

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

----- x

In the Matter of the Application of

**AFFIRMATION OF AMY  
MCCAMPHILL**

BRONX COUNCIL FOR ENVIRONMENTAL  
QUALITY; and CHAUNCY YOUNG,

Index No.: 100240/2018

Petitioners,

-against-

THE CITY OF NEW YORK; NEW YORK CITY  
COUNCIL; NEW YORK CITY ECONOMIC  
DEVELOPMENT CORPORATION; NEW YORK CITY  
DEPARTMENT OF SMALL BUSINESS SERVICES;  
NEW YORK CITY DEPARTMENT OF PARKS AND  
RECREATION; and MITCHELL J. SILVER, as  
Commissioner of the New York City Department of Parks  
and Recreation.

Respondents.

----- x

**Amy McCamphill**, an attorney duly admitted to practice before the Courts of the State of New York, affirms, pursuant to Rule 2106 of the Civil Practice Law and Rules (“CPLR”), subject to the penalties of perjury, as follows:

1. I am a Senior Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, and attorney for Respondents in this matter. I submit this Affirmation in opposition to the Petition on behalf of Respondents the City of New York; the New York City Council; the New York City Economic Development Corporation (“NYCEDC”); the New York City Department of Small Business Services (“DSBS”); the New York City Department of Parks and Recreation (“DPR”); and Mitchell J. Silver, as Commissioner of the New York City Department of Parks and Recreation. This Affirmation is based on my review of

City records and my communications with the employees of the City Council, NYCEDC, and several City agencies, including DSBS, DPR, and the New York City Law Department.

2. Respondents submit the following exhibits in the accompanying volume of exhibits in opposition to the Petition.

3. Exhibit A is a true and correct copy of Bronx Borough President's Map No. 13105, dated June 7, 2005.

4. Exhibit B is a true and correct of a DPR mark-up of Bronx Borough President's Map No. 13105, so as to show the location of the Pier 5 parcel.

5. Exhibit C is a true and correct copy of Bronx Borough President's Map No. 13115, dated July 13, 2006.

6. Exhibit D is a true and correct copy of a letter from DPR to DSBS, dated August 1, 2006.

7. Exhibit E is a true and correct copy of a letter from DSBS to the New York City Department of Administrative Services ("DCAS"), dated August 11, 2006.

8. Exhibit F are true and correct copies of letters from DCAS to DSBS and DPR, dated August 29, 2006.

9. Exhibit G is a true and correct copy of Chapter 4 from the Yankee Stadium Redevelopment Project Final Environmental Impact Statement ("FEIS"), dated February 10, 2006.<sup>1</sup>

---

<sup>1</sup> A full copy of the FEIS, and all other environmental review documents cited in this Affirmation, is available on the *CEQR Access* web portal of the New York City Mayor's Office of Environmental Coordination, at <https://a002-ceqraccess.nyc.gov/ceqr/>.

10. Exhibit H is a true and correct copy of a May 3, 2006 appraisal report prepared for DCAS.

11. Exhibit I is a true and correct copy of documents, dated July 2006, from the United States Department of the Interior approving the conversion of parkland located in Macombs Dam Park pursuant to Section 6(f) of the Land and Water Conservation Fund Act.

12. Exhibit J is a true and correct copy of Chapter 5 from the FEIS for the Gateway Center at the Bronx Terminal Market project, dated December 1, 2005.

13. Exhibit K is a true and correct copy of an excerpt from DPR's and NYCEDC's March 2, 2007 joint application to the Art Commission for preliminary review of the "Bronx Terminal Market Waterfront Park," which later was named Mill Pond Park, and the Art Commission's April 16, 2017 preliminary approval.

14. Exhibit L is a true and correct copy of an excerpt from DPR's and NYCEDC's June 17, 2008 joint application to the Art Commission for final review of the "Bronx Terminal Market Waterfront Park," which later was named Mill Pond Park, and the Art Commission's July 14, 2008 final approval.

15. Exhibit M is a true and correct copy of a DPR permit granting access to Tams Green Material, Inc. to Pier 5 to conduct a stormwater runoff study, from June 27, 2013 through August 1, 2014.

16. Exhibit N is a true and correct copy of a report dated December 2015 entitled "Harlem River Brownfield Opportunity Area [BOA] Nomination Report," sponsored by Petitioner Bronx Council for Environmental Quality and DPR.

17. Exhibit O is a true and correct copy of a letter from DPR to DCAS, dated June 5, 2017.

18. Exhibit P is a true and correct copy of a letter from DSBS to DCAS, dated June 19, 2017.

19. Exhibit Q is a true and correct copy of a letter from DCAS to DSBS and DPR dated June 28, 2017.

20. Exhibit R is a true and correct copy of Chapter 1 from the Final Generic Environmental Impact Statement (“FGEIS”) for the Lower Concourse North project, dated August 10, 2017.

21. Exhibit S is a true and correct copy of Chapter 5 from the FGEIS for the Lower Concourse North project, dated August 10, 2017.

22. Exhibit T is a true and correct copy of Chapter 24 from the FGEIS for the Lower Concourse North project, dated August 10, 2017.

23. Exhibit U is a true and correct copy of an excerpt from the Bronx Point project’s March 16, 2018 conceptual review submissions to the Public Design Commission.

24. Exhibit V is a true and correct copy of the City Planning Commission’s August 23, 2017 report approving the land disposition associated with the Bronx Point project, with Bronx Community Board 4’s May 30, 2017 recommendation approving the project, and the Bronx Borough President’s June 29, 2017 recommendation approving the project, attached.

25. Exhibit W is a true and correct copy of a transcript of the minutes of the City Council Subcommittee on Planning, Disposition and Concessions from September 25, 2017.

26. Exhibit X is a true and correct copy of the October 17, 2017 minutes of the City Council.

27. For the reasons set forth in the accompanying exhibits and affidavits and Respondents’ Memorandum of Law in Opposition to the Petition, the Petition should be denied

in its entirety, and the proceedings should be dismissed, with such other relief as the Court deems just and proper.

/s/ Amy McCamphill

Dated: New York, New York  
April 27, 2018