

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 EDGAR FREUD, P.E.

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

Edgar L. Freud, P.E., being duly sworn, deposes and says:

1. I am a professional engineer. My professional activities include acting as Co-chair of the New York City Department of Environmental Protection Citizens Advisory Committee on Pollution Prevention and as a member of the Sierra Club, New York City Group Executive Committee, one of the petitioner-plaintiffs in the within proceeding.

2. I am familiar with the history and operation of Friends and Residents of Greater Gowanus ("FROGG"), a community group advocating on behalf of the residents of the Gowanus area of Brooklyn, another one of the petitioner-plaintiffs in the above captioned proceeding, and had significant involvement in the drafting of FROGG's response to the Draft Environmental Impact Statement (the "DEIS") issued by Empire State Development Corp. ("ESDC")

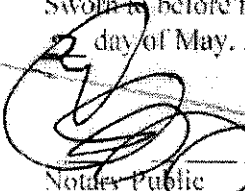
3. Unfortunately, despite my best efforts, I was unable to adequately respond to the myriad of issues raised in the DEIS which were and remain of particular interest to the members of FROGG. Had the public been provided with 30 days after the close of the public hearing on September 18, 2007, rather than the eleven days afforded, I would have been able to more thoroughly review and provide adequate analysis of certain deficiencies and inaccuracies which FROGG and I perceived in the DEIS.

4. For example, the shortened comment period compromised my ability to do more extensive research, forcing me to rely on information contained in my personal files. Not having sufficient time meant that I could not perform analyses that depended on DEP sewer maps, including district sewer maps that would provide information on population, businesses and commuter sewer use to assess the sewer flow data which was contained in the DEIS.

5. As another example, the lack of time did not allow me to do research at the Brooklyn and Manhattan main public libraries, which are the only places at which certain files can be found, including Sanborn maps that provide geographic land acquisition and land insurance records with history of block and lot dating back to 1800, which is information relevant to protection from eminent domain. To explain further, the history of land use and land ownership, and in particular legal restrictions and restraints, often provides information that would preclude the inappropriate and illegal use of eminent domain, which is an issue in which FROGG is particularly interested.

Edgar L. Freud,
Edgar L. Freud, P.E.

Sworn to before me this
2 day of May, 2007


Notary Public

GANDICE C. GARDNER
Notary Public, State of New York
No. 61221
Qualified in
6/2/07

King Co
6/2/07