

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

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DEVELOP DON'T DESTROY BROOKLYN, et al., : Index No. 100686/06
 : IAS Part 35
 Petitioners, : Justice Edmead

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

EMPIRE STATE DEVELOPMENT CORPORATION :
and FOREST CITY RATNER COMPANIES, :

Respondents. : **AFFIDAVIT**

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

ROBERT P. SANNA, R.A. being sworn, states:

1. I am a Registered Architect licensed by the State of New York, and Executive Vice President and Director of Construction Design and Development of respondent Forest City Rather Companies ("FCRC"). I have over 25 years of experience in real estate development and construction. I make this affidavit in opposition to petitioners' motion for a preliminary injunction, and in support of FCRC's cross-motion to dismiss.

2. The particular purpose of this affidavit is to describe for the Court the procedures that normally apply to the lawful demolition of a building in New York City.


3. The first step in the demolition is to remove any asbestos or other hazardous materials. In buildings from the late 19th and early 20th centuries, asbestos – or materials containing a mix of asbestos and other components – can be found in the roof, in insulation around pipes and boilers, in ceiling, wall or floor tiles, or in wall plaster. Removal of these materials must be performed by specially licensed contractors who follow carefully established protocols. In particular, while abatement work is in progress the areas of the building that are being worked on must be sealed off from surrounding areas to prevent friable asbestos fibers from escaping into the air. Similarly, the workers who remove the asbestos must at all times wear hazardous materials suits for protection against asbestos fibers. It also is required that, during the work, monitoring equipment be maintained outside the work area and monitored by qualified technical personnel to verify that asbestos fibers are not escaping into the atmosphere. Finally, the asbestos itself must be transported away from the site in sealed containers and disposed of at specifically authorized locations. FCRC has had extensive experience in the abatement of asbestos-containing materials in many of our projects over the years.

4. Once all asbestos has been properly removed, the building's owner or its demolition contractor files with the New York City Department of Buildings (“DOB”) certification that the building contains no asbestos, as well as certifications that the building is vacant and that all utilities – electricity, gas and water – have been disconnected. DOB personnel verify that the building is not a designated City landmark or within a designated historic district and thus can be demolished without the approval of the City's Landmarks Preservation Commission. At that point, an inspector from DOB's “BEST Squad” will visit the site to verify that the building is vacant and that all

utilities have been disconnected, and to ascertain whether there are any unusual conditions that would pose a danger to adjoining buildings or their occupants during demolition, and that therefore would require special safety precautions.

5. Once the BEST Squad's inspection has been completed, the owner or its demolition contractor may submit to DOB an application for a demolition permit, except that, before doing so, at least five days' prior written notice must be given to all owners of adjoining property. Upon submission of the completed application and all supporting paperwork demonstrating compliance with all of the preceding steps, including proof that the requisite five days' prior written notice had been given to adjoining property owners, DOB will issue the permit within 24 hours.

6. I also wish to confirm that I have read the accompanying affidavit of Andrew Zlotnick, and that to the best of my knowledge it is accurate and correct. I specifically wish to confirm that FCRC Exhibit L is a transmittal letter by which, on November 8, 2005, I transmitted to Rachel Shatz of the Empire State Development Corporation the LZA Technology report dated November 7, 2005.



Robert P. Sanna, R.A.

Sworn to before me this
8th day of February, 2006.



LINDA CHIARELLI
Notary Public, State of New York
No. 02CH4940843
Qualified in Kings County
Commission Expires July 25, 20 06