

**STATE OF NEW YORK
SUPREME COURT: KINGS COUNTY**

In the Matter of the Application of

JOHN LEYVA, DAVID LUTZ,
and BRUCE MAZER,

Petitioners,

-against-

NEW YORK CITY ECONOMIC
DEVELOPMENT CORPORATION,

Respondent.

Index No. _____

**VERIFIED PETITION
PURSUANT TO CPLR
ARTICLE 78**

Petitioners for their verified petition and for judgement pursuant to Article 78 of the Civil Practice Law and Rules (CPLR), by and through their undersigned counsel, respectfully allege as follows:

BACKGROUND

Petitioners bring this action seeking to annul the September 22, 2025 final vote by the Brooklyn Marine Terminal Task Force (“Task Force”), a body organized under the auspices of Respondent New York City Economic Development Corporation (“EDC”), because the meeting violated the New York State’s Open Meetings Law (“Open Meeting Law”) (N.Y. Pub. Off. Law §§ 100–111 (McKinney 2025)). At the core, this case is about restoring public accountability and trust against a powerful City-affiliated entity that made critical land-use decisions in private.

The Brooklyn Marine Terminal (“BMT”) is a publicly owned waterfront site located in Red Hook and the Columbia Street Waterfront District neighborhoods of Brooklyn. Long

considered a critical site for the future of the Brooklyn working waterfront, the BMT comprises a large stretch of publicly controlled land with substantial opportunity for economic development, maritime activity, and community infrastructure. The development potential at the site is immense, but so too are the consequences for nearby communities. That is precisely why any such development must be shaped through transparent and publicly accountable processes, not through closed-door meetings that exclude the very communities most impacted.

New York City, through the EDC, formally assumed operational control of the BMT and authorized the EDC to manage, maintain, and plan redevelopment of the site. The EDC, as a not-for-profit corporation created and funded by the City of New York, acts as the City's economic development arm, exercising delegated authority to manage and plan the redevelopment of city-owned land.

The redevelopment of the BMT involves the use of publicly owned land and resources, and in connection with that authority, the EDC established a "Task Force" to vote on a final "Vision Plan" to serve as the foundation for the redevelopment of the BMT. Unlike other public planning processes, Task Force members were not appointed by elected officials but were instead selected by the EDC themselves.

The BMT redevelopment will proceed through an expedited "GPP" process, rather than the City's more participatory ULURP process. Because the GPP process lacks the same level of formal public oversight, the deliberations of the Task Force represented a rare and critical opportunity for community accountability and oversight in a project projected to generate over \$18 billion in economic impact. This made it all the more essential that Task Force meetings be open, transparent, and accessible to the public.

EDC publicly framed the process of developing a Vision Plan for the redevelopment as a forum for deliberation, collaboration, and transparency. In practice, however, the process diverged starkly from that claim. While the EDC held public sessions to collect feedback and community opinions, the Task Force itself, the decision and voting body, held their meetings in secret. The public — including Petitioners — were refused access to those meetings, with no opportunity for public observation or participation. These meetings and deliberations being held to make critical decisions on public land, provided no formal meeting notice, no public minutes, and no public access. Although the EDC claims to have engaged over 4,200 community members, this figure is inflated by repeated counts of the same individuals, as one petitioner was counted more than 20 times, making the actual number of unique participants far lower and the promised “deep community engagement” misleading.

These closed-door Task Force meetings culminated in a final vote on September 22, 2025, when the Task Force convened a formal, non-publicly accessible session to review and vote on the Brooklyn Marine Terminal Vision Plan — the foundational framework for this once-in-a-generation public redevelopment project. Despite the finality and public impact of this action, the September 22, 2025, Task Force meeting was conducted behind closed doors, with members of the public, including Petitioners, affirmatively denied access.

Following the vote, the EDC published and promoted the Vision Plan as the definitive framework that will govern future land use, zoning, infrastructure investments, and development decisions at the BMT site. The final version of the Vision Plan was never presented to the public in a public hearing or session prior to the vote, despite being substantially revised over the course of multiple closed-door Task Force meetings in the preceding two months.

Petitioners assert that these closed-door meetings, conducted without public notice or access, violate the Open Meetings Law.

Petitioners do not challenge the content of the Vision Plan itself. Rather, they challenge the legality and secrecy of the process that led to its approval. Had the public been permitted to observe and participate as required by law, the resulting plan could have been meaningfully different. The final version of the Vision Plan was never shared in a public hearing or forum before the vote, despite being substantially revised over the course of two months of closed-door Task Force meetings. The EDC's decision to hold these meetings in private, while advancing a major redevelopment plan outside the City's standard ULURP process, reflects not just a technical violation but a willful disregard for the public's right to transparency. At a time when public participation is essential to democratic legitimacy, this case seeks to enforce the minimum standards of openness required by law and to remedy a pattern of exclusion that undermined the very purpose of the Open Meetings Law.

PARTIES

1. Petitioner John Leyva ("Petitioner Leyva") is a resident of Brooklyn, New York, residing in the Columbia Street Waterfront District neighborhood immediately adjacent to the proposed Brooklyn Marine Terminal (BMT) site for over 30 years.

2. Petitioner David Lutz ("Petitioner Lutz") is a resident of Brooklyn, New York, residing in the Columbia Street Waterfront District neighborhood immediately adjacent to the proposed Brooklyn Marine Terminal (BMT) site for over 30 years.

3. Petitioner Bruce Mazer ("Petitioner Mazer") is a resident of Brooklyn, New York, residing in the Columbia Street Waterfront District neighborhood immediately adjacent to the proposed Brooklyn Marine Terminal (BMT) site for over 8 years.

4. Respondent New York City Economic Development Corporation (“EDC”) is a “quasi-NYC government agency in the form of a non-profit corporation, consisting of 27 Board members, appointed by the Mayor of the City of New York, 5 of whom are nominated by the 5 NYC Borough Presidents through the Speaker of the Council of the City of New York”¹ and the effective agent of the City of New York with responsibility for economic development and related planning initiatives.

JURISDICTION AND VENUE

5. This proceeding is properly brought in the Supreme Court of Kings County because the acts and omissions giving rise to this Petition occurred within Kings County and the location at issue lies therein.

6. Venue is proper pursuant to CPLR § 506(b).

FACTUAL BACKGROUND

7. The BMT is a significant publicly owned waterfront site located in the Red Hook and Columbia Street Waterfront District neighborhoods of Brooklyn.

8. The BMT is under the operational control of New York City, which authorized the EDC to manage, maintain, and plan redevelopment of the site.

9. The EDC publicly announced the creation of the BMT Task Force as part of its community engagement strategy for redevelopment planning. NYCEDC, *Brooklyn Marine Terminal Community Engagement*, <https://edc.nyc/brooklyn-marine-terminal-community-engagement> (last visited Oct. 5, 2025).

¹ See *(NY City Economic Dev. Corp. v Kings Action Group, Corp., 66 Misc 3d 1221[A], 2020 NY Slip Op 50193[U] [Civ Ct, Kings County 2020], footnote 1, referencing EDC’s Affirmation D)*

10. “The Task Force is responsible for contributing to and approving the vision plan for Brooklyn Marine Terminal [BMT]” NYCEDC, *Brooklyn Marine Terminal Task Force & Advisory Groups*, <https://edc.nyc/brooklyn-marine-terminal-task-force-advisory-groups> (last visited Oct. 16, 2025).

11. The EDC selected members of the Task Force (“Task Force”) consisted of two or more members, and included elected officials, business representatives, government agency staff, and hand-picked local representatives. *Id.*

12. Senator Andrew Gounardes, Vice Chair of the Task Force, acknowledged that “The Task Force has final approval over the Master Plan,” NY Sen. Andrew Gounardes, *Reimagining the Brooklyn Marine Terminal*, <https://www.senatorgounardes.nyc/bmt> (last visited Oct. 16, 2025).

13. On information and belief, the Task Force meetings required quorum.

14. The EDC also held Task Force Subcommittee meetings, as part of the Vision Plan process, that were also closed to the public.

15. The EDC held public sessions that were advertised as opportunities for community feedback. These public forums were not only narrow in scope, inconsistently publicized, and structurally siloed from the Task Force. The decision-making process, with key actions, discussions, and voting on The Vision Plan occurred at the closed-door Task Force meetings.

16. The EDC did not provide public notice for these Task Force meetings nor release formal recordings of these meetings.

17. On June 9, 2025, Petitioner Mazer, concerned about the closed-door nature of the Task Force, requested an opinion from the New York State Committee on Open Government (“COG”) as to whether Respondent EDC was violating New York’s Open Meetings Law by holding the Task Force meetings in private. A true and accurate copy is attached as Exhibit A.

18. The COG is the NY State agency that “oversees and advises the government, public, and news media on Freedom of Information, Open Meetings, and Personal Privacy Protection Laws.” NY State Comm. on Open Government, <https://opengovernment.ny.gov/> (last visited Oct. 16, 2025).

19. Kristin O’Neill Deputy Director and Counsel of the COG, responded to Petitioner Mazer’s request with the following:

“Given that the task force consists of three or more persons charged with a public duty to be performed by them jointly, in our view, a quorum is required to conduct its public business. Since a quorum is required, the task force contains that additional statutory element and, in our opinion, **it is a public body that must comply with the Open Meetings Law**. Meetings must be open to the public, notice of the date, time, location (and if required, link for virtual attendance), must be provided in compliance with Section 104 of the OML, and records scheduled to be discussed must be made available in compliance with Section 103(e) of the Law.”

See Exhibit A (emphasis added).

20. On September 22, 2025, the Task Force held a final, non-public meeting at which it conducted a vote approving the Brooklyn Marine Terminal Vision Plan. NYCEDC, *Vision for Brooklyn Marine Terminal: BMT Task Force Vote*, <https://edc.nyc/sites/default/files/2025-09/NYCEDC-BMTTF-Attendance-Vote-09-22-2025.pdf> (last visited Oct. 16, 2025).

21. Petitioners wished to attend and observe this September 22, 2025 meeting but were informed the Task Force meetings were closed and not open to the public.

22. Petitioners Leyva and Lutz, despite being informed that the Task Force meeting was not open to the public, attempted to attend in person. They arrived at the location shortly before 9:00 a.m. and, when they attempted to enter, they were told by security staff that they were not on the list of approved attendees. Despite stating their intent to observe the public meeting, they were barred from entry without explanation or recourse.

23. The final “voting” meeting was held behind closed-doors, and EDC representatives and private security physically denied entry to members of the public.

24. On that exact same day, September 22, 2025, the EDC published a press release announcing the approval of the Task Force’s Vision Plan, the exact plan that was approved by the Task Force, stating that the “Vision Plan adopted by the BMT Task Force serves as the foundation for all future investments and redevelopment at BMT.” NYCEDC, *Passage of Historic \$3.5 Billion Vision Plan to Transform Brooklyn Marine Terminal*, <https://edc.nyc/press-release/bmt-taskforce-approves-vision-plan-to-transform-brooklyn-marine-terminal> (last visited Oct. 16, 2025).

25. The Vision Plan released by the EDC immediately following the Task Force vote was identical to the version approved behind closed doors, it became clear on September 22, 2025 that the Task Force functioned as the final decision-making body for the Vision Plan of the redevelopment of this significant public land.

26. The Vision Plan, also references as the “BMT Final Plan”, along with its associated 19 “commitments”, outlines the critical decisions and frameworks of what it calls a “new future for this site.” See NYCEDC, *Brooklyn Marine Terminal Vision Plan*, https://edc.nyc/sites/default/files/2025-10/NYCEDC-Brooklyn-Marine-Terminal-Vision-Plan-09-30-2025_0.pdf (last visited Oct. 16, 2025) at 3, 52.

27. The Vision Plan outlines how future implementation will occur, including the creation of a Brooklyn Marine Terminal Development Corporation (“BMTDC”) that will be required to “ensure adherence to the BMT Vision Plan,” and even propose requiring in the BMTDC’s mission statement that the BMTDC will “uphold[] the BMT Vision Plan.” *Id.* at 45, 47.

28. Paradoxically, the EDC's own Vision Plan acknowledges that the "implementation phase" of the redevelopment will be "subject [to] the Open Meetings Law and other reporting requirements." See *Id.* at 48. Yet the EDC failed to comply with that same law during the most consequential phase: the closed-door development, deliberation, and formal approval of the Vision Plan itself.

29. The Task Force meetings were not publicly noticed in accordance with the Open Meetings Law, nor were accommodations made for meaningful public observation or participation.

30. No minutes have been released on the September 22, 2025 meeting, nor any of the prior Task Force meetings.

31. Petitioners were injured by the inability to participate, observe or attend all Task Force meetings, including the final September 22, 2025 meeting.

32. The redevelopment of Brooklyn's public waterfront is a once-in-a-generation opportunity. Petitioners assert that, without artificial deadlines, pressure tactics, and closed-door processes, and by authentically and meaningfully allow the public to observe and engage in the critical decisions, the City can deliver a more inclusive and accountable outcome.

33. At a minimum, the public is entitled to a fair and open process, pursuant to Open Meetings Law, before permanent changes are made to public land.

CAUSE OF ACTION

The EDC Violated New York Open Meetings Law

34. Petitioners repeat and reallege the foregoing paragraphs as if fully set forth herein.

35. The EDC Task Force did not meet in public as required by the Open Meetings Law.

36. The EDC Task Force did not provide public notice of its meeting(s) regarding the Commission, as required by the OML § 104.

37. Meeting documents were not posted online for the public to see at least 24 hours prior to their meeting as required by the OML § 106(3).

38. Pursuant to Public Officers Law § 107(1), the Task Force's action approving the Vision Plan must be declared null and void due to its failure to comply with multiple requirements of the Open Meetings Law

39. The unique harm being caused by this cause of action can only be remediated by the relief requested by Petitioners.

REQUEST FOR RELIEF

40. WHEREFORE, Petitioners respectfully request this Court issue a judgment and order:

- a. Staying further implementation of the September 22, 2025 Vision Plan, pursuant to CPLR § 7805, pending final determination of this proceeding;
- b. Annulling the September 22, 2025 Vision Plan by the EDC Brooklyn Marine Terminal Task Force;
- c. Declaring that all EDC's Task Force meetings in violation the Open Meetings Law;
- d. Enjoining EDC from proceeding with BMT replanning processes absent full compliance with the Open Meetings Law;
- e. Directing Respondent to conduct any future deliberations or decisions in public and in compliance with Open Meetings Law; and
- f. Granting such other and further relief as this Court deems just and proper.

VERIFICATION

STATE OF NEW YORK)

COUNTY OF KINGS) :ss

John Leyva, being duly sworn, deposes and says that I am a Petitioner in this action; I am authorized to make this Verification; I have read the foregoing Verified Petition and know the contents thereof; that the same is true to my knowledge, except as to matters stated therein to be alleged upon information and belief, and as to those matters, I believe them to be true.

Signature

Sworn to before me this 17th dayof October, 2025

Notary Public

DONNA J. SAWICKI
Notary Public, State of New York
No. 24-4646677
Qualified in Kings County
Commission Expires March 30, 2029

VERIFICATION


STATE OF NEW YORK)

COUNTY OF KINGS) ss

David Lutz, being duly sworn, deposes and says that I am a Petitioner in this action; I am authorized to make this Verification; I have read the foregoing Verified Petition and know the contents thereof; that the same is true to my knowledge, except as to matters stated therein to be alleged upon information and belief, and as to those matters, I believe them to be true.



Signature

Sworn to before me this 20TH dayof OCTOBER 2025

Notary Public

Denise M. Connors
Notary Public State of New York
No. #01CO5029331
Qualified in Kings County
Commission Exp. 6 / 20 / 2026

VERIFICATION

MM Texas
 STATE OF ~~NEW YORK~~)
 MM Hidalgo
 COUNTY OF ~~KINGS~~) :ss

Bruce Mazer, being duly sworn, deposes and says that I am a Petitioner in this action; I am authorized to make this Verification; I have read the foregoing Verified Petition and know the contents thereof; that the same is true to my knowledge, except as to matters stated therein to be alleged upon information and belief, and as to those matters, I believe them to be true.

Where attached exhibits A is referenced, they are true and correct copies of the original correspondence or documents as described.

Bruce Phillip Mazer

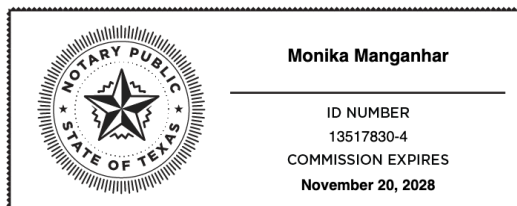
Signature

Sworn to before me this 20th day

of October, 2025

[Signature]

Notary Public



Electronically signed and notarized online using the Proof platform.