

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

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In the Matter of the Application of

JOHN LEYVA, DAVID LUTZ, and BRUCE MAZER,

Petitioners,

- against -

NEW YORK CITY ECONOMIC DEVELOPMENT
CORPORATION,

Respondent.

**VERIFIED ANSWER
AND STATEMENT
OF PERTINENT AND
MATERIAL FACTS**

Index No. 537131/2025

Hon. Lisa Lewis

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Respondent New York City Economic Development Corporation, (“Respondent” or “EDC”), by its attorney Muriel Goode-Trufant, Corporation Counsel of the City of New York, in response to the Verified Petition (“Petition”) of John Leyva, David Lutz, and Bruce Mazer (collectively, “Petitioners”) filed October 22, 2025, respectfully alleges as follows¹:

1. Denies knowledge and information sufficient to form a belief as to the truth of the allegations set forth in paragraph “1” of the Petition.
2. Denies knowledge and information sufficient to form a belief as to the truth of the allegations set forth in paragraph “2” of the Petition.
3. Denies knowledge and information sufficient to form a belief as to the truth of the allegations set forth in paragraph “3” of the Petition.
4. Denies the allegations in paragraph “4” of the Petition, except admits EDC is a New York not-for-profit corporation governed by a Board of Directors consisting of 27

¹ Petitioners include a “Background” section with no paragraph numbers at the beginning of the Petition; no response is required. To the extent a response is required, Respondent denies the allegations set forth in the “Background” section.

members who elect themselves as directors. The Mayor of the City of New York (“City”) directly appoints 16 members, 5 members are appointed by the Mayor after nomination by the Borough Presidents and 5 members are appointed by the Mayor after nomination by the City Council Speaker. The Chairperson is appointed by the Mayor after consultation with The Partnership for New York City, Inc. or its successor.

5. The allegations set forth in paragraph “5” of the Petition are legal conclusions and do not require a response; to the extent a response is required, Respondent denies the allegations.

6. The allegations set forth in paragraph “6” of the Petition are legal conclusions and do not require a response; to the extent a response is required, Respondent denies the allegations and respectfully refers the Court to CPLR §506(b) for a full and complete statement of its contents.

7. Denies the allegations in paragraph “7” of the Petition, except admits that the Brooklyn Marine Terminal (“BMT”) is located in the Red Hook and Columbia Street Waterfront District neighborhoods in Brooklyn.

8. Denies the allegations in paragraph “8” of the Petition, except admits that the BMT site is under the operational control of EDC for the management, maintenance and plan of redevelopment for the BMT site.

9. Denies the allegations in paragraph “9” of the Petition, and respectfully refers the Court to the cited website for a full and complete statement of its contents.

10. Denies the allegations in paragraph “10” of the Petition and respectfully refers the Court to the cited website for a full and complete statement of its contents.

11. Denies the allegations in paragraph “11” of the Petition, and respectfully refers the Court to the cited website for a full and complete statement of its contents.

12. Denies the allegations in paragraph “12” of the Petition, and respectfully refers the Court to the cited website for a full and complete statement of its contents.

13. Denies the allegations in paragraph “13” of the Petition, except admits that to advance recommendations, the Brooklyn Marine Terminal Task Force (“Task Force”) meetings required a 2/3 quorum, and a 2/3 majority vote, if a consensus was not reached.

14. Denies the allegations in paragraph “14” of the Petition, except admits that the Task Force held subcommittee or subgroup meetings, and avers that such subgroups were comprised of certain members of the public with knowledge, expertise, and interest in certain topics for this extensive and complicated project.

15. Denies the allegations in paragraph “15” of the Petition, except admits that EDC held public workshops, and affirmatively states that the public workshops were one of many ways that the community members, stakeholders, and the public were engaged and involved in the development of the BMT Vision Plan for Brooklyn Marine Terminal (“BMT Vision Plan”).²

16. Denies the allegations in paragraph “16” of the Petition.

17. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “17” of the Petition and respectfully refers the Court to the referenced document for a full and complete statement of its contents.

² Petitioners attach a copy of the BMT Vision Plan as Exhibit B (NYSCEF Doc. [6](#)) to their Petition, and refer to this document as the “Final Vision Plan” throughout the Petition. However, EDC disputes the abbreviation of this document as the “Final Vision Plan” because it mischaracterizes the nature of the document.

18. Denies the allegations in paragraph “18” of the Petition and respectfully refers the Court to the cited website for a full and complete statement of its contents.

19. Denies the allegations in paragraph “19” of the Petition and respectfully refers the Court to the referenced document for a full and complete statement of its contents.

20. Denies the allegations in paragraph “20” of the Petition, except admits that on September 22, 2025, the Task Force voted to approve the BMT Vision Plan so that it could proceed to the next stages of approval and environmental review. The Court is respectfully referred to the cited website for a full and complete statement of its contents.

21. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in the allegations set forth in paragraph “21” of the Petition.

22. Denies the allegations in the allegations set forth in paragraph “22” of the Petition.

23. Denies the allegations in the allegations set forth in paragraph “23” of the Petition, and avers that after one year of substantial public engagement, the Task Force voted on the BMT Vision Plan at a meeting limited to the Task Force members.

24. Denies the allegations in paragraph “24” of the Petition, and respectfully refers the court to the cited website for a full and complete statement of its contents.

25. Denies the allegations set forth in paragraph “25” of the Petition, except admit that the BMT Vision Plan released by EDC was identical to the one approved by the Task Force.

26. Denies the allegations set forth in paragraph “26” of the Petition and respectfully refers the Court to the BMT Vision Plan for a full and complete statement of its contents.

27. Denies the allegations set forth in paragraph “27” of the Petition and respectfully refers the Court to the BMT Vision Plan for a full and complete statement of its contents.

28. Denies the allegations set forth in paragraph “28” of the Petition and respectfully refers the Court to the BMT Vision Plan for a full and complete statement of its contents.

29. Paragraph “29” of the Petition calls for a legal conclusion to which no response is required. To the extent a response is required, Respondent denies the allegations in paragraph “29” of the Petition.

30. Denies the allegations in paragraph “30” of the Petition, and affirmatively state that Community Board 6 posted some summaries of the Task Force’s non-public meetings as well as some summaries of Advisory Group meetings on its website. *See* https://drive.google.com/drive/folders/1-9P_sXSW_zJgZH-lI0hIRnQBEONoidJj (last accessed January 19, 2026).

31. Denies the allegations in paragraph “31” of the Petition.

32. Denies the allegations in paragraph “32” of the Petition.

33. Paragraph “33” of the Petition calls for a legal conclusion to which no response is required. To the extent a response is required, Respondent denies the allegations in paragraph “33” of the Petition.

34. Respondent repeats and realleges paragraphs 1 through 33 above as if fully set forth herein.

35. Denies the allegations in paragraph “35” of the Petition.

36. Denies the allegations in paragraph “36” of the Petition.

37. Denies the allegations in paragraph “37” of the Petition.

38. Denies the allegations in paragraph “38” of the Petition.

39. Denies the allegations in paragraph “39” of the Petition.

40. Paragraph “40” of the Petition is a request for relief to which no response is required. To the extent a response is required, Respondent denies the allegations in paragraph “40” of the Petition.

**AS AND FOR A STATEMENT OF PERTINENT AND MATERIAL FACTS,
RESPONDENT RESPECTFULLY ALLEGES**

Preliminary Statement

41. The creation of the BMT Vision Plan was done through a process that was transparent and open to the public and involved and incorporated feedback from relevant community leaders and stakeholders in a way that is unprecedented for such public redevelopment projects. Petitioners were represented by elected officials in the Task Force, had the opportunity to speak their opinions and have their feedback heard at public feedback workshops, and were even involved in smaller advisory group meetings. Petitioners seek to block any further progress on this multi-billion dollar redevelopment project for the Brooklyn Marine Terminal not because their voices were not adequately heard or because they were unaware of the happenings in the Task Force meetings, but simply because they do not like the outcome.

42. However, this Court should not invalidate the substantial progress that the Task Force made toward the realization of this critical project because it was done in furtherance of the spirit of the Open Meetings Law. Rather than develop a plan behind closed doors and present it for a public vote later, EDC created the Task Force which actually involved the public and extensive community engagement with stakeholders in the creation and development of the BMT Vision Plan—not just the deciding vote on whether to accept or reject it. This collaborative process

would not have been effective or efficient if every meeting was open to the public, but the Task Force nonetheless conducted numerous Public Workshops and provided information so that a productive dialogue could occur between the Task Force and the public during the entire process of developing the BMT Vision Plan. Moreover, the proposed land use changes described in the BMT Vision Plan are subject to public review, including the public scoping and environmental review that is part of the General Project Plan (“GPP”) approval process, governed by the New York State Urban Development Corporation Act of 1968 (“UDC Act”) which sets forth approvals by The New York State Urban Development Corporation d/b/a Empire State Development (“ESD”) and the New York State Public Authorities Control Board (“PACB”).

Background

43. EDC is a New York not-for-profit corporation governed by a Board of Directors. The Mayor directly appoints 16 members, 5 members are appointed by the Mayor after nomination by the Borough Presidents, 5 members are appointed by the Mayor after nomination by the City Council Speaker. In addition, the Chairperson is appointed by the Mayor after consultation with The Partnership for New York City, Inc. or its successor. The 27 members elect themselves as directors.

44. The Brooklyn Marine Terminal (“BMT”) encompasses over 100 acres of waterfront property in the Red Hook and Columbia Waterfront Districts in Brooklyn, New York, including the Brooklyn Cruise Terminal. <https://edc.nyc/project/brooklyn-marine-terminal> (last accessed January 19, 2026).

45. The current BMT is an industrial area that closes the public off from the waterfront, and has faced significant disinvestment in past decades. BMT has four “finger piers,” but two are out of commission due to structural defects and need investment for long-term use.

See <https://edc.nyc/sites/default/files/2024-10/NYCEDC-BMT-Public-Workshop-1-Info-Boards-Final.pdf> (last accessed January 28, 2026).

46. Despite its current state, BMT holds immense potential for maritime industrial activities, affordable housing, climate resiliency, job creation, open areas/green spaces, and public waterfront access.

47. In May, 2024, Mayor Eric Adams along with Governor Kathy Hochul and the Port Authority announced a plan whereby EDC would oversee operations and management of BMT with the goal of creating a plan to revitalize and modernize the area. A copy of the May 3, 2024 correspondence from City Hall to elected officials is annexed as Exhibit 1.

48. The BMT project that Petitioners seek to halt in this proceeding will maintain 60 acres as an industrial area with a modernized port, bring thousands of affordable apartments to Brooklyn, and transform 62 acres to become a vibrant mixed-use community including housing, commercial and light industrial uses.

49. While it was within EDC's inherent authority to create a plan for the redevelopment of BMT without public engagement, the City and EDC committed to the creation of a Task Force. This Task Force was part of a multi-layered process, which included vast public engagement, to determine a Vision Plan for BMT. A copy of the "Vision for Brooklyn Marine Terminal, Engagement Process Guide" is annexed as Exhibit 2.

The Creation of the Task Force

50. Congressman Dan Goldman served as the Chair of the Task Force; Council Member Alexa Aviles and State Senator Andrew Gounardes served as the Vice Chairs. Exhibit 2.

51. The Chair and Vice Chairs of the Task Force, in consultation with EDC, identified members to serve on the Task Force who would bring a balance of perspectives, interest

and expertise in maritime industry, labor and trade, environmental justice, sustainability, planning and community development. (*Id.*)

52. The Task Force included representatives from elected officials and local organizations who were focused on providing feedback on the planning and engagement process. (BMT Vision Plan at 7).

53. A full list of Task Force Membership is listed in the Engagement Process Guide (Exhibit 2) and is reproduced in Exhibit 3 hereto. All relevant stakeholders representing industry and the community had a seat at the table.

54. The Task Force's responsibilities included advising, reviewing and arriving at a consensus for the BMT Vision Plan, supporting a robust stakeholder engagement process, and increasing community participation and engagement. (Exh. 2 at 14).

Advisory Groups

55. In addition to the Task Force, six advisory groups were created to reflect different interests and areas of expertise. (Exhibit 2 at 10).

56. The Advisory Groups were: i) Community Development and Housing; ii) Maritime Industrial Workforce & Small/ Local Business; iii) BMT Tenants & Port Operators; iv) Environmental Justice, Resiliency & Waterfronts; v) Transportation, Mobility & Open Space; vi) NYCHA/ NYCHA Youth. (*Id.*)

57. The responsibilities of the Advisory Groups included: i) attending the meetings of their respective groups; ii) providing feedback on planning framework and priorities; and iii) helping to communicate information about the project, the engagement process, and opportunities for public input. (*Id.*)

58. Advisory Group members were individuals from various industry and community organizations. (*Id.*)

59. Petitioner Leyva was on the Community Development & Housing Advisory group, representing 63 Tiffany Place.

60. Petitioner Leyva regularly attended the meetings of this Advisory Group.

61. Throughout the planning process, the Advisory Groups held a total of 23 meetings.

62. Recordings of all but two advisory group meetings (which involved confidential discussions of ongoing port operations) are posted on EDC's website. *See* <https://edc.nyc/brooklyn-marine-terminal-public-engagement> (last accessed January 19, 2026).

Public Engagement

63. The creation of the BMT Vision Plan included robust public engagement. EDC published summaries of public engagement during the planning process on its website. *See* <https://edc.nyc/brooklyn-marine-terminal-public-engagement> (last accessed January 19, 2026). Copies of the Initial Public Engagement Summary and Engagement Summary Update are attached as Exhibits 4 and 5 respectively.

64. The BMT Project Team, consisting of staff members from EDC (among other organizations), summarized information from public engagement sessions for the Task Force.

65. As summarized in the Final Vision Plan, public engagement included

- 4,265 People Engaged³;

³ This number does not reflect unique individuals.

- 915 Survey Responses
- 27 Public Workshops
- 16 Information and Feedback Sessions
- 13 Stakeholder Engagements
- 9 NYCHA Red Hook Houses East and West Engagements
- 11 Site Tours
- 5 Canvassing Efforts in Red Hook with Green City Force
- 3 Town Hall Meetings

A copy of the BMT Vision Plan is annexed as Exhibit 6. Each type of public engagement is discussed more fully below.

66. EDC issued a community survey from September 18, 2024 through October 21, 2024 and after Public Workshop 2 to collect feedback concerning community priorities, engagement consideration and any other additional community reflections. EDC also posted engagement findings in November 2024 and March 2025. (Exhibits 4 and 5.)

67. During the approximately one-year planning process, EDC hosted multiple sessions of seven different Public Workshops.

68. Notice for the Public Workshops was provided via email through the BMT project listserv (which included as of September 2025 over 1560 subscribers and as of January 30, 2026, includes as many as 1637 subscribers) as well as ads in the Red Hook Star Revue. Members of the public could sign up to be on the project listserv. Flyers were distributed to Task Force members for further dissemination to their constituents and interest groups. Flyers were also posted in the neighborhood, and EDC hired Green City Force to door-knock to publicize two Public

Workshops. Ahead of each Public Workshop (which had a virtual or hybrid format), EDC posted either a Zoom registration or EventBrite registration link on its website.

69. Any member of the public could attend the Public Workshops. Petitioners, in fact, attended several Public Workshops.

70. At the Public Workshops, information boards were displayed and printed materials were provided for discussion. EDC solicited feedback from attendees. (Exhibit 4)

71. Public Workshops were a means of collaborating with the public. Feedback from Public Workshops was shared in Task Force Meetings and information from Task Force Meetings was shared in Public Workshops. A flow chart showing this exchange of information is depicted in Exhibit 4, pages 4-5.

72. Two sessions of Public Workshop 1 were held on September 28, 2024 and October 7, 2024. Two sessions of Public Workshop 2 were held on December 5, 2024 and December 16, 2024. Nineteen sessions of Public Workshop 3 were held between January 11 and January 21, 2025. Public Workshop 4 was held on March 24, 2025, and two sessions of Public Workshop 5 were held on May 6, 2025 and May 8, 2025. Public Workshop 6 was held in person and virtually on June 9, 2025, and Public Workshop 7 was held virtually on October 23, 2025.

73. Presentations from Public Workshops 2, 3, 4, 5, 6, and 7 are available on EDC's website. <https://edc.nyc/brooklyn-marine-terminal-public-engagement> (last accessed January 19, 2026). Information Boards from Public Workshop 1 are available on EDC's website. *Id.*

74. At Public Workshop 1, an overview of the project's goals and aims was presented, including an overview of the process by which the Vision Plan would come to fruition. Attendees were asked to pose questions for the Advisory Groups and to share their priorities for

the redevelopment of BMT. See <https://edc.nyc/sites/default/files/2024-10/NYCEDC-BMT-Public-Workshop-1-Info-Boards-Final.pdf> (last accessed January 27, 2026).

75. At Public Workshop 2, EDC provided an overview of the project's goals and aims and the process by which the Vision Plan would come to fruition. EDC discussed potential land uses at BMT such as maritime, flex maritime and industrial, parks and open spaces, and affordable housing. Feedback from prior community engagement was shared, and attendees participated in break out groups to further share their opinions on land use priorities. See <https://edc.nyc/sites/default/files/2024-10/NYCEDC-BMT-Public-Workshop-1-Info-Boards-Final.pdf> (last accessed January 27, 2026).

76. At Public Workshop 3, EDC provided an overview of the project's goals and aims and emphasized that the community needed to work together to find a compromise between financial stability, community benefits, and revenue positive uses. Attendees then used a site planning tool to build their preferred scenario for the redevelopment of BMT. See <https://edc.nyc/sites/default/files/2024-10/NYCEDC-BMT-Public-Workshop-1-Info-Boards-Final.pdf> (last accessed January 27, 2026).

77. At Public Workshop 4, EDC provided an overview of the project's goals and aims and summarized community engagement to date. EDC then presented different scenarios for the redevelopment of BMT for the public to review. See <https://edc.nyc/sites/default/files/2025-03/NYCEDC-BMT-Public%20Workshop-4-Boards-Final.pdf> (last accessed January 27, 2026).

78. At Public Workshop 5, EDC reviewed and discussed the preferred site plan for the redevelopment of BMT and opportunities for improving the climate resiliency of BMT and for improving transportation in and around BMT. In discussing resiliency and transportation, EDC included feedback already acquired from the community on these topics. See

<https://edc.nyc/sites/default/files/2025-05/NYCEDC-BMT-Public-Workshop-5-Presentation-05-13-25.pdf.pdf> (last accessed January 28, 2026).

79. At Public Workshop 6, EDC presented the final site plan and discussed commitments that the City sought to make as part of the redevelopment of BMT. A timeline of next steps including Environmental Review and governance of the project were also shared. *See* <https://edc.nyc/sites/default/files/2025-07/NYCEDC-BMT-Public-Workshop-6-9-2025.pdf> (last accessed January 28, 2026).

80. At Public Workshop 7, EDC discussed the vast public engagement involved during the planning process for this project. EDC also discussed how it worked with the Task Force to integrate stakeholder feedback. For example, the final site plan now called for more transit access, greater housing affordability and additional maritime industrial input for port planning, all in direct response to stakeholder engagement. *See* <https://edc.nyc/sites/default/files/2025-10/NYCEDC-BMT-Public-Virtual-Meeting-Vision-Plan-Presentation-10-23-25.pdf> (last accessed January 28, 2026).

81. EDC hosted 16 Information and Feedback Sessions between August 12, 2024 and June 12, 2025 at various locations⁴:

- i. August 12, 2024: Virtual BMT Info Session
- ii. August 23, 2024: Drop In Information Session, Brooklyn Bridge Park
- iii. October 1, 2024: 100 Columbia Street
- iv. October 2, 2024: 100 Columbia Street
- v. October 9, 2024: 100 Columbia Street
- vi. October 16, 2024: 100 Columbia Street
- vii. October 21, 2024: 100 Columbia Street
- viii. October 23, 2024: 100 Columbia Street
- ix. October 28, 2024: 100 Columbia Street
- x. October 30, 2024: 100 Columbia Street

⁴ Two additional information sessions were held on December 12, 2024 and January 7, 2025 specifically for residents of Red Hook Houses, and are included as part of the nine engagement events listed for NYCHA Red Hook Houses East and West.

- xi. November 4, 2024: Red Hook Art Project
- xii. November 13, 2024: Red Hook Art Project
- xiii. November 18, 2024: Red Hook Art Project
- xiv. June 10, 2025: Red Hook Art Project
- xv. June 11, 2025: Carroll Gardens Association
- xvi. June 12, 2025: Red Hook Art Project

82. These information sessions were open to any member of the public and were held on a variety of dates so as to accommodate as many people as possible.

83. These information sessions were intended to keep residents informed about the timeline, intent, and progress of the BMT planning project and solicit feedback from residents.

84. EDC held 13 additional stakeholder engagement events between September 6, 2024 and May 30, 2025, to spread awareness of the BMT planning project. 8 of these engagements were open to members of the general public; 5 engagement events were specifically for community organizations such as the Red Hook Business Alliance. The stakeholder events are listed below:

- i. 9/6/2024 – Red Hook Art Project, Mural Event at BCT (general public)
- ii. 9/11/2024 - Community Board #6, Full Board Meeting (general public)
- iii. 9/14/2024 - 63 Tiffany Place, Block Party – Tabling (general public)
- iv. 9/29/2024 - Atlantic Avenue Local Development Corp, Atlantic Antic – Tabling (general public)
- v. 10/2/2024 - 76 Precinct Community Council, Community Council Meeting (general public)
- vi. 10/22/24 - 76 Precinct Community Council, Community Council Meeting (general public)
- vii. 11/21/2024 - Cobble Hill Association, Community Meeting (stakeholder meeting)
- viii. 1/23/2025 - Carroll Gardens Association, Columbia Street Waterfront and Carroll Gardens small business engagement (stakeholder)
- ix. 2/5/2025 - 160 Imlay Engagement (stakeholder meeting)
- x. 3/15/2025 - WXY’s Super Science Saturday, Public Engagement (general public)
- xi. 3/27/2025 - Red Hook Business Alliance, Red Hook Business Alliance Business Engagement (stakeholder meeting)
- xii. 5/2/2025 - Regional Planning Association Conference, Public Engagement (general public)
- xiii. 5/30/2025 - PS 15 PTA, PS 15 PTA Project Briefing (stakeholder meeting)

85. EDC held nine engagement events specifically for residents of NYCHA Red Hook Houses East and West. These events were held between August 17, 2024 and March 22, 2025.

86. EDC also offered eleven site tours. Site tours offered on October 24, 2024 and October 31, 2024 were open to the Advisory Groups. Site tours offered on November 1, 2024, November 7, 2024, November 8, 2024, and November 14, 2024 were open to the public and to the Advisory Groups. Petitioner Lutz attended the site tour on November 7, 2024. Additional site tours were provided for NYC Council Member Amanda Farias, City agencies, a local church group, and NYCHA Red Hook Houses East and West residents.

87. EDC hosted three Town Halls which were open to the public on March 20, 2025, June 2, 2025, and June 4, 2025.

88. Petitioners Leyva, Lutz and Mazer attended the Borough President Reynoso's Town Hall on June 4, 2025. Upon information and belief, Petitioner Leyva also attended the August 2024 virtual information session and the 63 Tiffany Place meeting, September 2024 Community Board 6 meeting and the October 2024 Public Workshop, Public Workshop 4 in March 2025 and Public Workshop 5 in May 2025; Public Workshops 4 and 5 were also attended by Petitioner Lutz. Petitioners Leyva and Mazer attended virtual Public Workshop 6 in June 2025.

89. Additionally, EDC sent periodic electronic newsletters to members of its email list serv to keep the public informed on the BMT planning project. (Copies of EDC's BMT Newsletters are attached as Exhibit 7.)

90. Finally, EDC also hired WXY Studio as a consultant to attend and facilitate public engagement on this project. (Exhibit 2.)

Task Force Meetings and the September 22, 2025 Vote on the BMT Vision Plan

91. Between September, 2024 and June, 2025, the Task Force held 19 full meetings. Two meetings were also held on the BMT site planning tool; for these two meetings, the Task Force was split into two groups (but all members were invited). During this period, eight office hours were held, and all Task Force Members were invited to these office hours. Also during this period, five small group discussions were held. Only subsets of Task Force members with relevant experience or those who expressed interest in the discussion topic were invited to the small group discussions.

92. Office Hours and small group discussions allowed subsets of Task Force Members to discuss topics such as i) an overview of the Environmental Impact Statement; ii) Blue Highways⁵; iii) guiding principles of the project; and iv) climate issues.

93. As discussed above, information learned from various public engagement sessions was summarized and shared with Task Force members.

94. Task Force Meetings were closed to the public to allow for free communication of ideas.

95. After each Task Force meeting, meeting summaries were prepared by EDC staff and shared with Task Force members.

96. Most of these summaries were made available to the public by Community Board 6, which posted them on its website. See https://drive.google.com/drive/folders/1-9P_sXSW_zJgZH-lI0hIRnQBEONoidJj (last accessed January 19, 2026). Task Force Members were also permitted to share these summaries with their constituents.

⁵ The Blue Highways initiative is a joint effort between EDC and NYC Department of Transportation to create a sustainable freight network using the City's waterways which will reduce congestion on roadways and support zero-emission transportation for middle-to-last mile deliveries.

97. On September 22, 2025, the Task Force voted to approve the BMT Vision Plan. While this vote was not open to the public, it reflected the culmination of one year of substantial community, stakeholder, and representative involvement into the overall aims, goals, and design of the BMT project. The result of the Task Force vote was also made public on the BMT website on September 22, 2025. See [NYCEDC-BMTTF-Attendance-Vote-09-22-2025.pdf](#)

The BMT Vision Plan

98. The BMT Vision Plan (Exhibit 6) is publicly available on EDC's website. See <https://edc.nyc/brooklyn-marine-terminal-public-engagement> (last accessed January 19, 2026)

99. The BMT Vision Plan sets forth the proposed plan for the revitalization and modernization of BMT. *Id.*

100. The BMT Vision Plan intends to deliver, among other things, a sustainable all electric port, various modes of affordable housing, public open space, a new Brooklyn Cruise Terminal, a coastal protection strategy, and a pedestrian-first traffic and transit plan. *Id.*

101. The BMT Vision Plan contemplates over 18 billion dollars in economic impact for the City and region. *Id.*

102. The BMT Vision Plan and its associated commitments are contingent on an approved General Project Plan (GPP), which will reflect the environmental review and final approval by the ESD Board and the Public Authorities Control Board (PACB). *Id.*

Current Status of the BMT Project

103. Following the development and approval of the BMT Vision Plan, the Task Force was dissolved and the Brooklyn Marine Terminal Development Corporation (BMTDC) was

formed. A copy of BMTDC's Certificate of Incorporation is annexed as Exhibit 8, and a copy of BMTDC's bylaws are attached as Exhibit 9.

104. BMTDC is governed by a board of directors and is expected to provide input to EDC and ESD related to the BMT site plan as part of the General Project Plan (GPP) process and in accordance with its corporate documents. (Exhibits 8 & 9).

105. As set forth in the BMT Vision Plan (Exhibit 6 at page 48), BMTDC meetings will be subject to the Open Meetings Law and other reporting requirements.

106. BMTDC has thus far held two Board Meetings on December 1, 2025 and December 19, 2025. Both meetings were preceded by public notice, open to the public, and records and meeting minutes are available on EDC's website. See <https://edc.nyc/bmtdc> (last accessed January 19, 2026).

107. As described in the BMT Vision Plan, EDC formed the Brooklyn Marine Terminal Advisory Task Force, which has held one virtual meeting on October 23, 2025 to introduce its members and provide information about the environmental review process, in advance of several public scoping hearings held by the Mayor's Office of Environmental Coordination ("MOEC"), as lead agency, on October 28, 2025 and October 30, 2025 and December 1, 2025, with the presentations and scoping information made available on EDC's website.

108. Currently, the BMT project is undergoing an environmental review. Although not required, MOEC accommodated requests to explain the environmental review including the scoping process to members of the public by attending and presenting at three public information meetings hosted by Community Board 6 on November 18, 2025, by Columbia Street Waterfront District and Office of NYS Assembly member Jo Anne Simon on November 17, 2025

and by Fifth Avenue Committee and NYCHA Red Hook Houses on November 12, 2025 as part of the General Project Plan approval process. The environmental review process is currently in the public comment period which will close on March 31, 2026, after which a draft Environmental Impact Statement (“DEIS”) will be prepared and published by MOEC in fall 2026, followed by a public hearing on the DEIS.

June 10, 2025 Informal Advisory Opinion by Member of The Committee on Open Government

109. On June 9, 2025, the Petition alleges that Petitioner Bruce Mazer reached out via email to the New York Coalition on Open Government (“Coalition”) for an opinion on whether the Task Force was required to have public meetings in accordance with the Open Meetings Law. (Pet. ¶17)

110. The Coalition referred Mr. Mazer to the Committee on Open Government; on June 10, 2025, a member of the Committee on Open Government issued an informal response indicating, based on the information provided, that the Task Force was required to comply with the Open Meetings Law.

111. A copy of Mr. Mazer’s correspondence is annexed as Exhibit 10.

112. EDC was not provided a copy of the June 10, 2025 response by a member of the Committee on Open Government until this lawsuit was commenced.

113. The informal response from a member of the Committee was based on limited and misleading statements about the Task Force provided by Mr. Mazer. For example, Mr. Mazer stated in a conclusory fashion: “The Task Force is not advisory in nature. They will be voting on a final site plan. NYCEDC does not have the ability to veto the plan.”

114. As described above, EDC sought and received extensive public feedback, both directly from the public and indirectly through their elected representatives and community groups, which was incorporated into the BMT Vision Plan. And, as noted above, the BMT project is subject to various approval processes including GPP, which will invite and involve more public engagement.

115. Petitioners now seek to undo one year of public engagement, and the community's collaborative development of a plan to reimagine 100+ acres of its waterfront space. Petitioners' argument that they were denied information or the opportunity to express a voice in the process by having a certain subset of BMT meetings focused by topic, or limited to a Task Force of elected representatives and community leaders, is without basis in fact, and this vital public project to provide housing and economic development should be permitted to proceed to further levels of approval and community engagement.

FIRST DEFENSE

116. The Petition fails to state a cause of action.

SECOND DEFENSE

117. The actions of Respondent complained of were in all respects lawful and proper, reasonable, and rational and neither arbitrary nor capricious, nor in excess of jurisdiction, nor an abuse of discretion, and as a result they should not be disturbed.

THIRD DEFENSE

118. The actions of Respondent complained of were not in excess of its authority, nor has Respondent failed to perform their duties enjoined upon them by law.

FOURTH DEFENSE

119. The Petition is time-barred to the extent that it seeks to invalidate actions taken at BMT Task Force meetings more than four months prior to the filing of the Petition. CPLR 217.

FIFTH DEFENSE

120. Petitioners' claims are barred by the doctrines of laches and estoppel. Petitioners were aware from the outset that BMT Task Force meetings were not open to the public, and participated in the Advisory Committee meetings and other public feedback meetings, yet did not raise their objections until *after* the September 22, 2025 vote by the Task Force.

Dated: New York, New York
February 2, 2026

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VERIFICATION

I, Jennifer Sun, am an Executive Vice President, Planning Division at the New York City Economic Development Corporation (“EDC”). I am familiar with the facts of this matter.

I affirm this 2nd day of February, 2026, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing Verified Answer and Statement of Pertinent and Material Facts is true, except as to matters alleged on information and belief and as to those matters I believe them to be true, and I understand that this document may be filed in an action or proceeding in a court of law.

The grounds of my belief as to all matters not stated upon my knowledge are as follows: information obtained from the books and records of EDC and from statements made to me by officers or agents of EDC and the City of New York and others.

Date: New York, New York
February 2, 2026

Signed: 
Jennifer Sun