

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
Jorge Cabanillas**

-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 _____)

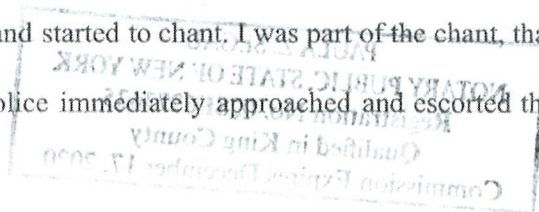
Jorge Cabanillas, being duly sworn, deposes and says:

1. I am a resident of Jackson Heights and live on 84th Street
2. I live 3 blocks from the location that Target Express is trying to move into.
3. The entire development, which Target Express is anchoring, is being marketed as a
"regional destination" that I believe will burden community member lives.

4. Our subway is already heavily stressed and frequently transporting people in crowded train wagons. As someone who does not drive in the area and relies on the train for work and family visiting I believe the incoming Target will further exacerbate this situation.
5. As someone who frequents Elmhurst Hospital and who has friends and family who frequent the hospital I believe the Target Express will be death threatening due to the added traffic congestion already present in the area. The added Target, the bus routes on both sides of the proposed Target location, and the construction of the new wing at Elmhurst Hospital will make emergency response incredibly dangerous. I fear for my friends' and family members' lives.
6. I have been a member of Queens Neighborhoods United (QNU) since 2013. I am part of the QNU leadership team.
7. 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.
8. QNU organized many community members who wanted to make sure their voices were heard by the Board of Standards and Appeals when the hearing was finally scheduled in March 2019.
9. QNU kept copies of most, but not all, of the letters that were sent to the BSA in support of our appeal. We have over 150 letters like that in our possession.
10. QNU also helped over 100 people actually 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.

11. QNU and many members and supporters also came to the BSA hearing on June 4, the day that the BSA took its vote on the appeal. Unlike the two earlier hearings we attended, this time when we arrived, I noticed that there were police officers waiting near the hearing room. It felt like the Board members were intimidated by critical voices and so they brought the DCAS police to oversee our presence.
12. After the BSA voted against our appeal, and then announced a break from the session, QNU members took out 8.5 x 11" signs and started to chant. I was part of the chant, that lasted no longer than 1 minute, as the police immediately approached and escorted the group out of the building.



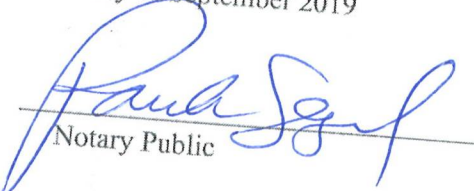
13. I respectfully request that this Court:
- (a) declare that BSA's determination upholding the DOB's issuance of a building permit or permits to the Developer was in violation zoning;
 - (b) annul all permits for construction of a building at this site to be used for retail stores larger than 10,000 square feet per establishment, including cellar space;
 - (c) enjoin any further steps by any of the Respondents construction of a building with a space to accommodate a prohibited 23,000+ square foot in this local retail district; and
 - (d) declare that the Department of Building's practice of allowing applications to be submitted under the self-certification of objections procedures is contrary to its

obligations under the New York City Charter § 643 to enforce the Zoning Resolution.



Jorge Cabanillas

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