

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

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In the Matter of the Application of
400 & 500 STATE STREET BLOCK ASSOCIATION,
EILEEN BOXER, LAURA McCALLUM, JONATHAN
GLAZER, ALAN SEALES and MICHELLE ITKOWITZ,

Index No.: _____

NOTICE OF PETITION

Petitioners,

-against-

THE CITY OF NEW YORK, NEW YORK CITY
PLANNING COMMISSION, NEW YORK CITY
COUNCIL, NEW YORK CITY EDUCATIONAL
CONSTRUCTION FUND and 80 FLATBUSH
AVENUE, LLC.

Respondents.

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PLEASE TAKE NOTICE, that upon the annexed Verified Petition of 400 & 500
STATE STREET BLOCK ASSOCIATION, EILEEN BOXER, LAURA McCALLUM,
JONATHAN GLAZER, ALAN SEALES and MICHELLE ITKOWITZ, duly Verified on
January 20, 2019, an application will be made to the IAS Submission Part of this Court to be
held at the Courthouse thereof, located at 60 Centre Street, Room 130, New York, New York on
the 26th day of February, 2019 at 9:30 o'clock in the forenoon of that day, or as soon after as
counsel can be heard:

- (1) Declaring and annulling the City Council Zoning Resolution, dated September 26,
2018 ("ZR"), (*see* City Council Zoning Resolution annexed hereto Exhibit "A"),
arbitrary, capricious and violative of law, constituting unconstitutionally
impermissible "spot zoning";
- (2) Declaring the ZR violative of the State Environmental Quality Review Act and the
City Environmental Review Act Executive Order 91 of 1977 in that the Respondents
failed to evaluate the impact of the ZR upon the well-considered long term municipal


plan for the Boerum Hill community in the Count of Kings, City and State of New York;

- (3) Annuling and vacating the ZR as unconstitutional;
- (4) Enjoining Respondent's from proceeding with the development or implementation of the ZR pending compliance with the constitutional requirements governing proper zoning and land use planning; and
- (5) Granting such other and further relief as to this Court deems just and proper, including costs, disbursements and reasonable attorneys' fees.

PLEASE TAKE FUTHER NOTICE, that a verified answer and supporting affidavits, if any, shall be served at least eight (8) days before the aforesaid date of hearing.

Petitioners designate New York County as the place of Trial. New York County is the county of residence and/or principal office of the Municipal Respondents.

Dated: New York, New York
January 22, 2019



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