

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

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In the Matter of

DEVELOP DON'T DESTROY BROOKLYN;
DANIEL GOLDSTEIN;
ATLANTIC AVENUE BETTERMENT ASSOCIATION;
FORT GREENE ASSOCIATION;
BOERUM HILL ASSOCIATION;
FIFTH AVENUE COMMITTEE;
EAST PACIFIC BLOCK ASSOCIATION;
PROSPECT HEIGHTS ACTION COALITION
by its President PATTI HAGAN;
PRATT AREA COMMUNITY COUNCIL;
SOCIETY FOR CLINTON HILL;
DEAN STREET BLOCK ASSOCIATION (4th to 5th Ave.)
by its President JUDY SACKOFF;
PROSPECT HEIGHTS NEIGHBORHOOD
DEVELOPMENT COUNCIL; ELISELLE ANDERSON,
DAVID SHEETS, KEN DIAMONDSTONE; and
PACIFIC CARLTON DEVELOPMENT CORP.,

Index No. 100686/06

Petitioners - Plaintiffs

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

- against -

EMPIRE STATE DEVELOPMENT CORPORATION and
FOREST CITY RATNER COMPANIES,

Respondents - Defendants
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AFFIDAVIT OF VELMANETTE MONTGOMERY

STATE OF NEW YORK)

ss.:

COUNTY OF ALBANY)

VELMANETTE MONTGOMERY, being duly sworn, deposes and says:

1. I am a New York State Senator, representing the 18th Senate District. My District includes the areas of Brooklyn which lie in the footprint of Forest City Ratner Companies' proposed publicly subsidized, mixed-use redevelopment plan known as the Atlantic Yards Arena and Redevelopment Project.

2. I share the concerns Letitia James expresses in her affidavit about the impact of the Project on our Districts, and the integrity of the process of environmental review.

3. As I said in my written comments to Charles Gargano, chairman of the Empire State Development Corporation ("ESDC"), regarding the Draft Scope of Analysis for an Environmental Impact Statement, the development plan, as proposed, will change the character of certain Brooklyn neighborhoods forever. The building of 17 towers, ranging from 30 to 60 stories, and a 20,000 seat arena in the heart of five historically landmarked, ethnically and economically mixed brownstone neighborhoods would be like having a volcano erupt in the middle of Prospect Park.

4. It is of particular concern to me that this plan was developed without any input by residents and organizations representing the surrounding neighborhoods.

5. To permit FCRC to start demolishing buildings before the Project has been reviewed, let alone approved, particularly when the approval of the demolition application is tainted by the appearance of a conflict of interest, would send the wrong message to the constituents of these communities and exacerbate the atmosphere of fear and intimidation that the developer has already helped create.

6. No one would be harmed, and the public good would be served, by delaying demolition until a second engineer, who is independent from the developer, inspects and renders a second opinion as to whether the buildings are truly so structurally unsound as to represent a danger to the public.

7. I have reviewed the brief of the proposed amici curiae and I agree with the arguments it makes.

8. No prior application for the relief requested herein has been made.

WHEREFORE, it is respectfully requested that my motion for leave to appear as amicus curiae be granted, and that the petitioners-plaintiffs' motion for a preliminary injunction be granted.

Velmanette Montgomery

Sworn to before me this
6th day of February, 2006.

Notary Public