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Via Fax 212-803-3775 and Regular Mail

September 28, 2006

Ms. Anita W. Laremont
Senior Vice President - General Counsel
Empire State Development Corporation
633 Third Avenue
New York, NY 10017

Re: Atlantic Yards Public Comment Period

Dear Ms. Laremont:

As you know, we represent Develop Don't Destroy-Brooklyn, (DDDB). I am writing to object to ESDC's failure to timely respond to a Freedom of Information Law request I submitted on August 31, 2006 and to demand that ESDC hold the public comment open until October 18, 2006 as required by Section 16 of the UDC Act.

On August 28, 2006, I wrote to you demanding that the public comment period be extended until at least September 28, 2006 because ESDC had scheduled an additional "community forum" for September 18th. At that time I pointed out that since the community forum was sponsored by ESDC, was on the record with a transcript and that all comments would be considered and responded to in the FEIS and as comments on the General Project Plan, that ESDC was required by SEQRA to hold the public comment period open for a minimum of 10 days following that forum. I pointed out that regardless what ESDC chose to call it, it was still a public hearing under the meaning of the law.

You wrote back on August 31, 2006 and while disagreeing that ESDC had any legal obligation to extend the comment period, informed me that it would be extended until September 29, 2006.

On August 31, 2006, I submitted a FOIL request to ESDC requesting a copy of the "independent economic impact analysis" referenced on page 29 of the General Project Plan. In a letter dated September 8, 2006, Antovk Pidedjian, the ESDC Records Access Officer, acknowledged my request and said he would respond as to whether it would be granted within ten business days of his

letter. As of today, there has not been any response.

DDDB as well as numerous other members of the community, including the local Community Boards have protested the short time period to review the FEIS, General Project Plan and related documents. We have also been frustrated by ESDC's refusal to timely provide back-up information related to the project. We are therefore reiterating our demand that the comment period be extended.

When I wrote to you on August 28th, the focus of my request was based upon the comment period required under SEQRA. At the time I was unaware of the additional requirements for public comment under the UDC Act. Since then I have been made aware of the requirement of Section 16(3) of the Act (Unconsolidated Laws Sec. 6266(3)); which provides, that when ESDC determines to override local regulations, then the public comment period must extend 30 days after the public hearing. While I was unaware of that section, obviously you were aware of it. It is also obvious that for the same reasons set forth in my August 28th letter, the community forums constitute continued public hearings on the GPP. Therefore, as a matter of law, ESDC must extend the public comment period until October 18, 2006.

While DDDB and other groups are rushing to complete comments by the September 29th deadline, additional comments could be prepared, including those on the materials that have not been provided in response to FOIL requests with an extended comment period. We expect that ESDC will recognize its legal responsibility and extend the comment period.

Very truly yours,

Jeffrey S. Baker