA AND CEQR VIOLATIONS

a. Failure to Take a “Hard Look” at Population Growth Violated the Statutory Purpose of SEQRA and CEQR and Resulted in the Failure to Propose Mitigation or Alternatives in Significant Areas of Environmental Concern

210. The CPC Report for the housing segment of City of Yes identified four broad categories that would be subject to zoning changes to increase housing: medium and high density proposals in R6-R10 districts and equivalents⁴; low density proposals in R1-R5 districts and equivalents; parking proposals, which impact the entire City of New York; and what the City characterizes as “other and miscellaneous proposals” varying in nature and design impacting the entire City of New York. The CPC Report formulated the Rezoning and the framework for the scope of environmental review.

211. The EIS reviewed the Rezoning through the prism of 28 prototypical sites out of over 700,000 potential sites.

212. The prototypical site selection failed to account for the additional residential units created by the allowance of Accessory Dwelling Units (“ADUs”) in R1 and R2A districts, the elimination of front yard and side yard uniformity allowing for greater density and the encroachment on open space and permeability in R2A districts. This is particularly significant as it relates to the negative environmental consequences on land use; zoning and public policy; water and sewer infrastructure; and neighborhood character.

⁴ Zoning in New York City is divided into Use Groups and categories of use. R = Residential, C = Commercial, M = Manufacturing. Use Groups are numbered from lowest density to highest density. Use Groups 1 and 2 are single family, 2-family and homeownership communities. Residential districts run as high as R-12, which indicate the highest density for bulk and height. Manufacturing Use Groups run as high as 17 and 18, which represent the most noxious manufacturing uses and must be separated from residential communities for health and safety concerns. Use Groups in general, are based on common functional or nuisance characteristics. The Zoning Text identifies which Use Groups are permitted in each Zoning District.

213. Each category set forth in the CPC Report required environmental analysis. Each category reviewed in the FEIS contained omissions, mistakes and analytical failures pertaining to broad areas of density, population growth, building heights and impacts on infrastructure – particularly in relation to height, shadows, urban design, water and sewage and natural resources.

214. Unexamined population growth and increased density resulted in potential and significant negative environmental impacts left unreviewed, unmitigated and undisclosed. This is particularly significant in the effect of population growth upon water and sewer infrastructure and natural resources in low-density neighborhoods throughout New York City. See Affirmation of Walter Mugdan annexed as Exhibit “B”.

215. The failure to take a “hard look” at significant areas of environmental concern relating to population growth, as aforesaid, caused Respondents to breach the mandates of the CEQR Technical Manual pursuant to Chapter 2 relating to a Reasonable Worst Case Development Scenario (“RWCDS”).

216. The CEQR Technical Manual sets a minimum threshold in relation to population growth potential that triggers a finding of significant negative environmental consequences. A finding of significant negative environmental consequences in turn triggers the need for reasonable mitigation. A finding of significance also fulfills SEQRA’s requirement to act as an “alarm bell” to decision makers so that an informed determination can be rendered on whether or not to approve the project.

217. The failure of Respondents to examine potential population growth due to the Rezoning’s addition of Accessory Dwelling Units (“ADUs”) violated the CEQR Technical Manual because minimum thresholds of population growth were surpassed. (See Affirmations of Walter Mugdan and Paul Graziano annexed as Exhibits “B” and “C”).

218. The failure to examine potential population growth in Transit Oriented Development Zones (“TOD”) due to the introduction of increased population resulting from the modification of the Dwelling Unit Factor (“DUF”) violated the CEQR Technical Manual (see footnote #1 for a full explanation of the definitions of TOD and DUF). (See Affirmations of Walter Mugdan and Paul Graziano annexed as Exhibits “B” and “C”).)

219. The failure to examine potential population growth resulting from the allowance of property subdivisions – the alteration of minimum lot widths and sizes⁵ - underestimated population growth and violated the CEQR Technical Manual.

220. This underestimation of population growth prevented decision makers from understanding the full extent of the Rezoning’s impact on infrastructure, neighborhood character, zoning and public policy and socioeconomic conditions. Population growth from subdivisions exceeds the threshold level set forth in the CEQR Technical Manual for significant negative environmental consequences.

221. The failure to examine potential population growth and the elimination in its entirety of one family zones throughout the City of New York is a drastic violation of SEQRA.

222. The Rezoning for the first time, allows two units per lot in previously one-family zone districts; conversion of two-family zones to three-family zones; and the allowance of multi-family development in two-family zones “as of right” in the newly adopted TOD zones. The Rezoning fundamentally changes land use, zoning, public policy and neighborhood character throughout the low-density geographic regions of the City of New York. A finding of no significant negative environmental impacts in those areas, notwithstanding the elimination of one and two family zones, violates fundamental tenets of SEQRA.

⁵ The prevalent lot width and size in R1 districts are 100 ft. wide/9500 sq. ft. in R-1 and R-2a districts are 60 ft. wide/6700 sq. ft. and in R-2 and R-2a districts are 40 ft. wide/3800 sq. ft. or larger.

b. Failure to Take a “Hard Look” at the Impact of Population Growth Upon Water and Sewer Infrastructure and Natural Resources Violated Basic Provisions of SEQRA and CEQR and Resulted in the Failure to Propose Mitigation or Alternatives in Significant Areas of Environmental Concern

223. The ability to plan for proper infrastructure development and resource planning is dependent upon an accurate assessment of population growth. This is crucial in relation to water usage, preservation of natural resources, the proper handling of wastewater and potential overflow of sewage and flooding. Critically, in the selection of prototypical sites, the FEIS excluded unsewered areas, therefore the severe consequences of flooding in unsewered neighborhoods were omitted.

224. The areas to be examined pursuant to the CEQR Technical Manual includes, but is not limited to, combined sewage water overflow (which contains pathogens including viral and bacterial) into bodies of water, wet weather conditions inducing increased stress on infrastructure, increased demand for water due to population growth, conveyance to sewage treatment plants, expansion of impervious surfaces, flooding in unsewered areas and impacts upon natural resources such as surface waters, i.e. the swimming beach in the Little Neck Bay and preserved wetlands. In each of these areas, the FEIS failed to take a “hard look” at significant areas of environmental concern resulting in negative environmental impacts.

225. A detailed review of four communities, within the Alley Creek-Little Neck Bay sewershed, which represent 25% of that sewershed, reveals that the FEIS grossly underestimated population growth in each of the four communities – Douglaston/Little Neck north of Northern Blvd.; Oakland Gardens (private homes); Oakland Gardens (Co-Ops); and Hollis Hills. In each of the four communities, the Rezoning vastly exceeds the CEQR Technical Manual population threshold for significance with respect to water and sewer infrastructure. See Affirmation of Walter Mugdan annexed as Exhibit “B”, ¶ 20, which states:

For the four communities within the Alley Creek-Little Neck Bay sewershed reviewed in detail by Mr. Graziano, following are the number of lots; the number of dwelling units currently existing; the number of dwelling units under the No Action RWCDs; the number of dwelling units under the With Action RWCDs; and the difference between the two RWCDs, both numerically and in percentage terms:

Communities Evaluated	Current # of Lots	Current # of Units	No Action RWCDs # of Units	With Action RWCDs # of Units	Difference in RWCDs # of units	Percent Difference in RWCDs # of units
Douglaston/Little Neck north of Northern Blvd.	2090	2869	3495	7104	3609	203%
Oakland Gardens (Private Homes)	1350	1968	2586	4132	1546	160%
Oakland Gardens (Co-ops)	70	5783	7913	11076	3163	140%
Hollis Hills	1303	1294	1314	3110	1796	237%
Total	4813	11914	15308	25422	10114	166%

226. The impact on water and sewer infrastructure is particularly devastating in unsewered areas prone to frequent flooding. Any increase in dwelling units in an unsewered area exceeds the significance threshold. Most of Douglaston north of 40th Avenue is unsewered; a substantial number of new dwelling units in this community will be created by the Rezoning. The FEIS fails entirely, to address new development in unsewered areas throughout New York City. See Affirmation of Walter Mugdan annexed as Exhibit “B”.

227. The unexamined increase in population will result in an exceptionally large demand for water. As a result of population growth – unexamined in the FEIS – a reasonable estimation projects 2,538,600 additional gallons of water per day. This will generate the same number of additional gallons of sewage per day, vastly exceeding the CEQR Technical Manual for maximum threshold allowance for sewage. This impact upon water and sewer infrastructure

undermines any rational basis for the FEIS conclusions about the adequacy of the water and sewer infrastructure to support the Rezoning's increased development.

228. The FEIS conclusions are based on an assessment of the ability of the existing sewer infrastructure to convey to the sewage treatment plant the amount of sewage associated with population growth. The FEIS asserts that the sewage treatment plant infrastructure is adequate to handle such increased sewage flows (*see*, e.g., Chapter 12, p. 12-3.) However, this conclusion necessarily assumes that the increased sewage will in fact reach the sewage treatment plant. This is currently not the case in areas served by combined sewer systems during many wet weather conditions. See Affirmation of Walter Mugdan annexed as Exhibit "B".

229. A combined sewer system services both sanitary sewage and rainwater. However, during many wet weather events the combined sewer system infrastructure is unable to convey all the wastewater (i.e., sanitary sewage mixed with rainwater) to the treatment plants. The system is therefore designed to have combined sewer overflow (CSO) points at various places. When the conveyance pipes become too full with sewage and rainwater to move all the combined wastewater to the treatment plants, the excess wastewater overflows into a receiving water – i.e., a creek, embayment, or other surface water. *See, e.g.*, <https://www.nyc.gov/site/dep/water/combined-sewer-overflows.page>.

230. Within the Alley Creek-Little Neck Bay sewer shed there are a number of areas that are served by combined sewers. A primary CSO discharge point is on Alley Creek just south of its mouth where it empties into Little Neck Bay. *See*: https://www.nyc.gov/assets/dep/downloads/pdf/water/nyc-waterways/alley-creek/alley_creek_cso_ltcp_1012b.pdf

231. Currently, there are frequent combined sewer overflow (CSO) events during which sanitary sewage mixed with rainwater enters surface receiving waters. Such CSO events will be significantly exacerbated due to the Rezoning's population increase.

232. Chapter 12 of the FEIS relating to water and sewage infrastructure includes several statements acknowledging that CSO events resulting in wastewater discharges into receiving waters, and by implication will continue to occur in the future. (*See*, for example, p. 12-12 and p. 12-17.) However, with respect to areas served by combined sewer systems, the FEIS does not include any assessment of the amount of wastewater that will be discharged into surface water during CSO events, and that will therefore not reach the treatment plant at all.

233. In relation to the wastewater discharged into receiving waters during a CSO event, the capacity of the sewer infrastructure to convey wastewater to a treatment plant is inadequate under current conditions. With the population growth attributable to the Rezoning, the amount of sanitary sewage in the combined sewer system pipes will be significantly increased. Thus, the frequency, intensity and duration of combined sewer overflow discharges into receiving waters will also be significantly increased such that significant negative environmental impacts will result, which were not given "any" look. See Affirmation of Walter Mugdan annexed as Exhibit "B".

234. Even in areas with separate sewer systems (i.e., where sanitary sewage and stormwater travel in different pipes, and where only the sanitary sewage is conveyed to the treatment plant, while the stormwater is typically discharged directly to a receiving water), the failure of the FEIS to consider population growth, underestimated the amount of sewage and pathogens - including Fecal Coliform bacteria - that will be generated by the Rezoning. Thus, assertion in the FEIS that the conveyance system is adequate to transport additional sewage

created by the Rezoning to the treatment plant is irrational. See Affirmation of Walter Mugdan annexed hereto as Exhibit “B”.

235. Additionally, the FEIS fails to assess the increase in impervious surfaces due to increased development and population growth.

236. Impervious surfaces include building roofs, paved driveways, patios, sidewalks, roadways, etc. Stormwater from rain either seeps into the ground or runs off over impervious surfaces into separate stormwater sewers, which in turn discharge directly into surface waters; or the runoff may enter into combined sewers from which it may discharge into surface waters during a combined sewer overflow event.

237. The FEIS acknowledges that there will be an increase in allowable impervious surfaces as a result of the Rezoning which will increase stormwater runoff flows. The FEIS goes on to assert that “proposed developments of a certain size would be required to comply with the Unified Stormwater Rule (USWR)” which aims to regulate stormwater release rates into the City’s sewers. The FEIS contends that “[a]lthough the Proposed Action would result in an increase in impervious coverage, the USWR would preclude impacts from much of the development under future conditions and improve neighborhood stormwater conditions.

238. The FEIS does not review or give “any” look at a critical issue that will increase the likelihood of additional flooding. The elimination of a portion of the Yards Text Amendment will have this effect. Previously, zoning mandated that a percentage of all front yards in R1-R5 low-density residential districts remain permanently permeable – between 20% and 50% of the front yard depending on size of the lot. This environmentally sound provision has now been eliminated without any review or acknowledgment. This radical change in zoning will increase

impervious surfaces which will increase stormwater runoff into the streets and the surrounding community.

239. The assessment in the FEIS of projects not subject to the USWR, including an assessment of Accessory Dwelling Units (ADUs), according to the FEIS, would not result in an increase in impervious coverage that is “significant or adverse.” As a basis for these assertions, the FEIS discusses Prototypical Sites 6-2 and 8 that “would result in the increase of impervious surface within a drainage area identified by the New York City Department of Environmental Protection (NYC DEP) as an area of concern,” but asserts that although Prototypical Sites 6-2 and 8 “would create new demand for water and treatment of sewage and stormwater in comparison to the No-Action condition, based on the methodology set forth in the *CEQR Technical Manual*, the incremental increases would be well within the City’s sewer system capacity, and would not be considered significant or adverse.” FEIS Chapter 12, at p. 12-3.

240. Table 12-9 in Chapter 12 of the FEIS compares the estimated total volume of stormwater resulting from the Rezoning using the NYC DEP’s Flow Volume Calculation Matrix. As shown in the table, depending on the rainfall volume and duration, the Rezoning would result in between 0.02 MG (million gallons) and 0.24 MG of increased stormwater. The FEIS states that an increase of 5 percent or more at a site over existing conditions would typically warrant further review by NYC DEP, in which the implementation of Best Management Practices (BMPs) would help mitigate that increase.

241. Table 12-9 of the FEIS predicts that with a 0.4” rainstorm over 3.8 hours, there would be a 23% increase of flow to the Tallman Island sewage treatment plant (which serves northeastern Queens, including the Alley Creek-Little Neck Bay sewershed); this increase is

nearly 5 times the cited 5% threshold. For a 1.2" rainstorm over 11.3 hours, there would be a 35% increase in flow -- 7 times the cited 5% threshold.

242. The FEIS acknowledges that although the 5% threshold is exceeded, these increments "represent only a 0.03 to 0.30 percent increase at the Tallman Island sewage treatment plant," which serves northeastern Queens including the Alley Creek-Little Neck Bay sewershed. As documented above, in areas served by combined sewers the infrastructure is currently unable to prevent frequent CSO discharges into the receiving surface waters, notwithstanding the construction of large, costly underground storage tanks such as the Alley Creek CSO tank, and other infrastructure improvements. Any sanitary sewage wastes included in such CSO discharges to surface waters will, by definition, never reach the sewage treatment plant. Thus, the capacity of the treatment plant to handle the wastewater is not relevant with respect to any and all wastewater discharged directly into a receiving water during a CSO event. Therefore, the assertion in the FEIS that there would be only a slight increase in stormwater due to increased impervious surface conditions is irrelevant as to any sanitary wastes that are discharged into a receiving water during a CSO event, because those wastes never reach the treatment plant.

243. The failure to examine expansion of impervious surfaces throughout the watershed significantly underestimates the increase in stormwater runoff and the increase in combined sewer overflow into receiving natural resources such as Alley Creek and Little Neck Bay.

244. In unsewered areas, sanitary wastes are managed with septic tanks or cesspools. However, such facilities are often inadequate to contain sewage during wet weather. The FEIS in Chapter 10 (Natural Resources) merely states that any potential discharge of stormwater and/or

pollutants to surface water during or after development would be subject to further regulatory review, however this assertion is false because future development in unsewered areas would be “as of right” and not subject to any permit or review approvals. Therefore, increased stormwater and wastewater discharge into surface water natural resources and protected wetlands will be unchecked and unfettered due to potential development and increase in impervious surfaces “as of right”.

c. The Failure to Assess, Review or Consider the Addition of Rooftop Mechanical Equipment, Bulkheads and Parapets to the Height of Buildings Violated Basic Provisions of SEQRA and CEQR and Resulted in the Failure to Propose Mitigation or Alternatives in Significant Areas of Environmental Concern Such as Shadows, Urban Design and Visual Resources and Air Quality

245. The height of buildings assessed by Respondents in the FEIS is false. The zoning massing diagrams portrayed in the FEIS omits all rooftop equipment and bulkheads from its analysis. The environmental impacts of rooftop bulkheads and mechanical equipment must be assessed in order to determine the impact of a building’s increased height on the surrounding area. The CEQR Technical Manual mandates that rooftop additions must be a part of an environmental assessment. Specifically, “[t]he building envelope depicting the worst-case scenario for shadows should include the maximum feasible floor area, **all rooftop mechanical equipment, parapets**, and any other parts of the building.” See CEQR Technical Manual Section 8-314.2, page 8-8.

246. Bulkheads, mechanical equipment, parapets, solar panels and other “permitted obstructions” are located on top of the maximum allowable height of buildings.

247. For example, the tallest bulkhead in an R8B district adds another 35 feet to the height of the building (ZR 23-412(c)(3)(ii)) and that bulkhead can have solar panels up to six

feet tall (ZR 23-411(j)(1)), adding a total of 41 feet to the building height. For a building that is 105 feet tall, an additional 41 feet is a significant and meaningful increase. This additional allowable height was completely excluded from Respondents' environmental review of the Rezoning. Therefore, not only was there a failure to give a "hard look" to height impacts, there was a failure to give "any" look at all.

248. The CEQR Technical Manual mandates a full height assessment – including rooftop additions – in at least six places, including when it instructs applicants on how to conduct a Tier 1 Screening Assessment. The CEQR Technical Manual states, as follows:

“The longest shadow study area encompasses the site of the proposed project and a perimeter around the site's boundary with a radius equal to the longest possible shadow that could be cast by the proposed structure (see Section 314.8), which is 4.3 times the height of the structure's maximum feasible heights, **including all rooftop mechanical equipment, parapets**, and any other parts of the building, and occurs on December 21, the winter solstice. To find the longest shadow length, multiply the maximum height of the structure (again, **including any rooftop bulkhead and mechanical equipment**) resulting from the proposed project by the factor of 4.3.” Section 8-312, CEQR Tech Manual 2021, page 8-4. (*emphasis added*)

249. Respondents' environmental review does not include *any* rooftop bulkhead, mechanical equipment or even parapets that are required on the rooftops that have access. The Screening Assessment that appears in the environmental review demonstrates that the Rezoning proposal did not include any of these rooftop additions. (See Affirmation of George Janes and citations to a reproduction of Figure 7.1, which shows the Tier 1 and Tier 2 screening assessment for Prototypical Site 1-2A, which represents a development site in an R8B zoning district annexed hereto as Exhibit “A”.)

250. Every zoning type prototype utilized by Respondents in the Rezoning environmental review allows permitted obstructions (“additions”) over the roof height. All rooftop additions were omitted from the environmental analysis of the Rezoning. As a result, every image and assessment of height impact in the FEIS is false. (See Affirmation of George Janes annexed as Exhibit “A”.)

251. Additionally, the height and shape of buildings are an important component in assessing the environmental consequences of projects upon Urban Design and Visual Resources.

252. Accurate building heights and shapes are important in understanding the project’s impact on air quality. A composition of a building’s three-dimensional forms or massings are an important component of Air Quality assessment.

CONCLUSION

253. For the foregoing reasons, Respondents violated basic and fundamental precepts of SEQRA and CEQR in casting aside critical areas of environmental concern in their rush to complete the most comprehensive and radical transformation of New York City Zoning in over sixty years. The Rezoning represented a wholesale departure from longstanding public policy that respects open space, air and light, stress on infrastructure and the neighborhood character of vast areas of New York City’s low-density communities. To have undertaken this Rezoning contrary to the requirements of basic environmental law must result in a nullification of Respondents’ unlawful behavior.

CAUSES OF ACTION

AS AND FOR A FIRST CAUSE OF ACTION

254. Petitioners repeat and reallege every allegation set forth in paragraphs “1” through “253” as if fully set forth here.

255. By failing to identify significant areas of environmental concern, Respondents failed to take the requisite “Hard Look” at the significant negative environmental impacts of the Rezoning.

256. In failing to take a “Hard Look”, Respondents violated SEQRA and CEQR. Respondents, in approving its adoption of the Rezoning, acted unlawfully and in a manner that was arbitrary and capricious.

AS AND FOR A SECOND CAUSE OF ACTION

257. Petitioners repeat and reallege every allegation set forth in paragraphs “1” through “256” as if fully set forth here.

258. Respondents, by failing to propose reasonable alternatives, acted unlawfully and in a manner that was arbitrary and capricious.

AS AND FOR A THIRD CAUSE OF ACTION

259. Petitioners repeat and reallege every allegation set forth in paragraphs “1” through “258” as if fully set forth here.

260. Respondents, by failing to propose reasonable mitigation measures, acted unlawfully and in a manner that was arbitrary and capricious.

AS AND FOR A FOURTH CAUSE OF ACTION

261. Petitioners repeat and reallege every allegation set forth in paragraphs “1” through “260” as if fully set forth here.

262. Respondents, by failing to assess the cumulative impacts of the Rezoning, acted unlawfully and in a manner that was arbitrary and capricious.

AS AND FOR A FIFTH CAUSE OF ACTION

263. Petitioners repeat and reallege every allegation set forth in paragraphs “1” through “262” as if fully set forth here.

264. Respondents’ segmentation of City of Yes into three distinct separate rezoning categories was an unlawful, arbitrary and capricious abuse of discretion.

WHEREFORE, Petitioners seek judgment and an order pursuant to CPLR Article 78 and CPLR §§ 3001 and 6301 finding that:

- a) The Rezoning was arbitrary, capricious, and violative of the State and City environmental laws, rules, and regulations;
- b) The Rezoning violated SEQRA and CEQR as mandated and governed by the CEQR Technical Manual;
- c) The Rezoning should be annulled and vacated;
- d) Respondents should be enjoined from proceeding with enactment, enforcement, or implementation of the Rezoning;
- e) Petitioners are entitled to costs and disbursements in this proceeding, including reasonable attorney fees; and
- f) Such other and further relief as this Court may deem just and proper.

Dated: East Hampton, New York
March 25, 2025

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VERIFICATION

JACK L. LESTER, ESQ., the undersigned, an attorney admitted to practice law in the Courts of New York State, affirms, pursuant to CPLR 2106 and under the penalties of perjury, that he is a member of The Law Offices of Jack L. Lester, Esq., attorney for Petitioners in the within action, that he has read the foregoing Verified Petition and knows its content thereof, that the same is true to his own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matter, he believes them to be true.

Affirmant further states that the reason this verification is made by him and not by the Petitioners is that the Petitioners are not within the county where affirmant maintains his office. The grounds of affirmant's belief as to all matters not stated upon affirmant's own knowledge are consultations had with Petitioners and investigations to date in affirmant's possession. The undersigned affirms that the foregoing statements are true under the penalties of perjury.

Dated: East Hampton, New York

March 25, 2025



JACK L. LESTER, ESQ.