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Via email to: jdellavalle@alloyllc.com

And Regular mail to:

Jared Della Valle
20 Jay Street, Ste. 1003
Brooklyn, NY 11201

Re: 400 & 500 State Street Block Association

Dear Mr. Della Valle:

I would like to take this opportunity to introduce myself. I have been retained by the 400 & 500 State Street Block Association to negotiate an enforceable and sustainable agreement that will account for the many issues that the homeowners on State Street will be facing during the development and potential implementation of the proposed project.

As I am sure you are aware from the various meetings conducted during the ULURP process, the homeowners face many challenges that will have a severe impact upon their quality of life. I understand that various committees have been formed to delve into these issues and that a considerable number of promises and representations have been offered to community members. My concern at this juncture, is that the formulation of any agreements be of a lasting nature and that they be enforceable by the intended beneficiaries of the agreement. The nature and content of these agreements should be developed in lock step with your counsel, however I appreciate the offer to communicate with you directly at this time.

The following areas must be addressed as we negotiate an enforceable agreement to run with the land and to bind all successor owners. First and foremost are the issues surrounding the loading dock/loading zone. The homeowners have strenuously and continuously objected to loading activity occurring on State Street. This is an issue, which must be resolved forthwith.

Secondly, the homeowners have expressed concern that a visually appropriate and quiet residentially contextual street wall was not designed. The most recently produced renderings indicated that you plan to replicate the existing graffiti wall currently facing Flatbush Avenue on State Street. This is of course, is unacceptable. The homeowners request masonry, as opposed to metal and glass. The homeowners need to be involved, as the design and renderings of the façade on State Street are developed.

Third, sanitation pickups relating to compost and refuse materials must be located on the corner of State Street and Third Avenue, with truck routes following Third Avenue. In the alternative, an underground pickup system should be designed that is accessed by the loading dock on Schermerhorn Street.

Fourth, **Construction Issues**. There are a multitude of issues that will arise during the construction phases of the project. I will summarize these issues with bullet points listed below:

- There must be a **Project Manager** on call 24 hours a day, 7 days a week responsive to a dedicated hotline. The hotline would be utilized in emergencies to curtail hazardous conditions with immediate shutdown of work.
- The contractor retained to operate the crane, must disclose a safety and protection plan.
- Dust, noise and vibration mitigation. The homeowners request that the administrative code be adhered to and crack monitors, vibrations meters and environmentally compliant dust mitigation be employed at the site. Proper protocol also mandates noise meters and sensors to ensure compliance with the New York City Noise Code.
- The homeowners will retain architectural and structural engineering experts to conduct a pre-construction survey. This shall be undertaken at the developer's expense and an estimate shall be provided within

twenty days of an agreement mandating compliance with the New York City Administrative Code.

- Proper mitigation and supervision relating to lighting, safety, rodent infestation and worker conduct shall be undertaken by the Project Manager. Complaints relating to construction activity of this nature shall be the responsibility of the Project Manager and any violations or complaints shall be rectified upon due notice within twenty-four hours.
- There must be a tree protection protocol put in place prior to the commencement of construction.
- During excavation, the developer shall refrain from pile driving and any other activity that will cause illegal levels of noise, vibration and property damage.
- A traffic controller must be present during the morning and evening rush hours to supervise and prevent any hazardous traffic situations from developing during construction.
- A task force consisting of the New York City Department of Transportation, a representative of Alloy and a representative of the Community shall meet on a weekly basis to coordinate all traffic related issues.
- The homeowners request that construction activity not occur during the presence of students at the existing Khalil Gibran School. The students should be moved to a temporary facility during construction.
- Various homeowners have particularized issues relating to their individual properties. These issues relate to access, ventilation, and proper protection from toxic dust and illegal levels of noise. These issues will be addressed in an addendum specifying the address and precise issues to be resolved.
- Construction after 5:00p.m. and on weekends, shall be strictly prohibited.

The protection of neighboring properties is mandated by the Administrative Code and the Building Code of the City of New York. Insofar as there are statutory and regulatory requirements, it will assist a productive relationship with the neighboring homeowners to have a memorialized and enforceable agreement. The areas currently regulated by law include vibration meters, crack monitors, the establishment of monitoring programs, controlled inspections and the retention of licensed surveyors to measure vibrations and cracking of neighboring structures. At this stage, we also request disclosure of any foundation plans or geotechnical information pertaining to the development of the site. This would include soil conditions and any testing that has been undertaken at the site. In terms of toxic dust, there should be an environmental assessment relating to the emission of particularized particles and its impact upon air quality. Survey measurements of air quality, cracks, noise and vibration meters must occur in coordination with the homeowners' experts at least twice every week.

Thank you for this opportunity to present these issues to your attention, and I look forward to a formalized process to memorialize an enforceable agreement.

Very truly yours,

Jack L. Lester, Esq.

Cc: 400 & 500 State Street Block Association
Councilmember Stephen T. Levin
Assemblymember Joanne Simon