

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND  
MARITIME USES

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February 24, 2010  
Start: 11:00am  
Recess: XX:XXam/pm

HELD AT: 250 Broadway  
Hearing Room, 16<sup>th</sup> Floor

B E F O R E:  
BRAD S. LANDER  
Chairperson

COUNCIL MEMBERS:  
Annabel Palma  
Maria del Carmen Arroyo  
Peter A. Koo  
Rosie Mendez  
Jumaane D. Williams

## A P P E A R A N C E S

## COUNCIL MEMBERS:

James S. Oddo

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

Gregory Shaw  
Attorney for Real Estate  
School Construction Authority

Jeff Sherer  
Chief of Staff  
Department of Education  
Deputy Chancellor

Kenrick Oh  
Director of Real Estate  
School Construction Authority



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2 CHAIRMAN LANDER: Targee, thank  
3 you, 20105061. I'd like to invite the School  
4 Construction Authority to come present it to us.  
5 Thank you. [Pause]

6 GREGORY SHAW: Good morning,  
7 Council Member and Chairperson Lander and Council  
8 Members and, of course, and especially Council  
9 Member Oddo. Thanks for attending.

10 COUNCIL MEMBER ARROYO: Why  
11 especially Oddo?

12 GREGORY SHAW: Only because it's  
13 the particular school is in his site and, of  
14 course, when we bring High Bridge, we'll be happy  
15 to make special reference to you Council Member  
16 Arroyo.

17 Anyway, my name is Gregory Shaw.  
18 I'm principal attorney for Real Estate for the  
19 School Construction Authority. To my immediate  
20 right is Jeff Sherer [phonetic], Chief of Staff  
21 with the Department of Education and Chief of  
22 Staff for the Deputy, yeah, I'm getting brain lock  
23 here, Deputy Chancellor, I'm sorry, for Kathleen  
24 Grimm. And, also, to his right is Director

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2 Kenrick Oh [phonetic], Director of Real Estate for  
3 the School Construction Authority.

4 The New York City School  
5 Construction Authority has undertaken its site  
6 selection process for the proposed 844-seat  
7 primary school facility that will be located on  
8 Tax Block 3168, Lots 4, 20 and 195, located at  
9 1034-1050 Targee Street, between Venice Avenue and  
10 Ralph Place in the Emerson Hill Grasmere section  
11 of the Borough of Staten Island. The proposed  
12 school site is also located in Community School  
13 District Number 31 and Staten Island Board Number  
14 2.

15 The project site contains a total  
16 of approximately 96,720 square feet of lot area,  
17 approximately 2.2 acres. The site consist of two  
18 vacant buildings; one the former Doctor's Hospital  
19 and the other a former medical office building.  
20 Under the proposed plan, the SCA would acquire the  
21 property currently owned by Staten Island  
22 University Hospital. The existing structures  
23 would be demolished and the SCA would construct  
24 the new public school in Community School District

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2 Number 31.

3 The Notice of Filing for the site  
4 plan was published in the Staten Island Advance  
5 and the City Record on August 28<sup>th</sup>, 2009. At that  
6 time, the SCA proposed to acquire the site for a  
7 416-seat primary school.

8 The Staten Island Community Board  
9 Number 2 was also notified of the site plan and  
10 was asked to hold a public hearing on the proposed  
11 site plan. Staten Island Community Board Number 2  
12 held its public hearing on September 22<sup>nd</sup>, 2009 and  
13 submitted written comments that recommended in  
14 favor of the plan.

15 The City Planning Commission was  
16 also notified of the site plan on August 28<sup>th</sup>, 2009  
17 and also recommended in favor of the site plan.

18 The SCA has considered all comments  
19 received on the proposed plan and affirms the site  
20 pursuant to Section 1731 of the Public Authorities  
21 Law. In accordance with Section 1732 of the  
22 Public Authorities Law, the SCA submitted the  
23 proposed site plan to the Mayor and Council on  
24 February 18<sup>th</sup>, 2010. We look forward to your

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2 Subcommittee's favorable consideration of the  
3 proposed site plan. And, we are prepared to  
4 answer any questions that you might have. Thank  
5 you.

6 CHAIRMAN LANDER: Thank you very  
7 much for coming before us. With the permission of  
8 the members, I'd like to defer to Council Member  
9 Oddo to ask the first question. So, please take  
10 it away.

11 COUNCIL MEMBER ODDO: Thank you.  
12 Thank you, Mr. Chairman. And, I appreciate your  
13 outreach to me a couple weeks ago and being so  
14 proactive on this site.

15 I want to start with a thank you  
16 because sometimes that gets lost. The fact that  
17 the Administration acquired the old Doctor's  
18 Hospital site is an absolutely huge victory for my  
19 district, this community and Staten Island, at  
20 large. When the news broke, I called it a win,  
21 win, win in that Staten Island University Hospital  
22 got a much-needed infusion of cash that they could  
23 put towards completing the emergency room and  
24 other facilities on their campus. Obviously, the

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2 school kids in my district are going to get a  
3 beautiful new PS 48. And, the community,  
4 surrounding community, was concerned about what  
5 might go at that old site and there were some  
6 rumors over the years on some facilities that,  
7 frankly, weren't wanted by the community.

8 So, this is something we brought to  
9 the Administration's attention a few years ago.  
10 The decision, at that time, was no, we were not  
11 going to acquire the site. Thanks, really, to the  
12 hard work and the commitment of the Public School  
13 48 family, led by the PTA, we revisited and the  
14 Administration, the Bloomberg Administration said  
15 yeah, let's do it. And, we are absolutely  
16 grateful for that.

17 The one issue is I think that  
18 there's been a difference of opinion between the  
19 PS 48 family and my office, Senator Lanza, the  
20 Borough President Molinaro, what we want the  
21 school site to be used for, what we want to see  
22 housed there and, frankly, I guess what DOE sees.  
23 And, I say it respectfully, I think DOE sees an  
24 elementary school over capacity issue in the

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2 surrounding areas. And, they see this site as a  
3 way of solving several problems at once. And, I  
4 respect that. What I see is a community that, for  
5 30 years, has not had a viable public, local  
6 public school option for their middle school.  
7 And, I see a staff and a principal and a school  
8 that is really should be held up as the model for  
9 schools Citywide. They are doing great work.  
10 And, it just seems to me to make a lot of sense to  
11 allow that staff and those good things to continue  
12 beyond grades five. So, we've asked the school to  
13 be K to 8. I think DOE thinks it's better that  
14 it's K to 5.

15 Thanks to lots of cooperation from  
16 the folks at DOE and, particularly, Deputy Mayor  
17 Walcott and his staff, who has visited the school  
18 on two occasions. What we've agreed to do is  
19 let's build the school. Let's not stop the  
20 process. I did not want to be the second Council  
21 Member in recent history to vote against a school  
22 in his district. Former Council Member, now our  
23 new colleague again, Council Member Kozol, which  
24 was put in that position. That was sort of the

2 nuclear option. I did not want to do that despite  
3 how strongly I feel that this should be K to 8.

4 So, thanks to a lot of work by  
5 Dennis Walcott and his staff. We've agreed to  
6 let's get this process started. Let's build the  
7 school. The school will be built regardless of  
8 what I feel and what DOE feels as capable of being  
9 a K to 8 school. And, at a subsequent time, when  
10 it's closer to opening up, we will look at the  
11 numbers yet again and have this discussion. And,  
12 I appreciate the fact that, as best as I could  
13 tell, nowhere in the documents are we designating  
14 the school as anything. It's clear what DOE  
15 feels. It's clear what the community feels.  
16 Let's get this school built and subsequently we  
17 will make the decision as to exactly what it will  
18 be.

19 So, I just want to make sure that  
20 my little rant here is factually correct. So, I  
21 ask you folks at the table, if you want to sort of  
22 reiterate some of the discussions that we've had,  
23 some of the presentations made in Deputy Mayor  
24 Walcott's letter to me on February 11<sup>th</sup> and my

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2 letter to him on February 16<sup>th</sup>, about what it is  
3 that we've agreed to.

4 JEFF SHERER: Yes. Well, first, I  
5 want to similarly extend the Department of  
6 Education and the School Construction Authority's  
7 thanks to you, Council Member, for working  
8 constructively with us on this acquisition. And,  
9 secondly, to affirm everything you have just said  
10 about the great span of the building.

11 We are going to construct the new  
12 building so that it could serve either expanded  
13 grades K to 8 for PS 48 or it could also serve the  
14 school if it remains as K to 5. And, there is  
15 flexibility in the capital plan for the new  
16 capacity seats covered and funded by the plan so  
17 that the building could serve either K to 5 or K  
18 to 8. We are going to look at the needs of not  
19 just the immediate school zone, but also the  
20 surrounding schools, both elementary and middle  
21 schools and the population of children in those  
22 areas over the next few years between now and the  
23 time that the new school building opens, which as  
24 of now, is slated for September 2013. And, as we

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2 get closer to that date and in frequent  
3 communication with you and other elected officials  
4 on Staten Island, we will make a determination, at  
5 that time, when the needs of the community are  
6 better known. And, as of now, we are simply  
7 proceeding with wanting to construct this  
8 building.

9 COUNCIL MEMBER ODDO: Mr. Chairman,  
10 I just want to make one comment for the record.  
11 I've been doing this now in the staff capacity and  
12 as elected for, Lord help me, close to 20 years or  
13 little more than 20 years. And, I've been in and  
14 out of schools in my district and across Staten  
15 Island, Brooklyn as a staffer. I've never come  
16 upon a principal and a staff and a PTA who, not  
17 only were as committed, 'cause I met a lot of  
18 people who committed to this school, but who were  
19 well informed; who sat down with the Deputy Mayor  
20 and I think impressed him about how much research  
21 they've done and how well versed they are with the  
22 numbers.

23 And, we just believe that this is a  
24 once-in-a-generation opportunity to give an area

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2 of Staten Island that has not had its own middle  
3 school a chance to do that. And, to continue the  
4 great work of Mrs. Mammolito and the entire staff.  
5 So, that's why we've been so passionate about  
6 this. And, we appreciate the cooperation to go  
7 the nuclear option, you know, as it would have  
8 been ugly. And, it's a leap of faith to a certain  
9 degree. But, I think on Dennis Walcott's  
10 credibility, alone, it's a leap of faith I have to  
11 take and I appreciate everyone at the SCA and DOE  
12 for their help. Thank you.

13 CHAIRMAN LANDER: Thank you. I  
14 want to thank Council Member Oddo [off mic] oh,  
15 thank you - - and Christian for turning my mic on.  
16 You know, it's nice to have somebody that comes  
17 before us, having been where there was dialogue,  
18 where there was flexibility and a way was found to  
19 move forward. You know, I start this process.  
20 This is my first school siting hearing, so I  
21 appreciate you taking the time to bring me up to  
22 speed a little. Though it's not in my district, I  
23 was a little bit involved in the siting and  
24 planning and construction of the new Sunset Park

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2 High School, which is I think another case where  
3 there was a very active community, a lot of  
4 dialogue with the SCA and now, something that I  
5 think everyone is proud of. So, I think that's  
6 great.

7 I'd like to just ask a general  
8 question relating to Council Member Oddo's  
9 specific issue here. So, I understand and my  
10 colleagues understand it for the future and then,  
11 we may have a couple of questions from... So, you  
12 are, I know, have a way of looking at where  
13 there's seat need as part of the capital plan.  
14 And, I know that focuses a lot, as makes sense, on  
15 primary schools, since those are, for the most  
16 part, zoned schools. And, it's easy to figure  
17 out, you know, for the zones we have and the  
18 schools we have, where is there overcrowding and  
19 where is there capacity need.

20 Communities are often interested in  
21 having middle schools and high schools that serve  
22 their communities. And, I guess, I'd love, and I  
23 know this is a much more complicated thing, and  
24 I'll come to the capital plan hearing next time it

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2 is. But, if you could give a short answer that  
3 helps us understand to what extent a community's  
4 perceived need for a middle school and a high  
5 school that provides a local option fits into your  
6 planning relative to where is there seat need at  
7 the primary school level. I think that'd be  
8 helpful to us so we can address this in the  
9 future. I appreciate how you've dealt with it  
10 here. I think it's great. But, I would just love  
11 to have a little understanding of that.

12 JEFF SHERER: Sure. I'll at least  
13 start, speaking for the Department of Education.  
14 We first do a demographic study of the district.  
15 And now, we break districts down into subareas.  
16 So, for example, today's school in question is for  
17 what we call the New Dorp [phonetic] area of  
18 Staten Island. And, we look at first the current  
19 capacity of schools that exist and whether there's  
20 excess capacity or whether they're overcrowded.  
21 We use census data to project population growth at  
22 all grade levels. And, we also take into account  
23 migration into the district, migration out of the  
24 district. And, importantly, we also look at new

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2 housing construction and rezoning that will lead  
3 to new construction.

4 And, based upon work that we do  
5 with the City's Departments of Buildings,  
6 Planning, Housing Preservation and Development,  
7 project not just the number of units over time,  
8 but also how many children of what ages we expect  
9 to be moving into those units. And, based upon  
10 that, we come up with what we see are the seat  
11 needs based upon the age of the children that we  
12 expect to see there. And, we compare that against  
13 where there's currently capacity and not capacity.

14 CHAIRMAN LANDER: I guess, my  
15 question was about sort of differentiating at  
16 different grade levels, or, maybe I have a  
17 misunderstanding. But, for those subdistricts--

18 JEFF SHERER: Um, hm.

19 CHAIRMAN LANDER: --I mean it's my  
20 assumption that for the primary schools, you're  
21 assuming that you want to achieve enough school  
22 seats in the subdistrict for the children at those  
23 grade levels that are going to be in primary  
24 school in the subdistrict, essentially in its own

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2 way.

3 JEFF SHERER: Yes.

4 CHAIRMAN LANDER: But, that for  
5 high schools, I'm guessing that you don't assume  
6 that all of those kids are going to go to high  
7 school in the subdistrict. So, you don't need an  
8 adequate number of high school seats for the high  
9 school-aged kids in the subdistrict. And, middle  
10 school, I don't have any-- I'm curious which of  
11 the two, you know, how you think about...

12 JEFF SHERER: Right. We group the  
13 primary school and the middle school need  
14 together. And, we categorize it as a K to 8 need,  
15 in general, when we are coming up with seat needs,  
16 which is what we've done here. And then, often  
17 there's a more detailed conversation that has to  
18 occur with the community in terms of at a finer  
19 level. With regard to high school, we do that  
20 analysis at the borough level because high school  
21 students are more mobile.

22 CHAIRMAN LANDER: But, for the  
23 middle school as well, it is by the subdistrict,  
24 subdistrict levels.

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2 JEFF SHERER: It's by the  
3 subdistrict. It's a finer analysis because the  
4 way students attend middle schools varies  
5 tremendously district by subdistrict.

6 CHAIRMAN LANDER: Yes.

7 JEFF SHERER: So, District 15 is a  
8 middle school choice district. And so, the  
9 students are more mobile. Other districts in the  
10 City have a more traditional middle school  
11 enrollment pattern, where several primary schools  
12 go into the middle school. So, we really have to  
13 customize it, situation by situation.

14 CHAIRMAN LANDER: Great. Thank  
15 you. I appreciate your indulging me a more  
16 general question. I'm glad that you worked it out  
17 in this case, in a way that at least, for now,  
18 we're happy about and that we hope will move  
19 forward in the direction that the Council Member  
20 outlines.

21 I saw Council Member Arroyo has a  
22 question.

23 COUNCIL MEMBER ARROYO: Yes. Thank  
24 you, Mr. Chair. And, I'm just looking for Jimmy's

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2 thump up or down. This way?

3 And, I appreciate the conversation  
4 because I know that this Committee's going to have  
5 to deal with an application for siting in my  
6 district. There is no schematic for the project  
7 and interested in knowing what is the plan for  
8 that LEED certification issue. Certainly, my  
9 district is going to become a significant part of  
10 the conversation. We have an example of a school  
11 in Battery Park City that is probably being used  
12 as the model for how schools should get developed.  
13 Is that same design going into this project?

14 KENRICK OH: With respect to this  
15 project and I would say all of the school sites  
16 that we have brought forward in the past year and  
17 will be moving forward with, all of those school  
18 sites are subject to Local Law 86, which was  
19 adopted and requires all capital projects across  
20 the City to comply with certain green  
21 requirements. In the case of New York City  
22 schools, the Local Law 86 has been embodied in  
23 what are called the green school--in a Green  
24 School's Guide, which specifically develops our

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2 practices and design standards that we implement  
3 in design in order to achieve the environmental  
4 goals of Local Law 86.

5 And, in terms of the LEED  
6 certification, the City and the SCA does not  
7 typically submit schools to the LEED process for  
8 certification for a number of reasons, not the  
9 least of which I believe there are application  
10 fees and review fees that attach. But, the  
11 objective of the Green School's Guide is to  
12 achieve what effectively is a consistency with  
13 what would qualify as LEED certified. And, that,  
14 because of the adoption of the Local Law, that is  
15 a requirement that we apply in terms of this  
16 design of all of our new school buildings. And,  
17 there actually is a unit within the SCA that is  
18 responsible for reviewing the designs for  
19 compliance with the Green School's requirements.

20 COUNCIL MEMBER ARROYO: You  
21 typically don't, but you have. And, how do you  
22 decide which project does and it doesn't? And,  
23 maybe this is part of a larger conversation and  
24 not necessarily this specific application, 'cause

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2 I understand my colleague is in support and I  
3 would just, you know, to be supportive of his  
4 position, support the project. But, it's, you  
5 know, we can't pick and choose the projects that  
6 you choose to do that with.

7 KENRICK OH: Well, it--I'm sorry.

8 COUNCIL MEMBER ARROYO: And, don't  
9 make it about community. Battery Park City gets  
10 one, High Bridge in the Bronx doesn't, because  
11 that's inevitably what the conversation becomes.  
12 And, it's unfortunate. So, you know, be mindful  
13 of that and know that we're going to have that  
14 conversation when we deal with the application  
15 that's coming to us within the next month or so,  
16 for my district. Thank you, Mr. Chair.

17 CHAIRMAN LANDER: Is the Green  
18 School's Guide on your website, a matter of  
19 public--

20 KENRICK OH: [Interposing] It is.

21 CHAIRMAN LANDER: --record or--

22 KENRICK OH: Yes, yes.

23 CHAIRMAN LANDER: So, you don't  
24 need to provide it to us. We can find it on the--

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2 KENRICK OH: [Interposing] We can  
3 send you the link, but it is publicly accessible  
4 on the SCA's website.

5 GREGORY SHAW: And, in fact, we  
6 have received an award for our green school  
7 efforts. So, it is something that we take very,  
8 very seriously and all of our schools, after a  
9 certain point, are under those guidelines, all the  
10 new schools.

11 CHAIRMAN LANDER: All right.  
12 Sounds like we'll be having this conversation in  
13 more detail at a later date. I will flag that a  
14 couple of schools, this is not really the School  
15 Construction, but a couple of schools in my  
16 district I know are using the new system DOE has  
17 provided, where they can track and monitor energy  
18 usage. So, I appreciate that there are certainly  
19 some steps underway to try to address this. But,  
20 I look forward to the conversation we'll have as  
21 the High Bridge school comes down the line.

22 Any other members have questions?

23 COUNCIL MEMBER ODDO: Mr. Chairman-

24 -

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2 CHAIRMAN LANDER: Certainly.

3 COUNCIL MEMBER ODDO: -- may I just  
4 ask one question? Just to get on the record what  
5 your plans are as we sit here right now for the  
6 existing building, for the existing PS 48, if we  
7 can just get that on the record?

8 JEFF SHERER: Sure. Well, I think  
9 the first thing that I would emphasize is, again,  
10 since you and Deputy Mayor Walcott toured PS 48  
11 last February and both saw firsthand the  
12 overcrowding conditions, is that PS 48 will be  
13 moving into the new construction period.

14 What is not yet determined, and  
15 what we will be working with you on as the new  
16 building nears construction, is how we will  
17 backfill the space in the existing building. If  
18 we determine that PS 48 should remain a K through  
19 5 school, then we would be seeking to put another  
20 elementary school in that building. If we  
21 determine that PS 48 should be expanded to a K  
22 through 8 school, then PS 48 would be occupying  
23 both buildings.

24 CHAIRMAN LANDER: Do any of the

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2 other members have any questions for the DOE or  
3 the SCA? Thank you very much for the presentation  
4 and for your time.

5 Did anyone sign up to... There was  
6 anyone here that was intending to testify on this  
7 project who didn't submit a sign-up card? No?  
8 All right. Seeing no one is testifying, we'll  
9 close the public hearing on this project. I don't  
10 have to do that. Great.

11 As I mentioned earlier, our second  
12 agenda item, the PS 51 replacement, 20105081, the  
13 application has been withdrawn by the Mayor or by  
14 the School Construction Authority. So, well, the  
15 Chair will entertain a motion to file to pursuant  
16 to withdrawal? Or, can I make that motion? Or do  
17 I entertain it?

18 CHRISTIAN HYLTON: Yes.

19 CHAIRMAN LANDER: I make a motion  
20 that we file the application pursuant to  
21 withdrawal--

22 CHRISTIAN HYLTON: As per letter.

23 CHAIRMAN LANDER: -- as per, oh,  
24 yes, if you'd like to see the letter, you don't

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2 believe me that they withdrew it, I'll pass around  
3 the letter. That letter's dated February 23<sup>rd</sup>,  
4 2010 to Speaker Quinn in whose district this site  
5 also happens to be. So, I guess that's a motion.  
6 We got to call the roll. Need a second?

7 CHRISTIAN HYLTON: No.

8 CHAIRMAN LANDER: No. All right,  
9 great. All right. So, the counsel will call the  
10 role on the motion to file. Oh, we're going to do  
11 it all at once. All right, great. So then, that  
12 will be coupled together with the motion to  
13 approve the action we just discussed, 20105061,  
14 the Targee Street primary school. Any discussion  
15 amongst the Committee members on the motion? I  
16 recommend a yes vote. But, I was going to wait to  
17 see if there's any discussion. Doesn't seem like  
18 there's discussion. Great. So, all right. Then,  
19 counsel will call the roll.

20 CHRISTIAN HYLTON: Christian  
21 Hylton, counsel to the Committee. Chair Lander.

22 CHAIRMAN LANDER: Aye.

23 CHRISTIAN HYLTON: Council Member  
24 Palma.

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2 COUNCIL MEMBER PALMA: Aye.

3 CHRISTIAN HYLTON: Council Member

4 Arroyo.

5 COUNCIL MEMBER ARROYO: Aye.

6 CHRISTIAN HYLTON: Council Member

7 Mendez.

8 COUNCIL MEMBER MENDEZ: Aye.

9 CHRISTIAN HYLTON: Council Member

10 Williams.

11 COUNCIL MEMBER WILLIAMS: Aye.

12 CHRISTIAN HYLTON: Council Member

13 Koo.

14 COUNCIL MEMBER KOO: Aye.

15 CHRISTIAN HYLTON: By a vote of six

16 in the affirmative, none in the negative and no

17 abstentions, LU 35 is approved and referred to the

18 full Land Use Committee and LU 36 Motion to File

19 Pursuant to Withdrawal is approved.

20 CHAIRMAN LANDER: Great. With no

21 other business, we'll adjourn the hearing. Thanks

22 to everyone.

23 COUNCIL MEMBER WILLIAMS: Good job,

24 again.

C E R T I F I C A T E

I, DeeDee E. Tataseo 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 DeeDee E. Tataseo

Date March 4, 2010