

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUB COMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME  
USES

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September 16, 2008  
Start: 11:35am  
Recess: 12:13pm

HELD AT: Committee Room  
City Hall

B E F O R E: JESSICA S. LAPPIN  
Chairperson

COUNCIL MEMBERS:  
Charles Barron  
Leroy G. Comrie, Jr.  
John C. Liu  
Annabel Palma  
Maria Del Carmen Arroyo  
Rosie Mendez  
James S. Oddo

## A P P E A R A N C E S (CONTINUED)

Adam Weinberg  
Director  
The Whitney Museum

Michael Sillerman  
Representing The Whitney Museum  
Kramer Levin Naftalis & Frankel, LLP

Rebecca Asser  
Vice President, Transaction Services Group  
New York City Economic Development Corporation

Michael Bradley  
High Line Administrator  
City of New York Parks and Recreation

David Reck  
Board Member  
Community Board 2

Jo Hamilton  
Board Member  
Community Board 2

Peter Mullan  
Director of Planning  
Friends of the High Line

Gregory Shaw  
Principal Attorney, Real Estate  
New York City School Construction Authority

Tami Rachelson  
Deputy Director for Real Estate  
New York City Department of Education

2 MALE VOICE: Testing, one, two,  
3 three. Testing, one, two, three. The  
4 Subcommittee of Landmarks, Siting, and Maritime  
5 Uses. Today's date is September 16th, 2008 and  
6 it's being recorded by Aliberto Coyaso [phonetic].

7 [Break in Audio]

8 CHAIRPERSON LAPPIN: Good morning.  
9 It's still morning. Welcome to the Subcommittee  
10 on Landmarks, Public Siting and Maritime uses.  
11 I'm Jessica Lappin, our Chair; joined today by  
12 Councilmember Annabel Palma, Councilmember Maria  
13 Arroyo, Councilmember John Liu and Councilmember  
14 Charles Barron; to be joined shortly by  
15 Councilmember Jimmy Oddo and I see Councilmember  
16 Leroy Comrie walking in. We have two items on the  
17 agenda today. The first is the Whitney Museum,  
18 let's start with that, which is item number  
19 080406. There are four related applications.  
20 This project is in Speaker Quinn's district. I  
21 wanted to ask the first panel to come and speak.  
22 We have Adam Weinberg, from the Whitney; Michael  
23 Sillerman, representing the Whitney from Kramer  
24 Levin; Rebecca Asser, from EDC; and Michael  
25 Bradley, from Parks.

[Break in Audio]

CHAIRPERSON LAPPIN: So I don't know who is going to spearhead your presentation today. Is this the right panel to be-- great. So Rebecca, you can introduce yourself for the record and begin.

REBECCA ASSER: Good morning. My name is Rebecca Asser. I'm a Vice President at the New York City Economic Development Corporation in the Transaction Services Group. EDC has been working closely with the Whitney and other City agencies on this plan to develop a new museum on Gansevoort Street between West and Washington Streets. On behalf of EDC I would like to say that we are very excited about this project and its contributions to the neighborhood and to the City. This project will complement the new High Line Park and create a great new public amenity for the community while allowing one of our city's eminent cultural institutions to expand its facilities and programs. In addition, the plan includes the construction of an essential maintenance and operations facility for the High Line Park. I hope that you will join me in

support of The Whitney and its efforts.

ADAM WEINBERG: Good morning, I'm Adam Weinberg, the Director of the Whitney Museum. I'm honored to be here today. I just briefly wanted to address the program of the new building downtown at Gansevoort and Washington Street. I wanted to start first with this over here because the reason we're doing all of this is basically two; one is the art, the Whitney has one of the great collections of American art in the world, some 16,000 objects of which a very small percentage are ever really exhibited in total and the new building will provide us great opportunities to exhibit much more of our art; the second are our audiences. And would you go to the next one? The Whitney Museum, when it first opened uptown in 1966 it had about 293,000 visitors. Today we have 500,000 visitors. We have school groups that come from almost 300 different public schools. We have over 25,000 people partaking in our education programs each year and our primary goal for the new building is to make the Museum and its great riches much more accessible to the larger public. This over here

1 indicates the site for the new building. It's on  
2 Gansevoort and Washington Street. What you see in  
3 yellow are the High Lines, so we are at the base  
4 of the High Line, one of our wonderful partners in  
5 this endeavor, and over here the Hudson River  
6 Park. I think one of the great things about this  
7 project is we are in a neighborhood that is a very  
8 outdoor neighborhood that has a lot of public  
9 amenities to it with the High Line and the Hudson  
10 River Park, and the Whitney will greatly add to  
11 that. These are some of the features of the new  
12 building. It will give us almost double the  
13 current gallery space than we have in the Museum  
14 uptown. It gives us outdoor exhibition space,  
15 which is wonderful, because this outdoor  
16 exhibition space will all be visible from the  
17 street and from the High Line itself. It will be  
18 actually probably be the largest group of outdoor  
19 galleries in the City. It has a ground floor  
20 gallery and public space that is a complete free  
21 zone that's open to the public that is part of an  
22 8,000 square foot open court which is also  
23 outdoors and open to the public itself. Our first  
24 theatre, the Whitney Museum, has existed for many  
25

1 years and we've never had an auditorium or  
2 theatre; and we will also have our first dedicated  
3 education facilities. The Museum has never had  
4 dedicated educational facilities. All of our  
5 education activities have taken place not only in  
6 the galleries but in our restaurant and our  
7 offices and our staff quarters and various places.  
8 For the first time we'll have classrooms and other  
9 areas for young people. And then obviously the  
10 other kinds of amenities that one comes to  
11 associate with museums, like restaurants and cafes  
12 and stores and that type of thing. And just  
13 briefly, this is the model of the new building  
14 designed by the architect Renzo Piano. Even  
15 though it's shown in wood, we believe it will be  
16 stone on the outside. You can see the four  
17 outdoor terraces, which lead very gently down to  
18 the High Line. The idea was not to create a big  
19 massive wall to the High Line, so that it became  
20 an extension of the High Line and that public  
21 space. This over here is the 8,000 square foot  
22 outdoor plaza, which is part of the new museum,  
23 which we're building there, and then also the free  
24 zone of the gallery and everything on the bottom  
25

2 level. And what this will provide us with is  
3 gallery space on these floors over here and office  
4 space for most of our staff. And I guess the last  
5 thing I should point out, which Michael Bradley  
6 will be, the M and O space for the High Line. And  
7 I think that's it.

8 MICHAEL BRADLEY: Good morning. My  
9 name is Michael Bradley. I'm the High Line  
10 Administrator for the Parks Department. I have  
11 overall responsibility for the design,  
12 construction and operation of the High Line Park  
13 in the Meat Market and West Chelsea area. I would  
14 like to talk to you about the site selection for  
15 the maintenance and operations facility, which is  
16 part of the series of actions before you.

17 Construction of the first section of the park  
18 started in early 2006 and we hope to end-- to open  
19 that section between Gansevoort Street where the  
20 Whitney Facility and the Maintenance and  
21 Operations Facility will be build and 20th street  
22 by the end of the year. Construction of the  
23 second section between 20th Street and 30th Street  
24 is underway. We hope to be able to finish that by  
25 the end of 2009. The High Line was built in 1932

1  
2 by way of introduction of the need for this  
3 facility. It connected with a series of  
4 warehouses and factories which had very heavy duty  
5 freight elevators, the trains would roll into  
6 sidings on these buildings and the freight would  
7 go off in to these elevators and down to the  
8 street and then be distributed by trucks  
9 throughout the city. We don't have that capacity  
10 anymore. Most of those elevators are gone.  
11 They're all privately owned, anyway. And so to  
12 accommodate the need to maintain the park, to  
13 build and maintain the park, all the materials  
14 that are needed for its construction are being  
15 craned up to the line and all the debris-- and  
16 then when the park is in operation, the garbage  
17 and other materials that need to be removed from  
18 the line have to be craned down. When we open the  
19 facility we will have a temporary yard actually on  
20 the line with a fence around it and office  
21 trailers, and we will crane things up and down.  
22 That operation will be complicated, difficult,  
23 inefficient and expensive. So from the beginning,  
24 planning for the High Line has included a separate  
25 dedicated Maintenance and Operations facility.

2 The site at Gansevoort Street is the only city  
3 owned space either under or adjacent to the High  
4 Line other than streets. And so it's been part of  
5 the planning from the beginning of the planning  
6 for the High Line. We've designed the M and O  
7 building to serve both the public and the staff  
8 using and maintaining the High Line. The building  
9 will have four floors, about 20,000 square feet  
10 and it will have service parking on the ground  
11 level with access through the Meat Market  
12 Courtyard on Washington Street, then storage and  
13 maintenance space on the first three levels,  
14 access to the High Line, thank you Scott, via a  
15 cantilevered driveway over the Meat Market  
16 Courtyard on the north side of the facility there.  
17 The fourth floor will be administration space and  
18 a public meeting space for about 60 people which  
19 will be available for community use as well as  
20 High Line programming and educational programming.  
21 There will be on the High Line level, public  
22 restrooms. And the public will also be able to  
23 enter both the M and O building and the High Line  
24 itself by a glass elevator, which is located on  
25 that corner there. Thank you. The M and O

2 building will be built with the Whitney facility  
3 using City funding, but in conjunction with the  
4 Whitney construction. There will be no access to  
5 the Whitney building from the M and O building  
6 once it's completed, no from the High Line to the  
7 Whitney building, mostly for security reasons. To  
8 enter the Whitney from the High Line you'd need to  
9 go down to the plaza level to the street and then  
10 enter the Museum entrance. We expect to occupy  
11 the building mid 2012, which is slightly earlier  
12 than the Whitney's occupancy. And I'd be happy to  
13 answer questions, too.

14 MICHAEL SILLERMAN: Good morning.

15 I'm Michael Sillerman from Kramer Levin, counsel  
16 to the Whitney Museum, and I'm going to describe  
17 the public actions, which are before the Committee  
18 and which have been unanimously supported by both  
19 Community Board 2 and by the City Planning  
20 Commission. On the 108,000 square foot full block  
21 zoning law, which is shown to my left, the Whitney  
22 is proposing to acquire a 40,000 square foot  
23 portion. The building, including the Museum and  
24 the High Line support facility, will contain up to  
25 186,000 square feet of floor area and upon

1 completion of the project, the relevant zoning lot  
2 including those facilities and the existing market  
3 building to the north will comprise 267,000 square  
4 feet, which is 38% of the community facility and  
5 commercial floor area that's permitted on that  
6 full block. The portion that's not being acquired  
7 by the Whitney will remain in City ownership. It  
8 will continue to be designated as an agricultural  
9 market and leased to the Gansevoort Meat Market.  
10

11 If a private development is proposed for the  
12 remaining parcel at any future time additional  
13 action, ULURP by the City approving its  
14 disposition, and the removal of its market  
15 designation would be required. In addition to the  
16 acquisition of the building site, the Whitney is  
17 proposing that the City grant several easements  
18 over the remaining portions of the zoning lot,  
19 shown in the plan to my far left, in order to  
20 buffer the new building from any future  
21 development immediately to the north, and preserve  
22 sightlines to and from the building, particularly  
23 along West Street and the High Line. So the  
24 actions before your committee are four. The first  
25 is a disposition of City property, the disposition

2 of the site from the City to the Whitney Museum by  
3 way of EDC and City conveyance of the easements I  
4 just described. The second action is a site  
5 selection and acquisition of the support facility  
6 as a site selection and then the Whitney's  
7 conveyance to the City of a condominium interest  
8 in that support facility. The third and fourth  
9 actions are a special permit by way of a zoning  
10 text amendment; one of the interesting quirks,  
11 perhaps, of City zoning is that even though this  
12 location is really very close to the new heart of  
13 the gallery and art market slightly to the north,  
14 because it's in an M15 district, this museum  
15 community facility use is not permitted as of  
16 right, so we need to use an existing special  
17 permit to site it there. That special permit does  
18 not provide for any height and setback  
19 modifications, and because of the envelope of the  
20 building and the way Renzo Piano has sculpted it,  
21 it has very slight incursions into the height and  
22 setback envelopes along the south and the west.  
23 So a very targeted text amendment has been added  
24 to permit the grant of those height and setback  
25 modifications, which are limited to a building

2 containing use group 3A, museum use in an M15  
3 district on a zoning lot over which the High Line  
4 passes. So those are the two last actions. So  
5 you have two real estate actions and two zoning  
6 actions, and we respectfully request the support  
7 of the Committee and the Council for these  
8 actions, which will allow this public/private  
9 partnership to be consummated. Thank you.

10 CHAIRPERSON LAPPIN: We're voting  
11 on consummation? I think it's a very exciting  
12 project. The High Line is going to be absolutely  
13 spectacular, but can only remain so if it's  
14 maintained property. So we need a facility; this  
15 seems like the perfect place and will be-- the  
16 Museum in some way will anchor this portion of the  
17 High Line and I think they will mutually feed off  
18 each other in a very beneficial way and hopefully  
19 you'll have people coming in and out of the  
20 Museum, approaching from the High Line, leaving  
21 the Museum to walk along the High Line. I thin it  
22 will be a very nice marriage of the two. And to  
23 have the word's preeminent American art museum  
24 expand-- I happen to like the design that Renzo  
25 Piano did for the Museum. And I think it will be

2 a really wonderful thing for the Neighborhood and  
3 for the city. And people will come from all over  
4 the world-- and your visitor numbers have  
5 certainly gone through the roof since you've  
6 opened. I think this will only bring more people  
7 to New York to see American art. So that's a  
8 wonderful thing. One of you noted the Community  
9 Board supported this, I believe it was  
10 unanimously, which I think in that Community Board  
11 is an extraordinary feat. So congratulations, and  
12 certainly this proposal has been received a lot  
13 more warmly than the original one, which was on  
14 the east side. And you're going to have a lot  
15 more space. So in the end I think it's sort of a  
16 win-win. You're going to have a great building  
17 and more exhibition and storage space in a great  
18 neighborhood. So do any of my colleagues have  
19 questions? And before I call on Councilmember  
20 Barron, I did want to note for my colleagues that  
21 in addition to the Community Board and the Borough  
22 President, Speaker Quinn is very much in support  
23 of this application.

24 CHARLES S. BARRON: Thank you very  
25 much, Madam. It's on vacant land? It's not

vacant? What was occupied?

REBECCA ASSER: The land currently has three buildings on it that are City owned and currently one-- it's currently a vacant building that we're actually in the process of demo-ing. There's some refrigeration equipment for the Meat Co-op that the Whitney will relocate. And there's another meat building on the corner of West Street and Gansevoort Street that has one tenant on expired permit that's in the process of vacating the building.

CHARLES S. BARRON: So you have, it's a meat factory or meat refrigerator?

REBECCA ASSER: The meat wholesale use, similar to the co-op, but not part of the meat co-op. They're just individual businesses.

CHARLES S. BARRON: I always ask contextual or content questions about the art itself. You know we've heard about it for a long time, but I always am concerned about the diversity of New York City. Oftentimes museums don't reflect that diversity, African American art, Native American art, art from Latin America, art from Asia, from people of color. So oftentimes

2 in a lot of New York City's cultural institutions,  
3 some of these cultures are not represented  
4 adequately, even if they have some exhibits from  
5 time to time. So just, if you can give me a  
6 little bit of information on the diversity of art  
7 at the Whitney.

8 ADAM WEINBERG: Sure. For the  
9 past, I would say in particular, the past 15 years  
10 the Whitney has really made a special commitment  
11 to diversity in both its collection and its  
12 programs. In fact, Thelma Golden, who was the  
13 director of the Studio Museum, who you probably  
14 know, Thelma was the probably first senior African  
15 American curator in a contemporary museum after  
16 Kynaston McShine at the Museum of Modern Art. And  
17 Thelma had organized many shows like Bob Thompson,  
18 for example, and Black Male. And that has been a  
19 tradition that we have continued. We just had a  
20 major retrospective, for example, of the artist  
21 Carol Walker, this past year, Lorna Simpson, also  
22 an African American from Brooklyn, both in this  
23 past year. We've been major supporters of a range  
24 of artists. And in fact just recently we  
25 appointed Fred Wilson, who-- the second artist

2 ever to sit on the Board of Trustees of the  
3 Whitney Museum, who is an African American from  
4 the Bronx, and who has been very strongly  
5 committed to and involved in that. And it's  
6 something that we've been championing very much in  
7 terms of building our collection and trying to  
8 build the diversity of the Board as well.

9 CHARLES S. BARRON: Do they have my  
10 picture located anywhere in the museum.

11 [Laughter]

12 CHARLES S. BARRON: Is that it over  
13 there?

14 ADAM WEINBERG: We can arrange for  
15 it. Send it over.

16 CHARLES S. BARRON: It's a  
17 wonderful project and I'm looking forward to  
18 seeing it.

19 ADAM WEINBERG: Thank you very  
20 much, Councilmember.

21 CHAIRPERSON LAPPIN: Great. Thank  
22 you very much. We have one more panel, David  
23 Reck-- I'm sorry. Excuse me. I misspoke.  
24 Councilmember Comrie.

25 LEROY G. COMRIE, JR.: We were just

1  
2 curious about how you felt about being across from  
3 the Gansevoort Station and what that impact would  
4 be on the facility?

5 ADAM WEINBERG: I'm sorry, I  
6 couldn't hear.

7 LEROY G. COMRIE, JR.: The  
8 Gansevoort Transfer Station.

9 ADAM WEINBERG: Yes.

10 LEROY G. COMRIE, JR: And how you  
11 felt from being across from that facility.

12 ADAM WEINBERG: Well I actually  
13 from my sense is that that's something that exists  
14 there. It's part of the plan and it's something  
15 that we feel comfortable with. We know that it's  
16 going to happen and as I understand it part of it  
17 is a park and part of it will be the transfer  
18 station. And I hope that, you know, the park  
19 offers a great amenity and that The Whitney  
20 complements it. You know, we don't take a  
21 position on it per se, but we recognize that it's  
22 now part of the mix there.

23 LEROY G. COMRIE, JR.: Do you have  
24 parking on you site?

25 ADAM WEINBERG: We do not have

2 parking on our site. It relies on public  
3 transportation--

4 LEROY G. COMRIE, JR.: All on  
5 public transportation.

6 ADAM WEINBERG: Yes, that's  
7 correct.

8 LEROY G. COMRIE, JR.: And the  
9 nearest-- how many employees do you have on site  
10 or would be expected to be?

11 ADAM WEINBERG: We will have about  
12 240, 230 something in that range. And we have the  
13 cross town bus on 14th Street, and we have the 8th  
14 Avenue subway two blocks, two and a half blocks  
15 away.

16 LEROY G. COMRIE, JR.: And what's  
17 the maximum capacity for events per people?

18 ADAM WEINBERG: I don't know that  
19 number off the top of my head.

20 LEROY G. COMRIE, JR.: Less than  
21 1,000 more than 1,000?

22 ADAM WEINBERG: It's probably more  
23 that 1,000 but I don't know the number off the top  
24 of my head. Is there somebody among the team that  
25 can talk to the audience? Yeah, I mean the

1  
2 typical, our typical openings might be about, you  
3 know, 500, 800 people for a typical opening at any  
4 given time. We have done an audience impact  
5 study, but I'm sorry, I don't have those numbers.  
6 But we could have them for you.

7 LEROY G. COMRIE, JR.: And what  
8 happens to your facility on the east side?

9 ADAM WEINBERG: On the east side?

10 LEROY G. COMRIE, JR.: The original  
11 facility.

12 ADAM WEINBERG: Oh, the Breyer  
13 Building. Yes, that building will still remain.  
14 It will be a museum facility and we're having  
15 conversations now with possibly even collaborating  
16 with some other arts organizations.

17 LEROY G. COMRIE, JR.: Okay. Thank  
18 you.

19 ADAM WEINBERG: Thank you.

20 CHAIRPERSON LAPPIN: David Reck  
21 from Community Board 2, Jo Hamilton and Peter  
22 Mullan from Friends of the High Line. Push. Yes.

23 DAVID RECK: Good morning. I am  
24 David Reck. I chair Board 2's zoning landmarks  
25 committee. I'm also a registered architect. I

2 have to tell you, you were right, this is one of  
3 the best received projects in Community Board 2,  
4 and our Board has always had very contentious land  
5 use. This was so well received that even people  
6 who normally oppose absolutely everything came out  
7 in favor of this project. The Whitney team has  
8 been very generous with their time. We had two  
9 large public hearings. The first was more of a  
10 town hall format and the second was in front of  
11 the Zoning Committee where we went into the  
12 minutiae of the zoning applications. And we have  
13 found this to be a perfectly sited facility, at  
14 the end of the High Line-- this is a perfect  
15 finish for the High Line. I also don't want to  
16 miss the maintenance facility there and public  
17 access facility. That's also very well sited and  
18 very appropriate for this location. There were a  
19 number of issues that did come up, we felt, on the  
20 easements that are being planned here, that that  
21 is probably one of the best protections for the  
22 meat industry that remains there. We do not want  
23 to hasten the demise of the meat industry, but  
24 there is no doubt it has been retrenching over the  
25 years. And the Whitney Museum has reached out to

2 those people and is in the process of helping move  
3 a chiller plant. In general the Whitney has been  
4 very, very generous about reaching out to everyone  
5 in the area and has built a very large number of  
6 fans for this museum. So from the Board's point  
7 of view, this is very much desired and we support  
8 it wholeheartedly.

9 JO HAMILTON: My name is Jo  
10 Hamilton. I live two blocks from the proposed  
11 Whitney Museum and I've been an activist in this  
12 neighborhood since 2000, when I lead the effort to  
13 create the Gansevoort Market Historic District,  
14 which this body approved in 2003. I want to thank  
15 you. The historic district by all measures has  
16 been a huge success. I guess I should have  
17 coordinated my testimony with David and with  
18 Councilmember Lappin, because I'm going to repeat.  
19 But for the sake of the neighborhood, I'm going to  
20 repeat it anyway. Gansevoort Market neighborhood  
21 is like a lot of neighborhoods in New York City, a  
22 small close-knit community that cares very much  
23 about its future. The Whitney came to us from the  
24 very beginning and they've reached out to  
25 residents in the surrounding neighborhood,

2 community groups, the Meat Co-op, business leaders  
3 and property owners throughout the entire process,  
4 and I know that they will continue their  
5 engagement. The project that you have seen before  
6 you has overwhelming support. My neighbors in the  
7 West Village, in Chelsea and everyone in the  
8 Market are very proud that The Whitney wants to be  
9 a part of our community. We think that the Renzo  
10 Piano design is beautiful, sensitive and  
11 appropriate and I think will probably become a new  
12 landmark-- or I hope it will become a new  
13 landmark. And the addition of the Museum along  
14 with the opening of the High Line Park, you  
15 couldn't ask for better synergy. I think it  
16 means, as you said Councilmember, is that the area  
17 will continue to be an exciting and vibrant  
18 neighborhood and be a great destination for New  
19 Yorkers and visitors to the city. I hope you will  
20 approve this application.

21 PETER MULLAN: Hi, my name is Peter  
22 Mullan. I'm the Director of Planning for friends  
23 of the High Line. And I just want to reiterate  
24 what everyone has said today. We are absolutely  
25 thrilled about this project. Obviously we had

2 some very specific needs that are incorporated  
3 into the complex, the Maintenance and Operations  
4 facility as well as some of the public facilities,  
5 the elevator and bathrooms at High Line level.

6 All of those are absolutely critical to the  
7 overall plan for the High Line. We can't operate  
8 this part without them, and we've managed to come  
9 up with a plan and design that makes it work. So  
10 we're very pleased about that. But just as  
11 importantly, I think we are going to have a  
12 cultural anchor for the High Line, which will help  
13 to make the Southern Terminus of the High Line, I  
14 think, one of the most excited places in New York.  
15 Obviously the art community has been a big  
16 supporter of the High Line from the beginning. So  
17 this in effect takes that and carries it further.  
18 We've already begun to run public programs with  
19 The Whitney and I think that will continue into  
20 the future when the park is open. So I think just  
21 in general it's a fantastic, fantastic addition  
22 for the High Line, the City and I couldn't wish  
23 for anything more.

24 CHAIRPERSON LAPPIN: Great. Thank  
25 you very much. I agree. Any questions from my

2 colleagues? Great. And I'll note that we've been  
3 joined by Councilmember Rosie Mendez. Thank you  
4 very much. Seeing nobody else signed up to  
5 testify, the hearing on this item is closed. And  
6 we have one other item on the agenda. I'm going  
7 to open the hearing on the school that's in  
8 Councilmember Dilan's district, PS 89 in Cypress  
9 Hills and ask the SCA, Mr. Shaw, to come and  
10 testify. And at the conclusion of this hearing,  
11 we will vote on both items.

12 GREGORY SHAW: I'm sorry. Good  
13 afternoon Chairperson Lappin and council members.  
14 Thank you so much for having us today. My name is  
15 Gregory Shaw. I'm principal attorney for the real  
16 estate for the New York City School Construction  
17 Authority. And to my right is Tami Rachelson,  
18 Deputy Director for Real Estate for the Department  
19 of Education and the School Construction  
20 Authority. The New York City School Construction  
21 Authority has undertaken the site selection  
22 process for the proposed 430C primary and  
23 intermediate school located at the Northeast corner  
24 of Atlantic Avenue and Warwick Street the Borough  
25 of Brooklyn in tax block 3952, lots 1, 2, 45 and

47. The proposed school is also located in Community School District number 19 and Brooklyn Community Board 5. The proposed site has approximately 16,400 square feet of lot area. Under the original proposal the existing buildings were to be renovated to house PS 89. In the course of renovations it was determined that the buildings had deteriorated to such an extent that it was no longer feasible to make the necessary repairs to the existing structures. Therefore the decision was made to demolish the two existing structures and construct a new facility that will be four stories tall, containing approximately 54,000 square feet of space to house the new school. PS 89 currently shares space with IS 302 in Brooklyn. Approximately 250 students attend PS 89, occupying portions of the IS 302 building as well as TCUs in the schoolyard. The proposed projects would provide approximately 430 seats of permanent capacity in the District. The new school would serve grade levels pre-K through eighth grades and special education students. It will also include a gymnasium, cafeteria, kitchen and assembly space. The notice of filing for the

2 site plan was published in the New York Post and  
3 City Record on May 23, 2008. Brooklyn Community  
4 Board 5 was also notified of the site plan on that  
5 date and was asked to hold public hearings.

6 However, Brooklyn Community Board 5 did not hold a  
7 public hearing and did not submit written comments  
8 on the site plan. The City Planning Commission  
9 was also notified on May 23rd, and it recommended  
10 in favor of the site. The SCA has considered all  
11 comments received on the proposed site plan and  
12 affirms the site plan pursuant to section 1731 of  
13 the Public Authorities Law. In accordance with  
14 section 1732 of the Public Authorities Law, the  
15 SCA submitted the proposed site plan to the Mayor  
16 and Council on September 11th, 2008. We look  
17 forward to your Subcommittee's favorable  
18 consideration of this plan and we are here to  
19 answer any questions you might have.

20 CHAIRPERSON LAPPIN: What's the  
21 overcrowding like in Community District 19 in  
22 Brooklyn? Oh yeah, here I go. That's right,  
23 because we've been having discussions about the  
24 site selections that keep coming to this Committee  
25 that aren't in District 2 in Manhattan. So I'd

2 like to know what the overcrowding is in Community  
3 District 19.

4 TAMI RACHELSON: Okay. Well, to  
5 start off with, the school that this is currently  
6 housed in, combination of the physical school  
7 building that this school is in as well as the  
8 TCUs it's occupying, part of the grounds of the  
9 school, they're operating at over 106%. And  
10 overall the north side of school district 19 is  
11 operating at close to 100% capacity.

12 CHAIRPERSON LAPPIN: You know the  
13 numbers for District 2, right? Because I have  
14 schools that are 150% over capacity, 125% over  
15 capacity.

16 TAMI RACHELSON: Yes.

17 CHAIRPERSON LAPPIN: You know, this  
18 isn't about one neighborhood versus another. All  
19 of our kids deserve schools that aren't  
20 overcrowded and this is a community that deserves  
21 a school. And so that's not what this is about,  
22 but I'm, you know, I have no patience left. We  
23 are at total crisis mode. The capital plan  
24 doesn't add any seats in District 3. I understand  
25 that some of these have been in the pipeline for a

2 long time and I want to help my colleagues and I  
3 want to help the kids in every district in this  
4 city have the facilities that they deserve. But,  
5 we're going to have a discussion in this  
6 committee, joint with the education committee.  
7 We're going to have two hearings in the next  
8 months, and those are the kind of questions that  
9 you need to be prepared to answer in terms of your  
10 site selection and your planning and how you're  
11 going to deal with the overcrowding. Because it  
12 takes a long time to build a school. I get that.  
13 But we're already at crisis mode now and I don't  
14 see plans in the works for now, forget where we're  
15 going to be five years from now when we're going  
16 to be playing catch up. Do my colleagues have any  
17 questions?

18 CHARLES S. BARRON: Yes.

19 CHAIRPERSON LAPPIN: Councilmember  
20 Barron.

21 CHARLES S. BARRON: This is close  
22 to my district. We do have an overcrowding  
23 problem. One of the difficult challenges for our  
24 district, even though it's Erik Dilan's district,  
25 I'm a neighboring district, is that they would

2 consider our superintendent or our entire district  
3 as under utilized, but yet you have parts of it  
4 that is extremely overcrowded and then others that  
5 are not utilized as much. So you don't get the  
6 real picture of what's happening in the  
7 neighborhood when we request for new schools. But  
8 it's definitely needed. It's a problem. If you  
9 just came to the neighborhood and you saw the  
10 classrooms, it is definitely needed. The numbers  
11 are sometimes not as accurate as the overcrowding  
12 even looks. And I'm sure they've got to do some  
13 updating on that. But this is definitely a school  
14 that is needed in this particular district and  
15 other parts of our district as well.

16 CHAIRPERSON LAPPIN: And I think  
17 you're absolutely right, Councilmember Barron.  
18 Looking at the district, the districts are large.  
19 And sometimes it would be helpful to look at maybe  
20 a Community Board or a more local level to get a  
21 more accurate picture. And that's one of the  
22 things we're going to be discussing at these  
23 oversight hearings, is when you're looking at a  
24 big district, is that accurately reflecting what's  
25 really happening in certain neighborhoods.

2 TAMI RACHELSON: I just want to  
3 mention that my understanding is in the upcoming  
4 capital plan that they're working on right now  
5 that they're not going to be looking at district  
6 overcrowding as a whole, they're going to be  
7 looking at pockets of overcrowding.

8 CHARLES S. BARRON: Right.

9 CHAIRPERSON LAPPIN: That would be  
10 a really positive change.

11 TAMI RACHELSON: So hopefully that  
12 should help--

13 CHAIRPERSON LAPPIN: [Interposing]  
14 That's certainly now how it's done now.

15 TAMI RACHELSON: To address some of  
16 the overcrowding that you're seeing, as your  
17 mentioning. Certain schools and neighborhoods you  
18 have overcrowding, but the overall district might  
19 not be overcrowded.

20 CHARLES S. BARRON: Exactly.

21 TAMI RICHARDSON: One other thing  
22 I'd just like to mention, the design of this  
23 school will be a Green school design.

24 CHAIRPERSON LAPPIN: Well, that's  
25 mandated by law.

2 TAMI RICHARDSON: Right. But this  
3 had started, you know, quite some time ago.

4 CHAIRPERSON LAPPIN: Right. Great.

5 CHARLES S. BARRON: Can I just--

6 CHAIRPERSON LAPPIN: [Interposing]  
7 Sure.

8 CHARLES S. BARRON: The other thing  
9 we got to look at is in my district we had  
10 tremendous growth in housing. So there's a  
11 growing population. So even though it looks as  
12 though it's not overcrowded in some areas, in a  
13 short span of time it will be. Because  
14 projecting-- we're one of the few districts that  
15 has more land space and affordable housing is  
16 coming in almost every other day. And as a matter  
17 of fact we have Gateway Estates coming in, which  
18 is going to be a whole new community of over 2,300  
19 units. And we have to do a school out there. So  
20 there are many areas right now, we're concerned  
21 that will we have enough space, because what's not  
22 reflected is the people that will be coming in in  
23 a very short time in our community. So I just  
24 want you to bear that in mind, too.

25 CHAIRPERSON LAPPIN: Thank you. I

1  
2 don't think there's anybody else signed up to  
3 testify on this item. Sorry. I keep overlooking  
4 my colleague, Councilmember Comrie.

5 LEROY G. COMRIE, JR: It's okay,  
6 Madam Chair. You've been leaning the other way,  
7 but that's all right. I just wanted to be clear  
8 on what you said about the reassessment for the  
9 capital plan, that you're going to focus on  
10 pockets of overcrowding. Have you come up with a  
11 methodology for that one way or the other? And is  
12 there going to be an opportunity for discussion?  
13 I won't belabor the fact that I will join my other  
14 colleagues that my district is overcrowded and  
15 even the problem in my district is that I have a  
16 lot of people that move in at the last minute. So  
17 principals are never understanding or never able  
18 to deal with pure planning, because they wind up  
19 with 200 extra kids on the first day of school  
20 that come in over the counter, because we have  
21 people that are moving into the district over the  
22 summer. So have they come up with a methodology  
23 or a time frame or an opportunity for comment on  
24 what you're planning on doing with the new capital  
25 plan?

2 TAMI RACHELSON: Okay. My  
3 understanding is our Capital Planning Unit is  
4 actually currently working on the draft of the new  
5 capital plan. And my understanding is that they  
6 will be looking at pockets of overcrowding and the  
7 draft will be coming to the Council for review.

8 LEROY G. COMRIE, JR.: But you're  
9 not aware of when--

10 TAMI RACHELSON: [Interposing] I  
11 don't know. I apologize. I don't know the  
12 methodology. We can find out how they're doing  
13 that. And I also want to mention, touching on  
14 what Councilmember Barron had mentioned, I know  
15 that our Capital Planning Unit works very closely  
16 with the City Planning Department on housing  
17 starts and whatever. So for planning purposes we  
18 know where there should be more students coming  
19 online.

20 LEROY G. COMRIE, JR.: Okay, but  
21 that opens up a whole other set of questions.  
22 Because City Planning knew there was expansion in  
23 the Rockaways, but they didn't recommend a school.  
24 City Planning knows that there's expansion  
25 downtown, they haven't recommended a school. So,

2 but I'm not going to open up that whole can of  
3 worms.

4 CHAIRPERSON LAPPIN: We are going  
5 to have two oversight hearings.

6 LEROY G. COMRIE, JR.: Okay.

7 CHAIRPERSON LAPPIN: Joint with  
8 this Committee and the Education Committee. Do we  
9 have the dates? I can't remember the dates  
10 offhand.

11 LEROY G. COMRIE, JR.: We'll talk  
12 about those issues.

13 CHAIRPERSON LAPPIN: You'll be  
14 notified and we're going to have, you know, a  
15 lengthy discussion about all of these issues  
16 because I think we all have questions.

17 LEROY G. COMRIE, JR.: Right.

18 CHAIRPERSON LAPPIN: And before we  
19 really approve a new five-year capital plan these  
20 are the questions we need to be asking and getting  
21 answers to.

22 LEROY G. COMRIE, JR.: Right.

23 CHAIRPERSON LAPPIN: Well, I think  
24 the Land Use division will advise you of the  
25 dates.

2 LEROY G. COMRIE, JR.: All right.

3 CHAIRPERSON LAPPIN: Or the  
4 Education Division.

5 LEROY G. COMRIE, JR.: In that case  
6 I won't ask any further questions. I just wanted  
7 to add on to the point that we need to really look  
8 at restructuring how that's done. Thank you,  
9 Madam Chair.

10 CHAIRPERSON LAPPIN: Thank you.  
11 With that, I'm going to close the hearing on this  
12 item and ask for Counsel to call for a vote. I  
13 recommend a favorable vote on both items.

14 FEMALE VOICE: Chair Lappin?

15 CHAIRPERSON LAPPIN: Aye.

16 FEMALE VOICE: Councilmember  
17 Barron?

18 CHARLES S. BARRON: Aye.

19 FEMALE VOICE: Councilmember  
20 Comrie?

21 LEROY G. COMRIE, JR.: Aye.

22 FEMALE VOICE: Councilmember Palma.

23 ANNABEL PALMA: Aye.

24 FEMALE VOICE: Councilmember  
25 Arroyo.

2 MARIA DEL CARMEN ARROYO: Aye.

3 FEMALE VOICE: Councilmember  
4 Mendez.

5 ROSIE MENDEZ: Aye.

6 FEMALE VOICE: By a vote of six in  
7 the affirmative, none in the negative and no  
8 abstentions the aforementioned items are approved  
9 and referred to the full Committee.

10 CHAIRPERSON LAPPIN: And we're  
11 going to keep the vote open for about 15 minutes.

12 [Break in Audio]

13 FEMALE VOICE: Councilmember Liu?

14 JOHN C. LIU: I vote yes.

15 FEMALE VOICE: The vote stands at  
16 seven in the affirmative, none in the negative and  
17 no abstentions.

18 [Break in Audio]

19 FEMALE VOICE: Councilmember Oddo.

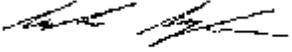
20 JAMES S. ODDO: Yes.

21 FEMALE VOICE: Final vote, eight in  
22 the affirmative, none in the negative and no  
23 abstentions.

24

C E R T I F I C A T E

I, Erika Swyler certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature  \_\_\_\_\_

Date September 23, 2008