

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

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In the Matter of the Application of

ELIZABETH STREET GARDEN, INC., RENEE GREEN,  
ELIZABETH STREET, INC., ELIZABETH FIREHOUSE LLC  
and ALLAN REIVER,

Index No. 152341/2019

Petitioners,

Hon. Debra A. James

For a Judgment Pursuant to Article 78 of the Civil Practice  
Law and Rules

-against-

THE CITY OF NEW YORK, THE DEPARTMENT OF  
HOUSING PRESERVATION AND DEVELOPMENT, MARIA  
TORRES-SPRINGER, in her capacity as Commissioner of the  
Department of Housing Preservation and Development, THE  
NEW YORK CITY COUNCIL, and THE NEW YORK CITY  
PLANNING COMMISSION,

Respondents.

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**AMENDED AFFIRMATION OF KATE FLETCHER  
IN SUPPORT OF AMENDED VERIFIED PETITION**

I, KATE FLETCHER, an attorney duly admitted to practice before this Court, hereby affirm  
the following to be true under penalty of perjury, pursuant to N.Y. C.P.L.R. 2106:

1. I am an attorney at the firm of Siegel Teitelbaum & Evans, LLP, counsel for  
Petitioners Elizabeth Street Garden, Inc. and Renee Green. I have personal knowledge of the facts  
herein and submit this affirmation in support of Petitioners' Amended Verified Petition.

2. Attached hereto as **Exhibit A** are true and correct copies of the "SEQRA and Other  
Notices" section of each weekly issue of the Environmental Notice Bulletin ("ENB") for Region 2

for the period from November 9, 2018 through March 5, 2019, inclusive, as downloaded from the ENB website, <https://www.dec.ny.gov/enb/enb.html>, on February 27, 2019.

3. Attached hereto as **Exhibit B** is a true and correct copy of the unreported decision *Dillon v. Town of Montour*, 18 Misc. 3d 1109(A) (Sup. Ct. Schuyler Cnty. 2007), as retrieved from Westlaw on March 4, 2019.

4. Attached hereto as **Exhibit C** is a true and correct copy of the “SEQRA and Other Notices” section of the March 20, 2019 ENB for Region 2 as downloaded from the ENB website, <https://www.dec.ny.gov/enb/enb.html>, on August 13, 2019.

5. I swear under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: August 15, 2019  
New York, New York

  
KATE FLETCHER