

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,

Petitioners,

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, and
MARIA TORRES-SPRINGER, in her capacity as
Commissioner of the Department of Housing Preservation and
Development,

Respondents.
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NOTICE OF PETITION

**ORAL ARGUMENT
REQUESTED**

PLEASE TAKE NOTICE, that upon the annexed Verified Petition, verified on March 5, 2019, the Affidavit of Renee Green in Support of Verified Petition, sworn to on February 22, 2019, the Affidavit of Joseph Reiver in Support of Verified Petition, and exhibit thereto, sworn to on March 5, 2019, and the Affidavit of Geoffrey K. Clark in Support of Petitioners' Verified Petition and exhibits thereto, sworn to on March 5, 2019, the Affidavit of Adrian Benepe in Support of Verified Petition, sworn to March 5, 2019, and the accompanying Memorandum of Law and Affirmation of Kate Fletcher in Support of Verified Petition and exhibits thereto, 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 18th day of April, 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 Respondents' November 9, 2019 Environmental Assessment Statement and November 9, 2019 Negative Declaration were issued in violation of lawful procedure, affected by an error of law, and were arbitrary, capricious and an abuse of discretion;

B. Annuling Respondents' November 9, 2019 Environmental Assessment Statement and November 9, 2019 Negative Declaration;

C. Ordering Respondents to prepare an Environmental Impact Statement in compliance with SEQRA and CEQR;

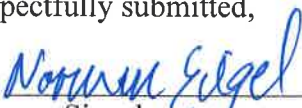
D. Enjoining Respondents from undertaking any action in furtherance of the Proposed Project until they have complied with the requirements of SEQRA and CEQR and have prepared an Environmental Impact Statement;

E. Awarding attorneys' fees and costs in this action; and

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

Dated: March 5, 2019
New York, New York

Respectfully submitted,

By: 
Norman Siegel

By: 
Herbert Teitelbaum

By: 
Kate Fletcher

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