

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

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**AFFIDAVIT OF ALAN ROSNER**

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

Alan Rosner, being duly sworn, deposes and says:

1. I reside in Prospect Heights, at 861 Pacific Street, between Vanderbilt and Underhill Avenues in Brooklyn, which is one quarter of a block from 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 owned and lived in my house for almost 18 years. Since I first saw the official Site Plan from December 2004 I have been concerned about the safety of this project and have worked to make these concerns known to others including Community Boards 2, 6 and 8, elected officials, and several of the plaintiffs in this lawsuit. The short window provided to respond to

the Draft Environmental Impact Statement (“DEIS”) seriously hindered my ability to fully participate in the review process.

3. Had the public been provided the minimum 30 day comment period following the last public hearing on September 18th, I am confident I would have been able to identify a terrorism expert and secure his assistance in submitting a more substantive and authoritative discussion of why the possibility of a terrorist attack on this project is a “reasonable worst case scenario” and so should have been appropriately addressed by the ESDC in its Environmental Impact Statement.

4. As the court can see from his affidavit submitted in support of the instant Article 78, after the September 29, 2006 deadline passed for the submission of comments on the DEIS, I was, in fact, able to obtain the assistance of Professor Norman Groner, a professor at the City University of New York, John Jay College of Criminal Justice (“John Jay”), where he is currently the director of the Graduate Program in Protection Management. The focus of Professor Groner's work is human and organizational factors that pertain to fire safety and emergency planning, and he teaches a graduate level course at John Jay titled "Safety and Security in the Built Environment." He also serves as an expert advisor to the National Institute of Standards and Technology investigation of building evacuations during the 9-11 World Trade Center attacks.

5. Had we had the benefit of Professor Groner's input regarding the DEIS, we would have been able to more adequately address the deficiencies in the DEIS occasioned by the ESDC's refusal to address security risks at this project as an appropriate area for review.

6. Additionally I would have had time to integrate, in a meaningful and clear manner into the material I prepared for submission to the ESDC, the 9<sup>th</sup> Circuit Court’s decision in the

*San Luis Obispo Mothers for Peace v. Nuclear Regulatory Commission (NRC)*. While the decision was issued well before September, it only became known to me in mid September, and being a non-lawyer, I was not able to obtain the assistance I needed to properly utilize the arguments made by the court in that case and apply them to the proposed Atlantic Yards project.



Alan M. Rosner

Sworn to before me this  
2 day of May, 2007



Notary Public

GABRIEL C. CARROZZI  
Notary Public, State of New York  
No. 02 40004  
Qualified to take oaths  
6/2/07