

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

-----X
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

Hon. Debra A. James

Petitioners,

Motion No. 002

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

**NOTICE OF AMENDED
VERIFIED PETITION**

-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

**ORAL ARGUMENT
REQUESTED**

Respondents.

-----X

PLEASE TAKE NOTICE, that upon the annexed Amended Verified Petition, verified on August 15, 2019, the Affidavit of Joseph Reiver in Support of Verified Petition and exhibit thereto, sworn to on March 5, 2019 (Doc. Nos. 14-15), the Affidavit of Adrian Benepe in Support of Verified Petition, sworn to March 5, 2019 (Doc. No. 16), the Affidavit of Renee Green in Support of Verified Petition, sworn to on February 22, 2019 (Doc. No. 17), the Supplemental Affidavit of Joseph Reiver in Support of Amended Verified Petition and exhibits thereto, sworn to on August 15, 2019, the Amended Affidavit of Geoffrey K. Clark in Support of Amended Verified Petition and exhibits thereto, sworn to on August 15, 2019, the Affidavit of Howard Goldman in Support of Petitioners' Amended Verified Petition, sworn to on August 15, 2019, the Amended Affirmation of Kate Fletcher

in Support of Amended Verified Petition and exhibits thereto, dated August 15, 2019, and the accompanying Memorandum of Law in Support of Petitioners' Amended Verified Petition, Petitioners, by their undersigned counsel will move this Court at the New York County Courthouse, 60 Centre Street, New York, New York, 10007 in the Motion Submission Part, Room 130, on the 15th day of November, 2019 at 9:30 a.m., or as soon thereafter as counsel may be heard, for an order pursuant to Article 78 of the New York Civil Practice Law and Rules:

A. Adjudging that the Negative Declaration, CEQR No. 18HPD105M, dated November 9, 2018 (the "Negative Declaration") and issued by Respondent Department of Housing Preservation and Development violates lawful procedure, is affected by an error of law, and is arbitrary, capricious and an abuse of discretion;

B. Annuling the Negative Declaration;

C. Annuling the New York City Planning Commission's April 10, 2019 approval of ULURP Application No. C 190784 HAM;

D. Annuling New York City Council Resolution No. 985, dated June 26, 2019, approving with modifications ULURP Application No. C 190784 HAM;

E. Ordering Respondent Department of Housing Preservation and Development to prepare or cause to be prepared an Environmental Impact Statement in compliance with SEQRA, CEQR, ULURP and the New York City Zoning Resolution;

F. Enjoining Respondents from undertaking any action in furtherance of the destruction and development of Elizabeth Street Garden until an Environmental Impact Statement has been prepared and the requirements of SEQRA and CEQR have been met;

G. Awarding attorneys' fees and costs in this proceeding; and

H. Granting such other and further relief as the Court deems equitable and just.

Dated: August 16, 2019
New York, New York

Respectfully submitted,

By: Norman Siegel
Norman Siegel
Herbert Teitelbaum
Kate Fletcher
SIEGEL TEITELBAUM & EVANS, LLP
260 Madison Avenue, 22nd Floor
New York, New York 10016
Tel: (212) 455-0300
Fax: (212) 455-0301
*Attorneys for Petitioners Elizabeth Street
Garden, Inc. and Renee Green*

By: Elliott Meisel
Elliott Meisel
Brill & Meisel
845 Third Avenue
New York, NY 10022
Tel: 212-753-5599
Fax: 212-486-6587
*Attorney for Elizabeth Street, Inc., Elizabeth
Firehouse LLC, and Allan Reiver*