

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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June 30, 2009  
Start: 09:30 am  
Recess: 09:50 am

HELD AT: Committee Room  
City Hall

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

COUNCIL MEMBERS:

Charles Barron  
Maria del Carmen Arroyo  
Leroy G. Comrie, Jr.  
John C. Liu  
Rosie Mendez  
Annabel Palma  
Elizabeth Crowley  
Joel Rivera  
Simcha Felder  
Helen Sears  
Vincent Ignizio  
Inez E. Dickens

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

## COUNCIL MEMBERS:

Eric N. Gioia

Michael C. Nelson

2 CHAIRPERSON LAPPIN: Welcome to the  
3 Land Use Subcommittee on Landmarks, Public Siting  
4 ad Maritime Uses. I'm Jessica Lappin, the Chair.  
5 I want to apologize for keeping everyone waiting  
6 this morning. I want to recognize the committee  
7 members who are here; Council Member Elizabeth  
8 Crowley from Queens, Council Member Leroy Comrie  
9 from Queens, Council Member Maria del Carmen  
10 Arroyo from the Bronx, Council Member Rosie Mendez  
11 from Manhattan, Council Member Charles Barron of  
12 Brooklyn, Council Member Annabel Palma of the  
13 Bronx. We've also been joined by Council Member  
14 Simcha Felder from Brooklyn. You are present. We  
15 also have Council Member Joel Rivera of the Bronx  
16 and Council Member Tony Avella of Queens. We have  
17 two items on the agenda that we have already held  
18 hearings for. One is in Council Member Dilan's  
19 district and one in Council Member Yassky's  
20 district. Both of them are schools. There has  
21 been lengthy discussion on these items and we're  
22 not going to have an extension of the hearings,  
23 but I did want to give my colleagues an  
24 opportunity if they'd like to make any comments  
25 before I ask for the counsel to call for a vote.

2 Council Member Comrie?

3 COUNCIL MEMBER COMRIE: I just  
4 wanted to commend the community on behalf of  
5 trying to make sure that they had the best  
6 opportunity to have input in the plan and thank  
7 the SCA for stepping up and making sure that there  
8 is community input in all aspects of the plan. As  
9 you know, my focus during the hearing was to make  
10 sure that the demolition was done as safely as  
11 possible. I understand that there will be a plan  
12 in place to make that happen and that those  
13 children will be moved for September because with  
14 cheese in the building, it's not a safe  
15 environment for children. I'm glad that those  
16 items are going to get done. I hope that there  
17 will be in actually real communication with the  
18 community to ensure that the demolition is done  
19 safely. Thank you.

20 CHAIRPERSON LAPPIN: I think you're  
21 referring to P.S. 133 in Brooklyn. I agree with  
22 you. I know this was a difficult and obviously is  
23 a very significant structure for the community.  
24 When you have to decide between new school space  
25 and a beloved community garden and a building that

2 is really the anchor for the community it's not an  
3 easy choice for any of us to make. I'm glad that  
4 at least there will be some community garden space  
5 set aside. I wish it were more, but it will at  
6 least be there on the site. I look forward to  
7 working with the SCA to ensure that some of the  
8 historical qualities of the building and what  
9 makes it special and significant to the community  
10 is maintained in the new structure. I also look  
11 forward to working together to make sure that the  
12 two schools both work in synergy with each other  
13 and well with the community and are embraced and  
14 fully integrated into the community in every way.  
15 With that, I ask for the counsel to call for a  
16 vote and I recommend a favorable vote.

17 CHRISTIAN HYLTON: Christian  
18 Hylton, counsel to the committee. Chair Lappin?

19 CHAIRPERSON LAPPIN: Aye.

20 CHRISTIAN HYLTON: Council Member  
21 Barron?

22 COUNCIL MEMBER BARRON: May I be  
23 excused to explain my vote? On the school, P.S.  
24 133, I'm very, very concerned about that because  
25 looking at the environmental report on that, I'm

2 concerned that they didn't identify some of the  
3 contaminants. They just said there is water in  
4 earth and contaminants under there in the plans to  
5 do something about that. I'm concerned about the  
6 traffic congestion. I'm concerned about what  
7 happens to the area around the garden. I think  
8 that they're really bullying the school to support  
9 this and saying that this existing school will be  
10 renovated and good things will happen if they  
11 support it so they can put the other part in there  
12 that increases it by 600 students. I think they  
13 should renovate that school whether they support  
14 this school or not. So this is something I think  
15 needs to go back to the drawing board and they  
16 should do better on this and deal with the  
17 environmental concerns and deal with this school  
18 whether or not they bring in another school. They  
19 said there are other areas for that school. So on  
20 that one I vote no and I vote aye on the other  
21 school.

22 CHRISTIAN HYLTON: Council Member  
23 Comrie?

24 COUNCIL MEMBER COMRIE: I won't  
25 explain my vote, I'll just say aye. Thank you,

2 aye on all.

3 CHRISTIAN HYLTON: Council Member  
4 Palma?

5 COUNCIL MEMBER PALMA: Permission  
6 to explain my vote. I thought that the  
7 environmental concerns were resolved on P.S. 133.

8 CHAIRPERSON LAPPIN: It's my  
9 understanding that they have been.

10 COUNCIL MEMBER PALMA: Are there  
11 going to be mechanisms in place to make sure that  
12 whatever contaminants are part of that area are  
13 abated in the proper manner?

14 CHAIRPERSON LAPPIN: Yes.

15 COUNCIL MEMBER PALMA: But they  
16 still won't tell us what kinds of contaminants  
17 were found in the land?

18 CHAIRPERSON LAPPIN: I think they  
19 did. We have that in writing and we could share  
20 that with you. Would you like to pass and discuss  
21 this with counsel? Okay.

22 CHRISTIAN HYLTON: Council Member  
23 Arroyo?

24 COUNCIL MEMBER ARROYO: Yes.

25 CHRISTIAN HYLTON: Council Member

2 Mendez?

3 COUNCIL MEMBER MENDEZ: Permission  
4 to explain my vote. I'll be voting no on P.S.  
5 133. I think that it is a tragedy that we're  
6 going to be destroying a school that has wonderful  
7 architectural history made by B.J. Snyder who  
8 built another famous school in my district and  
9 displacing a garden. I really believe that before  
10 we got to a situation where cheese was happening  
11 on the walls of the building that really the  
12 Department of Education should have been doing  
13 something to fix that school not let it get to  
14 that point and to now have to destroy this  
15 incredible building. I vote aye on all others.

16 CHRISTIAN HYLTON: Council Member  
17 Crowley?

18 COUNCIL MEMBER CROWLEY: I vote aye  
19 on all.

20 CHRISTIAN HYLTON: I'm going to  
21 vote no on P.S. 133 because of the environmental  
22 concerns. I believe that far too often we  
23 continue to approve projects without having the  
24 full understanding of what the environmental  
25 impacts are going to be in our communities. I'm



2 not comfortable with what we have here. I'm going  
3 to vote no on that item and yes on the rest.

4 CHAIRPERSON LAPPIN: We're going to  
5 recess the meeting until the Land Use meeting  
6 starts. This meeting is in recess.

7 [Pause]

8 CHAIRPERSON LAPPIN: Are we doing  
9 general welfare now? Or zoning? I'm sorry, I  
10 didn't see you sitting right here. We're waiting  
11 for Council Member Liu. The vote will be at such  
12 time as the full Land Use Committee convenes.

13 [Pause]

14 CHAIRPERSON LAPPIN: I want to  
15 reconvene the recessed meeting of Landmarks and  
16 ask for the counsel to call for a vote from any  
17 other members of the subcommittee who have arrived  
18 and then adjourn the meeting. Counsel, will you  
19 call for a vote please?

20 CHRISTIAN HYLTON: On all items for  
21 the day, redoing the roll call. Chair Lappin?

22 CHAIRPERSON LAPPIN: Aye.

23 CHRISTIAN HYLTON: Council Member  
24 Barron?

25 COUNCIL MEMBER BARRON: I've got to

2 think some. Let me pass and go to others.

3 CHRISTIAN HYLTON: Council Member  
4 Comrie?

5 COUNCIL MEMBER COMRIE: I'm sorry.  
6 I'm confused now. I am voting aye. I think that  
7 at the end of the day, the plan for P.S. 133 is  
8 the best plan that they could make. I believe  
9 that there is a demolition plan in place that will  
10 be community inclusive and 3,000 square feet of  
11 community garden space is a substantial area and  
12 it will be made permanent. There is a demolition  
13 plan that will include the community. There will  
14 be community participation in the demolition plan  
15 and in the construction plan. I think that all of  
16 the environmental issues are not as substantial as  
17 other lots that we've seen. From my  
18 understanding, it's primarily from the soil that  
19 was originally put in to fill. My main concern  
20 was to ensure the safety of the child in the  
21 building, the safety of the community when the  
22 building will be taken down and I am comfortable  
23 that those issues have been properly mitigated  
24 with the ability of the community to be involved.  
25 So I vote aye on all.

2 CHRISTIAN HYLTON: Council Member  
3 Liu?

4 COUNCIL MEMBER LIU: Thank you very  
5 much. We have had discussions just now over the  
6 last several days with the School Construction  
7 Authority. In the matter of LU 1123 regarding the  
8 school siting for P.S. 133 in Brooklyn, the School  
9 Construction Authority has committed to seeking  
10 the concurrence of the State Department of  
11 Environmental Conservation with regard to the  
12 sufficiency of the School Construction Authority's  
13 plan for demolition and construction such that the  
14 community will be sufficiently protected during  
15 the demolition, construction and for the life of  
16 the school. The School Construction Authority has  
17 committed to holding a town hall meeting, properly  
18 noticed to the community before any construction  
19 or demolition takes place. With those assurances,  
20 I vote yes on all items on today's calendar.

21 CHRISTIAN HYLTON: Council Member  
22 Palma?

23 COUNCIL MEMBER PALMA: Permission  
24 to explain my vote. First of all, I want to  
25 apologize for imposing on people's time and

2 keeping folks here longer than they wanted to be  
3 here. I had a genuine concern on the  
4 environmental impact that this project could have  
5 caused in the community. We've seen it happen  
6 time and time again throughout the city. I'm  
7 comfortable with the concessions, if I may call  
8 them that, that the School Construction Authority  
9 has agreed on to make sure that this community is  
10 protected and that moving forward before we  
11 approve projects we make sure that whatever  
12 concerns communities have as well as the  
13 representatives of the community that they're  
14 addressed and that we're truly working in  
15 partnership to make sure that communities are not  
16 negatively affected by certain projects. I would  
17 have never voted against creating more school  
18 seats in any community. I wanted to make sure  
19 that the community didn't have a negative impact  
20 because of the environmental issues that were  
21 surrounding this project. With that, I vote aye.

22 CHRISTIAN HYLTON: Council Member  
23 Arroyo?

24 COUNCIL MEMBER ARROYO: [no  
25 response]

2 CHRISTIAN HYLTON: Council Member  
3 Mendez?

4 COUNCIL MEMBER MENDEZ: Permission  
5 to explain my vote. I will still be voting no on  
6 P.S. 133. I have major concerns, as my colleagues  
7 have mentioned, about the environmental issues. I  
8 have concerns about the architectural integrity of  
9 this building. It would have been really great if  
10 all of these concerns had been addressed much  
11 earlier than at the 11th hour. I'm not sure what  
12 these concessions are really bringing to the  
13 community and if everyone in the community are  
14 going to be happy with them. I just wish the  
15 administration would work with us on a timely  
16 basis and give us information earlier rather than  
17 later. With that, I vote no on P.S. 133 and yes  
18 on the others.

19 CHRISTIAN HYLTON: Council Member  
20 Crowley?

21 COUNCIL MEMBER CROWLEY: Aye on  
22 all.

23 CHRISTIAN HYLTON: Council Member  
24 Barron?

25 COUNCIL MEMBER BARRON: May I be

2 excused to explain my vote? This is an  
3 interesting project. I think it should have been  
4 delayed. More thought should go into it. It's  
5 not just the contaminants that are beneath the  
6 earth. Some contaminants, when I questioned the  
7 School Construction Authority's environmental  
8 person, they seemed very weak in providing  
9 answers. I'm just concerned that later on down  
10 the road we regret building the school if it's not  
11 done properly and something seeps through, even  
12 though they're going to cap things. But even when  
13 we were talking about capping, the person who was  
14 presenting from the School Construction Authority  
15 was weak in their response to some of the  
16 questions. This was just so we can get this  
17 project through. I'm just concerned that later on  
18 down the road we may regret building this school  
19 without taking some time to just think it through  
20 a little more and delay it. I'm not saying don't  
21 do it. Delay it and make them be more concerned  
22 about the environmental issues in this school  
23 rather than just trying to get a vote through. A  
24 delay is not a denial. It is just a delay to even  
25 proceed excessively in precaution to protect our

2 children I think is not a bad thing to do. There  
3 are other concerns. Yes there is a garden for  
4 3,000 but it used to be 5,000. There are traffic  
5 concerns there. When you bring in 600 new  
6 children, there is going to be a traffic mess. I  
7 know they have some concerns about that. I'm not  
8 into the historical preservation of that school to  
9 be honest with you. I think it needs to be  
10 renovated. I think it needs improvement. It  
11 needs help. To attach helping this school with  
12 the building of 600 more is ridiculous. The  
13 School Construction Authority, the Department of  
14 Education let this school go unattended for so  
15 long and now that they want something, now they're  
16 going to include this school to be renovated. It  
17 should be renovated whether they build a space for  
18 600 more or not. I vote no on P.S. 133 and aye on  
19 all the rest.

20 CHRISTIAN HYLTON: By a vote of  
21 eight in the affirmative and none in the negative,  
22 LU 1130 is approved and referred to full Land Use  
23 Committee. By a vote of six in the affirmative,  
24 two in the negative and no abstentions, LU 1123 is  
25 approved and referred to the full Land Use

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2 Committee.

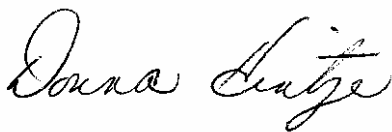
3 CHAIRPERSON LAPPIN: Meeting

4 adjourned.



C E R T I F I C A T E

I, Donna Hintze 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.

A handwritten signature in cursive script that reads "Donna Hintze".

Signature

Date July 30, 2009