

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 RAUL ROTHBLATT

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

Raul Rothblatt, being duly sworn, deposes and says:

1. I reside in Prospect Heights, at 119 Prospect Place, #2, between Flatbush and Carlton Avenues in Brooklyn, which is adjacent to the footprint of the proposed Atlantic Yards project. I respectfully submit this affidavit in support of the Article 78 proceeding brought by petitioners to challenge the approvals issued by the Empire State Development Corporation ("ESDC") in connection with the proposed Atlantic Yards project (the "Project").

2. I have lived in my apartment for almost seven years and I am treasurer of my Coop board. I am Vice President of the Prospect Place of Brooklyn Block Association, Inc, a petitioner-plaintiff in the instant proceeding.. I am also an Executive Director of the Central Brooklyn Independent Democrats, another petitioner-plaintiff, and a founding member of the Shirley Chisholm Political Collective.

3. The short window to respond to the DEIS seriously hindered my ability to fully participate in the review process.

4. Had I been provided the minimum 30 day comment period following the last public hearing on September 18th, I would have been able to tailor and spend more time editing my response. As it was, I was hardly able to even gather the supporting documentation for my submission.

5. On one occasion I even had to tear out an original page of a Community Board report because I didn't have time to copy it. As a result, I lost my handwritten notes because the ESDC is now in possession of the original copy.

6. Had I been given the statutorily required amount of time, there are additional substantive points I would have made. For example, I was in the midst of studying the relationship between rapid development and arson but I was unable to pursue this study.

7. The short window curtailed my ability to finish research on census data and "transitional areas." Specifically, as I was rushing to finish my submission in time, I was struggling with how the census data contradicts the population information contained in the DEIS. I was trying to show that the DEIS utilizes vague descriptions of Prospect Heights that differ from the realities I see as a resident, and which are contradicted by objective research, such as the census data.

8. Because I was forced to rush to submit my testimony within the short window allocated, I was unable to pursue a critique of the following paragraph from page 16-9:

"The neighborhood character of Prospect Heights varies widely. As in the other adjacent residential neighborhoods, a portion of this neighborhood is preserved in a historic district (the Prospect Heights Historic District). Residential uses in this district, and most of the neighborhood south of St. Mark's Avenue and west of Washington Avenue, are found on quiet tree-lined streets characterized by uninterrupted rows of attached two- to four-story rowhouses faced in brick and brownstone that are typically set back from the street and allow for a small front garden. The residential character of Prospect Heights

outside of the boundaries of the historic district is more varied. Taller residential buildings, some as high as 15 stories, are located along Grand Army Plaza and Eastern Parkway, offering residents of these buildings superior views of Prospect Park and the Brooklyn Botanic Garden, similar to the type of development found along Central Park West in Manhattan. The residential areas east of Washington Avenue are varied and lack any cohesive theme when compared with the other residential areas in this neighborhood.”

10. Had I been given a proper amount of time, I would have noted that the offensive and clearly erroneous statement that residential areas east of Washington “lack any cohesive theme.” Many of the residents have lived there for years, and there are some very tight-knit communities there. Moreover, there are no residential areas in Prospect Heights east of Washington- rather, Washington Avenue is the generally accepted border of Prospect Heights and Crown Height.

11. More importantly, shortly after I rushed to submit my testimony, I learned that the census data contradicts the north-south divide in the AKRF’s misguided depiction of Prospect Heights. Prospect Heights is a tiny neighborhood, but a quick look at the census data for Community Board 8 shows that the stark extremes go from east to west, not north to south.

12. Going north to south between Vanderbilt and Grand Avenues, the income levels of census tracts go from \$38,942 in tract 203 to \$45,256 in tract 205 to \$50,137 in tract 207. But going west to east, the differences are much more dramatic. The per capita income in is \$65,192 in tract 161, in \$38,942 in tract 203, \$23,846 in tract 225 and it drops down to a shocking \$13,578 if you go to tract 307. Unfortunately, I did not have time to adequately study and point out these errors in AKRF’s description of the income levels in the study area.

13. I also did not have sufficient time to analyze the erroneous map of Prospect Heights presented in the DEIS. I was able to scribble one quick page. The question of where exactly the border between Crown Heights and Prospect Heights is is a matter of seemingly endless debate.

14. I did not have sufficient time to analyze the bizarre analysis in the DEIS connecting blight to "irregularly shaped blocks." I was only able to go so far as to provide four few Google maps with some scribbles. I would have discussed how the irregularity of some of the blocks in Fort Green improves neighborhood character.

15. I did not have sufficient time to respond to and analyze the DEIS statements about the industrial aspects of the footprint area.

16. I did not have sufficient time to offer an analysis comparing economic development without government intervention to this project. SoHo, and many other neighborhoods in New York City, have become economically viable without government intervention and possibly *because* of its industrial character.

17. I did not have sufficient time to study and present findings on "Adapted Use" of the rail yards. As the clock was ticking and the submission had to be made, I was just learning about cities in the United States and Europe which have developed other rail yards into such things as parks.

18. I am sure I am not the only commentor who was completely unable to review the 4000 pages produced by the ESDC in its Draft Environmental Impact Statement and General Project Plan for the proposed Atlantic Yards Project in the time allotted. Had I been afforded the additional 19 days that the law requires, my submission would have been a scathing indictment of the shoddy work produced by the ESDC in order to facilitate its rubber stamping of this Project.



Raul Rothblatt

Sworn to before me this
2 day of May, 2007

