

Supreme Court of the State of New York
County of Kings

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In the Matter of the Application of

Peter Abbate, Kenny Guan, Bao Zhi Liu, Vincent Lu
Qinwen Lu, Paul Mak, Grace Mo, Kam Fon Mui, Tsang
Sun Mui

Petitioners

Date Filed:

-against-

Index #516573/2021
IAS Part 72
(Hon. G. Edwards)

The City of New York, The New York City Department of
Transportation and Henry Gutman as Commissioner of the
New York City Department of Transportation

**STIPULATION OF
SETTLEMENT AND
DISCONTINUANCE**

Respondents

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It is hereby stipulated by and among the parties herein that the matter shall be and hereby is resolved upon the following terms and conditions:

1. The respondents, and each of them, agree that they will, in all respects, comply with the New York City Administrative Code relative to notifications and/or presentations to be made by the New York City Department of Transportation regarding a major transportation project, generally described in a document annexed hereto and made a part hereof as Exhibit 1 entitled "7th Ave & 8th Aves. , 39th St- 66th St, Project Proposal, June 14, 2021" or any amendment or modification to the Project Proposal (herein referred to as the Project Proposal). The parties hereto agree that said project proposal includes a major transportation project as defined by City Administrative Code §§19-101.2 and that said project proposal includes the construction and/or

removal of bike lanes pursuant to City Administrative Code §§19-101.2 and 19-187 (hereinafter §19-101.2 and §19-187).

2. The petitioners acknowledge that they have now been advised by Community Boards 7, 10 and 12,(referred to as “Community Board” or collectively as the “Community Boards”) each of Brooklyn, that said Community Boards have each received e-mail notices pursuant to §19-101.2 and §19-187 on July 9, 2021.

3. Respondents agree that, regardless of any requirements in §19-101.2 and §19-187 to the contrary, no respondent, nor any person acting in concert with any respondent or under the dominion or control of all or any of them shall proceed with any part of the demolition or construction of the Project Proposal or the streets and avenues affected by the Project Proposal until ninety (90) days after July 9, 2021, i.e., October 9, 2021.

4. Respondents agree that the restrictions in paragraph 3, above, do not apply to any general maintenance or emergency work needed on the streets or avenues recited in the Project Proposal. As used in this paragraph, “general maintenance or emergency work” shall refer only to roadway or sidewalk repairs necessary to a) maintain the safety of pedestrians during the 90 day period after July 9, 2021 or b) maintain the free passage of motor vehicles or bicycles without sustaining damage, when operated safely, during the 90 day period after July 9, 2021 or c) to permit utility work necessary to maintain the operation of any utility during the 90 day period after July 9, 2021.

5. Where an affected Community Board shall have the right to conduct any meeting, presentation or public hearing as may be required or permitted by §19-101.2 or §19-187 related to the Project Proposal, each Community Board has the right to conduct same independent of anyother Community Board .

6. All time periods and deadlines concerning notices, presentations and/or public hearings for the entire Project Proposal shall be controlled by §19-187 and not by §19-101.2. If requested bya Community Board, respondents shall make a presentation to the requesting Community Board at a public hearing as set forth in §§ 19-187 (b). That presentation shall be combined into a single presentation and public hearing at which the public shall be heard on the Project Proposal .

7. Respondents agree to discontinue the use of the term “Community AdvisoryBoard” or similar name in connection with any group formed or used by the respondents to conduct public outreach relating to the Project Proposal as defined herein only. Thisclause is not intended to and does not restrict the respondents from conducting such other publicoutreach as it deems fit in addition to that as required by New York City Administrative Code §§19-101.2 and/or 19-187, nor does it limit respondents from referencing to a “Community Advisory Board” meeting that occurred in the past in relation to the Project Proposal.

8. This stipulation shall be submitted to the court to be so-ordered and entered .

