

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

In the Matter of

DEVELOP DON'T DESTROY BROOKLYN; et al.,

Petitioners - Plaintiffs

For a Judgment Pursuant to Article 78 of the CPLR and
Declaratory Judgment

- against -

URBAN DEVELOPMENT CORPORATION d/b/a EMPIRE STATE DEVELOPMENT
CORPORATION; et al.,

Respondents - Defendants

AFFIDAVIT OF DR. TOM ANGOTTI

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

Dr. Tom Angotti, being duly sworn, deposes and says:

1. I am a Professor of Urban Affairs and Planning at Hunter College, City University of New York, and Director of the Hunter College Center for Community Planning and Development. I am the former chair of the Pratt Institute Graduate Center for Planning and the Environment, and was a senior planner in the New York City Department of City Planning and the Department of Housing Preservation and Development.

2. I was retained in mid-2006 by Council of Brooklyn Neighborhoods ("CBN"), to head the team of environmental experts assembled by myself and CBN to submit the communities' Response to the Draft Environmental Impact Statement ("DEIS") for the Atlantic Yards (available for download from www.cbrownneighborhoods.homestead.com)

3. Given the massive size of the DEIS and the accompanying General Project Plan (over 4000 pages total), the task my team faced was daunting, to say the least. Because of the unrealistically short period of time which we were given to respond to these documents (which took AKRF approximately two years to prepare), we were simply unable to respond in the professional manner in which our experts were accustomed. On numerous occasions, individual experts told me they would need more time to undertake more detailed analyses necessary to determine the adequacy of the DEIS.

4. Had we been afforded 30 days after the September 18, 2006 hearing, which would have given us at least an additional 19 days to respond to the DEIS, we would have been able to produce a much more detailed and meaningful response to many of the issues inadequately or inaccurately addressed by the ESDC and AKRF in the DEIS.

5. Had we been afforded the 30 days after the September 18, 2006 hearing, we would have been able to undertake the follow studies necessary to developing a detailed response:

- a. Socioeconomic Conditions. Our response shows that the FEIS failed to analyze the significant differences within census tracts and block groups in proximity of the footprint. A detailed block-by-block analysis would have revealed the substantial potential for secondary displacement in the adjacent blocks in the Prospect Heights and Fort Greene neighborhoods.
- b. Community Facilities. The DEIS uses questionable school attendance data, and we would have conducted on-site research to check attendance at several schools.
- c. Emergency Response Times. An independent survey and study of emergency response times would have revealed the inadequacy of the undocumented DEIS statements that the project would not effect emergency response times.

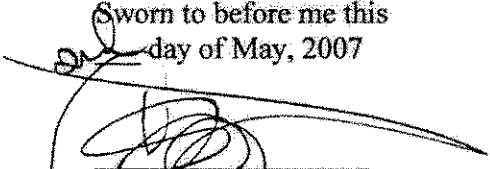
- d. Open Space. We would have simulated with a computer model the proposed open space in the project to clearly demonstrate our analysis that it would not be publicly accessible.
- e. Archaeological Impacts. We were unable to evaluate the proposed testing protocol for lack of time.
- f. Proposed Nighttime Lighting and Signage. The DEIS introduced for the first time the proposal to place large lighting and signage elements outside the arena. We needed time to fully evaluate the impact of these new elements on public safety and health.
- g. Alternatives. The DEIS failed to fully analyze the alternative plans, and we did not have the time to go through each alternative and detail all of the potential impacts that were not fully evaluated.
- h. LEED Certification. The DEIS introduced for the first time the possibility that the buildings in the project would be LEED certified (LEED stands for Leadership in Energy and Environmental Design). We could have demonstrated, but did not have the time to do so, that LEED certification (the process for “green building” development established by the U.S. Green Building Council) would not mitigate the negative environmental impacts of the proposed project.
- i. Blight Study. The blight study makes determinations about building conditions and “underutilization” of properties in the project area that appear to be subjective and unwarranted. If we had the time we would have conducted independent engineering studies to ascertain structural conditions and an objective analysis of utilization. By documenting the condition of properties before 2003, we would have been able to show that to the extent that properties may be considered blighted the blight conditions were created by Forest City Ratner and therefore represent an undisclosed negative environmental impact.

j. Noise. We would have made independent noise samples at sensitive receptor locations that would have demonstrated that the DEIS underestimated noise impacts because its baseline data was incorrect.

k. Transportation. We would have developed detailed simulations that demonstrate significant negative impacts on the Brooklyn Queens Expressway, on-street parking, and pedestrian and bicycle safety that were not disclosed in the DEIS.

6. Taken together these additional analyses would have demonstrated that AKRF did not take a "hard look" at the environmental impacts and should revise the DEIS to take into account these impacts.


Tom Angotti

Sworn to before me this
day of May, 2007

Notary Public

