

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 ERIC MCCLURE

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

Eric McClure, being duly sworn, deposes and says:

1. I reside in Park Slope, in Brooklyn, the neighborhood which abuts Prospect Heights, where the proposed Atlantic Yards project is to be built. I am a Campaign Coordinator for Park Slope Neighbors, Inc. ("PSN"), one of the petitioner-plaintiffs in the above-referenced proceeding. 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. PSN is a community-advocacy organization committed to the protection and enhancement of quality of life in the neighborhood of Park Slope, Brooklyn, New York. We adhere to the following principles:

- We support sustainable, organic development that is sensitive to the context of the existing community, through advocacy of green building standards and adaptive re-use.
- We promote a safe, accessible and enjoyable environment for pedestrians and cyclists.
- We encourage the development and growth of local small businesses.
- We promote cultural, economic and generational diversity within our community.

3. One of my responsibilities as PSN campaign coordinator was to coordinate our organization's response to ESDC's Draft Environmental Impact Statement ("DEIS") issued with regard to the proposed project. The timing of the public comment period and public hearing, and the short window of time which the public was given for reviewing the DEIS and commenting upon it, made it impossible for PSN to weigh in on the environmental review to anything near the extent to which we believed was warranted.

4. Many of our members were on vacation when the DEIS was released in mid-summer. One of the public sessions was scheduled on Primary Day, which made it exceedingly difficult for many people to attend. And of course, with all the busing in of ACORN supporters and construction tradespeople to the August 23rd hearing by project supporters, the near-total lack of policing of the door to the auditorium by ESDC officials, the failure to hold many testifying in support of the project to the allotted three minutes, and the hostile atmosphere ESDC allowed to perpetuate during the hearing, it was incredibly difficult for members of our organization to speak to the issues.

5. The greatest obstacle to our full participation, however, was the insufficient time given the public to respond to the DEIS. Because of the short period of 73 days within which we had to digest and respond to more than 3000 pages of the DEIS and the General

Project Plan for this Project, PSN was forced to collaborate with the Park Slope Civic Council, another longstanding community organization, on testimony, submitting a joint response, and even then, we were unable to provide any comment on the following DEIS chapters:


- (01) Project Description
- 02) Framework
- 07) Cultural Resources
- 09) Shadows
- 10) Hazardous Materials
- 17) Construction Impacts
- 19) Mitigation
- 20) Alternatives
- 21) Unavoidable Impacts
- 22) Growth Inducing Aspects
- 23) Irreversible and Irrecoverable Commitment of Resources

6. In fact, we were unable to even read some of these chapters, and in some of the areas on which we were able to comment, we were unable to do so to the extent that we felt was truly necessary or warranted.

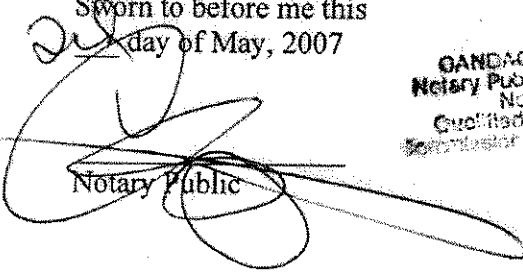
7. Our inability to comment on certain of the sections was especially troubling to PSN as an organization, as, for instance, with the Alternatives section. Park Slope Neighbors collected more than 2,000 signatures on a petition we circulated during the summer of 2005 pertaining to the proposed Project at Atlantic Yards. One of the critical things our petition asked local elected officials to do was to ensure the consideration of alternative uses for the project site, and of possible alternative sites for an arena, particularly Coney Island. By not having the time

to comment on the Alternatives section, PSN was unable to fulfill an important commitment to our constituents.

8. This is but one example of how the inadequate DEIS review period and process severely compromised our ability to participate. Had the public been afforded 30 days from the September 18 hearing to submit its written comments, PSN would certainly have been able to submit a more robust response to the DEIS, and to address the many areas of concern to our constituency.


Eric McClure

Sworn to before me this
21st day of May, 2007


Notary Public

GANDACE C. GARY
Notary Public, State of New York
No. 91-400-200
Qualified in Westchester County
6/2/07