

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

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In the Matter of the Application of

NEIGHBORS UNITED BELOW CANAL, JAN LEE,  
DOWNTOWN COMMUNITY TELEVISION CENTER,  
EDWARD J. CUCCIA, BETTY LEE, and AMERICAN  
INDIAN COMMUNITY HOUSE,

**MUNICIPAL  
RESPONDENTS' VERIFIED  
ANSWER**

Index No. 100250/2020

Petitioners,  
(Kelley, J.)

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

- against -

MAYOR BILL DEBLASIO, THE CITY OF NEW YORK,  
NEW YORK CITY PLANNING COMMISSION,  
MARISA LAGO, NEW YORK CITY DEPARTMENT OF  
CITY PLANNING, NEW YORK CITY DEPARTMENT  
OF CORRECTION, CYNTHIA BRANN, NEW YORK  
CITY MAYOR'S OFFICE OF CRIMINAL JUSTICE,  
ELIZABETH GLAZER, NEW YORK CITY  
DEPARTMENT OF CITYWIDE ADMINISTRATIVE  
SERVICES, LISETTE CAMILO, and NEW YORK CITY  
COUNCIL,

Respondents.

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Respondents, MAYOR BILL DEBLASIO, THE CITY OF NEW YORK, NEW  
YORK CITY PLANNING COMMISSION ("CPC"), MARISSA LAGO, NEW YORK CITY  
DEPARTMENT OF CITY PLANNING ("DCP"), NEW YORK CITY DEPARTMENT OF  
CORRECTION ("DOC"); CYNTHIA BRANN, NEW YORK CITY MAYOR'S OFFICE OF  
CRIMINAL JUSTICE ("MOCJ"), ELIZABETH GLAZER, NEW YORK CITY OF CITY-  
WIDE ADMINISTRATIVE SERVICES ("DCAS"), LISETTE CAMILO, and NEW YORK

CITY COUNCIL, (collectively “Municipal Respondents” or “The City”), by their attorney, JAMES E. JOHNSON, Corporation Counsel of the City of New York, as and for its Verified Answer to the Amended Verified Petition dated February 13, 2020 in the above-captioned action (the “Petition”), respectfully state as follows:

1. Deny the allegations set forth in Paragraph 1, except admit that Petitioners purport to proceed and seek the relief as set forth therein.

2. Deny the allegations set forth in Paragraph 2, except admit that Petitioners purport to proceed and seek the relief as set forth therein.

3. State that Paragraph 3 contains legal conclusions to which no response is required.

4. State that Paragraph 4 contains legal conclusions to which no response is required.

5. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 5.

6. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 6.

7. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 7.

8. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 8.

9. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 9.

10. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 10.

11. Admit the allegations set forth in paragraph 11.

12. Admit the allegations set forth in paragraph 12.

13. Admit the set forth in paragraph 13.

14. Admit that Cynthia Brann is Commissioner of DOC, deny the remaining allegations set forth in paragraph 14 and respectfully refer the Court to the New York City Charter and Administrative Code for a complete and accurate description of the duties and responsibilities of the Commissioner of DOC.

15. Admit the allegations set forth in paragraph 15.

16. Admit the allegations set forth in paragraph 16.

17. Admit that DCAS is a agency of the City of New York, admit that DCAS was a co-applicant for land use actions for the Manhattan Jail, deny the remaining allegations set forth in paragraph 17 and respectfully refer the Court to the New York City Charter and Administrative Code for a complete and accurate description of the duties and responsibilities of DCAS.

18. Admit that Lisette Camilo is Commissioner of DCAS, deny the remaining allegations set forth in paragraph 18 and respectfully refer the Court to the New York City Charter and Administrative Code for a complete and accurate description of the duties and responsibilities of the Commissioner of DCAS.

19. Deny the allegations set forth in paragraph 19 and respectfully refer the Court to the New York State Constitution, the New York City Charter and Administrative Code for a

complete and accurate description of the duties and responsibilities of the New York City Council.

20. Admit that DCP is a agency of the City of New York, deny the remaining allegations set forth in paragraph 20 and respectfully refer the Court to the New York City Charter and Administrative Code for a complete and accurate description of the duties and responsibilities of DCP.

21. Admit that CPC was established under the New York City Charter, deny the remaining allegations set forth in paragraph 21 and respectfully refer the Court to the New York City Charter for a complete and accurate description of the duties and responsibilities of the CPC.

22. Admit the allegations set forth in paragraph 22.

23. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 23

24. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 24, except deny the allegations regarding Collect Pond set forth in paragraph 24 and respectfully refer the Court to Petitioners' Exhibit 1 for a complete and accurate statement of its text and import.

25. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 25.

26. Deny the allegations set forth in paragraph 26 and respectfully refer the Court to the Affidavit cited therein and to Petitioners' Exhibit 2 for a complete and accurate statement of its text and import.

27. Admit that a portion of the Manhattan jail site at 124-125 White Street was developed with a jail in the 1800s and deny the remaining allegations set forth in paragraph 27.

28. Admit the allegations set forth in paragraph 28.

29. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 29, except admit, on information and belief, that the City has previously considered the construction of additional detention space in the area.

30. Admit the allegations set forth in paragraph 30.

31. Admit, on information and belief, the allegations set forth in paragraph 31.

32. Admit the first sentence of paragraph 32 deny knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations set forth in paragraph 32.

33. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 33.

34. Deny the allegations set forth in paragraph 34 and respectfully refer the Court to the Petitioners' Exhibit 10 for a complete and accurate statement of its text and import.

35. Deny the allegations set forth in paragraph 35 and respectfully refer the Court to the Petitioners' Exhibit 8 for a complete and accurate statement of its text and import.

36. Deny the allegations set forth in paragraph 36 and respectfully refer the Court to the Recommendations of the Manhattan Borough President on the ULURP Applications for the City's Borough Based Jail System (Resp. Ex. 26) for a complete and accurate statement of their content and import.

37. Admit, on information and belief, the allegations set forth in paragraph 37.

38. Deny the allegations set forth in paragraph 38 and respectfully refer the Court to the Affidavit and attached exhibit cited therein for a complete and accurate statement of its text and import.

39. Deny the allegations set forth in paragraph 39 and respectfully refer the Court to the affidavits cited therein, to Petitioners' Exhibits 9 and 12 and to the FEIS for a complete and accurate statement of their text and import.

40. Admit the first sentence set forth in paragraph 40, admit that White Street is the only means of pedestrian and bike through access from Baxter Street to Center Street, between Walker Street and Hogan Place, and deny the remaining allegations set forth in paragraph 40.

41. Deny the allegations set forth in paragraph 41.

42. Admit the allegations set forth in paragraph 42.

43. Admit the allegations set forth in paragraph 43.

44. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 44.

45. Deny the allegations set forth in paragraph 45.

46. Deny allegations set forth in paragraph 36 and respectfully refer the Court to the Recommendations of the Manhattan Borough President on the ULURP Applications for the City's Borough Based Jail System (Resp. Ex. 26) for a complete and accurate statement of their content and import.

47. Deny the allegations set forth in paragraph 47.

48. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 48.

49. Admit the allegations set forth in paragraph 49.

50. Admit the allegations set forth in paragraph 50.
51. Deny the allegations set forth in paragraph 51 and respectfully refer the Court to the Lippman Report for a complete and accurate statement of its text and import.<sup>1</sup>
52. Deny the allegations set forth in paragraph 52 and respectfully refer the Court to the Lippman Report for a complete and accurate statement of its text and import.
53. Admit that the Mayor's Office released a report entitled *Smaller Safer Fairer, A Road Map to Closing Rikers Island* on June 22, 2017, deny the remaining allegations set forth in Paragraph 53 and respectfully refer the Court to the June 22, 2017 report (Resp. Ex. 102) for a complete and accurate statement of its content and import.
54. Admit the allegations set forth in paragraph 54.
55. Deny the allegations set forth in paragraph 55.
56. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 56.
57. Admit the allegation set forth in paragraph 57.
58. Deny the allegations set forth in paragraph 58.
59. Deny the allegations set forth in paragraph 59.
60. Admit the allegations set forth in paragraph 60.
61. State that paragraph 61 of the petition contains legal conclusions to which no response is required.
62. Deny the allegations set forth in paragraph 62 and respectfully refer the Court to the regulations cited therein for a complete and accurate statement of their text and import.

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<sup>1</sup> A copy of the Lippman Report is available via the internet at: <https://www.scribd.com/document/346074657/Lippman-Commission-Report-on-Closing-Rikers-Island>.

63. Admit that on August 14, 2018, DOC issued an Environmental Assessment Statement (“EAS”), deny the remaining allegation set forth in paragraph 63 and respectfully refer the Court to the EAS (Resp. Ex 84) and the Draft Scope of Work (Resp. Ex 85) for a complete and accurate statement of their text and import.

64. Admit the allegations set forth in paragraph 64.

65. Deny the allegations set forth in paragraph 65 and respectfully refer the Court to the Draft Scope of Work (Resp. Ex 85) for a complete and accurate statement of their text and import.

66. State that the first sentence of paragraph 66 contains conclusions of law to which no response is required, deny the remaining allegation set forth in paragraph 66 and respectfully refer the Court to the regulation cited therein for a complete and accurate statement of its text and import.

67. Deny the allegations set forth in paragraph 67 and respectfully refer the Court to the regulation cited therein for a complete and accurate statement of its text and import.

68. Deny the allegations set forth in paragraph 68 and respectfully refer the Court to the regulations cited therein for a complete and accurate statement of their text and import.

69. Admit the allegation set forth in paragraph 69.

70. Deny the allegations set forth in paragraph 70, except admit that a scoping meeting was held at the Manhattan Municipal Building and that the meeting room could not accommodate all persons who attempted to attend this meeting.

71. Deny knowledge or information sufficient to form a belief as to the truth of allegations set forth in the first sentence of paragraph 71, admit that Petitioner Jan Lee wrote to



DOC on October 28, 2018, deny the remaining allegations and respectfully refer the Court to that letter (Pets Ex 20) for a complete and accurate statement of its text and import.

72. Deny knowledge or information sufficient to form a belief as to the truth of allegations set forth in paragraph 72.

73. Deny the allegations set forth in paragraph 73 and respectfully refer the Court to Petitioners' exhibit 21 for a complete and accurate statement of its text and import.

74. Deny the allegations set forth in paragraph 74.

75. Deny the allegations set forth in paragraph 75 and respectfully refer the Court to the September 27, 2018 Letter from Elizabeth Glazer of MOCJ to City Councilmember Margaret Chin (Resp. Ex. 139) cited therein for a complete and accurate statement of its text and import.

76. Deny the allegations set forth in paragraph 76.

77. Deny the allegations set forth in paragraph 77, except deny knowledge or information sufficient to form a belief as to the truth of the allegations regarding Petitioners' "concerns"..

78. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 78.

79. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 79.

80. Deny the allegations set forth in first sentence of Paragraph 80 and deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations.

81. .Deny the allegations set forth in paragraph 81 and respectfully refer the Court to Petitioners' exhibit 23 for a complete and accurate statement of its text and import.

82. Admit the allegations set forth in paragraph 82.

83. Admit the allegations set forth in paragraph 83.
84. Admit the allegations set forth in paragraph 84
85. Admit the allegations set forth in paragraph 85.
86. Deny the allegations set forth in paragraph 86 and respectfully refer the Court to the Lippman Progress report (Petitioners' Ex 23) and the City's presentation at the January 16, 2019 NAC meeting (Petitioners's Ex 24) for a complete and accurate statement of its text and import.
87. Admit the allegations set forth in paragraph 87.
88. Admit that the first NAC meeting in Brooklyn was held on October 26, 2018, that the first Bronx NAC meeting was held on October 30, 2018, that the first Queens NAC meeting was held on November 5, 2018; deny the remaining allegations set forth in paragraph 88.
89. Deny the allegations set forth in paragraph 89.
90. Deny the allegations set forth in paragraph 90..
91. Admit the allegations Deny the set forth in paragraph 91.
92. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 92.
93. Deny the allegations set forth in paragraph 93..
94. Deny the allegations set forth in paragraph 94 except admit that meeting minutes were taken in English by the City's consultant.
95. Deny the allegations set forth in paragraph 95..
96. Deny the allegations set forth in paragraph 96 and respectfully refer the Court to the minutes of January 16, 2019 meeting of Borough-based Jails Neighborhood Advisory

Committee – Manhattan (Resp. Ex 150) for a complete and accurate statement of its text and import.

97. Admit that the City intends to use a Design-Build contract for the jails, admit that as of the date of the Petition the City not entered into a Design-Build contract for the Manhattan Jail, and deny the remaining allegations set forth in paragraph 97.

98. Deny the allegations set forth in paragraph 98 and respectfully refer the Court to the minutes of the March 6, 2019 meeting of Borough-based Jails Neighborhood Advisory Committee – Manhattan (Resp. Ex 156) for a complete and accurate statement of its text and import.

99. Deny the allegations set forth in paragraph 99 and respectfully refer the Court to the minutes of the February 27, 2019 meeting of Borough-based Jails Neighborhood Advisory Committee – Manhattan (Resp. Ex 154) for a complete and accurate statement of its text and import.

100. Deny the allegations set forth in paragraph 100 and respectfully refer the Court to the minutes of the February 27, 2019 meeting of Borough-based Jails Neighborhood Advisory Committee – Manhattan (Resp. Ex 154) for a complete and accurate statement of its text and import.

101. Admit the allegations set forth in paragraph 101.

102. Deny the allegations set forth in paragraph 102 and respectfully refer the Court to Final Scope of Work for the DEIS (Resp. Ex 87) for a complete and accurate statement of its text and import.

103. Deny the allegations set forth in paragraph 103 and respectfully refer the Court to Final Scope of Work for the DEIS for a complete and accurate statement of its text and import.

104. Deny the allegations set forth in paragraph 104 and respectfully refer the Court to Final Scope of Work for the DEIS for a complete and accurate statement of its text and import.

105. Deny the allegations set forth in paragraph 105 and respectfully refer the Court to Final Scope of Work for the DEIS for a complete and accurate statement of its text and import.

106. Deny the allegations set forth in paragraph 106.

107. Deny the allegations set forth in paragraph 107, except admit that Petitioner Neighbors United Below Canal commented on the DEIS, and respectfully refer the Court to Petitioners' Exhibit 14 for a complete and accurate statement of its text and import.

108. Deny the allegations set forth in paragraph 108 and respectfully refer the Court to Petitioners' Exhibit 14 and to the City's Fair Share analysis (Resp. Ex. 8(A), Site Selection ULURP Application, App'x ) for a complete and accurate statement of its text and import.

109. Deny the allegations set forth in paragraph 109 and respectfully refer the Court to the N.Y. City Charter § 197-c for a complete and accurate statement of its text and import.

110. Admit the allegations set forth in paragraph 110.

111. Deny the allegations set forth in paragraph 111.

112. Admit that DCP is responsible for the certification of ULURP application and otherwise deny the allegations set forth in paragraph 112 and respectfully refer the Court to the N.Y. City Charter § 197-c(c) and to 62 RCNY § 2-02(a)(5) for a complete and accurate statement of their text and import.

113. Deny the allegations set forth in paragraph 113.

114. Admit the allegations set forth in paragraph 114.

115. Deny the allegation set forth in paragraph 115.

116. Deny the allegations set forth in paragraph 116 and respectfully refer the Court to the Borough-based Jail ULURP applications (Resp. Ex \_\_) for a complete and accurate statement of their text and import.

117. Deny the allegations set forth in paragraph 117.

118. Deny the allegations set forth in paragraph 118.

119. Deny the allegations set forth in paragraph 119 and respectfully refer the Court to February 15, 2018 *Bronx Free Press* Article cited therein<sup>2</sup> for a complete and accurate statement of its text and import.

120. Deny the allegations set forth in paragraph 120 and respectfully refer the Court to the N.Y. City Charter §§ 197-c(e) and 1979-c(g) for a complete and accurate statement of their text and import.

121. Deny the allegations set forth in paragraph 121.

122. Deny the allegations set forth in paragraph 122.

123. Deny the allegations set forth in paragraph 123 and respectfully refer the Court to the ULURP Applications for the City's Borough Based Jail System (Resp. Ex. 27) for a complete and accurate statement of their content and import.

124. Admit the allegations set forth in paragraph 124.

125. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 125.

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<sup>2</sup> While Petitioners provide a nonfunctioning internet link for the article in question, the article is available at a different URL: <https://thebronxfreepress.com/deal-replace-rikers-announced>.

126. Deny the allegations set forth in paragraph 126 and respectfully refer the Court to Community Board 1's recommendations (Resp. Ex. 20) for a complete and accurate statement of their content and import.

127. Deny the allegations set forth in paragraph 127.

128. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 128.

129. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 129.

130. Admit that the Manhattan Borough President recommended approval of the ULURP applications for the Manhattan Jail, deny the remaining allegations set forth in paragraph 130 and respectfully refer the Court to the Manhattan Borough President's ULURP Recommendation (Resp. Ex. 26) for a complete and accurate statement of its content and import.

131. Deny the allegations set forth in paragraph 131 and respectfully refer the Court to the Manhattan Borough President's ULURP Recommendation for a complete and accurate statement of its content and import.

132. Admit that the CPC held a hearing on the ULURP Applications and the DEIS for the City's Borough-based Jail System which was attended by many people and ended after seven-and-a-half hours at 5pm, and deny the remaining allegations set forth in paragraph 132.

133. Admit that the City released the FEIS on August 23, 2019 and deny the remaining allegations set forth in paragraph 133.

134. Deny the allegations set forth in paragraph 134 and respectfully refer the Court to 6 NYCRR § 617.9(a)(5) for a complete and accurate statement of its text and import.

135. Deny the allegations set forth in paragraph 135.

136. Deny the allegations set forth in paragraph 136 and respectfully refer the Court to 6 NYCRR § 617.9(b)(8) for a complete and accurate statement of its text and import.

137. Deny the allegations set forth in paragraph 137.

138. Deny the allegations set forth in paragraph 138 and respectfully refer the Court to the FEIS, Chapter 10 (Resp. Ex. 92) for a complete and accurate statement of its text and import.

139. Deny the allegations set forth in paragraph 139 and respectfully refer the Court to the FEIS, Chapter 10, for a complete and accurate statement of its text and import.

140. Deny the allegations set forth in paragraph 140 and respectfully refer the Court to the FEIS, Chapters 4 and 10, for a complete and accurate statement of their text and import.

141. Deny knowledge or information sufficient to form a belief as to the condition of the DCTV building, otherwise deny the allegations set forth in paragraph 141 and respectfully refer the Court to the FEIS, Chapter 4 for a complete and accurate statement of its and import.

142. Admit that the FEIS does not include a public health analysis, deny the remaining allegations set forth in paragraph 142, and respectfully refer the Court to the FEIS, Chapter 10 for a complete and accurate statement of its text and import.

143. Admit the allegations set forth in paragraph 143.

144. Deny knowledge or information sufficient to form a belief as to the accuracy of the allegations set forth in paragraph 144.

145. Deny the allegations set forth in paragraph 145.

146. Deny the allegation set forth in paragraph 146.

147. Deny the allegations set forth in paragraph 147.

148. Deny the allegations set forth in paragraph 148.

149. Deny the allegations set forth in paragraph 149 and respectfully refer the Court to the FEIS, Chapter 10, for a complete and accurate statement of its text and import.

150. Deny the allegations set forth in paragraph 150.

151. Deny the allegations set forth in paragraph 151.

152. Deny the allegations set forth in paragraph 152.

153. Admit the allegations set forth in paragraph 153.

154. Deny the allegations set forth in paragraph 154 and respectfully refer the Court to 6 NYCRR § 617.11(a) for a complete and accurate statement of its text and import.

155. Deny the allegations set forth in paragraph 155 and respectfully refer the Court to 6 NYCRR § 617.11(b) for a complete and accurate statement of its text and import.

156. Deny the allegations set forth in paragraph 156 and respectfully refer the Court to 6 NYCRR § 617.11(c) for a complete and accurate statement of its text and import.

157. Deny the allegations set forth in paragraph 157.

158. Admit the allegations set forth in paragraph 158.

159. Deny the allegations set forth in paragraph 159 and respectfully refer the Court to the September 3, 2019, CPC Resolution – C 190333 PSY (Respondents Ex 41) for a complete and accurate statement of its text and import.

160. Deny the allegations set forth in paragraph 160 and respectfully refer the Court to the September 3, 2019, CPC Resolution – C 190333 PSY for a complete and accurate statement of its text and import.

161. Deny the allegations set forth in paragraph 161 and respectfully refer the Court to the September 3, 2019, CPC Resolution – C 190333 PSY for a complete and accurate statement of its text and import.



162. Deny the allegations set forth in paragraph 162 and respectfully refer the Court to the September 3, 2019, CPC Resolution – C 190333 PSY for a complete and accurate statement of its text and import.

163. Deny the allegations set forth in paragraph 163 and respectfully refer the Court to the September 3, 2019, CPC Resolution – C 190333 PSY for a complete and accurate statement of its text and import.

164. Deny the allegations set forth in paragraph 164 and respectfully refer the Court to the September 3, 2019, CPC Resolution – C 190333 PSY for a complete and accurate statement of its text and import.

165. Deny the allegations set forth in paragraph 165.

166. Deny the allegations set forth in paragraph 166 and respectfully refer the Court to the September 3, 2019, CPC Resolution – C 190333 PSY for a complete and accurate statement of its text and import.

167. Deny the allegations set forth in paragraph 167.

168. Deny the allegations set forth in paragraph 168.

169. Deny the allegations set forth in paragraph 169.

170. Deny the allegations set forth in paragraph 170 and respectfully refer the Court to the September 3, 2019, CPC Resolution – C 190333 PSY for a complete and accurate statement of its text and import.

171. Deny the allegations set forth in paragraph 171,

172. Deny the first sentence and admit, on information and belief, that the remaining allegations set forth in paragraph 172 accurately describe the Battery Park City arcade as it typically operates.

173. Deny the allegations set forth in paragraph 173 and respectfully refer the Court to Petitioners' Exhibit 34 for a complete and accurate statement of its text and import.

174. Deny the allegations set forth in the first sentence and admit, on information and belief, that the remaining allegation set forth in paragraph 174 accurately describe the arcade at 1 Centre Street.

175. Deny the allegations set forth in paragraph 175.

176. Deny the allegations set forth in paragraph 176.

177. Deny the allegations set forth in paragraph 177.

178. Admit the allegations set forth in paragraph 178.

179. Admit the allegations set forth in the first and second sentences and deny the remaining allegations set forth in paragraph 179.

180. Deny the allegations set forth in paragraph 180.

181. With respect to the allegations set forth in paragraph 181, admit that the changes to the Manhattan jail that were made by the City Council were analyzed in a CEQR Technical Memorandum dated October 11, 2019.

182. Admit the allegations set forth in first sentence of paragraph 182, deny the remaining allegations and respectfully refer the Court to September 3, 2019 CPC resolutions (Resp. Exhibits 41 through 52) and the October 17, 2019 City Council Resolutions (Resp. Exhibits 70 through 82) for a complete and accurate statement of their text and import.

183. Admit the allegations set forth in paragraph 183.

184. Admit the allegations set forth in paragraph 184.

185. Admit the allegations set forth in first sentence, deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the second sentence and deny the remaining allegation set forth in paragraph 185.

186. Deny the allegations set forth in paragraph 186 and respectfully refer the Court to the October 18, 2019, letter from First Deputy Mayor Dean Fuleihan to City Councilmembers Johnson, Ayala, Chin, Levin and Koslowitz (Resp. Ex. 69) for a complete and accurate statement of its text and import.

187. Deny the allegations set forth in paragraph 187 and respectfully refer the Court to the October 18, 2019, letter from First Deputy Mayor Dean Fuleihan to City Councilmembers Johnson, Ayala, Chin, Levin and Koslowitz for a complete and accurate statement of its text and import.

188. Deny the allegations set forth in paragraph 188 and respectfully refer the Court to the October 18, 2019, letter from First Deputy Mayor Dean Fuleihan to City Councilmembers Johnson, Ayala, Chin, Levin and Koslowitz for a complete and accurate statement of its text and import.

189. Deny the allegations set forth in paragraph 189 and respectfully refer the Court to the October 18, 2019, letter from First Deputy Mayor Dean Fuleihan to City Councilmembers Johnson, Ayala, Chin, Levin and Koslowitz for a complete and accurate statement of its text and import.

190. Deny the allegations set forth in paragraph 190 and respectfully refer the Court to the October 18, 2019, letter from First Deputy Mayor Dean Fuleihan to City Councilmembers Johnson, Ayala, Chin, Levin and Koslowitz for a complete and accurate statement of its text and import.

191. Deny the knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 191.

192. Admit the first sentence set forth in paragraph 192, deny the remaining allegations and respectfully refer the Court to the September 3, CPC Resolution, C190333 PSY (Resp. Ex 41) for a complete and accurate statement of its text and import.

193. Deny the allegations set forth in paragraph 193 and respectfully refer the Court to Petitioners' Exhibit 41 for a complete and accurate statement of its text and import.

194. In response to the allegations set forth in paragraph 194, Respondents repeat and reallege their responses to the preceding paragraphs as though fully set herein.

195. State that paragraph 195 of the Petition contains a legal conclusion to which no response is required.

196. Deny the allegations set forth in paragraph 196 and respectfully refer the Court to 62 RCNY § 5-02(c)(3) for a complete and accurate statement of its text and import.

197. Deny the allegations set forth in paragraph 197 and respectfully refer the Court to 62 RCNY § 5-07 for a complete and accurate statement of its text and import.

198. Deny the allegations set forth in paragraph 198 and respectfully refer the Court to 62 RCNY § 5-07(b) for a complete and accurate statement of its text and import.

199. Deny the allegations set forth in paragraph 199 and respectfully refer the Court to 62 RCNY § 5-07(d) for a complete and accurate statement of its text and import.

200. Admit the allegations set forth in paragraph 200.

201. Admit the allegations set forth in paragraph 201.

202. Admit the allegations set forth in Paragraph 202. .

203. Deny the allegations set forth in Paragraph 203 and respectfully refer the Court to the Final Scope of Work (Resp. Ex 87) for a complete and accurate statement of its text and import.

204. Admit the allegations set forth in paragraph 204.

205. Admit the allegations set forth in paragraph 205.

206. Deny the allegations set forth in paragraph 206.

207. Deny the allegations set forth in paragraph 207.

208. In response to the allegations set forth in paragraph 208, Respondents repeat and reallege their responses to the preceding paragraphs as though fully set forth herein.

209. States that paragraph 209 contains a legal conclusion to which no response is required.

210. Deny the allegations set forth in paragraph 210 and respectfully refer the Court to 6 NYCRR § 617.11(b) for a complete and accurate statement of its text and import.

211. Admit the allegations set forth in paragraph 211 and affirmatively state the DOC's issued a Statement of Findings on March 11, 2020 (Resp. Ex. 96), deny the remaining allegations and respectfully refer the Court to 6 NYCRR § 617.11(d) for a complete and accurate statement of its text and import.

212. Deny the allegations set forth in paragraph 212.

213. In response to the allegations set forth in paragraph 213, Respondents repeat and reallege their responses to the preceding paragraphs as though fully set herein.

214. Admit the allegations set forth in paragraph 214.

215. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the first sentence of paragraph 215 and deny the remaining allegations set forth in paragraph 215.

216. Deny the allegations set forth in paragraph 216.

217. Deny the allegations set forth in paragraph 217 and respectfully refer the Court to Petitioners' Exhibit 14 for a complete and accurate statement of its text and import.

218. Admit that the FEIS was issued on August 23, 2019, and deny the remaining allegations set forth in paragraph 218.

219. Deny the allegations set forth in paragraph 219.

220. Deny the allegations set forth in paragraph 220.

221. Deny the allegations set forth in paragraph 221.

222. In response to the allegations set forth in paragraph 222, Respondents repeat and reallege their responses to the preceding paragraphs as though fully set herein.

223. State that Paragraph 223 of the Petition contains a legal argument to which no response is required.

224. Deny the allegations set forth in paragraph 224 and respectfully refer the Court to the N.Y. City Charter §§ 197-c and 197-d for a complete and accurate statement of their text and import.

225. Deny the allegations set forth in paragraph 225 and respectfully refer the Court to 62 RCNY §§ 2-02(a)(5)(ii)-(iii) for a complete and accurate statement of their text and import.

226. Deny the allegations set forth in paragraph 226 and respectfully refer the Court to N.Y. City Charter §§ 197-c and 62 RCNY § 5-01 for a complete and accurate statement of their text and import.

227. Deny the allegation set forth in paragraph 227.

228. Deny the allegations set forth in paragraph 228.

229. In response to the allegations set forth in paragraph 229, Respondents repeat and reallege their responses to the preceding paragraphs as though fully set herein.

230. Deny the allegations set forth in paragraph 230.

231. Deny the allegations set forth in paragraph 231

232. Deny the allegations set forth in paragraph 232.

233. Admit the allegations set forth in paragraph 233.

234. Deny the allegations set forth in paragraph 234.

235. In response to the allegations set forth in paragraph 235, Respondents repeat and reallege their responses to the preceding paragraphs as though fully set herein.

236. Deny the allegations set forth in paragraph 236.

237. Deny the allegations set forth in paragraph 237 and respectfully refer the Court to the September 3, 2019 CPC Resolution C 190333 PSY (Resp. Ex. 41) for a complete and accurate statement of its text and import.

238. Deny the allegations set forth in paragraph 238 and respectfully refer the Court to the September 3, 2019 CPC Resolution C 190333 PSY for a complete and accurate statement of its text and import.

239. Deny the allegations set forth in paragraph 239.

240. Deny the allegations set forth in paragraph 240.

241. In response to the allegations set forth in paragraph 241, Respondents repeat and reallege their responses to the preceding paragraphs as though fully set herein.

242. States that paragraph 242 states a legal conclusion to which no response is required.

243. Deny the allegations set forth in paragraph 243 and respectfully refer the Court to the Title 62 of the Rules of the City of New York, Appendix A for a complete and accurate statement of its text and import.

244. Admit the allegations set forth in paragraph 244.

245. Deny the allegations set forth in paragraph 245.

246. Deny the allegations set forth in paragraph 246.

247. State that paragraph entitled “request for relief” contains a prayer for relief to which no response is required.

**STATEMENT OF PERTINENT AND MATERIAL FACTS**

248. The facts are set forth in detail in the accompanying Affirmation of Susan Amron, dated June 1, 2020; the Affidavit of Dana Kaplan, sworn to June 1, 2020, the Affidavit of Linh Do, sworn to on June 1, 2020, and the Affirmation of Nathan Taylor, affirmed on June 1, 2020, and the accompanying exhibits.

**OBJECTIONS IN POINT OF LAW AND DEFENSES**

249. By asserting the following objections in point of law and defenses, Municipal Respondents do not concede or admit that they have the burden of proof or persuasion on any such objection or defense. Municipal Respondents do not waive and specifically reserve the right to assert any and all additional, separate or other defenses that they may have, or which may be revealed by further investigation in this matter.



**FIRST OBJECTION IN POINT OF LAW AND DEFENSE**

250. The Petition fails, in whole or in part, to state a cause of action upon which relief may be granted.

**SECOND OBJECTION IN POINT OF LAW AND DEFENSE**

251. Municipal Respondents' actions were legal, proper, reasonable and in conformity with all applicable laws and regulations.

**WHEREFORE**, Municipal Respondents respectfully request that the Petition be denied in its entirety, and that Municipal Respondents be granted costs, disbursements, and such other further relief as the Court deems just and proper.

Dated: New York, New York  
June 1, 2020

**JAMES E. JOHNSON**  
Corporation Counsel of the City of  
New York  
Attorney for City Respondents  
100 Church Street  
New York, New York 10007  
(212) 356-2315

By: /s/Christopher Gene King  
**CHRISTOPHER GENE KING**  
Assistant Corporation Counsel  
Environmental Law Division

**VERIFICATION**

**CHRISTOPHER GENE KING**, an attorney admitted to practice law in the State of New York, affirms under penalty of perjury:

I am Assistant Corporation Counsel for the New York City Law Department and am counsel for the Respondents-Defendants. I make this verification pursuant to Civil Practice Law and Rules section 3020(d) on the grounds that I am acquainted with the facts of this proceeding.

I have read the foregoing Answer and assert that the contents thereof are true. I base this verification on my personal knowledge, my review of books and records of the City of New York, my review of documents referred to in the Answer and the accompanying affidavits and affirmation, and my discussions with employees of the City of New York.

Dated:           New York, New York  
                  June 1, 2020

**/s/Christopher Gene King**  
**CHRISTOPHER GENE KING**  
Assistant Corporation Counsel  
Environmental Law Division