

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

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Queens Neighborhoods United (aka "QNU"), New York City
Council Member Francisco Moya, New York State Senator
Jessica Ramos, Desis Rising Up and Moving (aka "DRUM"),
Alexandra Owens, Tania Mattos Jose and Jorge Cabanillas,

Petitioners,

Index No. _____

For a Judgment Pursuant to CPLR Art. 78 and a Declaration
Pursuant to CPLR 3001

**AFFIDAVIT OF
AVIGAIL AVILES**

-against-

New York City Board of Standards and Appeals, New York City
Department of Buildings, AA 304 GC TIC LLC, 82 BAXTER
TIC LLC, ZM 304 GC INVESTOR TIC LLC, 304 GC TIC
LLC, Sun Equity Partners, Heskell Group, and Target
Corporation,

Respondents

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State of New York)
) SS:
County of _____)

Avigail Aviles, being duly sworn, deposes and says:

1. I am a resident of Elmhurst and live at 93-35 Lamont Ave. Apt 6D Elmhurst, NY 11373,
a 10 minute walk from the development.

2. I took the below photographs of unsafe construction practices at the Target construction site on Sept 19, 2019. The workers are over 8 feet above the ground to be allowed to work without harnesses, yet they are not wearing them:

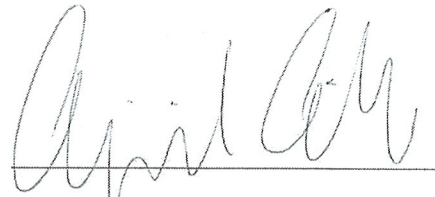


3. I have been a member of Queens Neighborhoods United (QNU) since early 2018. I am part of the QNU leadership team. I also work at Asian Americans For Equality, a non-profit organization located across the development, as a Tenant Counselor & Advocate.
4. QNU filed a community appeal to the zoning diagram for the property that is the subject of this case to the DOB, and an appeal of the Building Permit to the BSA in October

2018. The BSA finally scheduled our first hearing in March 2019. I was at this hearing and read a letter I sent in support of the appeal to the Commissioners. *See Exhibit 1.*

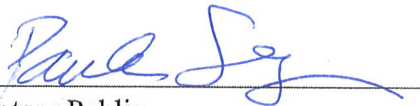
5. QNU also helped over 100 other people come to the hearing. We shared when the hearing was, where it was, and how people could participate. We also prepared many members of the community who had never spoken at a hearing like that to make their statements. We heard from many of our members and neighbors that this is the first time they were able to participate in a government process like this one. All of them were there in support of our appeal.
6. The BSA scheduled a second hearing in May 2019. QNU again organized residents to be able to participate in the hearing. Everyone was prepared with a statement that only took the allotted 3 minutes. I did, too.
7. But this hearing went differently than the first. At one point during the hearing, a Commission staff member asked that the camera in the room which is there to record the hearing so that there is a record for the public and the courts turn the cameras off to threaten to “clear the room.” Even though it is not part of the official hearing video, I have a record of this moment on my cell phone.
8. Later on, Arianna Martinez, a member of the public, addressed the Board and said: “your credibility is under question,” at 2:27. A commission staff got upset and responded “I think we should just clear the room,” at 2:31. Commissioner Ottley-Brown followed by demanding the cameras be turned off at 2:38. I stayed in my chair and made a comment that the Commission should listen to the public.

- 9. A staff member said, "Call the cops," and another staff member called for "Security." It was very quiet in the room. I was scared. Everyone was still sitting in their chairs in the audience when the police arrived. They did not see a reason to arrest anyone and the hearing continued with the police in the room. I felt intimidated for the rest of the hearing.
- 10. I was also surprised to hear the Commissioner Ottley-Brown say that the hearing was the first time that the Commission had permitted public testimony. I looked at the Commission rules when we were preparing for the hearing and the rules say that public testimony is part of the hearing.



Avigail Aviles

Sworn to before me this
20th day of September 2019



Notary Public

PAULA Z. SEGAL
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02SE6273635
Qualified in King County
Commission Expires December 17, 2020

Exhibit 1

Dear Chair Perlmutter and the Board,

My name is Avigail Aviles and I work as a tenant advocate at a nonprofit in Jackson Heights that is currently located 1 block away from the proposed Target location.

As a tenant advocate, my goal is to keep families in their homes at a rent they can afford to pay and with proper living conditions. But if the Target is built, it will cause rents to continue to skyrocket. Not only that, but as soon as they step outside their homes they will be met with unwalkable crowded sidewalks, a crowded 7 train, and car traffic along 82nd Street all which can prevent them from getting to work, taking their children to school or even buying groceries. All these issues will become a reality if the Target is allowed to be built in a lot zoned to house small or local businesses, which a Target of 23,000 square feet is neither small nor local. Target's lease explicitly prevents grocery stores, laundromats, beauty salons, and many other Use Group 6 stores from having space in this building. These are the types of small businesses that the community members I strive to help every day actually need. As an advocate I know one of the most important things about my job is respecting the people I've been entrusted in advocating for. From my understanding, you are all also supposed to be advocates and responsible for protecting the letter of the law and from respecting the spirit of the zoning resolution rather than being advocates for big real estate and developers.

It is the responsible decision for you all to decide that variety stores over 10,000 square feet cannot be located in Districts that limit retail uses to Use Group 6 *even if they are underground*. And if you do not enforce the rules of Use Group 6, you are paving the way for unregulated underground variety stores to be built in residential neighborhoods throughout all of New York City, putting the safety of our communities and infrastructure at risk.

Thank you.