

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

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In the Matter of the Application of

SIERRA CLUB-Long Island Group, The Concerned
Citizens of the Mill River Flood Plain
and Joseph P. Forgione,

Petitioners,

Index No.

for a Judgment Pursuant to Article 78 of the New
York Civil Practice Law and Rules,

AFFIDAVIT

-against-

Governor’s Office of Storm Recovery; New York State
Office of Parks, Recreation and Historic Preservation;
New York State Division of Housing and Community
Renewal; New York State Department of Environmental
Conservation; and Matt Accardi, Assistant General Counsel
and Certifying Corporate Officer for the Governor’s
Office of Storm Recovery,

Respondents.

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STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I, Denis P. O’Leary, being duly sworn, deposes and says:

1. I am a Member of Neufeld, O’Leary & Giusto, Attorneys for the Petitioners herein,
and I make this Affidavit in further support of the Verified Petition in this proceeding pursuant to
CPLR Article 78.

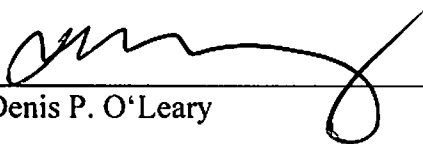
2. The determinations being challenged are the Negative Declaration dated December
18, 2019 and the Final Environmental Assessment dated January 21, 2020, both of which are
annexed to the Petition as Exhibit “A”. The time in which to challenge these determinations would
have already expired but for the Governor’s Executive Orders which tolled the statute of

limitations periods, the most recent being on August 5, 2020 Executive Order which tolled the statute of limitations through and including September 4, 2020. As such, the filing of this Petition is timely. See Executive Order 202.55.

3. Submitted in further support of the Petition are the following Affidavits:


- i) Affidavit of Dr. Charles Bevington, sworn to on July 30, 2020.
- ii) Affidavit of Linda Marshall, sworn to on July 28, 2020.
- iii) Affidavit of Joseph P. Forgione, sworn to on August 11, 2020.
- iv) Affidavit of David Stern, sworn to on August 22, 2020.
- v) Affidavit of James K. Dooley, sworn to July 30, 2020.
- vi) Affidavit of Paul Rubin, sworn to on August 21, 2020.
- vii) Affidavit of Carolyn Bauer, sworn to on July 30, 2020.

4. For the reasons set forth in the Verified Petition and the Affidavits which accompany the same, it is respectfully submitted that this Court issue an order annulling and vacating the Negative Declaration and the Final Environmental Assessment herein.



Denis P. O'Leary

Sworn to before me this
24th day of August, 2020



Notary Public

Binyomin Z. Bendet
Notary Public, State of New York
No. 02BE6354476 – Kings County
Commission Expires February 13, 2021