

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the
SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & MARITIME
USES

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June 23, 2009
Start: 11:54 am
Recess: 3:44 pm

HELD AT: Council Chambers
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
Elizabeth Crowley
G. Oliver Koppell
David Yassky

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

Jenny Fernandez
Director of Intergovernmental Community Relations
Landmarks Preservation Commission

Angelo Mascia
Executive Director
Sea View Hospital Rehabilitation Center and Home

Gigi Silberberg
Executive Director
Amethyst House

Andrew Genn
Vice President, Maritime Department
New York City Economic Development Corporation

Gregory Shaw
Principle Attorney for Real Estate
New York City School Construction Authority

Kenrick Ou
Director of Real Estate
New York City School Construction Authority

Jeff Gottlieb
President
Central Queens Historical Association

Heather Foster Mann
Principal
PS 133

Anna Tacherska
Project Manager
School Construction Authority

Zack Schulman
Community Organizer
Green Guerillas

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

Michelle de la Uz
Executive Director
Fifth Avenue Committee

Rae Kotahara

Amelia Sharafova
Lenny Siegel
Executive Director of the Center for Public
Environmental Oversight

Darana Gury
Kem Urby
Community Education Council of District 13

Leo Blackman

Rosemary Stuart
Superintendent
Community School District 15

Dawn Philip
Staff Attorney
New York Lawyers for the Public Interest

Dr. James M. Cervino
Woods Hole Oceanographic Institution and Pace
University

Dr. Annette Hall

Eric McClure
Park Slope Neighbors and Park Slope Civic Council

Marcia Murray

Simeon Bankoff
Historic Districts Council

Sergio Amadore
Paul Sweet
Ornithologist

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

Joe Mugivan

SJ Avery

Dr. Jean Arrington
Professor
CUNY

Trouy Kannapell

Pat Conway

Andrea Goldwyn
New York Landmarks Conservancy

Julie Claire

Neshawa Mohammed

Mark Silberman
General Counsel
New York City Landmarks Preservation Commission

Stephen Kramer
Senior Counsel
New York City Buildings

Melissa Baldock
Kress Fellow for Historic Preservation
Municipal Art Society

Lindsay Smith
Preservation Associate
FRIENDS of the Upper East Side Historic Districts

Zachary Weisman
LANDMARK WEST!

Lo van der Valk
President
Carnegie Hill Neighbors

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 5
MARITIME USES

2 CHAIRPERSON LAPPIN: Good morning.

3 Welcome to the Land Use Subcommittee on Landmarks,
4 Public Siting and Maritime Uses. I'm Jessica
5 Lappin, the Chair, joined today by Council Members
6 Leroy Comrie of Queens, Council Member Rosie
7 Mendez of Manhattan, Council Member John Liu of
8 Queens, Council Member Charles Barron of Brooklyn.

9 We have a very, very long and
10 packed agenda for today. We are going to try to
11 get through it as quickly and expeditiously as--

12 MALE VOICE: Why you looking at--

13 CHAIRPERSON LAPPIN: You know who
14 you are.

15 As efficiently as we can.

16 So we're going to start with the--
17 and we're going to go in order of contentiousness--
18 -we're going to start with the landmark items. I'm
19 going to ask--I assume Kate Daly is here. Okay.

20 So let's start with the Rutan-Journey House,
21 Staten Island. Council Member Ignazio's district.
22 We're going to open the hearing on that item 1119.

23 To be followed by, we'll do the
24 Botanical Garden Museum, we'll do the public
25 libraries, and then we'll move on to other items.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 6
 MARITIME USES

2 And could the Sergeant give us the
3 slip so we know if there are other people signed
4 up to testify on any of these--great, thank you.

5 Please introduce yourself for the
6 record. Welcome, and begin.

7 MS. JENNY FERNANDEZ: Jenny
8 Fernandez, Director of Intergovernmental and
9 Community Relations, Landmarks Preservation
10 Commission.

11 [Pause]

12 CHAIRPERSON LAPPIN: You can fill
13 those out later. By the way, welcome, this is
14 your first hearing in your new position, so
15 congratulations, we look forward--

16 MS. FERNANDEZ: Thank you.

17 CHAIRPERSON LAPPIN: --to working
18 with you.

19 MS. FERNANDEZ: Thank you.

20 CHAIRPERSON LAPPIN: Go ahead.

21 MS. FERNANDEZ: Okay. Good
22 morning, Council Members, my name is Jenny
23 Fernandez, Director of Intergovernmental and
24 Community Relations for the Landmarks Preservation
25 Commission. I am here today to testify on the

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 7
 MARITIME USES

2 Commission's designation of the Rutan-Journey
3 House in Staten Island.

4 On December 12th, 2006, the
5 Landmarks Preservation Commission held a public
6 hearing on the proposed designation. Four
7 witnesses spoke in favor of designation, including
8 representatives of the Preservation League of
9 Staten Island, the Tottenville Historical Society,
10 the Historic Districts Council, and 4 Borough
11 Neighborhood Preservation Alliance; no one spoke
12 in opposition. The commission also received a
13 statement of support from the Metropolitan Chapter
14 of the Victorian Society in America. On March
15 24th, 2009, the Commission voted to designate the
16 House a New York City landmark.

17 The Rutan-Journey House at 7647
18 Amboy Road, built circa 1848, is a rare survival
19 of early Tottenville, an important 19th-century
20 town on Staten Island's South Shore. This
21 vernacular clapboard cottage merges older local
22 building traditions with newer Greek Revival
23 modes. Sharing architectural forms with other
24 early Tottenville houses, it is one of the best
25 preserved houses representing the early building

2 traditions of Staten Island's South Shore.

3 It is one of the earliest
4 documented houses of newly created Tottenville and
5 the first on Amboy Road. Through its first two
6 owners, the house has close ties to the
7 shipbuilding industry, which flourished in
8 Tottenville from its beginnings in the 1840s
9 through the early 20th century. Shipbuilding and
10 ship repair were important partners of the oyster
11 industry that created the town.

12 The Commission urges you to affirm
13 the designation.

14 CHAIRPERSON LAPPIN: Thank you. I
15 don't have any questions. Do any of my colleagues
16 have questions on this item? Great, thank you.

17 Are there any other people signed
18 up to testify on this item? No, great. The
19 hearing on this item is closed.

20 Let's open the hearing on the New
21 York Botanical Garden, which is in Council Member
22 Koppell's district. This is the Garden Museum,
23 item number 1120.

24 Please introduce yourself for the
25 record again and begin.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 9
MARITIME USES

2 MS. FERNANDEZ: Thank you.

3 Good morning, Council Members.

4 Again, my name is Jenny Fernandez, Director of
5 Intergovernmental and Community Relations for the
6 Landmarks Preservation Commission, here today to
7 testify on the Commission's designation of New
8 York Botanical Garden Museum in the Bronx.

9 On October 28th, 2008, the
10 Landmarks Preservation Commission held a public
11 hearing on the proposed designation. Six people
12 spoke in favor of designation, including
13 representatives of the New York Botanical Garden,
14 Municipal Art Society of New York, Historic
15 Districts Council, Metropolitan Chapter of the
16 Victorian Society in America, and New York
17 Landmarks Conservancy. On March 24th, 2009, the
18 Commission voted to designate the building and
19 related Fountain and Tulip Tree Allee a New York
20 City landmark.

21 The grand neo-Renaissance style New
22 York Botanical Garden Museum Building, along with
23 the Fountain of Life and Tulip Tree Allee, form a
24 distinguished and monumental Beaux-Art civic space
25 within the largest and most renowned botanical

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 11
 MARITIME USES

2 the fountain, was planted in 1903 at the direction
3 of Nathaniel Lord Britton, first director of the
4 Garden.

5 The Commission urges you to affirm
6 the designation.

7 CHAIRPERSON LAPPIN: Council Member
8 Koppell.

9 COUNCIL MEMBER KOPPELL: Thank you.
10 I am very proud to have the Botanical Garden as
11 part of my district. Both the building, the
12 Fountain, and the Tulip Tree Allee, as it's
13 called, are notable and beautiful, as is the
14 entire garden and I am more than happy to strongly
15 support the designation of these facilities today,
16 and I'm delighted that they will be preserved for
17 future generations.

18 They're irreplaceable in my view
19 and provide tremendous enjoyment and appreciation
20 for thousands each year. Thank you.

21 [Long pause]

22 CHAIRPERSON LAPPIN: Do any other
23 colleagues have statements or questions? Thank
24 you.

25 I want to note we've been joined by

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 12
MARITIME USES

2 Councilwoman Elizabeth Crowley from Queens and
3 Councilwoman Annabel Palma of the Bronx.

4 FEMALE VOICE: And Arroyo.

5 CHAIRPERSON LAPPIN: Oh, I'm sorry,
6 Maria, and Councilwoman Maria del Carmen Arroyo.

7 Seeing no one else signed up to
8 testify on this item, the hearing on this item is
9 closed.

10 I want to move to the last--was
11 there a speaker who signed up for the Rutan,
12 Staten Island designation? Okay. Thank you very
13 much.

14 [Pause]

15 FEMALE VOICE: There's one person.

16 CHAIRPERSON LAPPIN: Great, okay,
17 we're going to move to HHC, Health and Hospitals
18 Corporation. Angelo Mascia who's here for the Sea
19 View Hospital Rehabilitation Center.

20 This item is listed as the Amethyst
21 House, Item number 1121.

22 MR. ANGELO MASCIA: Good afternoon.
23 My name is Angelo Mascia, I'm the Executive
24 Director of the Sea View Hospital Rehabilitation
25 Center and Home on Staten Island. I'm here to

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 13
 MARITIME USES

2 testify this morning on behalf of the New York
3 City Health and Hospitals Corporation in support
4 of a sublease agreement between HHC and Amethyst
5 House.

6 I am joined here today by Gigi
7 Silberberg, the Executive Director of Amethyst
8 House.

9 For more than 17 years, Amethyst
10 House has operated a community residence on Staten
11 Island for women recovering from alcohol and
12 substance abuse. Currently, Amethyst House is
13 operating its program out of a temporary site in
14 Brooklyn. The proposed sublease agreement would
15 permit Amethyst House to develop and operate a
16 community residential facility on the campus of
17 Sea View.

18 Funding for the project will be
19 provided by the New York State Office of
20 Alcoholism and Substance Abuse, known as OASIS.
21 Sea View will receive revenue from the sublease
22 agreement.

23 HHC conducted a public hearing on
24 January 21st, 2009, with respect to the proposed
25 leasing. Representatives from Council Member

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 14
 MARITIME USES

2 James Oddo, Assembly Member Janelle Hyer-Spencer,
3 and Borough President James Molinaro testified in
4 support of the proposed project. The lease is
5 also supported by Sea View's Community Advisory
6 Board and Community Board 2 on Staten Island.

7 The board of directors of HHC
8 approved the leasing of the property on February
9 26, 2009.

10 Thank you for your consideration of
11 this lease. I will be happy to answer any
12 questions you may have.

13 CHAIRPERSON LAPPIN: You certainly
14 do have very broad support for the good work that
15 you do. How many women do you serve now and how
16 many women would you serve in the new facility?
17 And if you could introduce yourself for the
18 record.

19 MS. GIGI SILBERBERG: Hi, I'm Gigi
20 Silberberg, the Executive Director of Amethyst
21 House.

22 We currently serve 20, with the
23 opening of the new facility we would increase to
24 30 beds.

25 CHAIRPERSON LAPPIN: Great. Any

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 15
 MARITIME USES

2 questions from my colleagues? Thank you very
3 much.

4 MS. SILBERBERG: Thank you.

5 CHAIRPERSON LAPPIN: Seeing nobody
6 else signed up to testify on this item, the
7 hearing is closed.

8 I want to bring Landmarks back,
9 sorry, to do the libraries.

10 Ms. Fernandez?

11 We're going to open the hearing on
12 Item number 1125, the New York Public Library
13 Woodstock branch, which I believe is in
14 Councilwoman Arroyo's district, and the--well
15 there's a related item, the Hunts Point branch,
16 but we'll do them one at a time.

17 MS. FERNANDEZ: Thank you. My name
18 is Jenny Fernandez, Director of Intergovernmental
19 and Community Relations for the Landmarks
20 Preservation Commission. I'm here today to
21 testify on the Commission's designation of the New
22 York Public Library Woodstock branch in the Bronx.

23 On January 13th, 2009, the
24 Landmarks Preservation Commission held a public
25 hearing on the proposed designation. Four

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 16
2 MARITIME USES

3 witnesses spoke in favor of the designation,
4 including a representative of the New York Public
5 Library and representatives of the Municipal Art
6 Society and the Metropolitan Chapter of the
7 Victorian Society in America.

8 On April 14th, 2009, the Commission
9 voted to designate the building a New York City
10 landmark.

11 Opened on February 17th, 1914, the
12 Woodstock branch of the New York Public Library is
13 a 61st Carnegie branch library built in New York
14 City. It is one of nine in the Bronx, eight still
15 extent, and 1 of 67 in all five boroughs.

16 Constructed when Andrew Carnegie donated \$5.2
17 million in 1901 to establish a citywide branch
18 library system. The preeminent and nationally
19 influential architectural firm of McKim, Mead and
20 White designed the Woodstock branch.

21 The library's classically inspired
22 style with its characteristic vertical plan,
23 offset entrance, carved stone ornament, and tall
24 arched first-floor windows providing abundant
25 lighting to a simple interior is characteristic of
the urban Carnegie Library type. The library has

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 17
 MARITIME USES

2 played a prominent role in the neighborhood for
3 nearly 100 years.

4 The Commission urges you to affirm
5 the designation.

6 CHAIRPERSON LAPPIN: And so does
7 Councilwoman Arroyo. Great. I don't believe
8 there's anybody else signed up to testify on this
9 item, the hearing is closed.

10 Let's move to the next library, the
11 Hunts Point branch, which is also in Councilwoman
12 Arroyo's district, 1126.

13 MS. FERNANDEZ: My name is Jenny
14 Fernandez, Director of Intergovernmental Community
15 Relations for the Landmarks Preservation
16 Commission. I'm here today to testify on the
17 Commission's designation of the New York Public
18 Library Hunts Point branch in the Bronx.

19 On January 13th, 2009, the
20 Landmarks Preservation Commission held a public
21 hearing on the proposed designation. Four
22 witnesses spoke in favor of the designation,
23 including a representative of the New York Public
24 Library and representatives of the Municipal Art
25 Society, and the Metropolitan Chapter of the

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 18
2 MARITIME USES

3 Victorian Society in America.

4 On April 14th, 2009 the Commission
5 voted to designate the building a New York City
6 landmark.

7 CHAIRPERSON LAPPIN: Do Howland
8 Hook next.

9 MS. FERNANDEZ: Opened on July 1st,
10 1929, the Hunts Point branch of the New York
11 Public Library was the last Carnegie branch
12 library built in New York City. The firm of
13 Carrere and Hastings, architects of the New York
14 Public Library building at Fifth Avenue and 42nd
15 Street designed the Hunts Point branch in the
16 style of Italian Renaissance. This striking
17 building was the firm's 14th, and last, Carnegie
18 Library.

19 The library's open plan and
20 palazzo-inspired style are characteristic of the
21 suburban Carnegie Library type. Notable
22 architectural features include the building's
23 symmetry and horizontal massing, elegant blind
24 arcade, richly detailed terra-cotta ornament, and
25 arched first and second-floor windows providing
 abundant light to the simple interior.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 19
 MARITIME USES

2 The Hunts Point branch has played a
3 prominent role in the neighborhood for 80 years.

4 The Commission urges you to affirm
5 the designation.

6 CHAIRPERSON LAPPIN: Councilwoman
7 Palma agrees, great. I don't see anyone else
8 signed up to testify on this item, the hearing on
9 this item is closed. Thank you, Ms. Fernandez.

10 We will bring you guys back a
11 little bit later for the oversight hearing on
12 Council Member Mendez's bill.

13 We're going to move now to Howland
14 Hook. So Andrew Genn from the New York City
15 Economic Development Corporation.

16 This is a lease, a maritime lease
17 in Staten Island. And Howland Hook, it's in
18 Council Member Mitchell's district, he apologized
19 that he couldn't be here today, but is very much
20 in support of this item. And I understand Council
21 Member Ignizio and Oddo, while not in their
22 district, are obviously very interested and been
23 involved and are supportive of this as well.

24 MR. ANDREW GENN: Good afternoon,
25 Chair Lappin and members of the subcommittee. My

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 20
 MARITIME USES

2 name is Andrew Genn and I am a Vice President in
3 the Maritime Department at the New York City
4 Economic Development Corporation.

5 EDC is designated by the city of
6 New York to promote economic activity and it is
7 the city's lead entity for maritime policy and
8 implementation.

9 I thank you for this opportunity to
10 testify on the proposed maritime lease extension
11 between the City of New York and the Port
12 Authority of New York and New Jersey for the
13 Howland Hook Marine Terminal.

14 Howland Hook Marine Terminal is
15 located along the Arthur Kill on Staten Island.
16 The approximately 200-acre terminal is the largest
17 container terminal New York City and the state of
18 New York. The site is owned by the City of New
19 York, leased to the Port Authority, administered
20 by EDC, and subleased to the terminal operator at
21 New York Container Terminal, Inc.

22 Twelve years ago Howland Hook
23 Marine Terminal reopened after a decade of
24 inactivity. When it reopened there was
25 considerable skepticism at that time that any

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 21
2 MARITIME USES

3 terminal in this area of the harbor could
4 successfully compete with the larger container
5 terminals in New Jersey. After substantial
6 investment by the city, the Port Authority, and
7 New York Container Terminal, the terminal has
8 become the largest industrial employer on Staten
9 Island, and it is the home for over a dozen
10 shipping lines, representing almost 18% of total
11 container cargo volume in the port of New York.
12 Today, the proposed lease extension represents
13 affirmation of the terminal's long-term viability.

14 I would like to now summarize the
15 terms of the lease extension. The lease will be
16 extended from 2023 to 2058. This extended period
17 will allow the Port Authority to amortize its
18 investment of over \$300 million that has been made
19 in the terminal to-date. It would also provide
20 the necessary conditions for additional investment
21 in the terminal.

22 The PA will pay an annual rent of
23 \$3.4 million for the period of 2009 to 2023.
24 During this period, the PA has agreed to invest an
25 additional 110 million in capital improvements.
Provided that these capital improvements are made

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 22
 MARITIME USES

2 by 2023, the PA will pay an annual rent of \$1
3 million plus 25% of total revenues generated from
4 the terminal if those revenues exceed a minimum
5 threshold. The terms negotiated between the City
6 and the PA were structured to guarantee that
7 necessary capital investments will take place at
8 Howland Hook throughout the term of the existing
9 lease.

10 The identified amount of capital
11 spending has already been budgeted by the Port
12 Authority in its 10-year capital plan. However,
13 if for some reason the PA does not make the
14 minimum capital investment, then the annual rent
15 will increase to \$4.5 million, escalating at 2%
16 per year. The PA also has the option to terminate
17 the existing lease in 2023.

18 This lease extension also allows
19 EDC to extend its master lease for the Brooklyn
20 Cruise Terminal. The economic benefits of the
21 lease extension include the retention of the
22 existing high-paying unionized jobs at the
23 terminal, \$9 million in annual payroll taxes, and
24 an additional \$99 million in tax revenues to the
25 city over the extended term of the lease.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 23
 MARITIME USES

2 Howland Hook Marine Terminal

3 represents the city's connection to the world
4 economy. Despite the current economic downturn,
5 world trade will continue to drive economic
6 prosperity as it has done throughout history.
7 More than ever, marine terminals play a vital role
8 in the global goods movement system. Over 90% of
9 imported goods are transported into the United
10 States by ships, therefore, cities like New York
11 depend on the most efficient, least expensive, and
12 most environmentally sustainable mode of
13 transportation. Howland Hook, because it's deep
14 water channels, rail connections, and proximity to
15 regional warehouse centers is a prime marine
16 facility, as well as an economic engine.

17 To continue the success, we
18 respectfully request the Council to approve this
19 lease extension for Howland Hook. And I'm happy
20 to answer any questions.

21 CHAIRPERSON LAPPIN: And I think,
22 you know, that, overall, I'm a big supporter of
23 having our waterfront working and the goods that
24 come in by barge don't come in by truck, which is
25 a better thing for the environment and for

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 24
 MARITIME USES

2 congestion, and obviously you noted the number of
3 jobs that this facility employs.

4 I had the opportunity to see up
5 close when you and I took a boat trip a couple
6 years ago, so I've seen it in action, and I did
7 have a briefing prior to the hearing, so I don't
8 have any questions. I believe Council Member
9 Comrie does.

10 COUNCIL MEMBER COMRIE: Can you
11 expound on what the capital plan is and if Howland
12 Hook now is able to--Howland Hook now, can they
13 handle any size container or any size ship that is
14 available in the world at the moment or is there
15 some upgraded needed so that it can handle today's
16 modern containers?

17 MR. GENN: Yes, you put your finger
18 on it. One of the most important capital
19 improvements that the Port Authority is committing
20 to make is the further deepening of the Arthur
21 Kill Channel. Right now, the channel's at 41
22 feet, and what they will do is deepen it to 50
23 feet so that it can handle the largest ships.

24 COUNCIL MEMBER COMRIE: And right
25 now, Howland Hook is the most viable port that we

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 25
2 MARITIME USES

3 have for containers in the city?

4 MR. GENN: Yes, because it has the
5 rail access and the deep water.

6 COUNCIL MEMBER COMRIE: And is
7 there an EDC project to do another container
8 location in the city anywhere in the next 20
9 years?

10 MR. GENN: There is not any--
11 there's no capital funding for a container port
12 development, we are continuing to support the Red
13 Hook container terminal in Brooklyn, as well as
14 developing South Brooklyn Marine Terminal for
15 other kinds of cargoes.

16 COUNCIL MEMBER COMRIE: Okay. Is
17 this capital plan threatened by any other [off
18 mic] or the Port Authority has committed to this
19 capital plan, have they committed to the dollars
20 for it yet or is this just a commitment in
21 concept?

22 MR. GENN: It's in their 10-year
23 capital plan, so it's a firm commitment and it
24 also involves leveraging federal funds as well for
25 the dredging.

COUNCIL MEMBER COMRIE: But there

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 26
 MARITIME USES

2 hasn't actually been obtained yet is what you're
3 saying.

4 MR. GENN: The project is
5 authorized and the funding is available.

6 COUNCIL MEMBER COMRIE: The funding
7 is available.

8 MR. GENN: Yes.

9 COUNCIL MEMBER COMRIE: So it will
10 happen. But then you slipped in here also about
11 the lease extension to extend this master lease
12 with the Brooklyn Cruise Terminal?

13 MR. GENN: Yes.

14 COUNCIL MEMBER COMRIE: Can you
15 expound on that?

16 MR. GENN: Yes, what we were trying
17 to do in our negotiations with the Port Authority
18 was balance the city's desire to extend our own
19 lease with the Port Authority at Pier 12 in Red
20 Hook for the Brooklyn Cruise Terminal. So through
21 this deal we were able to do both essentially.

22 COUNCIL MEMBER COMRIE: And will
23 the Port Authority also deepen the Brooklyn Cruise
24 Terminal so you can do the largest ships there as
25 well?

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 27
MARITIME USES

2 MR. GENN: The depths are good
3 there.

4 COUNCIL MEMBER COMRIE: The depths
5 are good--

6 MR. GENN: It's already good water.

7 COUNCIL MEMBER COMRIE: So you can
8 handle any cruise vessel--

9 MR. GENN: Yeah.

10 COUNCIL MEMBER COMRIE: --at that
11 moment.

12 MR. GENN: Yes, sir.

13 COUNCIL MEMBER COMRIE: Okay. So
14 is it possible that you can also do
15 containerization at that terminal eventually also
16 if the waters are deep enough?

17 MR. GENN: Container handling takes
18 place at Pier 10, which is just a stone's throw
19 away at the Red Hook Container Terminal.

20 COUNCIL MEMBER COMRIE: Okay.

21 MR. GENN: Yeah.

22 COUNCIL MEMBER COMRIE: All right.
23 But I just want to be clear, 'cause I understand
24 that there were some pressures on the Port
25 Authority the other day to try to redirect money

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 28
 MARITIME USES

2 to make sure that that money is allocated for
3 containerization, 'cause I agree with Council
4 Member Lappin to have containerization where we
5 can reduce truck traffic, especially since there
6 are areas in Queens that are concerned about the
7 Maspeth location. As much truck traffic that we
8 can reduce as possible is something that I'm in
9 favor of, so I hope that the Port Authority will
10 keep the money in capital commitment and we do
11 everything we can to aggressively get the federal
12 matching dollars so that this can happen quickly.
13 Thank you.

14 MR. GENN: Yes, agree, thank you.

15 COUNCIL MEMBER COMRIE: Thank you.

16 Thank you, Madam Chair.

17 CHAIRPERSON LAPPIN: Thank you.

18 Any other questions? Thank you.

19 MR. GENN: Thank you.

20 CHAIRPERSON LAPPIN: There's nobody
21 else signed up? Okay, the hearing on this item is
22 closed.

23 Let's move to--oh, I'm sorry.

24 Okay. Well let's move to that item, the Jamaica
25 High School. [Pause] All right, Ms. Fernandez.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 29
 MARITIME USES

2 [Off mic]

3 CHAIRPERSON LAPPIN: Who's here
4 from the Landmarks Commission? Okay. We're going
5 to move on to another item then, we'll come back
6 to that.

7 How about LaGuardia Community
8 College? Mr. Ou? Are you here to testify for the
9 administration on LaGuardia Community College?

10 [Off mic]

11 MALE VOICE: Middle College High
12 School?

13 CHAIRPERSON LAPPIN: Correct.

14 MALE VOICE: Yes.

15 CHAIRPERSON LAPPIN: Okay. So
16 let's open the hearing, it's item number 1129, it
17 is the Middle College High School at LaGuardia
18 Community College, which is in Council Member Eric
19 Gioia's district, I understand he's in the room
20 next door, so has he been--staff could tell him
21 that we've begun the hearing on this item, that
22 would be appreciated.

23 Please, Mr. Shaw, introduce
24 yourself for the record and begin.

25 MR. GREGORY SHAW: Thank you,

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 30
2 MARITIME USES

3 Chairperson Lappin, and good afternoon, Council
4 Members. My name is Gregory Shaw, I'm principle
5 attorney for real estate for the New York City
6 School Construction Authority and to my immediate
7 right is Kenrick Ou, Director of Real Estate for
8 the School Construction Authority. Thanks again
9 for having us.

10 The New York City's School
11 Construction Authority has undertaken a site
12 selection process for the Middle College High
13 School facility in tax block 249, lot one, located
14 on the block bounded by Van Dam Street, Queens
15 Boulevard, 32nd Street, and 47th Avenue in Long
16 Island city. The proposed site is also located in
17 Community School District number 24 and Queens
18 Community Board number 2.

19 The school site is currently
20 occupied under a lease that expired this past
21 April. The site is a privately owned, two-story
22 55,300 square foot building.

23 Under the proposed plan, the SA
24 would acquire the property from its current owner
25 to accommodate the Middle College High School's
continued long-term use and occupancy of this

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 31
2 MARITIME USES

3 premises.

4 The notice of filing for the site
5 plan was published in the New York Post and the
6 City Record on March 16th, 2009. Queens Community
7 Board number 2 was notified of the site plan on
8 that date and was asked to hold a public hearing.

9 The Community Board held its public
10 hearing on the site plan on April 2nd, 2009, and
11 submitted written comments in support of the site
12 plan.

13 The City Planning Commission was
14 also notified of the site plan on March 16th, 2009
15 and it also recommended in favor of the site.

16 The SCA has considered all comments
17 received on the proposed site plan and affirms it,
18 pursuant to Section 1731 of the Public Authorities
19 Law. In accordance with Section 1732 of the
20 Public Authorities Law, the site plan was
21 submitted to the Mayor and Council on June 18th,
22 2009.

23 We look forward to your
24 subcommittee's favorable consideration of this
25 proposed site plan, and we are prepared to answer
any questions that you might have. Thank you.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 32
 MARITIME USES

2 CHAIRPERSON LAPPIN: Do any of my
3 colleagues have questions? Council Member Comrie,
4 did you have a question?

5 COUNCIL MEMBER COMRIE: You're
6 already in the building, the school is in the
7 building now--

8 MR. SHAW: Yeah, we're--

9 COUNCIL MEMBER COMRIE: --correct.

10 MR. SHAW: --currently under a
11 lease, which just recently expired. We have a
12 contract with the owner to purchase the building
13 once it's approved by the Mayor and Council.

14 COUNCIL MEMBER COMRIE: And is
15 there any other work required to do on the
16 building?

17 MR. KENRICK OU: Yes, capital
18 improvements will be necessary. To provide some
19 background, Middle College High School has had a
20 collaborative relationship with LaGuardia
21 Community College, which is located right across
22 Van Dam street from this location for
23 approximately 30 years. The Middle College
24 program has been located in this building since
25 the city leased it in 1988. There will need to be

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 33
 MARITIME USES

2 capital improvements and investments that we'll be
3 able to undertake once we actually close on the
4 purchase of the building.

5 COUNCIL MEMBER COMRIE: You're at
6 450 seats now?

7 MR. OU: That's correct, the
8 enrollment of Middle College High School is
9 approximately 450. I should note that one of the
10 features in Middle College High School and part of
11 this instructional relationship is that the
12 students take classes at LaGuardia Community
13 College. So there is a communication back-and-
14 forth, which is why this location is appropriate
15 for the instructional needs.

16 COUNCIL MEMBER COMRIE: Okay. Is
17 there a second high school at LaGuardia--I'm off
18 topic now, but there's a--

19 MR. OU: [Interposing] Yes, there
20 is International High School as well.

21 COUNCIL MEMBER COMRIE: Within the
22 campus as well?

23 MR. OU: Yes, they're located
24 within a LaGuardia campus building.

25 COUNCIL MEMBER COMRIE: And they

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 34
2 MARITIME USES

3 have full access to space?

4 MR. OU: They use space at
5 LaGuardia also, I think both schools share the
6 gymnasium of the college, I'm not sure precisely
7 how the other spaces are allocated.

8 COUNCIL MEMBER COMRIE: Oh, 'cause
9 I was told that they needed more space, so I was a
10 little confused as to, I thought this was the
11 other school at LaGuardia. I just wanted to know
12 if there was a plan for that school to get more
13 space. Then I'm also told--I got approached by
14 the parents at your college, the school at your
15 college, which is a school that's required a
16 specialized tests, that they have a space crunch.

17 So I know that you're not prepared
18 to talk about that today, but I would hope that
19 you would get back to this committee about plans
20 for expansion for both of those schools, 'cause
21 I'm told that both need space and, in fact, the
22 expansion of your college early preparatory
23 school, they are in a space crunch now where
24 they're told that even though they're expanding to
25 high school and with the middle school, that
 they're not going to get enough classroom space to

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 35
 MARITIME USES

2 operate. So if you could get back to us quickly
3 about that, I'd appreciate it.

4 MR. OU: Yes.

5 COUNCIL MEMBER COMRIE: But I like
6 this idea and I would hope that we can accommodate
7 both schools at LaGuardia. It's a great
8 institution, a great opportunity for young people.
9 Thank you, Madam Chair.

10 CHAIRPERSON LAPPIN: Thank you.
11 This is just, you're just buying the building,
12 nothing is changing educationally or space-wise.

13 MR. OU: No, the purpose of this
14 is, unfortunately, the ownership was not
15 interested in a long-term lease, so given the need
16 of that program to remain proximate to LaGuardia,
17 and the fact that the property was available for
18 sale, we are proposing approval of the purchase
19 and the long-term addition of this to the DOE
20 portfolio.

21 CHAIRPERSON LAPPIN: Thank you. Is
22 anybody else signed up to testify on this? Okay.
23 The hearing on this item is closed.

24 Let's open the hearing, since
25 you're sitting there, on the All-City Leadership

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 37
2 MARITIME USES

3 would construct a new school facility on the
4 undeveloped portion of the site to provide a
5 permanent location for the All-City Leadership
6 Secondary Program, which currently occupies the
7 youth center under an expiring license agreement
8 with Ridgewood Bushwick. The new facility would
9 accommodate approximately 400 students and would
10 also contain office space.

11 The notice of filing for the site
12 plan was published in the New York Post and the
13 City Record on May 23rd, 2008, at which time
14 Brooklyn Community Board number 4 was asked to
15 hold a public hearing on the proposed site plan.
16 Brooklyn Community Board number 4 held its public
17 hearing on the site plan on June 18th, 2008, and
18 voted in support of the site plan, but did not
19 submit written comments.

20 The City Planning Commission was
21 also notified of the proposed site plan on May
22 23rd, 2008, and it recommended in favor of the
23 site.

24 The SCA has considered all comments
25 received on the proposed site plan pursuant to
 Section 1731 of the Public Authorities Law. In

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 38
2 MARITIME USES

3 accordance with Section 1732 of the Public
4 Authorities Law, the SCA submitted the site plan
5 for consideration by the Mayor and the City
6 Council on June 18th, 2009, and we look forward to
7 your subcommittee's favorable consideration.

8 Thank you.

9 CHAIRPERSON LAPPIN: We're not
10 going to vote on this item today because I haven't
11 been able to connect with Council Member Dilan,
12 who I had a brief conversation with on Friday, and
13 I believe he still has some concerns and is still,
14 I understand, talking to you and to the community
15 organization that is involved.

16 So do any of my colleagues have any
17 questions?

18 I just want to make sure I'm clear,
19 the existing--the Ridgewood Bushwick Senior
20 Citizens Council, their office space would be in
21 the new school building. Are they physically on
22 the site now?

23 MR. OU: Yes, the site currently
24 contains a youth center that is operated by
25 Ridgewood Bushwick. The Department of Education
school program occupies a portion of that youth

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 39
2 MARITIME USES

3 center for the All-City School. There are two
4 issues with that: the All-City School has been
5 growing, and also the idea is that a permanent
6 facility will be necessary to accommodate that
7 program as it continues to add grades.

8 CHAIRPERSON LAPPIN: So are you
9 demolishing the youth center--

10 MR. OU: No.

11 CHAIRPERSON LAPPIN: --or the youth
12 center remains exactly as is--

13 MR. OU: Correct.

14 CHAIRPERSON LAPPIN: --is, you
15 build on the undeveloped portion of the lot the
16 new school and the new office space.

17 MR. OU: Correct.

18 CHAIRPERSON LAPPIN: Okay. Thank
19 you. The hearing on this item is now closed.

20 We're going to go to Jamaica High
21 School. Ms. Fernandez? And then we'll have you
22 gentlemen come back for PS 133.

23 Council Member Gennaro was here
24 earlier, he had to leave. This is in his
25 district, I know he's very supportive and I
believe that somebody from Council Member

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 40
 MARITIME USES

2 Addabbo's office wanted to make a brief statement.

3 [Off mic]

4 CHAIRPERSON LAPPIN: Sorry, please,
5 introduce yourself for the record and begin.

6 MS. FERNANDEZ: Thank you. My name
7 is Jenny Fernandez, Director of Intergovernmental
8 and Community Relations for Landmarks Preservation
9 Commission. I'm here today to testify on the
10 Commission's designation of Jamaica High School in
11 Queens.

12 On December 16th, 2008, the
13 Landmarks Preservation Commission held a public
14 hearing on the proposed designation. There were
15 eight speakers in favor of designation, including
16 a representative of Assemblyman Rory Lancman's
17 office, and of Council Member James Gennaro.

18 Jamaica High School principal
19 Walter Achim spoke in support of designation, as
20 did representatives of the Historic Districts
21 Council and the Landmarks Conservancy, the Central
22 Queens Historical Association, the Jamaica Hill
23 Community Association, and the New York City
24 School Construction Authority. The Commission
25 also received letters in support of designation

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 41
 MARITIME USES

2 from Council Member Leroy Comrie, the Municipal
3 Art Society, and several individuals; there were
4 no speakers in opposition.

5 On March 24th, 2009, the Commission
6 voted to designate the building a New York City
7 landmark.

8 This large, classically-styled
9 public high school was designed by William
10 Gompert, superintendent of school buildings, and
11 opened in 1927 to accommodate the rapidly
12 expanding population of Jamaica, Queens.

13 At its opening, Jamaica High School
14 had the capacity to seat 3,388 students. It was
15 fitted with the latest and most complete
16 facilities available, including fully equipped
17 athletic fields. It's expansive grounds are quite
18 unusual for New York City, where schools are more
19 likely to be crammed into tiny city lots. As the
20 population of Queens soared during the rest of the
21 20th century and the original, mostly European,
22 population was replaced by a mix of immigrants
23 from South Asia, Africa, and the Caribbean, this
24 building has continued to anchor the neighborhood
25 and provide a rich educational environment for the

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 42
 MARITIME USES

2 children of the borough.

3 The Commission urges you to affirm
4 the designation.

5 CHAIRPERSON LAPPIN: Thank you.
6 Hold on, Ms. Fernandez, let's just make sure. Do
7 any of my colleagues have questions or statements?
8 Mr. Comrie, Council Member Comrie.

9 COUNCIL MEMBER COMRIE: I just want
10 to reaffirm that I did send a letter of support.
11 Jamaica High School is my alma mater, it's one of
12 the most unique high schools and campuses I think
13 within the city. And I'm grateful that we were
14 able to maintain the historic nature of the
15 building over these many years and I'm happy to
16 see that it will be designated as a landmark.

17 I just want to acknowledge that
18 there were many electeds, including the Weprin
19 brothers, that are graduates of Jamaica High
20 School.

21 And I look forward to the
22 landmarking of the building. There was a ceremony
23 last week, which I went to, to celebrate the
24 Landmark Commission's designation of Jamaica High
25 School and I think that if anyone gets a chance to

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 43
 MARITIME USES

2 visit the location, you can see why it would be
3 truly a historic site. Thank you.

4 CHAIRPERSON LAPPIN: Council Member
5 Comrie, are you a graduate?

6 COUNCIL MEMBER COMRIE: Yes, ma'am.

7 CHAIRPERSON LAPPIN: Great. Thank
8 you very much. The hearing on this item is
9 closed.

10 I think you're in good company,
11 right? Francis Ford Coppola--oh, I'm sorry, I'm--
12 yes, Mr. Gottlieb.

13 [Long Pause]

14 MR. JEFF GOTTLIEB: My name is Jeff
15 Gottlieb, I'm President of Central Queens
16 Historical Association, and my remarks today
17 concerns the landmark status for Jamaica High
18 School. I did testify before the Landmarks
19 Preservation Commission about this particular
20 building.

21 The new Jamaica High School located
22 167 and 1 Gothic Drive was opened on February 1st,
23 1927. Now this is historically important for this
24 subcommittee because this is the latest of the
25 high schools to be brought up for landmarking

3 purposes.

4 It was used to accommodate the
5 onrush of Queens adolescents in the borough whose
6 population had doubled in the 1920s.

7 The view is impressive. It was
8 placed on a hill. The building is 243,000 square
9 feet and 400 feet by 200 feet. The property with
10 the parking area and playing field was 826 by 500
11 feet. It was the largest school site in the
12 country with almost 625,000 square feet.

13 Jamaica High School had the
14 responsibility of educating several generations of
15 Jamaica youths and those from surrounding areas.
16 The architecture is magnificent, as Mr. Comrie
17 will tell you, Council person Comrie. Jamaica
18 High School is a three-story [off mic] shaped
19 redbrick and limestone design and colonial style
20 with Greek classical elements, the balustrade,
21 pediments [off mic]. The building facing Gothic
22 Drive is a central Ionic pedimented porch placed
23 on a triple-arch legere [phonetic]. An octagonal
24 copper-clad cupola is placed above the central
25 entrance, in fact, I had to have some cleaning
done and as Principal Achim, Walter Achim, who's

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 46
 MARITIME USES

2 Gottlieb.

3 MR. GOTTLIEB: There is another
4 building nearby from 1896 incidentally, which has
5 been thought of. Thank you very much--

6 CHAIRPERSON LAPPIN: Thank you.

7 MR. GOTTLIEB: --Chair Lappin.

8 CHAIRPERSON LAPPIN: The hearing on
9 this item is closed.

10 I wanted to welcome Council Member
11 Eric Gioia and give him an opportunity to comment
12 on the item that was in his district.

13 COUNCIL MEMBER GIOIA: Thank you,
14 Madam Chair, and sorry about that, I was over in
15 zoning and then I stepped out for a moment to get
16 a bite to eat, so sorry to hold you up.

17 I'm very pleased that because of
18 the combined efforts of the School Construction
19 Authority, my office, the other elected officials
20 in the area, and a number of concerned members of
21 the community, Middle College High School will
22 remain at its current location. The more than 500
23 students who attend this school deserve nothing
24 less.

25 Throughout the years I've been

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 47
2 MARITIME USES

3 consistently impressed with the unique quality
4 education that Middle College offers. The
5 students at Middle College are fortunate to have
6 wonderful faculty and staff, many of whom I've
7 come to personally know over the years.

8 But aside from the school family
9 and the great teachers, part of the school's
10 success is due to its important connection in
11 close proximity to LaGuardia Community College.
12 Students at Middle College are able to take
13 classes at LaGuardia to earn college credit and
14 those who work hard enough can even earn an
15 associate's degree free of charge. This is a very
16 unique program and it is one that I hope could be
17 expanded through the five boroughs. I mean you
18 really see an incredible innovation and
19 partnership when you look at Middle College and
20 LaGuardia Community College.

21 This connection is preparing
22 students, not only for college, but really for a
23 21st-century workforce and rewarding hard work and
24 entrepreneurship. Severing the connection would
25 have been tragic and unacceptable. That is why
 I've advocated so hard for the SCA to acquire this

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 48
 MARITIME USES

2 property, and my understanding is that it will
3 actually be a friendly acquisition.

4 However, I want to be clear, this
5 is really more than a victory for any one office
6 or for our city government. It has been dozens of
7 families, teachers, and community activists who
8 have fought for this cause, my phone has rang off
9 the hook and I've gotten so many letters. And
10 that is why I'm so proud to urge my colleagues to
11 vote in favor of the proposed acquisition of
12 Middle College High School. Thank you.

13 CHAIRPERSON LAPPIN: Thank you.
14 I'm going to ask for the Counsel to call for a
15 vote on all of the items that we have heard with
16 the exception of item number 1130, the All-City
17 Leadership Secondary School.

18 MR. CHRISTIAN HYLTON: Christian
19 Hylton, Counsel for the Committee. Chair Lappin.

20 CHAIRPERSON LAPPIN: Aye.

21 MR. HYLTON: Council Member Barron.

22 COUNCIL MEMBER BARRON: Aye on all.

23 MR. HYLTON: Council Member Comrie.

24 COUNCIL MEMBER COMRIE: Aye on all.

25 MR. HYLTON: Council Member Liu.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 49
 MARITIME USES

2 COUNCIL MEMBER LIU: Yes.

3 MR. HYLTON: Council Member Palma.

4 COUNCIL MEMBER PALMA: Yes.

5 MR. HYLTON: Council Member Arroyo.

6 COUNCIL MEMBER ARROYO: Aye.

7 MR. HYLTON: Council Member Mendez.

8 COUNCIL MEMBER MENDEZ: Aye.

9 MR. HYLTON: Council Member

10 Crowley.

11 COUNCIL MEMBER CROWLEY: Aye on

12 all.

13 MR. HYLTON: By a vote of eight in
14 the affirmative, none in the negative, no
15 abstentions, LU 118, 119, 120, 121, 125, 126, 129,
16 and 1128, which is Howland Hook Marine Terminal,
17 approved and referred to the full Land Use
18 Committee.

19 CHAIRPERSON LAPPIN: Great, we'll
20 keep the vote open for the duration of the
21 hearing.

22 I want to ask the SCA to come back
23 and the principal of PS 133, we'll open the
24 hearing on that item.

25 [Long pause]

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 50
 MARITIME USES

2 Item number 1123, Community Board
3 6, Brooklyn, Council Member Yassky's district. He
4 is here in the building--great, if you could get
5 him, thank you very much.

6 MR. OU: Good afternoon,
7 Chairperson Lappin and subcommittee members. My
8 name is Kenrick Ou and I am Director of Real
9 Estate Services for the New York City School
10 Construction Authority. Seated to my right is
11 Heather Foster Mann, who is the principal of PS
12 133 in Brooklyn.

13 The matter before us today is the
14 SCA has undertaken its site selection process for
15 the proposed replacement facility for PS 133. The
16 proposed site consists of tax lots 1, 16, and 65
17 on tax block 940 in the borough of Brooklyn. The
18 site is located in Brooklyn Community District
19 number 6 and in Community School District number
20 13.

21 The proposed site as shown on the
22 site plan contains a total of approximately 46,400
23 square feet of land owned by the City of New York
24 and under the control of the New York City
25 Department of Education. The site currently

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 51
2 MARITIME USES

3 contains the existing PS 133 school building,
4 which was constructed circa 1900, and adjoining
5 surface schoolyard and a community garden.

6 Under the proposed project, the SCA
7 would construct a new primary school facility on
8 the site of the existing school yard and community
9 garden and develop a replacement school yard and
10 community garden on the site of the existing
11 school building, which would be demolished.

12 The new primary school facility
13 would accommodate the existing PS 133 school
14 organization, which is administered under
15 Community School District number 13 and a new
16 primary school organization that would be
17 administered under Community School District
18 number 15, along with some seats for citywide
19 special education, District number 75.

20 The notice of filing of the site
21 plan was published in the New York Post and the
22 City Record on February 17th, 2009, at which time
23 Brooklyn Community Board number 6 was asked to
24 hold a public hearing on the proposed site plan.

25 Brooklyn Community Board number 6
 held its public hearing on the site plan on March

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 52
 MARITIME USES

2 26th, 2009, but did not submit written comments on
3 the site plan.

4 The City Planning Commission was
5 also notified of the site plan on February 17th,
6 2009, and it recommended in favor of the site
7 plan.

8 The SCA has considered all comments
9 received on the proposed site plan pursuant to
10 Section 1731 of the Public Authorities Law. In
11 accordance with Section 1732 of the Public
12 Authorities Law, the SCA submitted the site plan
13 for consideration by the Mayor and the City
14 Council on June 18th, 2009. And we look forward
15 to your subcommittee's favorable consideration of
16 the proposed site plan.

17 I would like to take a few moments
18 to provide an overview of how this project has
19 evolved in response to concerns that we have heard
20 from our numerous meetings with various
21 stakeholders, including the PS 133 school
22 community, Community Education Councils 13 and 15,
23 Brooklyn Community Board number 6, as well as
24 neighbors.

25 The Department of Education's five-

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 53
 MARITIME USES

2 year capital plan, which is expiring at the end of
3 this month, for fiscal years 2005 to 2009
4 identified the need for over 1,000 additional
5 seats at the primary and intermediate levels in
6 district 15. After several years of site
7 searches, the only sites that had been identified
8 in the district were either in locations that
9 would not address the needs, or were otherwise
10 infeasible. This proposed site is located
11 geographically within the boundaries of District
12 13 but is right near the border with District 15,
13 and is ideally located to accommodate the
14 anticipated residential population that is
15 expected to grow following the rezoning of 4th
16 Avenue, which the city adopted a few years ago.

17 Even before the formal public
18 review process for this project began, the SCA and
19 Department of Education consulted with Community
20 Education Councils for both districts 13 and 15 to
21 try and develop a project that could meet multiple
22 needs, in addition to the additional capacity that
23 was identified in the capital plan for District
24 15. For example, the existing PS 133 school
25 building is well over 100 years old and would

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 54
2 MARITIME USES

3 require significant capital investment simply to
4 address critical building components, such as
5 exterior building conditions in windows to allow
6 for continued occupancy. This investment is
7 currently estimated to be approximately \$15
8 million, and that would not address the concerns
9 that we have heard from our school community
10 regarding the other functional limitations of the
11 building. That level investment would not enlarge
12 classrooms, provide an elevator, a gymnasium, or
13 specialty instructional rooms, or make the
14 building accessible or centrally air-conditioned.

15 We believe that this project is a
16 cost effective way of providing a modern state-of-
17 the-art facility for the PS 133 school
18 organization which would otherwise be difficult to
19 accomplish in light of the limited resources and
20 many capital needs that the department faces.

21 We've also tried to be responsive
22 to the concerns we've heard from other
23 stakeholders through this process. For example,
24 although the community garden has operated
25 informally on this site for years, we have
recognized its importance to the community and

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 55
2 MARITIME USES

3 have included a replacement garden as part of this
4 proposed project. We have also offered to work
5 with the gardeners to provide both short-term
6 assistance with respect to the relocation of
7 plants and also ways of providing a long-term
8 assurance to make that replacement garden
9 permanent in a way that does not currently exist.

10 Some of the other concerns we've
11 heard from our stakeholders concern impacts
12 related to the proposed construction. In order to
13 try and address that concern, the Department of
14 Education has pursued and successfully negotiated
15 a short-term lease of the former St. Thomas
16 Aquinas school, which is located approximately 12
17 blocks away, for use as a temporary relocation
18 site for the PS 133 school organization during the
19 period of the new building's construction. This
20 relocation site will allow the overall
21 construction duration to be reduced from four to
22 three years and will also allow more of the
23 construction activities to be conducted within the
24 site itself, thereby reducing the impact to the
25 broader community.

 The existing building was designed

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 56
2 MARITIME USES

3 by C.B.J. Snyder, who is a noted and prolific
4 designer of many public school buildings in the
5 city of New York. It possesses certain
6 distinctive architectural features, including
7 decorative stone work at the building's main
8 entrance and stone gates that we propose to
9 incorporate into the new building's construction.
10 We've undertaken a consultation and toward the
11 building and the grounds with the State Historic
12 Preservation Office as part of our effort to
13 understand and address the historic preservation
14 concerns associated with that structure.

15 I'd now like to introduce Heather
16 Foster Mann, who is here and can share her first-
17 hand experience with the existing PS 133 building.

18 MS. HEATHER FOSTER MANN: Good
19 morning, good afternoon. This afternoon, I just
20 want to talk to you a little bit about what we
21 have lived at PS 133 under my tenure, and I've
22 been there almost 3 years, and I'm here to speak
23 on behalf and advocate for my students, their
24 families that we serve at 133--the families that
25 speak a language other than English, the families
 who work two and three jobs and can't be here to

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 57
2 MARITIME USES

3 speak for themselves, the families who feel so
4 marginalized that they don't want to sign a
5 petition because they don't feel they have a
6 voice, and that's why I am here.

7 At PS 133 we have become so good at
8 making do, at not having what other New York City
9 public school facilities have, that the children
10 and the parents don't know what they're missing.
11 Just because we make do doesn't mean it's
12 acceptable. There is no doubt that the building
13 that was erected over 108 years ago by Snyder--
14 it's a beautiful old building, it is, it has high
15 ceilings, beautiful architecture, it's very
16 quaint. However, we're missing some basic needs--
17 a proper gym where children can play and get the
18 workout that they need to overcome childhood
19 obesity; a gathering space on the ground floor
20 that would make our school handicap accessible; a
21 fire alarm system that actually works when we ring
22 the bells. Each time we have a fire drill, I have
23 to get on the PA system to say, guys, we're having
24 a fire drill, we need to empty the building. The
25 alarms to work even though they've been fixed,
 asbestos floors on the second through fourth

3 floor. Whenever it rains really heavily, inside
4 the classrooms, you can see water seepage coming
5 in and the walls get really cheesy and we have to
6 scrape and fix the walls, and Department of school
7 construction, they fix it, but it's an old
8 building, it keeps recurring. The students and
9 staff bathrooms, the boys complain to me all the
10 time about how the bathrooms are, even though we
11 clean them, the ventilation system, it's not
12 proper for a building of that size and that old.
13 Window replacement, we're having a very cool
14 spring this summer so the windows that are nailed
15 shut in our classrooms, well we've turned the AC
16 on, and sometimes that works. We don't have ACs
17 on the first floors and, even if we wanted them,
18 we couldn't have them because the building can not
19 sustain the electricity upgrade that it would take
20 to put ACs in all the classrooms. Technology,
21 we're preparing children for a 21st-century,
22 however, we have a lab that's 12 years old and,
23 again, we couldn't sustain the electricity
24 requirement for such a lab.

25 Our responsibilities as citizens is
to prepare our children for their future and we

2 need a facility that's more current than 108 years
3 old. As quaint as our school is, it doesn't
4 accommodate our children and their needs.

5 There's a lot of opposition about
6 this replacement school and we just want to know,
7 if not a new school, then what? Because it's been
8 on the five-year capital plan for several years
9 for them to fix our school, and that's not taking
10 place. We want a school where everyone can be
11 proud to send their children, perhaps some of the
12 neighborhood communities, they can send their
13 children to our school also, at this time, that's
14 not the case, maybe because it's not up to
15 standard, and we want our school to be up to
16 standard for everyone. Thank you.

17 CHAIRPERSON LAPPIN: Could you
18 elaborate on that a little bit and tell me, this
19 is an elementary school, so it has a zone, how
20 many of the children who attend this school are
21 from within the zone and how many come from
22 outside of the zone and--

23 MS. FOSTER MANN: [Interposing] Our
24 school is very unique, 26% of our students have
25 special needs, so approximately 26% of them are

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 60
2 MARITIME USES

3 bused into our school. Many children are out from
4 the zone, I mean we're not really a zone school so
5 we take children from wherever. We're a small
6 school and so whichever child wants to come to our
7 school, we accept them. We have a CTT class,
8 that's a Collaborative Team Teaching class on each
9 grade, so our school is very unique in that sense.
10 Approximately 74 students are from the zone of
11 District 13 out of 280 students.

12 CHAIRPERSON LAPPIN: And the new
13 school building, if approved, would be obviously
14 much larger, 960 seats to accommodate two separate
15 facilities. So can you explain that in a little
16 bit greater detail, would this existing PS 133
17 change in size, add grades or not, and what would
18 the new school be?

19 MR. OU: The new facility would
20 provide approximately 300 seats of what we
21 categorize as replacement seats. Basically the
22 seats that are provided in the existing building
23 would be replaced for PS 133. In addition, there
24 would be approximately 600 seats in the building
25 for a new program, a District 15 program primary
 school level, as well as some seats for District

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 61
2 MARITIME USES

3 75. So the net incremental difference is
4 approximately 600 seats in terms of what is there
5 currently, albeit there would be a new building.

6 CHAIRPERSON LAPPIN: Right, no I
7 get that, what are those seats going to be used
8 for, that's what I don't understand. You're going
9 to keep PS 133 then at roughly the same size--

10 MR. OU: Correct.

11 CHAIRPERSON LAPPIN: --your
12 capacity, I'm assuming that your capacity and your
13 enrollment actually match, is that correct or not
14 correct? What's the current capacity in the
15 building?

16 MR. OU: I think the capacity
17 slightly more than 300 and the enrollment is about
18 300?

19 MS. FOSTER MANN: Almost, yes.

20 CHAIRPERSON LAPPIN: So you're not
21 overcrowded, and what's your average class size?

22 MS. FOSTER MANN: About 25, we're
23 not overcrowded.

24 CHAIRPERSON LAPPIN: Okay. And do
25 you have cluster rooms or no? I mean you mention
 that you don't have a gym, do you have a science

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 62
2 MARITIME USES

3 room, do you have an--

4 MS. FOSTER MANN: [Interposing] If
5 we wanted to enlarge, we couldn't really at this
6 point. We do have a science room, we have a small
7 room that is used as an art room, the music room
8 is shared with the auditorium, that kind of thing.

9 CHAIRPERSON LAPPIN: And so,
10 actually I was going to ask, so since you don't
11 have a gymnasium, where do the children go--

12 MS. FOSTER MANN: [Interposing] The
13 gymnasium is probably smaller than where we're
14 sitting right now, it's very small. The children
15 go outside mostly, and when the weather is
16 inclement, we're inside. And we make do with the
17 small space that there is.

18 CHAIRPERSON LAPPIN: So you would
19 stay roughly the same size. Can we go back to
20 what--I'm not clear on what the additional 600
21 seats would be used for.

22 MR. OU: The additional 600 seats
23 would be used to address the capacity needs in
24 District 15. So what has been identified in the
25 expiring and also in the proposed capital plan for
 fiscal years '10 through '14 is we anticipate

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 63
 MARITIME USES

2 growth, especially in the northern portions of 15
3 in the Park slope and the Sunset Park areas. And
4 in terms of the capital plan tries to align the
5 birth data, housing starts, and other information
6 in order to forecasts and look forward with the
7 idea of aligning new facilities as the need
8 emerges. In a lot of cases, unfortunately, we are
9 in a position where we have to respond to very
10 severe overcrowding. In this instance, this is
11 about trying to provide the--'cause it takes us
12 about three years to build a building--to have the
13 buildings available as the new housing along 4th
14 Avenue is populated and those residents start
15 families and send kids to school.

16 CHAIRPERSON LAPPIN: I just want to
17 be clear, this is in District 13.

18 MR. OU: Correct.

19 CHAIRPERSON LAPPIN: But it would
20 serve children in District 15.

21 MR. OU: The additional seats
22 would, yes.

23 CHAIRPERSON LAPPIN: And is that
24 because you can't find a site in District 15?

25 MR. OU: Yes, that is part of--in

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 64
 MARITIME USES

2 my earlier comments, we spent the better part of
3 the early years of this expiring capital plan
4 trying to site the 1,000 seats of need that were
5 identified. The locations that were identified
6 were very often in peripheral corners of the
7 district which were not near the pockets of the
8 need, which I think Superintendent Rosemary Stuart
9 from District 15 is here and I think she can speak
10 more specifically about the pockets of need within
11 that district. So as part of our effort to try
12 and be creative, because we have heard from
13 Principal Foster Mann and we have heard from other
14 advocates that these older buildings, albeit in
15 many cases, having served well for years, just do
16 not contain those amenities and we are trying to,
17 with this proposal, identify a creative way of
18 trying to meet multiple needs through a single
19 project.

20 CHAIRPERSON LAPPIN: I have some
21 more questions for you, but I know your graduation
22 is today, how long do we have you?

23 MS. FOSTER MANN: I'm here.

24 CHAIRPERSON LAPPIN: Okay. I'm
25 going to come back to some of my questions because

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 65
2 MARITIME USES

3 I do want to be sensitive to your graduation. And
4 Council Member Barron.

5 COUNCIL MEMBER BARRON: Thank you
6 very much. I certainly see the need for a new
7 school and I hope you do get the facility that's
8 suitable for the children, but what I wanted to
9 ask you is some environmental impact questions. I
10 know you did a ESA, Environmental Site Assessment,
11 Environmental Site Investigation, and and
12 Environmental Impact, and I understand that they
13 did find some contaminants in the soil and some
14 contaminants in the water. What's going to happen
15 during construction to assure the community that
16 they're going to be safe from those contaminants;
17 what's going to happen to the children when they
18 occupy the building to make sure that the vapors
19 don't seep through and cause an environmental
20 hazardous situation for the children in the
21 community?

22 MR. OU: If I could ask my
23 colleagues who are the actual specialists in this
24 area to join us at the table to speak to those
25 issues, I have Anna Tacherska [phonetic] from the
SCA's Industrial Environmental Hygiene group and

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 66
2 MARITIME USES

3 also Mr. Glass from our environmental consultant,
4 if that's okay with the Chair.

5 CHAIRPERSON LAPPIN: Sure, sure.

6 MS. ANNA TACHERSKA: Good
7 afternoon, my name is Anna Tacherska, I'm project
8 manager with New York City School Construction
9 Authority, IH division.

10 As part of our due diligence during
11 the site selection, extensive site investigation
12 was performed on the current PS 133 K property.
13 There were concerns that were identified both in
14 the groundwater and soil which were addressed
15 during our design process. There will be
16 engineering controls that are being incorporated
17 to address the soil vapor concern. The
18 concentrations that were found were elevated above
19 the current DOH guidelines, however, they weren't
20 high enough to raise a concern with it, however,
21 decide to make an active [off mic] system and
22 vapor barrier part of our design just to be
23 protective--

24 COUNCIL MEMBER BARRON:

25 [Interposing] Now how, just the vapor barrier, I
 wanted to discuss that because the vapor barrier

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 67
 MARITIME USES

2 is going to be extremely important and, depending
3 upon how it's done and what was found, I'm
4 concerned of what might seep through and if vapor
5 barriers aren't done properly, then the building
6 will look nice, it'd be 21st century state-of-the-
7 art, but it could be a real danger for children
8 and for faculty, and even for workers as they're
9 doing their work.

10 The reason why I really push the
11 environmental stuff, 'cause oftentimes the
12 Environmental Impact Statement report or the
13 Environmental Site Investigation or assessment
14 report looks good on paper, but when we get to the
15 neighborhood and it actually has to get done, too
16 often we come back and there's asbestos buildings
17 and sometimes there's methane gas. And if it's
18 not capped properly and, particularly in
19 communities of color and in neighborhoods where
20 children of color populate the schools, I find
21 that the kind of attention, the environmental
22 attention that's needed and air monitors, what's
23 going to happen with the air around when you're
24 doing the demolition, what's happening to the rest
25 of the neighborhood. So while I'm very much

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 68
 MARITIME USES

2 supportive of a school and I've always been for
3 children first, the environmental concerns, I
4 think needs to be addressed extremely as
5 seriously, especially the vapor capping.

6 MS. TACHERSKA: And we understand
7 that, but there was a serious attention that was
8 given to environmental issues on the property--

9 COUNCIL MEMBER BARRON:

10 [Interposing] Could you speak up a little bit,
11 please?

12 MS. TACHERSKA: Of course. Like I
13 said, a vapor barrier and an active sub-slab
14 system were designed and are made part of the
15 future construction for the duration of the
16 construction--

17 COUNCIL MEMBER BARRON: Right.

18 MS. TACHERSKA: --to address the
19 community concerns, we did make provisions for a
20 community air monitoring plan, which--

21 COUNCIL MEMBER BARRON:

22 [Interposing] You said a monitoring plan?

23 MS. TACHERSKA: It will be a
24 community air monitoring program--

25 COUNCIL MEMBER BARRON: Air

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 70
 MARITIME USES

2 constituents that were identified in the ground
3 water which are believed to migrate from an
4 offsite upgrading source. The current depth of
5 excavation required for construction, we don't
6 believe that extensive dewatering will be
7 required, however, we will be obtaining a DEP
8 discharge permit and the groundwater will be
9 treated prior to discharge. We don't believe that
10 there is a potential for exposure to the community
11 during these operations, so that should address
12 your concern.

13 COUNCIL MEMBER BARRON: Is that a
14 gas found?

15 MS. TACHERSKA: In a groundwater,
16 no.

17 COUNCIL MEMBER BARRON: No.

18 MS. TACHERSKA: There were
19 petroleum constituents that were found. Soil, gas
20 issue, it's a separate issue.

21 COUNCIL MEMBER BARRON: Separate.
22 Let me ask, the final thing I always try to get a
23 win-win for the community when these things
24 happen. The garden, you know, the community
25 garden that they have, I'm sure people put a lot

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 71
2 MARITIME USES

3 of love and a lot of work and effort into that,
4 and replacing it sometimes is not always equal to
5 what they have. And I understand now it's gone
6 from like 5,000 down to 3,000, so it'll be a
7 smaller garden, is that correct?

8 MR. OU: Yes, the replacement
9 garden would be smaller.

10 COUNCIL MEMBER BARRON: And is any
11 way you can work with the community and make that
12 garden the size that they would want it to be and
13 the same nature of what it is now so that they
14 don't lose what they've worked so hard on?

15 MR. OU: I think we have tried to
16 have discussions with the gardeners. We do have
17 to--one of the things that we try and keep in mind
18 is just acknowledging that the larger the
19 community garden is, the smaller available space
20 for the schoolyard. We certainly are open to
21 discussions with the gardeners, we've proposed and
22 offered to engage them with respect to design. I
23 don't know that there is that level of interest at
24 this point, I think that there is, from my
25 conversations with some of the gardeners, I think
 that there is still a very strong sense of

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 72
2 MARITIME USES

3 disappointment at the prospect of losing the
4 existing garden.

5 COUNCIL MEMBER BARRON: That's why
6 I always say we should try not to have a win-loss
7 or win-lose, we should be a win-win. I hope that
8 you can get into further negotiations and come up
9 with more creative ideas, other than having them
10 lose, because sometimes you don't know what a
11 garden means to a community. It may seem you're
12 not pitting education versus gardening, but I
13 think both things can happen in a very healthy
14 way.

15 Thank you very much--

16 MR. OU: Thank you.

17 COUNCIL MEMBER BARRON: --Madam
18 Chair.

19 CHAIRPERSON LAPPIN: And I guess I
20 just want to better understand what it is that
21 you're offering at this point is a compromise on
22 the garden.

23 And then John Liu and then Council
24 Member Comrie. And there are 30 people signed up
25 to testify, so I think we'll get to hear from some
 other folks too on this.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 73
 MARITIME USES

2 MR. OU: Let me just describe very
3 briefly what the current condition and location of
4 the garden is and then try--I think it's shown on
5 the site plan materials that we had submitted.
6 Right now the garden is located, and it's about
7 5,000 square feet at the corner of 4th Avenue and
8 Baltic Street. That is, based on our
9 conversations with the gardeners, an area that
10 they have been tending to for many years. What we
11 are proposing, because of the proposed new school
12 building, would basically face 4th Avenue and
13 Baltic Streets and displace that garden. We are
14 proposing an approximately 3,000 square foot
15 replacement garden that would adjoin the
16 schoolyard on what is currently the existing
17 school building's footprint, which actually faces
18 Butler Street. So that is in broad strokes in
19 terms of what the proposed sort of long-term
20 arrangement physically of the spaces involves.
21 There are other components that I think we are
22 certainly open to, we have offered to meet with
23 the gardeners to provide support with respect to
24 relocating plants that can be relocated. We've
25 also offered to engage in discussions on two of

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 75
2 MARITIME USES

3 before that the construction process would
4 actually not disturb those contaminants?

5 MS. TACHERSKA: No, what I said was
6 that, with respect to the concern raised about the
7 potential exposure to contaminated groundwater, we
8 don't feel that there will be potential for
9 exposure. Also, during the excavation, we will
10 implement a community air monitoring program. We
11 will be ensuring that there's no impacts to
12 community during any excavation and construction
13 activities.

14 COUNCIL MEMBER LIU: All right. So
15 the first part of your statement has to do with
16 after the school is built. After the school is
17 built, there will be no exposure.

18 MS. TACHERSKA: Correct--

19 COUNCIL MEMBER LIU: But during the
20 construction period, specifically the excavation,
21 the--

22 MS. TACHERSKA: [Interposing] There
23 will also be no exposure because we are
24 implementing a--we have controls in place that
25 were made part of the design to make sure that the
community is protected both after construction and

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 76
 MARITIME USES

2 during the construction process.

3 COUNCIL MEMBER LIU: And is there
4 an entity that certifies that that plan is
5 sufficient or is that the School Construction
6 Authority that certifies that that plan is
7 sufficient? For example, does the State
8 Department of Environmental Conservation come into
9 play here?

10 MS. TACHERSKA: At this point, we
11 did not ask State Department to consult us on that
12 project because there is no need for the site to
13 enter any program and, therefore, they wouldn't
14 offer their comments on the SCA's construction--

15 [Crosstalk]

16 COUNCIL MEMBER LIU: [Interposing]
17 So the state DEC would not get involved in this
18 particular project?

19 MS. TACHERSKA: At this point, not.

20 COUNCIL MEMBER LIU: What do you
21 mean by at this point?

22 MS. TACHERSKA: Well--

23 COUNCIL MEMBER LIU: Do you mean--

24 MS. TACHERSKA: --there's not--

25 COUNCIL MEMBER LIU: --when there's

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 77
2 MARITIME USES

3 a problem, then they'll get involved?

4 MS. TACHERSKA: --there is no
5 regulatory need for DEC to be involved.

6 COUNCIL MEMBER LIU: So the DEC
7 typically does not get involved in this kind of
8 project?

9 MS. TACHERSKA: DEC would get
10 involved only if the site would to enter a program
11 under DEC purview, however, there is no
12 regulatory--

13 COUNCIL MEMBER LIU: [Interposing]
14 So is it up to the--

15 MS. TACHERSKA: --need for it.

16 COUNCIL MEMBER LIU: --is it up to
17 the School Construction Authority's discretion to
18 ask for DEC input or is there a statute that
19 requires it, given certain conditions?

20 MS. TACHERSKA: Currently, there's
21 no conditions at this site that would require DEC
22 involvement.

23 COUNCIL MEMBER LIU: What about the
24 construction of other schools in the last three
25 years? Have there been other schools that
 required DC input and approval for a protection

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 78
2 MARITIME USES

3 plan?

4 MR. OU: Yes, there have been.
5 Where there have been sites and conditions that
6 have warranted and met the regulatory
7 requirements. I think one example that this
8 subcommittee may recall would be the Gateway
9 School where there was a petroleum spill and that
10 met the regulatory requirements.

11 COUNCIL MEMBER LIU: So it is not
12 up to the discretion of either the SCA or the DEC
13 for the DEC to get involved, but it is subject to
14 established conditions that have to be met before
15 the DEC gets involved?

16 MS. TACHERSKA: Correct, there is
17 currently no conditions that would warrant DEC
18 involvement at this site.

19 COUNCIL MEMBER LIU: Okay. And
20 with regard to the school and, for example, in
21 Mott Haven, what is the status of that school and
22 the construction thereof?

23 MR. OU: That school is, I think,
24 nearing completion. I don't have a specific
25 occupancy date, but anyone who may pass by has
26 seen very strong progress with respect to--

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 79
2 MARITIME USES

3 [Crosstalk]

4 COUNCIL MEMBER LIU: [Interposing]

5 So no problems with regard to the environmental
6 protection plan there during the construction?

7 MR. OU: I can't speak to the any
8 problems, I can't say that we have and that
9 particular site was part of, and met the criteria
10 for, the state's Brownfield cleanup program, which
11 has a whole host of requirements with respect to
12 plans and filings in order to deal with the
13 specific environmental conditions. I would have
14 to confer with my colleagues who are actually
15 managing--

16 COUNCIL MEMBER LIU: Okay.

17 MR. OU: --that site to--

18 [Crosstalk]

19 COUNCIL MEMBER LIU: [Interposing]

20 So bottom line is, with regard to the
21 environmental concerns voiced rather vigorously by
22 some of the local community, I guess your
23 testimony is that you got it all taken care of,
24 there's nothing for them to worry about.

25 MS. TACHERSKA: All environmental
issues that were identified at the site are

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 80
 MARITIME USES

2 addressed in the design package and both for the
3 construction and for the future building.

4 COUNCIL MEMBER LIU: Okay. And
5 then what is the cost of this project?

6 MR. OU: The current estimates for
7 this project are, I believe, approximately \$77 1/2
8 million.

9 COUNCIL MEMBER LIU: Seventy-seven
10 and a half million. And what would it cost to
11 spend the \$15 million to remediate the existing
12 building and build the annex to provide the same
13 additional 600 seats?

14 MR. OU: We looked at that
15 approach, it ends up actually being approximately,
16 I think, \$84 to \$87 million, in part because of
17 the inefficiencies of the existing building, and
18 that the construction of a very substantial
19 addition to that building requires very extensive
20 upgrades, and the entire facility would then have
21 to meet the current code requirements, including
22 Local Law 86, which is the green schools
23 requirements. And so that is an area, and I
24 apologize, I should've mentioned that in my
25 testimony that we did look at the option of trying

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 81
 MARITIME USES

2 to preserve and rehabilitate and expand the
3 existing building. But from a cost perspective
4 and also from a land perspective because of the
5 way that the existing building is situated on the
6 site, the floor to floor height, in order to
7 accommodate the square footage to provide
8 comparable capacity to what's being proposed, you
9 actually end up with a larger addition that has a
10 larger footprint which allows for less space for
11 both the replacement schoolyard and the
12 replacement community garden.

13 COUNCIL MEMBER LIU: So what's the
14 cost difference there?

15 MR. OU: It's approximately, I
16 think, \$10 million.

17 COUNCIL MEMBER LIU: Approximately
18 \$10 million. Okay and you're proposing the funds
19 for this would come out of the existing five-year
20 capital plan?

21 MR. OU: That's correct, we propose
22 to move forward with this project under the
23 expiring capital plan for fiscal years 2005
24 through 2009.

25 COUNCIL MEMBER LIU: Right. And

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 82
 MARITIME USES

2 then my last question, Madame Chairperson, is the
3 timing of this all, there's also been some
4 complaints about how the timeframe for this seems
5 to have been rather compressed, certainly seems so
6 compared to other school construction projects.
7 It's been five years that the money's been
8 available, all of a sudden and we're now down to
9 the last few months, is there any reason for the
10 particular time frame of this?

11 MR. OU: Yes, I think that the
12 timing of this particular project is really been
13 affected by our efforts to undertake the
14 consultation, which we did with the Community
15 Education Councils starting last fall to really
16 try to work with them on a project that, with
17 those stakeholders and with the PS 133 community,
18 that the sort of internal DOE stakeholders could
19 agree to. So that's took time, that involved
20 meetings with both CECs and I think that
21 Superintendent Stuart can--

22 COUNCIL MEMBER LIU: So--

23 MR. OU: --add more.

24 COUNCIL MEMBER LIU: --so a lot of
25 time was spent--

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 83
2 MARITIME USES

3 MR. OU: Many months were spent
4 trying to identify programmatically what this
5 project would need to be in order to be as good a
6 project to meet the DOE--

7 [Crosstalk]

8 COUNCIL MEMBER LIU: [Interposing]
9 And that would be with the, what you call the
10 internal stakeholders, internal DOE stakeholders.

11 MR. OU: Well first with the school
12 community, the existing school community, and then
13 secondarily with our education councils because
14 they are--

15 COUNCIL MEMBER LIU: [Interposing]
16 The existing school community meaning the people
17 in the school or--

18 MR. OU: The PS 133.

19 COUNCIL MEMBER LIU: --people of
20 the community that the school is situated--

21 MR. OU: [Interposing] No, I'm
22 sorry, let me be clear, it's the principal and
23 that school organization and then subsequent--and
24 then also the larger Community Education Council
25 community because they are the entities that are
involved in decisions with respect to zoning plans

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 84
 MARITIME USES

2 and enrollment plans.

3 COUNCIL MEMBER LIU: All right so
4 basic--I mean, I'm hearing that it's been only
5 about three months that the actual community, not
6 the internal DOE stakeholders, but the community,
7 meaning the neighborhood, only three months since
8 they were engaged.

9 MR. OU: No, I don't think that--
10 they were formally engaged in February with
11 respect to the notice of filing being published
12 and the official SCA statute--

13 COUNCIL MEMBER LIU: Okay.

14 MR. OU: --kicking off, however--

15 COUNCIL MEMBER LIU: Four months.

16 MR. OU: --however, there were, I
17 think Community Education Council 15 invited us
18 and a number of neighbors that we actually met
19 with, I think it was in December, to discuss what
20 was then still a proposal that was being
21 developed.

22 COUNCIL MEMBER LIU: Okay. And
23 then so, and unlike most of the other school
24 sittings that come before this subcommittee, there
25 seems to be a significant amount of concern raised

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 85
2 MARITIME USES

3 about this. Is there anything critical about the
4 timing of this right now? What would happen if,
5 say, an extra two or three months were spent to
6 alleviate the concerns and to make sure that
7 people are comfortable, that in fact the
8 environmental protection plan, that they are in
9 fact comfortable with the environmental protection
10 plan? Is there anything that makes the timing of
11 this essential and critical right now as opposed
12 to maybe a few months later?

13 MR. OU: Well, I think that that is
14 linked, the particular urgency that we feel is
15 linked to two pieces: first, it is of course the
16 expiring capital plan where we know that the funds
17 are available. As we have heard as throughout the
18 city, the city's fiscal conditions are
19 questionable and it's not clear what the next few
20 years will hold.

21 The second piece involves the
22 actual timing and the fact that it does take us
23 three years in this instance to bring a new school
24 facility online and that very much is indexed
25 against a September opening.

[Crosstalk]

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 86
 MARITIME USES

2 MR. OU: So if we don't get started
3 now, it may not be September 12th, it may be
4 September 13 or thereafter, again, pending funding
5 availability. So it's really those two pieces
6 that I think I would suggest to respond to your
7 question.

8 COUNCIL MEMBER LIU: Thank you,
9 Madam Chair.

10 CHAIRPERSON LAPPIN: Thanks. I
11 just want to remind my colleagues, we have another
12 item on the agenda after this one by the way.

13 Council Member Comrie, to be
14 followed by Council Member Yassky, and I have
15 additional questions as well.

16 COUNCIL MEMBER COMRIE: Thank you.
17 I'm concerned about the present condition of the
18 existing building. The principal alluded to
19 ongoing leaching in the school where the ceilings
20 are like clay, or I forgot how she described it,
21 but the ceilings are constantly in need of--cheese
22 I think was the term, right. And that building
23 was constructed when?

24 MR. OU: Around 1900.

25 COUNCIL MEMBER COMRIE: And has the

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 87
 MARITIME USES

2 building been tested for environmental hazards
3 now? And from the cheesing, I mean that that
4 would seem to me that that would be some asbestos
5 leakage in between the floors or something's going
6 on in between the floors that would constantly
7 create a present hazard to the building.

8 MS. TACHERSKA: Any renovations at
9 the schools are subject to a HERA, so there is a
10 current asbestos survey for each school facility.
11 Any repair work would take into consideration
12 asbestos presence in the facility.

13 COUNCIL MEMBER COMRIE: So that,
14 what'd you call a HERA was done?

15 MS. TACHERSKA: It's done for every
16 school facility, yes, it--

17 COUNCIL MEMBER COMRIE:
18 [Interposing] And do we know what the report was
19 for PS 133?

20 MS. TACHERSKA: The report should
21 be available at the school facility and at the
22 Board of Education.

23 COUNCIL MEMBER COMRIE: Does the
24 community know what the CEC knows what the report
25 entails? Does anybody in the community or the

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 88
 MARITIME USES

2 principal know what the report entails for the
3 present conditions at the school?

4 MS. TACHERSKA: The report is
5 shared with the principal, the report for schools
6 should be in a central location of the school and
7 its available, so--

8 COUNCIL MEMBER COMRIE:
9 [Interposing] Do you know what the--

10 MS. TACHERSKA: --that's basically-
11 -

12 COUNCIL MEMBER COMRIE: --report
13 says? I mean, now you're telling me there's a
14 report, I'm trying to find out what the report
15 says. To me, if the school was built in the
16 1900s, then I would imagine that there's asbestos
17 in the walls, there is asbestos in the original
18 heating system--

19 MS. TACHERSKA: That's correct.

20 COUNCIL MEMBER COMRIE: --there's
21 asbestos in the pipes going through the building.
22 So I'm concerned about right now, and all my
23 colleagues talked about the construction, but I'm
24 actually concerned about the present environmental
25 conditions and also the demolition plan. I went

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 89
 MARITIME USES

2 spoke to the demolition plan and what are the
3 plans for that, but I'm really concerned about
4 what the physical condition is of the building
5 right now and whether children should even be in
6 that building if there's cheese happening on a
7 regular basis. So that's my concern, number one.

8 I'm still trying to understand the
9 issues of District 13 and District 15, and I was
10 unclear as to what the final usage of the building
11 is going to be, is it going to be an ISPS or is it
12 all going to be an elementary where you're going
13 to expand capacity year by year, but I want to
14 focus on the environmental stuff first.

15 Because to me, a cheese situation
16 belays something that's major that's going on in
17 the building, and I don't understand why you don't
18 have a clearer definitive statement as to exactly
19 what the present environmental conditions are,
20 number one. What's the demolition plan? Because
21 I know that I've had a couple of older buildings
22 in my district, namely the VA hospital, where
23 they're scared to demolish it because of all of
24 the environmental inherent hazards there in the
25 demolition and what's going to be done for that.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 90
 MARITIME USES

2 So I don't know if you have with
3 those definitive answers, but I think that
4 clearly, before we move forward on any plan, we
5 need to know whether or not the children that are
6 in the building now are dealing with environmental
7 health issues. And also what the demolition plan
8 has to be for what clearly is an asbestos-laden
9 building.

10 MS. TACHERSKA: As part of the
11 design process, our survey and design group within
12 the IH division at the School Construction
13 Authority did survey the building for the presence
14 of asbestos containing materials. All materials
15 that were identified that survey was made part of
16 the construction documents, these materials will
17 be properly abated prior to demolition to ensure
18 that there is no threat to the community. So all
19 the materials will be properly handled during
20 demolition.

21 COUNCIL MEMBER COMRIE: And I'm
22 trying to--okay. So in other words, you don't
23 want to say in detail what the problem is.

24 So then my next questions would be
25 how does the community get to hear about this?

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 91
 MARITIME USES

2 Where is the opportunity for full disclosure so
3 that the parents that have children in that
4 building now, does the general community can know
5 what the demolition plan and existing condition of
6 the building. When is that going to be released
7 to the community?

8 MR. OU: Well I think--

9 COUNCIL MEMBER COMRIE: And don't
10 tell me when you start demolition, I think people
11 need--I think there's an issue on the table now
12 since you have cheese in the building that has to
13 be resolved now so that the community can be clear
14 about what's going on in the building now. And
15 then there has to be done a secondary process to
16 make sure that during the demolition there is a
17 public process to inform the community now as to
18 opposed to what that process is going to be. You
19 know, I'm not even worried about what happens in
20 the future, but I'm concerned about what's going
21 on in there now and you keep giving me--are you a
22 lawyer? 'Cause you've got a nice voice, but
23 you're definitely doing a legalese bounce on me
24 here.

25 MR. OU: So, Council Member, if I

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 92
2 MARITIME USES

3 could answer your question with respect to the
4 existing school community, we have met with
5 principal and the PTA and we will continue to
6 update them.

7 With respect to this particular
8 project, one of the aspects of the St. Thomas
9 Aquinas space that was identified and that we've
10 been able to obtain a lease for, that allows us to
11 relocate the entire school out of the building--

12 COUNCIL MEMBER COMRIE: By
13 September--

14 [Crosstalk]

15 MR. OU: --by September, so--

16 COUNCIL MEMBER COMRIE: Okay.

17 MR. OU: --any and all of the
18 activities with respect to asbestos abatement,
19 demolition would be able to be conducted without
20 students or our teachers or our staff inside that
21 building--

22 COUNCIL MEMBER COMRIE: Well that's
23 clear.

24 MR. OU: --that's one of the other
25 advantages.

COUNCIL MEMBER COMRIE: So they'll

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 94
 MARITIME USES

2 protections, but I think that at minimum there has
3 to be a real protection plan for demolition that
4 the community is active that they're aware of and
5 that they don't hear about it the day before
6 deconstruction begins.

7 Thank you. Thank you. Am I Acting
8 Chair? I can ask more questions? Oh no, Council
9 Member Yassky--

10 COUNCIL MEMBER YASSKY: Go for it.

11 COUNCIL MEMBER COMRIE: No, you can
12 go right ahead, Council Member.

13 COUNCIL MEMBER YASSKY: Well
14 especially if you want to ask about the
15 programming, 'cause I intend to.

16 COUNCIL MEMBER COMRIE: Go right
17 ahead.

18 COUNCIL MEMBER YASSKY: No? All
19 right. Thank you very much and I want to thank
20 the committee members for indulging me here, and I
21 just want to say I am scheduled to be chairing a
22 hearing across the street at 1 o'clock, so I'm
23 going to depart after my questions, but I think I
24 hope the committee members won't take that as a
25 sign of lack of interest here because this is I

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 95
2 MARITIME USES

3 think a matter of great interest.

4 First of all, I just want to say,
5 and to my colleagues here on this committee,
6 there's no question in my mind that something
7 needs to be done about this school. There are 17
8 schools in the 33rd Council District, I've been in
9 the PS 133 building several times. It is in the
10 worst shape of any of the 17 in my district and
11 for folks that [off mic] have been on the Council
12 with me for several years, you may remember we had
13 a Council meeting in a school in Greenpoint at one
14 point and that was to kind of showcase some of the
15 problems in that building and it had considerable
16 number of problems, this school is in worse shape.
17 So it absolutely does need to be--it's not a good
18 place for kids to be going to school, the
19 principal has done a terrific job of making it as
20 a good learning environment, notwithstanding, but
21 work needs to be done here period.

22 I do have a number of questions, I
23 want to ask about this. Let me first ask about
24 the building itself and the plan, because as you
25 know, there are a number of neighbors and parents
who out of an interest in protecting the existing

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 96
 MARITIME USES

2 building, have proposed that an annex be built to
3 create the new seats and that would go along with
4 the remediation, and I know Council Member Liu
5 asked about that as well. And you said that
6 that's about a \$10 to \$15 million difference, that
7 has been my understanding in price?

8 MR. OU: Yeah.

9 COUNCIL MEMBER YASSKY: Can we get
10 the detailed backup on that, and I guess that
11 would not be just kind of a summary statement that
12 renovation plus annex equals 85 million or
13 whatever the number is, but I'd like to see the
14 work that you did to come up with that estimate,
15 can you provide that?

16 MR. OU: Absolutely.

17 COUNCIL MEMBER YASSKY: Just so I
18 know what to expect, I mean how many pages will
19 that--what documents will you be providing there?

20 MR. OU: It would be in the form of
21 sketches, basically looking at the existing
22 building and the floor plates and potential
23 layouts to identify ways of accommodating the
24 square footage of the program. It would be
25 estimates based on construction cost per square

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 97
 MARITIME USES

2 foot, asbestos abatement, and some of those
3 quantitative components. What will also probably
4 not be clear with respect to a spreadsheet
5 breakdown is the qualitative differences between a
6 full rehabilitation--

7 COUNCIL MEMBER YASSKY:

8 [Interposing] No, I--

9 MR. OU: --of that building and--

10 COUNCIL MEMBER YASSKY: --then we
11 have, there's the balance--

12 MR. URKEL: --new construction.

13 COUNCIL MEMBER YASSKY: --of kind
14 of brand new modern building, up to date versus
15 rehabbed, but space with some historic merit, so
16 that balance I get. But just on the cost, I would
17 appreciate getting that back up. And we'll
18 certainly share that with the community.

19 On the environmental work, and I
20 understand that you shared the Environmental
21 Impact Statements, obviously, those are public
22 documents. I'm told that neighbors and parents
23 have requested the Phase I and Phase II studies
24 that give the fuller detail and kind of the route
25 to some of the conclusions in the EIS, but they

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 98
 MARITIME USES

2 have not been provided with those. I don't know
3 if that's the case or not, but can you provide
4 those?

5 MR. OU: We can and I believe we
6 have, so--

7 COUNCIL MEMBER YASSKY: Okay.

8 MR. OU: --I mean I will go back to
9 our--those kinds of requests go through our legal
10 department, so we'll confirm that, but I believe
11 we have provided those reports.

12 COUNCIL MEMBER YASSKY: Okay.

13 Thank you, and let me--what's the schedule this is
14 scheduled to be voted on?

15 CHAIRPERSON LAPPIN: Thursday
16 morning.

17 COUNCIL MEMBER YASSKY: Okay. I
18 guess could you provide those tomorrow since those
19 must be available at your office.

20 MR. OU: We'll submit them to the
21 Chair.

22 CHAIRPERSON LAPPIN: Yeah.

23 COUNCIL MEMBER YASSKY: Thank you.

24 CHAIRPERSON LAPPIN: Okay, I want
25 to--are you done or sorry?

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 99
 MARITIME USES

2 COUNCIL MEMBER YASSKY: Oh I'm
3 sorry.

4 CHAIRPERSON LAPPIN: Keep going.

5 COUNCIL MEMBER YASSKY: I bet
6 you're--I apologize, I know I'm taking time and we
7 have a big agenda, I just have a couple more
8 things--

9 CHAIRPERSON LAPPIN: No, no, no--

10 COUNCIL MEMBER YASSKY: --I want to
11 go through.

12 CHAIRPERSON LAPPIN: --please.

13 COUNCIL MEMBER YASSKY: I know that
14 you've already discussed the issue of the
15 community garden and that it's the commitment--
16 tell me if I'm using the wrong word--of the SCA
17 and the Department to maintain a 3,000 square foot
18 garden which reduced in size from the current, but
19 am I correct--

20 [Crosstalk]

21 MR. OU: Yes, that would be the
22 replacement garden, the 3,000 square feet.

23 COUNCIL MEMBER YASSKY: I just, I
24 don't know what can be done to make that a kind of
25 permanent commitment so that, at the very least,

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING §100
 MARITIME USES

2 we know that this is not--you know, that's out of
3 the discretion of the Department of Education, but
4 that this is something that people can rely on in
5 perpetuity. Can we make a permanent commitment?

6 MR. OU: I think that there are
7 ways of doing that and one of the ways that we've
8 explored is potentially to surrender that land to
9 the Parks Department, in which case it can then
10 fall under the Green Thumb program. We would like
11 to talk with the gardeners and Parks and
12 understand if that mechanism works.

13 COUNCIL MEMBER YASSKY: Okay.

14 MR. OU: But that is one way that
15 can assure permanency. We're open to listening to
16 other mechanisms that--

17 COUNCIL MEMBER YASSKY:

18 [Interposing] I appreciate that and I think that
19 would be important. You know, I know that there
20 are many folks in the neighborhood who are unhappy
21 about the reduction in size, that in my view is an
22 inescapable part of expanding the capacity of the
23 school, so I reluctantly accept that it's going to
24 have to be a smaller garden, but I think then the
25 least we can do is ensure that it will be there in

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING §101
2 MARITIME USES

3 perpetuity, so I really ask you to work to see
4 that that happens.

5 On the garden, some of the
6 gardeners have told me, and this is not something
7 I've discussed with you before, but just was
8 presented with this idea recently, that a lot of
9 work has been done to create good, fertile soil in
10 that garden and I would like to know whether you
11 can move that soil, whether your construction
12 folks can move that to the--'cause it's not just
13 smaller size, as you know, it's going to be in a
14 different part of the site--whether the soil from
15 the garden can be moved to the new site so that
16 the work that's gone into making that a good
17 community garden can be preserved.

18 MR. OU: That's something that I
19 think we have to discuss with our construction
20 team because it's a couple of issues that I think
21 we would want to be very careful about. Number
22 one, part of the idea or one of the benefits of
23 being able to relocate the school is to try and
24 consolidate as much construction activity on the
25 site as possible. If a section has to be
 restricted because of the stockpiling of the soil,

3 there may be impacts, but we can certainly look
4 into it.

5 COUNCIL MEMBER YASSKY: I'm just
6 asking--yeah, fair enough and I didn't expect you
7 to be able to answer me right now as to whether
8 that's doable, but I ask you to look at that and
9 figure--and I just have two more items, Madam
10 Chair.

11 Maybe the bigger issue that kind of
12 that this one is subsumed within is I would ask
13 whether you can meet regularly. I don't know if
14 it's every three months, every four months, but
15 not--a period of time that makes it meaningful
16 with a group of people from the neighborhood who
17 then can get your, both information about what is
18 going to be going on in construction, there's a
19 great deal of concern, as there is with any large
20 project, there's some true information, there's
21 some misinformation, make sure that people are
22 fully informed about what the construction process
23 will entail for them. And their neighbors concern
24 about the impacts on their homes, the ones right
25 next door, as well as to provide you with
continuing input like on the moving of the soil

3 thing. So is that something that you can do?

4 MR. OU: That is something that I
5 think we have been open to doing and I think we
6 can commit to doing that, yes.

7 COUNCIL MEMBER YASSKY: Thank you.
8 Okay, thank you. Okay, I'm told that in other
9 instances that there's been a quarterly community
10 advisory monitoring meeting, so I guess that's
11 what I would ask for here. Thank you.

12 Just two last questions and this is
13 about the swing space and then the programming.
14 The swing space, how is it that students will get
15 there because are you planning to provide buses
16 for students? 'Cause for some students who are
17 within the 133 zone, it will be a considerable
18 distance.

19 MR. OU: My understanding from our
20 people transportation group is that students who
21 are eligible, in other words, if they live a
22 certain distance from the site of the school will
23 receive a bus transportation. I think for
24 students that are below grade 2, if you live more
25 than half a mile from the school, you're eligible.
But I think we will need to confirm the specifics

3 based on the enrollment. I think the other piece
4 that the principal mentioned is that a number of
5 the students currently are in fact bused to the
6 existing 133 site and we would expect that to
7 continue because of the broader geographic draw.

8 COUNCIL MEMBER YASSKY: Okay. But
9 you're saying if you qualify, meaning more than
10 half a mile, then you'll be entitled to bus
11 transportation? Not a bus pass, 'cause these are
12 five and six year olds, but a bus transportation.

13 MR. OU: That is my understanding,
14 but let me confirm with people transportation and
15 get back to the Chair.

16 COUNCIL MEMBER YASSKY: That is an
17 important one, so I'd appreciate getting that
18 information before it is voted on.

19 And then the last is, and I guess
20 we're not going to kind of settle this here, I
21 continue to be disappointed that the change was
22 made from the original proposal of a K through 8
23 plan at the new school to the current proposal for
24 two elementary schools and I know the SCA, you
25 know, you build the building and then what the DOE
does with it can change, but to some--not to some

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING §105
MARITIME USES

2 extent, what you build is different in those two
3 cases. I just think there is a real need for
4 middle school seats, there's a need for elementary
5 too, but there's a real need for middle school
6 seats, the K through 8 construct has worked really
7 well in the places we've done it. I ask you to
8 take another look at doing that here because I
9 think that that would be much better suited to
10 what the neighborhood needs at this time and for
11 the foreseeable future, so I really, really ask
12 you, as this goes forward, to take a real look at
13 doing it as a K through 8.

14 And I just will raise in that--
15 lastly, I know that Council Member Barron asked
16 about this, you should know that the notion is out
17 in the community that the two elementary schools
18 that the Department is planning will wind up being
19 one school that serves largely white students and
20 one school that serves largely African American
21 and Latino students. I will tell you I've heard
22 this many times from people in the neighborhood
23 and I mean it goes without saying that that's a
24 wholly unacceptable result, and I want you and the
25 Department in your planning and in your thinking

2 about what outreach is going to be done and how
3 the enrollment for the schools are going to be
4 conducted, make sure that that is not the result.
5 And I'm not saying it to suggest in any way that's
6 your intention, I'm sure it is not, but I will
7 tell you that that notion is out there in wide
8 currency, so I really urge you to figure out how
9 you're going to address that.

10 Thank you. Thank you, Madam Chair.

11 CHAIRPERSON LAPPIN: Thank you.

12 And I don't usually leave my questions for the
13 end, but I wanted to today to sort of back
14 cleanup, but I wanted to echo what Council Member
15 Yassky said, 'cause that's certainly something
16 that I've heard from the community as well and you
17 could hear, I think we're going to hear from
18 people, some tension that we want to always avoid,
19 that communities should feel--I think it should go
20 both ways, students should feel welcome and the
21 community should be welcoming and sometimes that
22 takes some work on both sides. So I want to hear
23 how you plan to address that with this new
24 building.

25 MR. OU: Well I think one of the

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 107
2 MARITIME USES

3 areas, and we've heard this also, the Community
4 Board 6 had invited us to provide an update a few
5 weeks ago and we heard firsthand that there were
6 these concerns out there. As I think we've
7 explained to the subcommittee in previous
8 hearings, the issue of actual enrollment policy
9 and the zoning of schools, new school facilities,
10 often occurs well after this point and often in
11 the year or so before a new school building opens.

12 However, one of the ideas that did
13 emerge from our discussion with Community Board
14 number 6 who had also suggested something akin to
15 a task force, but that that task force might also
16 include the Department of Education. So as the
17 Department's Portfolio Office is moving forward
18 with its planning efforts and there is a separate
19 engagement process that the Department of
20 Education undertakes when trying to determine and
21 recommend programs for specific buildings or in
22 discussions with the Community Education Councils
23 crafting zoning plans if ultimately it's a zoned
24 school, that that could also be part of the
25 ongoing dialogue. Because it's one thing, here we
 are three years out, as a practical matter moving

2 forward, the engagement with the neighbors, the
3 engagement with the school communities will
4 continue through, whether we call it a task force,
5 community advisory entity or not, but that I think
6 the SCA can and has engaged in that discussion on
7 construction related matters, but we would
8 suggest--and I've raised this with my colleagues
9 at the Department of Education, I think that they
10 are certainly interested in joining us to build
11 from that base to address those concerns.

12 CHAIRPERSON LAPPIN: Good, I think
13 you need to do both and then we'll move on to the
14 next topic, which is obviously have a very engaged
15 discussion with the CEC and with the elected
16 parent leaders there, but also with this community
17 by setting up some kind of community advisory
18 board, and I think you absolutely need to do both.
19 We're going to hear from people who say there
20 hasn't been good communication, you say there is,
21 they say there isn't, I don't know, but certainly
22 I don't think the community feels like they have
23 been consulted and involved up to now and that has
24 to end.

25 Two, I don't think anybody talked

3 about traffic, did anybody talk about traffic
4 while I was in the ladies room? No, the EIS
5 identifies a significant impact on traffic, what
6 are you going to do to mitigate that, 4th Avenue
7 and Baltic during a.m. and p rush hour?

8 MR. OU: As with all of our new
9 projects, we continue to work with the Department
10 of Education. I mean the EIS is based, and the
11 conclusions of the EIS and we actually a Parsons
12 Brinkerhoff, which is the firm that completed the
13 traffic analyses if there are any detailed
14 technical questions, your--

15 CHAIRPERSON LAPPIN: [Interposing]
16 No, I want you to just say you're going to fix it.

17 MR. OU: We are going to work with
18 the DOT to monitor the conditions and, even
19 putting aside the EIS, the EI space and forecast,
20 we'll work with DOT in the year or two before the
21 school opens to identify and implement the
22 necessary measures to address traffic.

23 CHAIRPERSON LAPPIN: [Interposing]
24 And engage the Community Board again, and if it
25 requires changing parking, changing parking; if it
requires changing lights and signals or street

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING §10
 MARITIME USES

2 directions or whatever it is, that you will have,
3 and those can often be the thorniest discussions
4 with neighborhood residents, that you will go to
5 the Community Board, I know Deputy Mayor Walcott's
6 done it before, if it takes that, to make sure
7 that these are resolved in an amicable way with
8 the community. Do I have your commitment on that?

9 MR. OU: We are committed to doing
10 that, we--

11 CHAIRPERSON LAPPIN: Okay.

12 MR. OU: --want to make this a good
13 project.

14 CHAIRPERSON LAPPIN: The last thing
15 I want to ask you about is the landmark issue
16 because, obviously this is the committee that
17 approves new schools, but also the committee that
18 approves landmarks, we are doing both today, and
19 there is definitely a sense in the community that
20 this is a treasure, and I know hearing from the
21 principal what can be one man's treasure,
22 certainly, can be another person's junk heap. But
23 there is a sense that this is a beloved,
24 beautiful, historically-significant building, that
25 was acknowledged in the EIS, so I wanted to

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 11
 MARITIME USES

2 discuss that with you. If this were approved, how
3 are you going to try and mitigate that impact?
4 And what can you do? You're going to demolish the
5 building, right?

6 MR. OU: What we have identified so
7 far includes a package of measures which would be,
8 as is the case when we have had to demolish other
9 significant buildings, undertaking a full, what is
10 called a HABS survey, a Historic American
11 Buildings Survey which includes the photo
12 documentation, research on the existing building,
13 original plans, so to document and professionally
14 preserve at least some of the features of that
15 building through the records.

16 The second aspect is physically we
17 have identified some measures where we would
18 propose to save the existing stone gates, for
19 example, on Baltic Street and reincorporate them
20 as, number one, an entrance into the schoolyard
21 and, secondarily, as an entrance into the
22 community garden. That is, at this point, an
23 idea, we'd like to meet with the gardeners to
24 understand better if that is feasible and if that
25 works.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 12
2 MARITIME USES

3 We would also propose to remove and
4 install some of the most decorative stonework
5 right over the school's main entrance, which is
6 one of the most distinctive features of this
7 school, to remove that and install it within the
8 new construction, possibly at the entrance to the
9 auditorium or some other prominent location in the
10 building so that visitors can see and observe it.

11 So, to the extent that we can try
12 and preserve some of the most significant
13 elements, either through documentation or through
14 physical removal, restoration, and adaptive reuse
15 of those elements, those are the thoughts that we
16 have.

17 CHAIRPERSON LAPPIN: Documentation
18 is nice, but physical is more important to me.

19 MR. OU: Absolutely, no, that is
20 what we I think have accomplished in some of the
21 other instances when we've had work, most notably
22 school building additions that have impacted
23 historic structures, that to the extent that we
24 can salvage and restore and preserve those
25 elements as part of a new construction, not in a
 kitschy way, but in acknowledgement of the

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 13
 MARITIME USES

2 architectural significance, that's what we've
3 tried to do.

4 CHAIRPERSON LAPPIN: Okay. Thank
5 you very much. Let's move to the next panel.
6 Thank you.

7 MR. OU: Thank you.

8 CHAIRPERSON LAPPIN: We're going to
9 alternate opposition and in favor. We're going to
10 ask you to come up in groups together, you may or
11 may not know each other, but that's okay. We're
12 going to put time on the clock, two minutes.
13 We're going to ask you to try and keep to that.
14 Let's start with Rae Kotahara [phonetic], these
15 are in no particular order by the way. Is Rae
16 Kotahara here? Great. Dawn Philip, is Dawn
17 Philip here? Great. Jo Anne Simon, is Jo Anne
18 Simon here? Great, so you'll submit Jo Anne's
19 testimony on her behalf, thank you. Zack
20 Schulman, is Zack Schulman here? Okay. And
21 Amelia Sharafova [phonetic], is Amelia Sharafova
22 here?

23 FEMALE VOICE: Yeah.

24 CHAIRPERSON LAPPIN: Great, thank
25 you. If you have written testimony, you can give

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING §14
2 MARITIME USES

3 copies to the Sergeant; if you don't, that's okay.

4 The next panel will be Rosemary
5 Stuart, is Rosemary Stuart here? Okay. Leo
6 Blackman, is Leo Blackman here? Okay. And Keem
7 Urby [phonetic]? Kem Urby, okay, you'll be the
8 next panel.

9 Okay. Why don't you actually fill
10 out your own slip and you can testify for yourself
11 and while this panel is--

12 [Off mic]

13 CHAIRPERSON LAPPIN: That's okay.
14 So either you can submit that for the record or we
15 can have you read testimony on your own behalf,
16 her testimony, okay? But just fill out a slip is
17 what I'm asking you to do so we know who's
18 actually speaking.

19 Great, you can go in any order that
20 you like. Why don't you start on one end and work
21 your way this way? And just introduce yourself
22 for the transcript for the record and then begin.

23 MR. ZACK SCHULMAN: Good afternoon,
24 my name is Zack Schulman, I'm a community
25 organizer for Green Guerillas, an organization
 that has spent the last 35 years helping New York

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 15
 MARITIME USES

2 City residents create, cultivate, and manage
3 community gardens as neighborhood parks, healthy
4 green spaces, and urban farms.

5 Green Guerillas pledges its support
6 to the Baltic Street community gardeners and urges
7 all of you to do whatever you can to preserve the
8 Baltic Street Community Garden.

9 The Baltic Street garden is part of
10 a network of more than 600 community gardens in
11 New York City, the majority of which have been
12 preserved as permanent green spaces--a testament
13 to the recognized importance of community gardens
14 as part of healthy, well-planned neighborhoods.

15 The fact that the Baltic Street
16 Community Garden has been in existence for decades
17 is a testament to what the Baltic Street gardeners
18 give to the lower Park Slope community--a
19 community that does not have an overabundance of
20 open space. They take care of a green space that
21 improves the environment, gives people the
22 opportunity to garden and grow food, and serves as
23 a buffer to the hectic urban landscape.

24 The only community garden on 4th
25 Avenue from Atlantic Ave. to the Verrazano, the

3 Baltic Street garden makes a small corner of
4 Brooklyn a bit healthier and a bit more livable
5 for all who live and work around it.

6 Preserving this community-managed
7 open space, while increasing the capacity of the
8 local school to serve students is a win-win
9 solution that is attainable and will serve the
10 long term needs of lower Park Slope residents.

11 Thank you for your time.

12 MS. MICHELLE DE LA UZ: Good
13 afternoon, my name's Michelle de la Uz and I'm the
14 Executive Director of the Fifth Avenue Committee,
15 and I just swapped times with Dawn from the New
16 York Lawyers for the Public Interest.

17 I want to thank Committeewoman
18 Lappin, Council Member Liu, and the other members
19 of the committee.

20 The Fifth Avenue Committee is a 31-
21 year-old non-profit comprehensive community
22 development corporation whose mission is to pursue
23 social and economic justice. And our relationship
24 to the PS 133 site actually dates back to the
25 inception of the organization more than 30 years
 ago, when at the time, this PS 133 was the only

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 17
 MARITIME USES

2 building literally standing for more than a block
3 because all the surrounding area was leveled.

4 When Fifth Avenue Committee built nearly 200 homes
5 for first time home buyers in that area, we did so
6 with that building as the reference point.

7 Fifth Avenue Committee is part of a
8 growing coalition of neighborhood residents,
9 parents, preservationists, and environmentalists
10 that are concerned about the SCA proposal and are
11 asking that the SCA withdraw their proposal
12 because it's both dangerous and flawed.

13 In particular, we welcome the
14 addition of school seats. We know that, in
15 particular, District 15 needs additional school
16 seats, but believe that that can be achieved with
17 the existing building being renovated and the
18 addition of a new building on the existing site,
19 which, if you have photos, you see that it has a
20 very large schoolyard and could accommodate the
21 additional facility on the site.

22 And let me outline for you the
23 reasons why we're asking that the SCA withdraw
24 their proposal and, failing that, that the Council
25 actually vote this proposal down. The SCA has

2 refused to release the Phase I, Phase II, and
3 Supplemental Site Investigation reports to the
4 community. They've told us that we need to submit
5 a request for that under the Freedom of
6 Information law. Today, we heard that we're going
7 to be provided that within 24 hours. We need
8 sufficient time in order to review that
9 information to make sure that the health and
10 safety of local residents, the teachers, and the
11 students are protected.

12 Unfortunately, we can't take the
13 SCA's word on this. They've been sued
14 successfully for not protecting the health and
15 safety of school community and the local community
16 and not following New York state SEQR law and in
17 the Mott Haven and the Info Tech High School in
18 Long Island City.

19 The SCA has not provided a true and
20 comprehensive cost benefit analysis as requested
21 by elected officials and by the Historic
22 Preservation Office about the cost of preserving
23 and renovating the existing historic PS 133
24 building and adding school seats through an
25 addition, rather than demolishing the existing

2 building. Today, for the first time, we were
3 given numbers that there's a cost differential of
4 \$10 to \$15 million between building a new school
5 and preserving the existing school.

6 I do want to point out something
7 though that was specific in the testimony from
8 SCA, they said that part of the additional cost
9 was because of new building codes that go into
10 effect on July 1st. So basically, they waited out
11 the five year clock on the capital plan and now
12 the new building laws go into effect, we're going
13 to have to pay extra because they failed. Why
14 should we not be able to be given what we need,
15 which is an upgraded school building and
16 additional seats, but doing so in a way that
17 protects the health and safety of folks?

18 The SCA has basically suggested
19 that we need a rush to vote on this by June 30th
20 or that the money will not be available. We found
21 out from City Council Finance staff that the
22 money, because this project is underway, will roll
23 over into the next five-year capital plan. And I
24 want to point out that there are already existing
25 two vacant buildings in particular in the diocese.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 20
2 MARITIME USES

3 Catholic school buildings within District 15, one
4 the St. Thomas Aquinas building that the School
5 Construction Authority will be using to relocate
6 the PS 133 students, and the other St. Michael's,
7 which is in the heart of Sunset Park.

8 So the Fifth Avenue Committee
9 believes that the SCA has failed to answer
10 critical questions that must be answered prior to
11 irreparable harm being done to the school and the
12 local community, and while we all want and
13 absolutely believe that the students and teachers
14 deserve a renovated PS 133 building and that we
15 know we need more seats in the community to
16 accommodate school district 15, the current
17 proposal is too dangerous and too flawed and too
18 many questions remain unanswered and will not be
19 able to be answered honestly in the next seven
20 days adequately for us to move forward with these
21 existing proposal.

22 We recognize that it's challenging
23 for the Council to vote against additional school
24 seats, we're asking to you to ask them to withdraw
25 their proposal to work with us to address these
critical questions and these critical concerns

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 21
2 MARITIME USES

3 before we all make a mistake, honestly, that we
4 will all--hard to live with ourselves in the end.

5 CHAIRPERSON LAPPIN: Okay.

6 MS. DE LA UZ: Thank you.

7 CHAIRPERSON LAPPIN: Thank you.

8 MS. RAE KOTAHARA: Hi, good
9 afternoon. My name is Rae Kotahara, I'm a member
10 of the Baltic Street community garden and I also
11 live across the street from the school, and I'm
12 also a mother, so I'm worried about my middle
13 schooler 6th grader's health because of the air
14 pollution and everything.

15 I submitted this picture sheet as
16 my recent proposal and another member of the
17 garden will explain about the history, so I'm not
18 going to dig into this thing, but I want you to
19 come back to this sheet.

20 And I want to talk about the senior
21 members of the gardens. You know, those are the
22 people who taught us how to set up the irrigation
23 system using the leaky hoses, when to cut up the
24 Mums or like what's the best way to grow the
25 tomatoes and everything. And I tried to reach
them by phone and convince them to come today, but

2 they're all backing up because they are scared
3 because they have health issues. And this year
4 they have been very inactive in the garden because
5 they are sort of giving up.

6 But they are the people who built
7 this garden for 20 years and, as you see in this
8 pictures, all the trees and vines, they're all
9 matured, and it's just too painful for them to
10 watch this happening.

11 So I hear in their voice how
12 painful it's been, so I'm fighting sort of like
13 thinking about them. So I think it's really
14 important to think about the kids and I'm for the
15 increase of the seats, but we really have to think
16 about the senior citizen too and they rely on the
17 vegetables that they grow.

18 And several of them come from the
19 project building, and we have a very mixed,
20 wonderful community so I think it's really
21 consider--and also the SCA pointed out the
22 transferring of the jurisdiction to the Parks
23 Department, those things have been requested in
24 the past, but we are never given that, and now
25 they are saying it's going to be reduced in the

3 half of the size and we have to start from the
4 scratch on the contaminated soil and [off mic] the
5 bait of this jurisdiction of the transferring.

6 So I don't think it's fair, we
7 should be recognized as a permanent site now I
8 feel because of the whole work into this. And
9 also, if I may, this fear factor, recently the
10 public the CB 6 meeting, we were told that we were
11 sort of given the mercy to be included in the plan
12 'cause it's a sacrifice of the space for the
13 children. So we feel like it's really awkward for
14 the fighting for the space with the children. And
15 also we're being having a good relationship with
16 the school, but school is kind of like afraid if
17 this thing doesn't happen, they're not going to
18 get anything.

19 So it's kind of we are sort of
20 threatened. Everybody's sort of into this strange
21 mode. When we can all get together and think
22 about the best situation, the [off mic] situation
23 that we are talking about. So I think it's time
24 for us to get together and we need time, so that's
25 why we're asking to disapprove this thing and
asking SCA to withdraw the proposal. Thank you

3 very much.

4 CHAIRPERSON LAPPIN: Okay. Thank
5 you.

6 MS. AMELIA SHARAFOVA: My name is
7 Amelia Sharafova, I live on Butler Street and I'm
8 a community resident. I would like to read this
9 testimony on behalf of Lenny Siegel, Executive
10 Director of the Center for Public Environmental
11 Oversight.

12 He's one of the environmental
13 movement's leading experts on both military
14 facility contamination and the vapor intrusion
15 pathway.

16 He was directly involved in the
17 environmental issues of SCA site in Mott Haven and
18 Info Tech high schools.

19 The draft Environmental Impact
20 Statement for Butler school states
21 Tetrachloroethene, PCE, and trichloroethene, TCE,
22 were detected at concentrations exceeding their
23 respective New York State Department of Health Air
24 Guidance Values in the soil vapor sample. These
25 compounds are migrating onto the site from an
offsite source based on contaminant distribution.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 25
 MARITIME USES

2 On the following page it says a
3 sub-slab depressurization system and a vapor
4 barrier would be made part of the new school
5 construction to prevent the potential migration of
6 organic vapors, if any, into the proposed school
7 building. Such a depressurization system is a
8 necessary but insufficient consequence of the soil
9 vapor results. As at the Mott Haven campus in the
10 south Bronx and Info Tech High School in Long
11 Island City, the discovery of a volatile organic
12 compound plume, such as TCE and PCE, under a
13 school site should trigger full characterization,
14 remedy evaluation, remedy implementation, and long
15 term site management. This should be done before
16 construction, both to protect the building's
17 occupants--students, faculty, and staff--and
18 because construction could interfere with
19 investigation and clean up. As at the other
20 sites, it should be done under the oversight of
21 the New York State Department of Environmental
22 Conservation, DEC.

23 It is state, DEC, and DOH policy
24 that mitigation that is depressurization is not
25 enough, clean up is required at such sites.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 26
2 MARITIME USES

3 CHAIRPERSON LAPPIN: I'm going to
4 ask you to either summarize or wrap up, I don't
5 know how long--

6 MS. SHARAFOVA: That's it. So--

7 CHAIRPERSON LAPPIN: --your
8 statement is, okay.

9 MS. SHARAFOVA: --he's just
10 proposing that the first step should be to
11 evaluate existing data, such as the information in
12 the documents stated in the DEIS.

13 CHAIRPERSON LAPPIN: Okay. Thank
14 you.

15 Okay, the next panel. Thank you
16 very much. Which is, once again, Leo Blackman,
17 Rosemary Stuart, and the other woman who is
18 speaking in place of Kem Urby.

19 To be followed by Joseph Mugivan,
20 is Joseph Mugivan here?

21 [Off mic]

22 CHAIRPERSON LAPPIN: Okay. James
23 Cervino? James Cervino here? This is the next
24 panel, not this panel, just... Marcia Murray?
25 And Eric McClure? Okay. Go ahead.

[Off mic]

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING §27
2 MARITIME USES

3 MALE VOICE: Pull it close to you.

4 MS. DARANA GURY: Oh, my name is
5 Darana Gury [phonetic] and I'm a resident of
6 Baltic Street, I'm reading this on behalf of one
7 of the parents at the school, her name is Kem
8 Urby.

9 I am speaking to you as a parent of
10 PS 133 in District 13 and as member of the
11 Community Education Council of District 13. I
12 will be a parent at this school for the next five
13 years. I am very pleased with my principal,
14 teachers, and school community. I am not a
15 resident of the community where the school is
16 located, my son is bused into the schools for
17 special services.

18 As a member of CEC 13, we were
19 presented with a proposal that would first involve
20 rezoning our school in order to use the money that
21 was allocated to District 15 for the use of 1,900
22 seats that are needed in District 15.

23 District 13 was not given any
24 capital funds for new schools. We were then
25 approached by Sharon Greenberger at a second time
with a proposal of a replacement school for our PS

3 133. We are only allocated 300 seats for our
4 capacity and for our school to grow. District 15
5 will be given 600 seats and District 75 would be
6 allowed 60 seats in this new facility.

7 At these meetings, no one was
8 invited or attended. The neighboring community
9 was not invited to the discussions that took place
10 while the CEC and School Construction were making
11 these arrangements. After meeting the homeowners
12 and the community gardeners, it came to my
13 attention that we made a big mistake by not having
14 them in the discussions before making an agreement
15 between the school committees. It is important
16 for PS 133 to continue to have the rapport and
17 support of our neighbors.

18 Therefore, I support the building
19 of a new school for both districts, but in order
20 to save the community anchor, which is the PS 133
21 building, I believe we need to come together with
22 the community schools and SCA in order to create
23 something good for all parties involved. We do
24 not want to deny PS 133 the opportunity for a
25 modern facility, as well as help District 15
 relieve their overcrowding.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 29
2 MARITIME USES

3 It is my suggestion that we scale
4 the building down to 660 seats to accommodate the
5 children at this time, as District 15 will still
6 have the funds to build to accommodate the other
7 1,600 seats in the future.

8 Please allow for more collaboration
9 between the districts and the surrounding
10 communities before this project is approved.

11 Please don't allow them to destroy the PS 133
12 anchor to this community. The school was designed
13 with them in mind and I want us to continue to
14 design with our Butler, Baltic friends in mind.

15 Butler Street is already a dead-end
16 street, the type of anticipated traffic would
17 interfere with the quality of their lives.

18 Community Education Council's 15,13
19 along with the neighbors and SCA should start all
20 over and have a real community discussion with
21 more transparency.

22 The SCA has been very irresponsible
23 to both districts conserving overcrowding and
24 safety to children and waiting so long to help
25 both districts. The Chancellor and Mayor prides
itself at creating new small schools. This is a

3 perfect time to commit to two small schools, not
4 one small and one large.

5 Thank you for listening.

6 CHAIRPERSON LAPPIN: Thank you.

7 MR. LEO BLACKMAN: Dear Chair
8 Lappin and Council Members, I'm Leo Blackman, an
9 officer of the Board of the Historic Districts
10 Council, but I'm speaking today as a former
11 resident of Park Slope, and an architect with a
12 specialty working on historic school buildings.

13 I was responsible for the 24,000
14 square foot addition to the Village Community
15 School on West 10th Street, an even older, circa
16 1885, public school building, and wanted to share
17 my experience from that project.

18 We sought input from the community.
19 Students and parents loved the high tin ceilings
20 and big windows and patterned brick exterior of
21 that old building, and insisted that the new
22 building have those same features, which we did
23 for \$350 a square foot. Classes continued
24 uninterrupted while construction took place next
25 door. Neighbors expressed concerns, but enthused
about how seamlessly the new building fit into

2 their block.

3 How could decision makers at the
4 School Construction Authority not start their
5 design process by contemplating the inherent value
6 of the existing building? I guess because these
7 are the same people who've neglected to maintain
8 its maintenance for so many decades.

9 PS 133 is a solid light-filled
10 human-scaled structure, which anchors a 19th
11 century neighborhood. Tearing it down makes no
12 sense. Demolition would be disruptive and
13 environmentally disastrous. To throw away all
14 that brick and wood just to replace it with
15 inferior materials is foolish, and suggests a
16 serious lack of vision at the SCA. The greenest
17 building is already standing.

18 I ask that the Council send this
19 ill-conceived project back to the drawing board,
20 and the SCA create a scheme that restores PS 133,
21 adds a gym and new systems, and builds a school
22 for District 15 next door.

23 Thank you.

24 CHAIRPERSON LAPPIN: Thank you. Go
25 ahead.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 132
2 MARITIME USES

3 MS. ROSEMARY STUART: Good

4 afternoon, my name is Rosemary Stuart and I'm the
5 Superintendent of Community School District 15,
6 and I'm here to discuss the District 15 aspects of
7 this project.

8 We're pleased to be partnering with
9 District 13 to provide a new state-of-the-art
10 school for both of our districts. The need for
11 the seats has been documented by other people who
12 have spoken here this afternoon, so I won't go
13 into that.

14 District-wide though in District
15 15, our elementary schools are operating at almost
16 95% capacity. Many of our schools are operating
17 at over 100% capacity. Most of the schools in our
18 district operating at overcapacity are along the
19 4th Avenue corridor from Flatbush Avenue down
20 through Sunset Park, so we really do have a need
21 for additional elementary school seats.

22 PS 133 in District 13, while not
23 operating over capacity, is a wonderful century-
24 old building with great charm and history. It is
25 also a building that is in great need of repair
 and renovation to allow it to meet the need for

2 modern instructional spaces that we demand for our
3 students.

4 This inter-district partnership
5 which will include District 75 will result in
6 benefits to the children of both of our
7 communities for generations to come.

8 Others have spoken about the
9 complicated process and the obstacles posed by the
10 razing and building of a new school. I want to
11 speak about the results of that process. A new
12 school that will have general education and
13 special education classrooms designed to
14 incorporate the latest instructional technology;
15 specialized instructional spaces for art, music,
16 occupational and physical therapy, science and
17 physical education. It will have spaces for
18 students, parents, and staff and the community to
19 meet and work in comfort. This school building
20 will provide the best possible physical
21 environment for the 21st century students--those
22 who parents and grandparents are now building and
23 renovating homes in order to live in this
24 community.

25 I also want to speak about the

3 process for creating a school that will open
4 concurrent with the construction of this building.

5 The Department of Education Portfolio Office has
6 established a process for the creation of new
7 schools that is guided by collaboration with the
8 community, potential school leaders, local
9 community members, and external partners.

10 The DOE website already includes a
11 notation about the need for this school and call
12 for proposals to be submitted on its behalf.

13 Now's the time to start those discussions
14 addressing the nature of the new school so that
15 the new school will--to ensure that it meets the
16 needs of the community as far as seats,
17 enrollment, zoning, who will go there, what the
18 vision of the school is, who will be the school
19 leader--all of those things needs to be worked out
20 and we can start doing that now with the time we
21 have remaining until the building is created.

22 CHAIRPERSON LAPPIN: Thank you. I
23 have to ask you to--

24 MS. STUART: Understand.

25 CHAIRPERSON LAPPIN: --conclude.
Thank you. And Council Member Liu has a quick

3 question.

4 COUNCIL MEMBER LIU: Thank you,
5 thank you, Madam Chairperson.

6 So it seems like you generally
7 would be okay if this project was delayed for a
8 few months?

9 MS. STUART: I can't speak to the
10 construction delay implications.

11 COUNCIL MEMBER LIU: Okay. But I
12 guess the first witness's comments, it's more
13 important for you to have a cohesive community all
14 behind the project.

15 MS. GURY: Absolutely, absolutely.
16 The community's voice needs to be heard.

17 COUNCIL MEMBER LIU: Okay. And so
18 if it took an extra three months so that everybody
19 could come together, would you have any objections
20 over that?

21 MS. GURY: No.

22 COUNCIL MEMBER LIU: All right,
23 thank you.

24 [Crosstalk]

25 MS. STUART: Objection.

COUNCIL MEMBER LIU: Thank you,

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 36
2 MARITIME USES

3 Madam Chair.

4 MR. BLACKMAN: I think especially
5 since there's swing space already identified--

6 COUNCIL MEMBER LIU: [Interposing]
7 Yeah, I'm sorry, could you say that again?

8 MR. BLACKMAN: I said especially
9 since there's already swing space identified in
10 another building.

11 COUNCIL MEMBER LIU: Right, you
12 mean the temporary space during the construction
13 period. Thank you. Thank you, Madam Chair.

14 CHAIRPERSON LAPPIN: Thank you.
15 Okay, Joseph Mugivan, James Cervino, Marcia
16 Murray, and Eric McClure.

17 To be followed by Simeon Bankoff,
18 Sergio Amadore [phonetic], Dr. Hall, is Dr. Hall
19 here? Okay. And Michelle de lal, de lally?

20 [Off mic]

21 CHAIRPERSON LAPPIN: You guys can
22 definitely switch. I'm getting concerned because
23 I have to leave at 3:30. So I've been giving
24 everybody a little bit of leeway, but I want to
25 make sure that everybody gets a chance to speak,
so I'm going to ask you to really try and keep to

3 the time.

4 Did we lose our counsel? Okay.

5 Please, go ahead, introduce yourself and begin.

6 MS. DAWN PHILIP: Dawn Philip from
7 New York Lawyers for the Public Interest. I'm
8 taking Joe Mugivan's time. Thank you.

9 Good afternoon. Thank you for the
10 opportunity to provide testimony today. My name
11 is Dawn Philip, and I am a staff attorney with New
12 York Lawyers for the Public Interest.

13 NYLPI is a nonprofit civil rights
14 law firm formed in 1976 to address the unmet legal
15 needs of New Yorkers. I represent community
16 groups concerned about local schools on
17 contaminated properties within New York City.

18 As some of you know, I have
19 testified on this issue here several times and,
20 unfortunately, I am sorry to see that the SCA
21 representative is not here. I am here to once
22 again talk about the School Construction
23 Authority's lack of public accountability.

24 MALE VOICE: He's here.

25 CHAIRPERSON LAPPIN: And he is in
 the back, just so--he is here.

3 MS. PHILIP: Thank you for staying,
4 'cause it's usually not the case and I appreciate
5 that.

6 [Off mic]

7 MS. PHILIP: Thank you. It's a
8 different situation, so I appreciate that.

9 As I work with community
10 organizations, parents, and residents concerned
11 with the siting of schools on contaminated sites,
12 some common themes emerge--a lack of transparency
13 by the SCA and the DOE, and an unwillingness to
14 meaningfully engage with community members and
15 parents about legitimate health and safety
16 concerns.

17 Siting schools on contaminated
18 properties is a serious issue and one that
19 warrants serious attention from the SCA and the
20 DOE. We cannot expect children to learn and play
21 in toxic environments.

22 I just want to repeat a couple of
23 the statements that Amelia read into the record on
24 behalf of Lenny Siegel. New York Lawyers for the
25 Public Interest has worked with Lenny Siegel, an
independent environmental consultant in the Mott

3 Haven site, at the Info Tech site, and various
4 other sites around New York City.

5 The Draft Environmental Impact
6 Statement, or DEIS, for PS 133 states:
7 Tetrachloroethene, or PCE, and trichloroethene, or
8 TCE, were detected at concentrations exceeding
9 their respective New York State Department of
10 Health Air Guidance Values.

11 I know time is short, so I'll kind
12 of run through this quickly.

13 CHAIRPERSON LAPPIN: And we have
14 your written testimony, so if you could just--

15 MS. PHILIP: Okay, sure.

16 CHAIRPERSON LAPPIN: I' going to
17 give you one or two sentences to wrap up.

18 MS. PHILIP: Sure. I think the
19 most important point here is a lack of
20 transparency and the unwillingness on the part of
21 SCA to engage with the community and parents that
22 are here.

23 After repeatedly asking the SCA to
24 provide information and safety plans for dealing
25 with the hazardous materials and a series of e-
mails requesting public documents referenced in

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING §40
2 MARITIME USES

3 the DEIS, they were asked to FOIA these requests,
4 which I think is absurd and that--

5 [Crosstalk]

6 CHAIRPERSON LAPPIN: [Interposing]
7 Right, and we've heard that, yes, we've heard that
8 today.

9 MS. PHILIP: Okay.

10 CHAIRPERSON LAPPIN: Thank you very
11 much--

12 MS. PHILIP: Thank you.

13 CHAIRPERSON LAPPIN: --Ms. Philip,
14 we're going to move to the next speaker.

15 FEMALE VOICE: Thank you. I'm here
16 representing Dr. James M. Cervino, who had to
17 leave, he's from Woods Hole Oceanographic
18 Institution and Pace University.

19 I'm a faculty scientist, professor
20 at Pace University in New York City. My research
21 at the Woods Hole Oceanographic Institute focuses
22 on the links between global warming and disease.

23 The School Construction Authority's
24 plan towards toxic soil remediation at this
25 particular location shows a complete disregard
toward environmental and human health. My

3 comments are based on factual scientific evidence
4 and not on gray literature sources.

5 The hazardous chemical
6 contamination that will remain on site can pose a
7 serious threat to human health. Effects on human
8 health are supported by the Journal Cancer
9 Research, Journal of Toxicology, Journal of
10 Experimental Marine Biology and Ecology, Marine
11 Pollution Bulletin, EPA Guidelines, and the
12 Journal of Environmental Health, etc.

13 Biological concerns. Regarding the
14 concentrations of SVOCs and VOCs that the plan
15 indicates to leave under the concrete, if they
16 leak due to migration towards the surface, they
17 could cause genetic malfunctions that lead to
18 cancer and other non-cancerous cellular
19 deformities.

20 What I do is subject--oh, I'm
21 sorry, just a little more. Concerns relating to
22 engineering controls. If water pipes leak or the
23 water table breaches its levels and mixes with the
24 soil beneath the area hot spots, the chemicals
25 will migrate toward the surface. The rudimentary
method of placing a plastic sheeting sub-slab

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING §42
 MARITIME USES

2 depressure barrier and a ventilation pipe will not
3 get rid of the toxins, it will just allow them to
4 continuously pass through each location where
5 levels of contamination are left in the soil.
6 This is not mitigation, restoration, or attacking
7 a serious problem where it exists. The method
8 should be titled shuffling or bypassing dangerous
9 compounds from a high concentration to an area of
10 low concentration.

11 CHAIRPERSON LAPPIN: I'm going to
12 ask you to move to the conclusions portion.

13 FEMALE VOICE: Thank you. What we
14 need to do is have the SCA conform to the
15 Brownfield agreement that the state DEC has laid
16 out for these types of locations that reveal
17 chemical above the RCRA levels. Special invite to
18 the SCA to discuss the scientific issues
19 associated with current remediation methodology,
20 biological concerns, chemical toxicology, and
21 environmental controls.

22 CHAIRPERSON LAPPIN: Thank you.

23 FEMALE VOICE: Thank you.

24 CHAIRPERSON LAPPIN: Ma'am?

25 DR. ANNETTE HALL: Good afternoon,

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING §143
2 MARITIME USES

3 my name is--

4 MALE VOICE: Mic please?

5 DR. HALL: Sorry, good afternoon,
6 my name is Dr. Annette Hall. I have lived in the
7 community for 60 years. I am also a resident
8 adjacent to the construction site. I live at 632
9 Baltic Street.

10 SCA talks about documenting the air
11 quality. My words should be how are they going to
12 protect us, not only document? They say they're
13 going to document our foundations, I would like to
14 know how they're going to protect our foundations
15 to our homes.

16 These two items are important: we
17 are not disposable, we are residents, we are
18 concerned. I have a doctorate in education, I've
19 worked with children for the last 40 years. I
20 think we need the additional seats, but there are
21 ways of doing it by involving the community and
22 engaging us in the process.

23 I think their lack of communication
24 has led to many problems we have today. SCA said
25 they have talked to the community, well I don't
 know what community means to them. If they're

3 just talking to the school community, well we are
4 also part of that community and we have a voice,
5 and we should have a voice, and they should
6 understand that engaging us, involving us, would
7 help to make the process better. And, yes,
8 additional seats could be added.

9 I am not opposed to the project,
10 however, new construction should keep the existing
11 building as a formal part of the plans with
12 environmental issues corrected to protect the
13 community.

14 The present school has a history of
15 involvement, environmental problems, just how they
16 put out their trash with only 200 youngsters, or
17 280 youngsters. What are they going to do when
18 they have 900 youngsters?

19 You might say--

20 [Crosstalk]

21 CHAIRPERSON LAPPIN: [Interposing]
22 ...to wrap up.

23 DR. HALL: --that I'm a NIMBY, but
24 I really don't want the trash dumpsters next to my
25 home, especially the way they get rid of trash
today.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING §45
2 MARITIME USES

3 CHAIRPERSON LAPPIN: Okay. Thank
4 you.

5 DR. HALL: Thank you.

6 MR. ERIC MCCLURE: Thank you,
7 Chairperson Lappin, Council Members. My name is
8 Eric McClure, I'm a resident of the Park Slope
9 neighborhood of Brooklyn, and I'm here
10 representing both the Park Slope Neighbors, a
11 grassroots community association and the Park
12 Slope Civic Council, a century-old civic
13 association.

14 I'm here today hoping that the
15 School Construction Authority will withdraw its
16 plan to demolish PS 133 and replace it with a new,
17 much larger, school. If the SCA won't withdraw
18 its plan, I urge the members of this committee to
19 reject it.

20 Like everyone else in this room, I
21 support the goal of creating additional seats for
22 schoolchildren in Districts 13 and 15, but this
23 plan is fraught with problems. Others have
24 addressed, or will address, a number of those
25 problems in their testimonies, I'm here to speak
to what I believe is the most troubling aspect of

3 the SCA's plan: that it would create two separate
4 schools within the new school building.

5 The SCA's plan would create a 300-
6 seat replacement school for PS 133 on the site, a
7 District 13 school whose student population would
8 be 97% black and Hispanic, with two-thirds of the
9 students eligible for Title 1 funding.

10 The plan would also create a new,
11 larger school, serving District 15, which most
12 likely would have a student population that would
13 be majority, if not mostly white, and much more
14 affluent.

15 While the SCA and the Department of
16 Education claim that the program for the new
17 school building isn't set, their blueprints show a
18 school with two entrances on opposite blocks, and
19 the First Vice President of the District 15
20 Community Education Council told the Brooklyn
21 Daily Eagle last month that he was concerned about
22 creating a "light school" and a "dark school."
23 Not concerned enough, however, that he would
24 oppose the SCA plan, he also told the Eagle that
25 he emphatically supports the project, and that
opponents of the plan are NIMBYs.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING §147
2 MARITIME USES

3 If it's NIMBY to oppose a creation
4 of separate but equal schools, divided along lines
5 of race and class, then call me NIMBY. Proudly
6 NIMBY. Because my backyard, my neighborhood is no
7 place to build two schools under one roof--one in
8 which nearly all the students would be black or
9 Hispanic and largely disadvantaged, and the other
10 in which most of the students would be white and
11 largely affluent.

12 Such a plan is patently not
13 acceptable to me, nor should it be acceptable to
14 the members of this committee, nor to anyone else
15 in New York City because separate is not equal.

16 The Supreme Court in Brown v. Board
17 of Education, which struck down separate but equal
18 schooling in 1954, found that segregation on the
19 basis of race had a severely detrimental effect on
20 children of color, especially when that separation
21 carried official sanction.

22 CHAIRPERSON LAPPIN: I'm going to
23 have to ask you to wrap up.

24 MR. MCCLURE: Today you have the
25 opportunity today to reject that sanction, and
send the SCA back to the drawing board.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING §48
MARITIME USES

2 Thank you.

3 CHAIRPERSON LAPPIN: Thank you.

4 Okay, the next panel, which was Marcia Murray,
5 Simeon Bankoff, Sergio Amadore, and Michelle--I
6 mispronounced your last name--de lolly.

7 The following panel will be SJ
8 Avery, is that right? Okay. Patricia Conway,
9 Trouy Kannapell, and Jean Arrington. All right,
10 you guys will be the next panel.

11 [Off mic]

12 CHAIRPERSON LAPPIN: Have we lost
13 Landmarks and Buildings? Okay.

14 [Off mic]

15 CHAIRPERSON LAPPIN: You are still
16 here? You're a saint, okay. Thank you. All
17 right, please, introduce yourself and begin.

18 MS. MARCIA MURRAY: Okay. Good
19 afternoon, Madam Chair and committee members. My
20 name is Marcia Murray and I live at 395 Butler
21 Street--two doors away from PS 133.

22 I'm here today because I don't have
23 any place else to turn, simply put. The residents
24 of the community had only two opportunities to
25 comment on the SCA plan. With a 3-minute time

3 limit, no chance for real answers, and no
4 discussion, we were left with feelings of
5 disconnect and an obvious lack of respect by the
6 SCA for the issues and concerns of the community.

7 Other people have testified about
8 other problems with the proposed school, the
9 absence of any real plan to safely drop off and
10 pick up children. The fact that during planning
11 for the school, the SCA discovered hazardous
12 materials in the soil and groundwater and are
13 refusing to give us detailed information of what
14 they found.

15 The fact that the SCA lied to us
16 about the need to rush through the school, you
17 have to take a pause to think maybe it has
18 something to do with the fact that July 1st, the
19 building codes change and that perhaps that would
20 cost them more money.

21 We have been told that there will
22 be two very distinct schools in the building, that
23 there will be separate entrances for District 13,
24 which is considered the poorer district, and then
25 a separate entrance for District 15, which is
 considered a richer area, more affluent. That

2 sort of design and the accepted belief that the
3 racial and economic backgrounds of the children
4 from two distinct districts are pretty different
5 strongly sends a message that a separate but equal
6 school has been designed--a thought we did away
7 with a long time ago. Perception about race and
8 class should not influence a design or location of
9 a school.

10 I respectfully ask that you insist
11 that the SCA withdraw its current proposal so that
12 sufficient time can be given to the community to
13 have a meaningful input and that to insure health
14 and safety concerns and to preserve and renovate
15 PS 133 and increase seat capacities in a fair
16 manner. Thank you.

17 MR. SIMEON BANKOFF: Good
18 afternoon, Chair Lappin, and Chair Lappin. I'm
19 Simeon Bankoff of the Historic Districts Council.

20 HDC is the citywide advocate for
21 New York's historic neighborhoods. Often we
22 appear before City Council in support of landmark
23 designation, but historic preservation does not
24 begin and end with landmark designation. There
25 are buildings in neighborhoods which merit

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING §51
2 MARITIME USES

3 preservation which have not yet achieved the rare
4 status of official landmarks whose continued
5 existence is meaningful and perhaps even necessary
6 to the greater understanding of our city and whose
7 loss would be a savage blow. Public School 133 is
8 one of those places.

9 Designed by master school architect
10 CBJ Snyder in 1901, this is probably the oldest
11 Snyder school left in Brooklyn. Its strong
12 Colligate Gothic design with Flemish Renaissance
13 elements is reminiscent of contemporaneous
14 universities, such as the University of Chicago,
15 West Point, and the University of Pennsylvania.
16 The Snyder schools are part of a remarkable civic
17 legacy. They were designed in innovative ways to
18 allow light and air into classrooms for the health
19 of schoolchildren and, in this case, the "I" plan.
20 They were built with facilities such as gymnasiums
21 and auditoriums to allow for community gathering
22 spaces and generally they had extraordinary
23 traffic planning which allow for the sensible
24 movement of students throughout the building.
25 They're also designed architecturally to create a
sense of civic pride in the community and a sense

2 of dignity and solidity to the students, many of
3 whom came from poor and under-privileged
4 backgrounds and often lived in substandard living
5 conditions. These buildings were a way and remain
6 a way of demonstrating to the children and parents
7 of the working class that they were entitled to
8 the very same educational benefits as the wealthy
9 and that their schools were not lesser just
10 because they were free and public. In fact, the
11 buildings were often grander than private schools;
12 compare this building to some of the Berkley-
13 Carroll buildings nearby. It is not for nothing
14 that Jacob Riis called them palaces for the people
15 and dubbed Snyder the man who builds our beautiful
16 schools.

17 The resonance of this school as a
18 community anchor is further exemplified by the new
19 development around it. Thirty years ago, after
20 this area was literally desolated and decimated in
21 1970 for a school expansion which never
22 materialized, a row of houses was built by the
23 Fifth Avenue Committee to bring life back into
24 this neighborhood. The houses were designed to be
25 affordable--and I'll finish up quickly--affordable

2 for first-time homebuyers and working families and
3 they took as their design inspiration PS 133, the
4 area's towering landmark. Together, these homes
5 and the school formed a core which helped
6 stabilize and revitalize the area which had long
7 been in decline. To remove PS 133 would literally
8 cut the heart out of this community.

9 I'll conclude by saying that I
10 agree that we admire the need for and appreciate
11 the need for more seats, we believe that that can
12 be done with renovating the school and building an
13 annex.

14 And, finally, and my testimony goes
15 on, but finally I did have conversations with the
16 State Historic Preservation Office about this and
17 they had told me last week that they had been
18 asking for some of these cost analyses since
19 December and had not received them, so I was very
20 excited to hear them being discussed here today
21 for the first time in public.

22 MR. SERGIO AMADORE: Good
23 afternoon, Madam Chairman, members of the Council.
24 My name is Sergio Amadore, I'm a member of the
25 community, I'm also a gardener. I'm here to read

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 154
 MARITIME USES

2 testimony on behalf of Paul Sweet, Ornithologist,
3 he live on Baltic Street across the community
4 garden.

5 The Baltic Street Garden has been a
6 wildlife haven for 30 years. Numerous resident
7 bird and species breed or feed in the garden,
8 including Mourning Doves, Northern Mockingbirds,
9 Catbirds, Downy Woodpeckers, Blue Jays, and
10 Cardinals. In addition to the native species,
11 during immigration is a stopover for many
12 migratory species of warblers, thrushes, and
13 vireos. I have record 75 species in the 12 years
14 that I have been a member of the garden. The
15 flowers and shrubs also attract many beneficial
16 insects, particularly butterflies including
17 Monarchs, Tigers, Swallowtails, and Painted
18 Ladies.

19 I urge the Council to reject the
20 current SCA proposal so that an alternate plan can
21 be developed--one that preserves the garden just
22 as it is, renovates PS 133, builds an
23 appropriately sized school addition to increase
24 seats, and does all of this with community input.

25 Thank you.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 155
2 MARITIME USES

3 MR. JOE MUGIVAN: Good afternoon
4 honored members of the Council. My name is Joe
5 Mugivan, I'm a New York City schoolteacher.

6 Let's move ahead, let's say we
7 don't remediate this site as has been suggested by
8 the experts and we just build on this site as is.
9 Maybe there'll be a teacher who'll come along and
10 write a story, "How Will we Know if our School is
11 Sick" and that's what I did in PS 7 and Elmhurst
12 Queens. I discovered that I had been in two toxic
13 schools, PS 7, I've had to go to court for five
14 years to get the information, you're never going
15 to find out if this school is sick and the Queens
16 Supreme Court judge has determined that my case is
17 meritorious.

18 Now I'm suggesting we have
19 information that remediation has got to be done on
20 this site and we just can't build on top of what's
21 there. It's there in black and white, we can't
22 rush ahead with this project, we have to take our
23 time.

24 Lenny Siegel is an expert, I've
25 worked with him as an advocate for school indoor
air quality and with Dr. James Cervino very

3 actively and I received an e-mail from him
4 yesterday, and it's important that if we move
5 ahead on this and I submitted to Councilwoman
6 Carmen del Arroyo in Mott Haven that parents have
7 got to be able to go in and inspect these schools
8 every six months at-will with their own
9 independent investigators 'cause I guarantee you,
10 if you're in a school and it's toxic, you're not
11 going to find out about and maybe--you have to
12 realize that flu symptoms are very similar to
13 toxic exposure symptoms, so you're not going to
14 find out about it, your kids are going to get
15 sick, and there may be people who know there's a
16 problem there. But somebody who's going to have
17 to go to court and it'll take five years, in the
18 meantime, you may have kids sitting there for that
19 time. It's important to get this job done right.

20 Thank you very much, Councilwoman.

21 CHAIRPERSON LAPPIN: Thank you.

22 Okay. The next panel, SJ Avery,
23 Patricia Conway, Trouy Kannapell, and Jean
24 Arrington. To be followed by the final panel
25 which is Alex Herrera, is Alex Herrera here?

[Off mic]

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 157
MARITIME USES

2 CHAIRPERSON LAPPIN: Okay. You
3 need to just fill out a slip. Julie Claire?
4 Okay. And I actually can't read this, Nush
5 Mohammed? Okay. Naswa, okay. So you three will
6 be the final panel. I apologize for
7 mispronouncing your name, it's a little hard to
8 read.

9 And are you in favor or opposed?
10 You didn't indicate on your slip, in favor or
11 opposed? Opposed, okay. Please, go ahead, begin.

12 MS. SJ AVERY: Okay. Thank you.
13 Good afternoon, Madam Chair and members--and Madam
14 Chair.

15 CHAIRPERSON LAPPIN: Madam Chair.

16 MS. AVERY: My name is SJ Avery--

17 CHAIRPERSON LAPPIN: [Interposing]
18 And Council Member Mendez.

19 MS. AVERY: Ah, Council Member...
20 Hunts Point, Mott Haven.

21 CHAIRPERSON LAPPIN: Lower East
22 Side, but that's all right--

23 MS. AVERY: Lower East Side, oh no.

24 CHAIRPERSON LAPPIN: --we're all
25 one big happy family here.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 158
2 MARITIME USES

2 [Off mic]

3 MS. AVERY: Right.

4 COUNCIL MEMBER MENDEZ: That's our
5 other colleague, it happens all the time, so--

6 MS. AVERY: No, I am sorry.

7 COUNCIL MEMBER MENDEZ: That's
8 okay.

9 MS. AVERY: The--

10 CHAIRPERSON LAPPIN: That's it,
11 your time is up. Just kidding.

12 MS. AVERY: And I would deserve
13 that, too.

14 CHAIRPERSON LAPPIN: I'm just
15 kidding. All right.

16 MS. AVERY: My name is SJ--

17 CHAIRPERSON LAPPIN: Let's get
18 started.

19 MS. AVERY: --Avery and I live at
20 392 Butler Street, down the street from PS 133. I
21 appreciate the opportunity to appear before this
22 committee.

23 I've submitted my testimony and in
24 that testimony, what I really ask you to do is
25 compare the SCA Public Review Timeline for PS 133

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING §160
2 MARITIME USES

3 During the process, we shared
4 ideas, agreed with some, rejected others. We
5 tried thinking out of the box that the SCA wants
6 to build. That's really consultation.

7 Basically what happens in terms of
8 this process, it's limited to a situation in which
9 the SCA makes a presentation and the community has
10 three minutes to respond. We want to put an end
11 to this farce. We know the neighborhood, we know
12 the structural issues related to our homes, we
13 know what PS 133 means to us as a community and as
14 an architectural anchor. We're willing to put up
15 with the inconveniences of renovation and
16 construction to increase capacity onsite if the
17 end product ensures the safety of the community--
18 students, teachers, and area residents. We want
19 to preserve the existing PS 133 structure, the
20 green space about it, and we are not dissuaded by
21 out of thin air repair estimates of \$13 million--a
22 figure never mentioned before this hearing.

23 CHAIRPERSON LAPPIN: I'm going to
24 have to ask you to wrap up.

25 MS. AVERY: Again, the summary is
 to help us make a school that we can all be proud

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 61
 MARITIME USES

2 of--tell the SCA to withdraw its proposal so there
3 can be an opportunity for broad and meaningful
4 community input. Six hundred and eighty
5 supporters have signed a petition supporting the
6 preservation of the garden and the school. If the
7 SCA won't withdraw their proposal, then send them
8 a message that there are no done deals that make a
9 mockery of consultation and vote the proposal
10 down.

11 Thank you.

12 CHAIRPERSON LAPPIN: Thank you.

13 DR. JEAN ARRINGTON: I'm Dr. Jean
14 Arrington, CUNY professor, here to speak on behalf
15 of history and architecture.

16 On March 9, 1903, the New York
17 Times reported that 10-year-old Eddie Luck
18 deliberately set fire to PS 133. Several teachers
19 organized a bucket brigade and extinguished the
20 blaze without alarming the 1,500 pupils who
21 thought it was just a fire drill.

22 In 1934, the Times reported Philip
23 Carius, a 32-year-old patrolman guarding the PS
24 133 crossing at Dean Street and 3rd Avenue, was
25 shot in the chest by two men who'd just robbed a

3 grocery store. After drawing his pistol, fear
4 that he might hit a child had caused him to put it
5 back in its holster.

6 In 1939, at the Second Annual
7 citywide push-mobile derby, first prize for the
8 best looking, best constructed push-mobile went to
9 James Hilgenfeldt, 11, of PS 133.

10 This building has too rich a human
11 history to be hastily demolished, reinforced by
12 the fact that it's the oldest Brooklyn school by
13 the renowned architect, Charles B. J. Snyder.
14 Yale University's architectural historian Robert
15 Stern has called Snyder's schools "everyday
16 masterpieces," "among the great glories of our
17 city." Unique and imposing, PS 133 beautifies 4th
18 Avenue.

19 The School Construction Authority
20 has spectacularly renovated and expanded numerous
21 Snyder schools and maintains them as state-of-the-
22 art facilities--that can happen with PS 133. We
23 all know the greenest building is the one already
24 built.

25 One reason for Snyder's amazing
 achievement--and I'm right at the end--was his

2 willingness not to impose his way, but to respond
3 to the input of teachers and principals. Please
4 ask the SCA to follow Snyder's lead, to withdraw
5 its proposal and develop another in conjunction
6 with the community for which this school is the
7 touchstone.

8 Thank you.

9 CHAIRPERSON LAPPIN: Thank you.

10 MS. TROUY KANNAPELL: I'm Trouy
11 Kannapell, I'm a resident of 659 Degraw Street,
12 and I'm a gardener.

13 I want to address two things very
14 quickly. One is this perceived, the SCA says
15 we've consulted and people here say you've not
16 consulted.

17 My perception is that we have been
18 knocking on the door for communication with the
19 SCA for the first moment we heard that there was
20 any possibility of a school project, that was in
21 November. We consistently went to every meeting
22 we heard about, requested additional meetings.
23 Mr. Ou, Mr. Kenrick Ou agreed in January at one of
24 those meetings to meet with gardeners to talk
25 about the garden, he then ignored months of

3 consequent e-mails, including two phone calls that
4 I put in to a Department of Education press
5 representative asking if they would intervene and
6 try to get a meeting.

7 We were finally able to have a
8 meeting with Mr. Fred Manley and some other
9 people, but it was people associated with the
10 garden and we were supposed to be really
11 considering what the future of the garden was.
12 Community concerns were so overwhelming that we
13 ended up having more of an informational session
14 and, at that point, Mr. Manley apologized for
15 there being so little outreach saying that there
16 was no community liaison officer, they'd lost the
17 person who normally fulfilled that function, and
18 that they were shortly to assign a new one. The
19 form of that new community liaison has been to
20 insist that if we need information, we file under
21 FOIA.

22 At the Community Board hearing in
23 March when the project was first unveiled, in
24 prior meetings, it had been suggested that there
25 be a few hundred seats added, that the building
 would not be much larger than the current PS 133.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 65
 MARITIME USES

2 For the first time at this Community Board hearing
3 in March, we saw a model that had a roomful of
4 people shocked. In fact, people were only at that
5 Community Board hearing because the gardeners had
6 Xeroxed 1,000 flyers on our own and distributed
7 them around the neighborhood, otherwise,
8 information was not getting out about what was
9 happening. The room was full, it was raucous and
10 people were furious at what they felt was being
11 rammed down their throats.

12 The number of students now is not
13 900, the number of students they're talking about
14 is almost 1,000, and our garden was not 5,000
15 square feet, our garden is 6,000 square feet, and-
16 -

17 [Off mic]

18 MS. KANNAPELL: Sixty-five hundred
19 square feet.

20 And I just want to say a little bit
21 about the history of this garden. In the 1970s,
22 in that vacant lot, people on Baltic Street got
23 together and they cleaned away the garbage, tons
24 of garbage, it was a crime haven. They put a
25 garden there and things began to improve. That

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING §166
 MARITIME USES

2 garden became the core, along with PS 133 of this
3 beautiful housing project, it was like Charlotte
4 Gardens, they were trying to put a home owning
5 community in a lower income area and they used
6 those two elements to focus on. Those buildings--
7 I know it wasn't started--

8 CHAIRPERSON LAPPIN: [Interposing]
9 I'm really sorry, I have to ask you to wrap up--

10 MS. KANNAPELL: All right.

11 CHAIRPERSON LAPPIN: --'cause we
12 didn't set the clock.

13 MS. KANNAPELL: Absolutely.

14 CHAIRPERSON LAPPIN: I'm like
15 physically going to have to leave here soon and I
16 want to hear from--

17 MS. KANNAPELL: I'm sorry.

18 CHAIRPERSON LAPPIN: --everybody.

19 MS. KANNAPELL: Very good, I
20 understand. But at any rate--

21 CHAIRPERSON LAPPIN: [Interposing]
22 It's not 'cause I'm not interested in what you're
23 saying, I just want to--

24 MS. KANNAPELL: Yes, I know. Can I
25 have 20 seconds?

2 Avenue Committee and I came here today to ask that
3 this committee recommend that the School
4 Construction Authority withdraw its current
5 proposal to demolish PS 133 and the mature
6 community garden in order to make way for a new
7 school building.

8 Our community has a long history of
9 involvement in planning for ongoing development.
10 The three family houses, community garden and
11 neighborhood-sized supermarket which surround PS
12 133 are an example of successful accountable
13 development. There were many compromises made
14 along the way, but planning for this construction
15 in the early 1980's was literally a community-
16 building experience--a good process brought a good
17 result.

18 The rezoning of the northern end of
19 4th Avenue in 2003 is another example of the way
20 in which involvement of all concerned stakeholders
21 can bring a community-building result. There was
22 extended community consultation followed by the
23 official, legally required review process. At the
24 end, there was a broadly accepted plan to upzone
25 the 4th Avenue corridor, while protecting the low-

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 170
 MARITIME USES

2 behalf of our Chair, Councilwoman Lappin, and the
3 next panel will be Alex Herrera, Julie Claire, I'm
4 having a little trouble reading this, so I am
5 sorry if I mispronounce it, Noshara--

6 [Off mic]

7 MALE VOICE: Neshwa.

8 COUNCIL MEMBER MENDEZ: Neshawa
9 Mohammed.

10 MALE VOICE: Didn't she just--

11 COUNCIL MEMBER MENDEZ: And Andrea
12 Goldwyn?

13 FEMALE VOICE: Yes.

14 COUNCIL MEMBER MENDEZ: Okay, okay.

15 FEMALE VOICE: Thank you.

16 COUNCIL MEMBER MENDEZ: So whoever
17 is ready, you can start your testimony, please
18 identify yourself for the record and I would just
19 ask you once again to try to make your comments
20 brief if you have written testimony so that we can
21 move on to the next panel. Thank you.

22 MS. ANDREA GOLDWYN: Good
23 afternoon, Council Member Mendez. I am Andrea
24 Goldwyn speaking on behalf of the New York
25 Landmarks Conservancy.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 171
2 MARITIME USES

3 The Conservancy is strongly opposed
4 to the plan to demolish PS 133 in Brooklyn. It is
5 an excellent example of the work of CBJ Snyder,
6 the renowned architect who designed the city
7 schools from 1891 to 1923. The Conservancy has
8 long had an interest in protecting his civic
9 masterpieces which provide, not only space to
10 educate, but with their lofty ceilings, large
11 windows, and elegant historic details, are
12 structures that inspire.

13 We ask that the Council not approve
14 the SCA's plans for the demolition. A way must be
15 found to reuse the historic building and make it a
16 part of the new plan.

17 PS 133 is an architecturally
18 significant 5-story limestone and brick building.
19 Because it has been found eligible for listing on
20 the State and National Registers of Historic
21 Places, any proposal involving the building will
22 require the approval of the State Historic
23 Preservation Office. We understand that matter is
24 currently under review and that the SHPO is
25 requesting alternatives to demolition of the
 building. We encourage the SCA to continue

3 the SCA is planning on dumping a giant, out of
4 scale, inappropriately sized school in the middle
5 of, and also on a contaminated site.

6 I'm begging you to come and visit
7 this particular community and look at how tiny the
8 houses are, how close they are to the school.
9 These are not brownstones we're talking about,
10 these are wood frame houses that were built for
11 low to mid-income housing, they are not solid,
12 some of them are one foot away from the proposed
13 excavation site.

14 Just a little bit about the garden
15 then to fill you in. This is the only community
16 garden on the whole of 4th Avenue. Destroying it
17 would mean losing the only open green space on a
18 six mile stretch of road that's from Flatbush all
19 the way to the Verrazano Bridge--it is the only
20 garden. It's designed mostly for urban farming
21 and it provides an opportunity for area residents
22 from all walks of life to grow their own healthy
23 food. It's special in it's design, it was
24 designed by a noted landscape architect, Lee
25 Weintraub, who also just designed the garden
outside the Ikea space in Red Hook.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 174
2 MARITIME USES

3 This is a 6,500 square foot garden,
4 it consists of 14 beautifully constructed raised
5 beds, each 200 square feet of growing space. In
6 addition to the crop growing space, we have common
7 areas with seeding, planted with ornamental
8 shrubs, trees, and flowers. All of these are
9 mature. This particular site is a 20-year-old
10 garden.

11 This prime opportunity to grow,
12 harvest, and eat food grown with one's own hands
13 is vitally important. There is a total disconnect
14 in urban areas about where our food comes from.
15 We often end up handing vegetables through the
16 fence to families who are walking by on their way
17 to buy packaged food and packaged vegetables at
18 the Key Food. These little kids are just
19 astounded when they see how a tomato grows--that
20 it grows on a vine and it doesn't come in a
21 package.

22 I'm just going to skip to some more
23 crucial stuff here. The SCA has asked why is it
24 so difficult to move a garden, if it has been
25 moved twice before, why can't it be moved again?
The answer is that is a world of difference

3 between moving a young plant or tree and one that
4 is 20-years-old. A part of our frustration with
5 the SCA includes their failure to understand the
6 value of living things and their attendant
7 requirements. Moving a 20-year-old peach tree or
8 a 50-foot trumpet vine in the crippling--

9 COUNCIL MEMBER MENDEZ: Ma'am?

10 MS. CLAIRE: --heat of August--

11 COUNCIL MEMBER MENDEZ: Ma'am?

12 MS. CLAIRE: --would be impossible.

13 COUNCIL MEMBER MENDEZ: Your time
14 was up, so if you could please summarize, please?

15 MS. CLAIRE: Yes, all right. This
16 is such a complex issue and it has raised many
17 questions: Where would the plants, trees, and
18 shrubs go? If suitable sites could be found, who
19 would move them? Who would pay to transplant a
20 garden once and then build another from scratch
21 three years later? Who would compensate us for
22 the value of every single lost plant, shrub, tree,
23 hedge, flower, herb, and bulb, plus all the
24 bricks, lumber, steel, and arbors? How would we
25 be compensated, in what form, and when? We're
talking about thousands of dollars, some of which

3 has come directly from our own pockets, and who
4 can guarantee that a new garden would actually be
5 built for the community, and if it was, who would
6 own it?

7 COUNCIL MEMBER MENDEZ: Okay, thank
8 you.

9 MS. CLAIRE: The new garden would
10 be less than half the size of the current one.
11 One more incredibly important point, the way that
12 they have designed the space, instead of being a
13 community garden visible to thousands of people on
14 4th Avenue, it would be over here, tiny, less than
15 half the size and it would face Butler Street, it
16 would be completely hidden from view--

17 COUNCIL MEMBER MENDEZ: Okay.

18 MS. CLAIRE: --would no longer be a
19 community garden.

20 COUNCIL MEMBER MENDEZ: Thank you.
21 Our Chair is back and she's going to slam that
22 hammer--

23 [Crosstalk]

24 COUNCIL MEMBER MENDEZ: --we've
25 actually, I think have we finished? No, no, one
more person on this panel, right?

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 177
MARITIME USES

2 CHAIRPERSON LAPPIN: Thanks, Rosie.

3 COUNCIL MEMBER MENDEZ: Sure.

4 MS. NESHAWA MOHAMMED: Hi, I'm the
5 homeowner in 631 Baltic.

6 CHAIRPERSON LAPPIN: You have to
7 state your name for the record.

8 MS. MOHAMMED: Yeah, my name is
9 Neshawa Mohammed, I live in 631 Baltic Street, and
10 I own the building there. I'm worried about my
11 building and what it's going to be when they do
12 the new building.

13 And I own half the community garden
14 also. And I'm worried because my kids, they
15 didn't come with me today, I didn't speak English
16 very well, but, please, you know, we need your
17 help.

18 Thank you very much.

19 CHAIRPERSON LAPPIN: Thank you, you
20 did just fine.

21 Thank you very much. I think that
22 concludes our testimony on this item. There's
23 nobody else here who we've missed. Excellent,
24 okay. I'm going to close the hearing on this
25 item. Thank you very much.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 178
2 MARITIME USES

3 We have another item on the agenda,
4 Intro 542-A, and I want to thank the people who
5 are here for that item for being so patient and I
6 really do want to apologize. When we put this on
7 the agenda for today, we had no idea that we were
8 going to have so many items on the agenda or
9 exactly what they would be and obviously so many
10 people who came to talk about PS 133.

11 So I'm going to ask the PS 133
12 crowd to be respectful and quiet as you exit,
13 since we do have other people here to testify, we
14 would appreciate that.

15 And as I welcome Landmarks and
16 Buildings and we can maybe have Landmarks testify
17 first, I just wanted to say, for those who are
18 still here on this subject, this is Council Member
19 Mendez's bill, she has been working very
20 diligently on this. The goal is to close the
21 loophole for when people obtain permits prior to
22 landmarking and then use them after landmarking to
23 destroy their properties, this is the second
24 hearing on this bill, which has been changed
25 fairly significantly since the first hearing, I
think in response to a lot of the testimony that

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING §179
MARITIME USES

2 we heard from the various stakeholders. And I
3 think I could safe to say it's still a work in
4 progress, is that safe to say Council Member
5 Mendez? We're still looking to find ways to deal
6 with this issue and wanted to get some feedback
7 from the current version. And we thought we might
8 have even a more amended version today, but we
9 don't. We are sort of where we are, we were
10 hoping Friday afternoon that we would have a more
11 updated version.

12 So with that, I don't want to go
13 into the reasons for why we need it, I think
14 everybody who's here knows why we need this bill,
15 and why I'm very happy to be working with Council
16 Member Mendez on that. And I wanted to welcome
17 Mr. Silberman from the Landmarks Commission and
18 ask for you to give us your thoughts.

19 And I guess I should say officially
20 open the hearing on Intro 542-A.

21 MR. MARK SILBERMAN: Thank you,
22 Chair Lappin. My name is Mark Silberman and I'm
23 the General Counsel to the New York City Landmarks
24 Preservation Commission. Chair Tierney sends his
25 regards today as a public hearing for us and a

2 very big designation day as well, so it's quite
3 busy over there.

4 This testimony is submitted in
5 connection with the Subcommittee's consideration
6 of Intro 542-A. Under Section 25-321 of the
7 Landmarks Law, a building permit issued prior to
8 designation is considered grandfathered and the
9 work may proceed after designation without
10 approval of the LPC. Instead of grandfathering
11 all pre-existing permits, Intro 542-A would amend
12 Section 25-321 to create a procedure for
13 determining whether a pre-existing permit should
14 be grandfathered based on the amount of work that
15 has occurred. Specifically, Section 1 of the
16 proposed bill provides that all DOB permits shall
17 automatically lapse by operation of law at the
18 time of the LPC designation.

19 A building owner may appeal to the
20 Board of Standards and Appeal, the BSA, within 30
21 days after the designation to have the permit
22 renewed. If the BSA determines that "substantial
23 performance and substantial expenditures have been
24 made in furtherance of such permit prior to
25 designation, it could renew the permit.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 181
2 MARITIME USES

3 Intro 542-A also requires that the
4 LPC give the DOB written notice of every property
5 that has been calendared and for these buildings
6 requires that DOB forward a copy of permit
7 applications to the LPC within three days of their
8 submission. DOB is prohibited from approving any
9 "portion of construction documents relating to
10 property that has been calendared unless that
11 portion has received a full examination by the
12 department." It also requires LPC to give DOB
13 written notice of all designations.

14 In amending Landmarks Law 25-321,
15 the proposed bill attempts to address an issue
16 with the existing law: some building owners may
17 seek to obtain a DOB permit for substantial facade
18 work or even demolition as a way to fend off
19 potential landmark designation. As I said
20 earlier, under the existing law, a DOB permit
21 issued prior to designation is considered
22 grandfathered and the work can proceed without LPC
23 review or approval.

24 In some cases, the permit has been
25 pulled in connection with development plans that
 have been under active consideration for long

2 periods of times, even year. In others, it is
3 obtained solely to preserve the owner's ability to
4 develop the site in the future. The existence of
5 such a demolition or façade permit can be an
6 impediment to landmark designation. In deciding
7 whether to designate, the LPC must carefully weigh
8 the scope of the approved work, the reasons for
9 wanting to designate the property, and the
10 significant features of the property.

11 The LPC respectfully submits the
12 following observations and comments on Intro 542-
13 A. First, the bill is an improvement over Intro
14 542, as it only applies to permits affecting the
15 exterior of the building.

16 Second, the bill attempts to
17 address a serious issue of property owners pulling
18 permits for inappropriate work. Fortunately, this
19 is a rare occurrence. We believe the proposed
20 review procedures will be most effective against
21 efforts to pull permits for inappropriate work
22 right before designation because there will not be
23 enough time to perform substantial work. It will
24 also be more effective against efforts to deface
25 or demolish individual landmarks, as opposed to

3 efforts to damage buildings in potential historic
4 districts. With an individual landmark, the LPC
5 may be able to expedite its research in response
6 to a permit application and designate the building
7 before a permit is issued or substantial
8 construction work is done. Because historic
9 districts involve many, often hundreds, of
10 buildings and the research is more involved and
11 the process lengthier, it is more difficult to
12 significantly expedite the designation process and
13 it is more likely that a permit can be pulled and
14 substantial work performed on an individual
15 building before designation of the historic
16 district. While the loss or damage of any
17 historic resource is regrettable, the significance
18 of a historic district lies in the cumulative
19 sense of place created by all of the buildings and
20 spaces, so the loss of a building or some historic
21 fabric will not appreciably diminish that sense of
22 place.

23 It is important to note that
24 changing how the existing law works could have
25 some negative unintended consequences. Currently,
some building owners may rush to pull a DOB permit

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING §184
2 MARITIME USES

3 prior to designation even though they have no
4 present intention to actually do the work. It has
5 been our experience that when it comes time to do
6 the work, now after designation, the building
7 owner or a new owner may want to change the scope
8 or design of the work. Since any change to the
9 grandfathered work requires LPC approval, the
10 desire to modify the grandfathered permit gives us
11 an opportunity to work with the owner to make the
12 work better. Take, for example, a permit to
13 construct a highly visible rooftop addition.
14 Currently, when it comes time to do the work, the
15 owner, perhaps a new owner, may want to make
16 changes to the footprint or design of the
17 addition. At this point, the LPC is often able to
18 figure out a way to make the grandfathered
19 addition better, less visible, or more
20 appropriately designed in exchange for allowing
21 some modification to the grandfathered design.
22 Intro 542-A would change this dynamic, because now
23 an owner would know that she would have to do the
24 work in order to grandfather it, so the original,
25 inappropriate addition would be built. Once
built, it is less likely that an owner will want

2 effect since at least the mid-1980s. Under this
3 protocol, the DOB, which has 40 days to act on a
4 permit application under the Building Code, will
5 hold any permit application on a calendared
6 building for the 40-day period before acting on
7 the application. This gives the LPC the time and
8 opportunity to designate the building prior to the
9 issuance of a permit for inappropriate work. If
10 this is indeed the intention of the bill, we think
11 the provision should explicitly refer to the 40-
12 day period and prohibit issuance of a permit until
13 that time period has expired, instead of saying
14 that "no portion of construction documents
15 relating to property that has been calendared may
16 be approved unless the apporportion has received a
17 full examination of the department.

18 Finally, it should be noted that
19 the LPC already gives the DOB notice of all
20 calendared and designated buildings. When a
21 building is calendared, the LPC staff goes into
22 the DOB's Building Information System, the BIS,
23 and puts a C in the Landmark field; when the
24 building is designated, the LPC changes the C to
25 an L--that is how the DOB knows that a permit

2 application has been submitted that affects a
3 calendared or designated building. We propose
4 that this notice be sufficient under the bill.

5 Thank you for the opportunity to
6 share the Commission's views on Intro 542-A and I
7 am happy to answer any questions.

8 CHAIRPERSON LAPPIN: I'm going to
9 turn it over to Council Member Mendez in a minute.
10 I do have some questions.

11 I want to thank you, I really do
12 want to thank you for waiting and very grateful.
13 And I wanted to just, I think you make some good,
14 very good suggestions.

15 You know, I wanted to ask about,
16 you sort of get to in the first section, the
17 exterior of the building, do you think that there
18 is any risk in terms of buildings that are
19 interior landmarks or no? And do you think it's
20 okay to have the bill say exterior, that's
21 something that we have been sort of talking about
22 internally.

23 MR. SILBERMAN: Interior landmarks
24 are, they are extremely rare, so, yes,
25 theoretically, I guess there is a possibility that

3 something could--a permit could be grandfathered
4 for an interior landmark that would be
5 problematic. So, in that sense, you're correct.

6 On the other hand, at actually your
7 suggestion, Chairwoman, we did a survey with the
8 Department of Buildings of outstanding permits in
9 a proposed district--

10 CHAIRPERSON LAPPIN: Great.

11 MR. SILBERMAN: --and we looked at
12 the proposed Prospect Heights Historic Districts,
13 which has 800 and some odd buildings. We found
14 there were 167 permit applications open at the
15 time we did this survey. Those permit
16 applications--

17 COUNCIL MEMBER MENDEZ:

18 [Interposing] I'm sorry, Madam Chair, what was
19 that number again, how much?

20 MR. SILBERMAN: A hundred and sixty
21 seven permits. And those permits were affecting
22 79 individual buildings in this historic district.
23 Most of them were alteration permits, there were
24 two new building applications, but most of them
25 were alteration permits. A lot of them were
interior work permits, as you would expect, and I

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING 189
2 MARITIME USES

3 think that's that I think the Council would have
4 to weigh that issue of really stopping a lot of
5 interior work, plumbing, electrical work.

6 CHAIRPERSON LAPPIN: [Interposing]

7 And that's definitely not our--

8 MR. SILBERMAN: Right.

9 CHAIRPERSON LAPPIN: --goal, and
10 that's--

11 MR. SILBERMAN: Right.

12 CHAIRPERSON LAPPIN: --something
13 we've discussed, if someone's in the middle of
14 doing their kitchen over, we don't want them to
15 have to stop and wait in the middle of their
16 kitchen or their bathroom renovation, that's
17 definitely not the goal.

18 MR. SILBERMAN: Right.

19 CHAIRPERSON LAPPIN: So--

20 MR. SILBERMAN: I mean there might
21 be something to be said about trying to
22 differentiate in the bill between individual
23 landmark designation and historic districts as a
24 way to clarify what--different provisions may
25 affect different types of designations, it'd be
something to consider.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING §190
2 MARITIME USES

3 CHAIRPERSON LAPPIN: Okay. But
4 generally speaking, I think we all were sort of
5 coalescing around this idea of the exterior which
6 you seem to like for the same reason I think. I
7 think your comments are sort of duly noted about
8 how we'll deal with city-owned landmarks and also
9 we can sort of talk more about your fifth point,
10 which I think is sort of our goal is that if this
11 is a building that's on your radar screen so to
12 speak that we would find a way to codify the
13 protection--

14 MR. SILBERMAN: Right.

15 CHAIRPERSON LAPPIN: --that is sort
16 of happening now.

17 MR. SILBERMAN: Right, yeah, I
18 wasn't sure what was intended by the reference to
19 a full plan examination, but--

20 [Crosstalk]

21 CHAIRPERSON LAPPIN: [Interposing]
22 That is our intention--

23 MR. SILBERMAN: --clarify, right.

24 CHAIRPERSON LAPPIN: --so we can
25 also take a look at some of that language again.

MR. SILBERMAN: I think what's--

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 191
 MARITIME USES

2 CHAIRPERSON LAPPIN: [Interposing]

3 Do you think that this is something that is
4 workable? Do you think this is something you guys
5 could do, I mean particularly if we are looking at
6 things that really just impact the exterior of the
7 building? I mean I guess maybe that's more of a
8 question for DOB, who I know--

9 [Crosstalk]

10 MR. SILBERMAN: Right, I think--

11 CHAIRPERSON LAPPIN: --they have
12 there.

13 MR. SILBERMAN: --that a lot of
14 this is DOB's, you know--

15 CHAIRPERSON LAPPIN: Right. Well
16 let me turn it over to Councilwoman Mendez. May
17 I? And I know DOB is here.

18 COUNCIL MEMBER MENDEZ: Thank you,
19 Madam Chair. First, I would like to give a little
20 overview of why this bill was introduced.

21 You know, before I got into office,
22 I had noticed in the area where I live and in
23 other districts that buildings were being
24 destroyed or the architectural integrity of
25 something that made a building very significant

3 were being destroyed through these Department of
4 Building permits. So I, shortly after I got into
5 office, started working on this legislation, it
6 took me like about a year to introduce it because
7 I wanted to get it right, and then we had a
8 hearing in October of 2007 and, based on the
9 testimony we heard that day, we knew we had some
10 more work to do on this bill, specifically around
11 the individual landmarks in the historic district.
12 So I'm glad you brought that up again, 'cause I
13 don't think we're getting some of the issues
14 right.

15 I want to thank the Landmarks
16 Preservation Commission for all of your input in
17 the last hearing and certainly today. I think we
18 need to go back and look at some of these
19 recommendations and I think the Chair and I have
20 been talking with some of the staff about some of
21 ideas we have that can make this bill a better
22 bill, 'cause I think that's ultimately what we
23 want to do is make sure that we have the best bill
24 possible that does not hamper any real renovation
25 efforts, but does not allow someone with
unscrupulous intentions to demolish the

3 architectural integrity of a building.

4 Now having said that, I'm going to
5 ask you, Mr. Silberman, have you seen the letter
6 written by Department of Buildings that we
7 received today?

8 MR. SILBERMAN: I've seen a draft
9 of that letter, I haven't seen the final one.

10 COUNCIL MEMBER MENDEZ: Okay. So I
11 was going to ask you, 'cause Department of
12 Buildings did not testify the last time and I
13 don't think they're testifying today about what
14 they mentioned as some issues, but maybe we could
15 have further discussions once you've had a good
16 opportunity to really review this letter.

17 MR. SILBERMAN: I mean most of,
18 again, the bill really puts the onus of doing of
19 sort of implementing this legislation on DOB and
20 their personnel and their systems, as well as BSA,
21 so I think that that's--you really need to talk to
22 them, those two agencies to really get a sense of
23 the workability of various provisions.

24 COUNCIL MEMBER MENDEZ: Well that's
25 a great idea, I actually would have loved to been
having conversations with DOB over the last two

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING §195
2 MARITIME USES

3 So it's rare and I think the
4 Commission always strive, as I think we've
5 testified many times, to have a good working
6 relationship with owners, sometimes we're not
7 successful, oftentimes we are, but I think with
8 interior landmarks, we're more often successful
9 than not. And so I think it's a risk, we're going
10 to have to figure out what the right balance is on
11 that.

12 COUNCIL MEMBER MENDEZ: Okay.

13 Thank you very much and thank you, Madam Chair.

14 CHAIRPERSON LAPPIN: Thank you. I
15 actually wanted ask Buildings, I have a couple
16 questions for you based on your letter.

17 MR. SILBERMAN: Thank you very
18 much.

19 CHAIRPERSON LAPPIN: Thank you for
20 your great suggestions. We will--

21 [Off mic]

22 CHAIRPERSON LAPPIN: So are you
23 talking about Local Law 11 work? Is that what I'm
24 understanding?

25 MR. STEPHEN KRAMER: Yeah, by the
 way, for the record, I'm Stephen Kramer, Senior

3 Counsel to the Buildings Department.

4 CHAIRPERSON LAPPIN: Thank you, Mr.
5 Kramer.

6 MR. KRAMER: Yes, there was a
7 specific to what is often called Local Law 11,
8 originally enacted as Local Law 10.

9 CHAIRPERSON LAPPIN: So that's an
10 interesting point that we should think about
11 'cause I hear what you're saying, I'm sure there's
12 sure a way that we can get around that, but if
13 people are being--that would be based on an
14 inspection that the building had undertaken that
15 then required the building to do certain kinds of
16 work?

17 MR. KRAMER: Right, I mean,
18 essentially here this kind of façade work which
19 really is something which very often does have a
20 very important impact on historicity and historic
21 features of the building, but also is something
22 that really must be done on a regular basis. And
23 if it's planned and can be done on an historic
24 structure in accordance with Landmark's review and
25 input and they very often are able to permit it
and grant a certificate of--it's a Certificate of

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & 197
2 MARITIME USES

3 No Effect?

4 MALE VOICE: Usually, yeah.

5 MR. KRAMER: But on the other hand,
6 it is something that has to be done regularly,
7 particularly on this class of buildings, which, by
8 their very nature, tend to be the older buildings
9 in the city.

10 CHAIRPERSON LAPPIN: So I guess
11 what I'm thinking in terms of looking at this
12 bill, there's a trigger for that and you have to
13 undertake the inspection and then the inspection
14 has to find that there's certain--I mean when you
15 issue a permit for that work, is it different from
16 any other permit that you issue or no?

17 MR. KRAMER: Actually, it's not,
18 but it usually is done, we have a report that's
19 done every five years on a five year cycle basis
20 and if the engineer or architect recommends, you
21 know, finds that he's not able to certify the
22 building as in good condition, but rather that it
23 is need of repair, as opposed to ordinary
24 maintenance, we don't actually--when the permit
25 for the façade work is issued, there's no
 indication in the system that it's due, at least

2 that I'm aware of, that it's due in order to
3 comply with the architect's or engineer's report.

4 CHAIRPERSON LAPPIN: But the owner
5 would have a report that they could produce.

6 MR. KRAMER: Yes.

7 CHAIRPERSON LAPPIN: Okay.

8 MR. KRAMER: And I think that what
9 we're really talking about here, and I think as
10 Mr. Silberman mentioned, is on individual
11 landmarks, this really poses a very different and
12 administratively easier function from the historic
13 districts where perhaps 1,000 buildings could be
14 designated as a time and there might be 80
15 permits, and of those 80 permits, perhaps 70 of
16 them, again, are for interior work, but, again,
17 that's not indicated on our system.

18 So there would be certainly some
19 work necessary to come up with a workable way of
20 trying to prevent undue burdens on the homeowners,
21 which on historic districts is more often than not
22 who are involved, to have to, you know, after, you
23 know, you're in the middle of your kitchen or
24 bedroom renovation and then you're halted for a
25 few months can be very disruptive.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING §199
2 MARITIME USES

3 CHAIRPERSON LAPPIN: But, I mean, I
4 think that's what we're trying to avoid, that the
5 permit would not be revoked unless it was for
6 exterior work. And so maybe you could just speak
7 to how you think we could make it more workable
8 for you because if this is the current construct
9 and let's say we sort of stick within this bill's
10 current construct, is there a way that we could
11 make it more workable for buildings?

12 MR. KRAMER: Well I think what
13 ultimately it's probably going to require changes
14 to our basically reprogramming the computer system
15 and essentially we have to kind of get down to
16 brass tacks. I'm a lawyer and not one of the IT
17 people who are heavily burdened as it is within
18 the department, I think we all know that they're
19 all pretty busy and we've done a lot of
20 improvements to the system, and so I can't really
21 speak to that now, but essentially we'd try to see
22 if we could differentiate that if we were sure we
23 were going to move to include historic districts
24 in this and that we're certain and to see whether
25 or not a way to set up a program to differentiate
 between interior work and non-interior work and

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING §200
2 MARITIME USES

3 then on--

4 CHAIRPERSON LAPPIN: Because your--

5 MR. KRAMER: --the exterior work, I
6 mean perhaps we could just--sometimes something is
7 better than nothing and you might simply say that
8 plumbing and electrical and elevator permits, what
9 have you, are going to be excluded from this and
10 it will only apply to façade work and new
11 building, certainly new building permits in an
12 historic district, there aren't too many, but
13 there will be some.

14 CHAIRPERSON LAPPIN: [Interposing]

15 Well maybe if you could get--I mean I think that's
16 sort of what I'm asking 'cause we looked at how
17 you classify your permits and we couldn't come up
18 with, you know, this is how we got to exterior, we
19 couldn't come up with excluding this type or that
20 type, but if there is a way that you think we
21 could do that, I'd be very open to that and so--

22 MR. KRAMER: [Interposing] I think
23 that I'm pretty sure that if it were easy, you
24 would have come up with it as well.

25 CHAIRPERSON LAPPIN: Well but is
there a--when you sort of say, you know, obviously

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING §201
2 MARITIME USES

3 new construction, plumbing, I mean are those
4 plumbing permits different, I mean is there a way,
5 I'm not saying you have to give me an answer right
6 this minute, but if you thought about it, if there
7 was language we could write in sort of excluding
8 certain permits that you didn't think would be
9 problematic, I would be open to that.

10 MR. KRAMER: I think that if we did
11 do that, it would both ease the burden on us and
12 also ease the burden on the homeowner.

13 CHAIRPERSON LAPPIN: But I think
14 that's our goal, that's my goal--

15 MR. KRAMER: You're right.

16 CHAIRPERSON LAPPIN: --so if you
17 could come up with some suggestions for us, that
18 would be helpful.

19 Council Member Mendez, do you have
20 any...

21 COUNCIL MEMBER MENDEZ: Thank you,
22 Mr. Kramer, I didn't know you were here earlier
23 when I spoke.

24 I'd really like to have a meeting
25 to go through some of the issues that the
 Chairwoman and I have come up with and some of the

3 things you've identified here.

4 I think one of the things that has
5 been very frustrating to me and many of my
6 colleagues is that someone will take out a permit
7 prior to designation while it's in the process of
8 being calendared. For years, they do no work and
9 then after it's been designated, then they do work
10 on it and they do work that really go to the
11 architectural detail, so I think that's what we're
12 really trying to address in this bill, to avoid
13 those situations where no or little work has been
14 done. And certainly look forward to working with
15 you and anyone else at the department to try to
16 figure out how's the best way of doing that in
17 this piece of legislation.

18 MR. SILBERMAN: Council Member, if
19 I could just say something that we were alluding
20 to in our testimony, I think it's really good for
21 everyone to have the right expectations for what
22 this bill can and cannot do and I think that this
23 bill is really a timing bill and so people who
24 pull permits, you know, and many people do pull
25 permits and just sort of keep them in their pocket
and then if landmark designation sort of comes

3 along, they wave them around. Again, it doesn't
4 happen all that much, but it does happen. Those
5 people will, I think, will probably do the work,
6 they'll do whatever they need to do to preserve
7 their rights or whatever it is.

8 And so I think the effectiveness of
9 this bill, which I point out in my testimony, will
10 really be about these individual landmarks where
11 we can try to move quickly and the sort of the
12 last minute rush to sort of pull a permit and sort
13 of keep your options open. But I do think that
14 people who buy property as a development site,
15 they're going to get these permits and they're
16 going to keep them and they're going to act on
17 them if a bill like this passes 'cause they know
18 they have no choice and they'll act on them. And
19 I think we just got to remember that this the sort
20 of scope of what this will protect is very
21 important, but it's not going to prevent all those
22 bad things from happening in every instance.

23 CHAIRPERSON LAPPIN: I know, but
24 the problem that we both have had is that they'd
25 use them anyway. So you designate them and at--

MR. SILBERMAN: Right.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING 204
MARITIME USES

2 CHAIRPERSON LAPPIN: --city and
3 suburban and [off mic] they use them anyway. So I
4 mean I think you're right, they'll use them
5 before, they'll use them after--

6 MR. SILBERMAN: Right.

7 CHAIRPERSON LAPPIN: --and we can't
8 prevent everybody from doing that, but we
9 certainly, for the people who get them with no
10 plans in place or no real intention, then at least
11 they wouldn't be able to wave them around--

12 MR. SILBERMAN: Right, absolutely.

13 CHAIRPERSON LAPPIN: --because the
14 minute you calendar them, they're frozen. So I
15 think it's important to do something. I mean
16 we're not going to get everybody, but I still
17 think we can make the system better--

18 MR. SILBERMAN: Right.

19 CHAIRPERSON LAPPIN: --than what we
20 have now.

21 MR. KRAMER: Yeah, I just suggest
22 and and comment to one thing and the permit with
23 no plans in place is actually not a valid permit,
24 so that one could be revoked I think under
25 existing law. Because there's the application

3 which provides--and then there's the permit. And
4 the application provides no vesting rights at all,
5 it's only the actual building permit which must
6 include the plans. Unfortunately, for façade
7 work, you don't need very detailed plans and that--
8 -

9 CHAIRPERSON LAPPIN: [Interposing]
10 Right, I guess when I say no plans, I don't mean
11 literally no plans--

12 MR. KRAMER: Oh, I see.

13 CHAIRPERSON LAPPIN: --but I mean
14 no plans, you know, it's not--

15 MR. SILBERMAN: No intention.

16 CHAIRPERSON LAPPIN: Right, right.

17 MR. KRAMER: No intention, I've got
18 it, okay.

19 CHAIRPERSON LAPPIN: Right.

20 MR. KRAMER: Pardon, I--

21 CHAIRPERSON LAPPIN: Right.

22 MR. KRAMER: --misunderstood you, I
23 was in building department speak, rather than in
24 English.

25 CHAIRPERSON LAPPIN: Okay. Do we
 have anything else? All right, thank you,

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING §206
2 MARITIME USES

gentlemen, I think--

3 COUNCIL MEMBER MENDEZ: Thank you.

4 CHAIRPERSON LAPPIN: --we'll keep
5 talking, it would be very helpful really to get
6 some guidance from Buildings. And I'm
7 appreciative that you're here today, since you
8 weren't here last time, because we do want to work
9 with you to make it more workable.

10 I'm actually going to turn this
11 over to you, Councilwoman Mendez--

12 COUNCIL MEMBER MENDEZ: Sure.

13 CHAIRPERSON LAPPIN: --'cause there
14 are people here who want to testify, although I
15 think Andrew Berman is gone and I think Elizabeth
16 Ashby is gone. Is Aaron Sosnick still here?

17 [Off mic]

18 CHAIRPERSON LAPPIN: Pardon? You
19 have his testimony to submit? Simeon, you're
20 here. Zacker Weisman.

21 [Off mic]

22 CHAIRPERSON LAPPIN: You're still
23 here. Lindsay Smith, you're still here. Melissa
24 Baldock? You're still here. You guys are
25 awesome. Alex Herrera is still here.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING 207
MARITIME USES

2 MALE VOICE: He's gone.

3 CHAIRPERSON LAPPIN: Is gone? But
4 you're, you're right. Lo, I see you, you're still
5 here, and Andrea Goldwyn...

6 [Off mic]

7 CHAIRPERSON LAPPIN: Right, got it.
8 Okay, so, Rosie, I'm going to turn this over to
9 you and your capable hands. [Pause] Out of the
10 way.

11 [Off mic]

12 COUNCIL MEMBER MENDEZ: Okay. I'm
13 going to call up the first panel and I'll call the
14 second panel so they can just be on deck ready to
15 go. And once again, thank you all for hanging
16 through this very long day.

17 Melissa Baldock, Lindsay Smith,
18 Zachary Weisman, and Simeon Bankoff, that will be
19 our first panel.

20 And the second panel will be Andrea
21 Goldwyn and Lo van der Valk. That's it? Okay.

22 And whoever's ready, you can just
23 get started and, once again, just don't forget to
24 identify yourself for the record.

25 MS. MELISSA BALDOCK: Good

2 afternoon, I'm Melissa Baldock, Kress Fellow for
3 Historic Preservation at the Municipal Art
4 Society.

5 MAS is pleased that many of the
6 concerns we had about the earlier version of this
7 Intro have been addressed in this amended bill.
8 Overall, MAS believes that Intro 542-A will help
9 strengthen the regulations of the LPC in
10 protecting our city's historic resources.

11 However, we do urge that some critical changes be
12 made to the Intro before it is approved by the
13 Council.

14 Our primary concern relates to the
15 changes proposed for the section which seems to
16 codify OPPN number 13/88. MAS believes that
17 making this important agreement between DOB and
18 the LPC part of the Administrative Code is
19 laudable. However, as written, the Intro 542-A is
20 much less specific and less protective than OPPN
21 number 13/88. In particular, the Intro only
22 indicates that the DOB Commissioner must forward
23 copies of applications to the LPC. It does not
24 formally give the LPC the opportunity to act.
25 Conversely, OPPN number 13/88 states that "the LPC

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING §209
 MARITIME USES

2 will have 40 calendar days from the date of the
3 application was filed to consider the case and
4 calendar the premises, if necessary, to vote on
5 its designation. MAS urges the Council to include
6 similar language into Intro 542-A to ensure that
7 the authority that the LPC has under the current
8 agreement with it and DOB is not in any way
9 weakened if this Intro is passed.

10 In addition, OPPN number 13/88
11 notes that if there are already permits under
12 review, but not yet issued by the DOB at the time
13 of calendaring, then the "aforementioned
14 notification process will be implemented and the
15 LPC will have 40 days to respond. This situation
16 does not seem to be addressed in Intro 542 as it
17 should be.

18 MAS has further concerns about
19 other parts of this Intro. We requested a time
20 period be specified in the Intro for the LPC's
21 notice to DOB after a building has been calendared
22 for designation. We suggest that the Intro
23 require the LPC to give written notice of the
24 calendaring to DOB within three days of
25 calendaring, as is the case with notification of

3 designation.

4 It is important to note that this
5 bill is limited in scope. It will not stop many
6 of the instances where damaging work is done to
7 historic buildings before they are calendared or
8 even, in many cases, after calendaring. MAS
9 questions whether there will be unintended
10 consequences if this Intro is enacted. For
11 instance, will it encourage owners to not only
12 pull permits, but to commence destructive work
13 sooner and work faster in order to vest their
14 development rights? Any legal methods to prevent
15 such acts should be explored.

16 MAS supports legal mechanisms to
17 strengthen the LPC's authority over owners who try
18 to sidestep landmark designation by undertaking
19 damaging work to their buildings. Although this
20 bill is a step towards that goal, we believe that
21 the critical changes suggested above need to be
22 made before the bill is passed. Otherwise, we
23 fear that this Intro may do more harm than good.

24 Thank you.

25 MS. LINDSAY SMITH: Hi, good
afternoon, my name is Lindsay Smith, preservation

3 century buildings, designed by important
4 architects, anchoring prominent corners in our
5 community, demolished in haste by their owners to
6 preempt landmark designation.

7 As we speak, rowhouses along West
8 End Avenue--an area actively under consideration
9 for historic district designation, but not yet
10 calendared--are on the brink of demolition. In
11 these cases and too many others throughout the
12 city, the culprit was a Department of Buildings
13 alteration permit, which stymied action by the
14 Landmarks Preservation Commission and gave
15 developers the upper hand.

16 Council Member Mendez and her many
17 colleagues signed on in support of Intro 542-A are
18 to be commended for responding to this critical
19 issue. The bill is one of several timely Council
20 initiatives, including bills put forward by
21 Committee Chair Lappin, as well as Council Member
22 Avella, to make our city's landmarks process
23 function as it should.

24 Since this bill was last heard, the
25 urgency of reforming New York's landmark process
has grown exponentially. In two editorials and

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING §14
 MARITIME USES

2 four investigative articles, the New York Times
3 pinpointed numerous areas for improvement,
4 including precisely the issue in question today:
5 the need for better communication with the
6 Buildings Department to prevent the confusion that
7 has sometimes resulted in the destruction of a
8 building slated for landmark consideration. The
9 Times editorial went on to say the proper balance
10 between healthy development and preservation
11 cannot be found unless the commission plays a more
12 vigorous and public role. Passing this bill would
13 reinforce the legitimacy of the Commission's seat
14 at the table.

15 The City Planning Commission
16 already has similar authority when it comes to
17 suspending permits for work that would be
18 noncompliant in areas to be rezoned. It is time
19 to get rid of the red tape and give the Landmarks
20 Commission the power it needs to do its job.

21 Please pass Intro 542-A. Thank you.

22 MR. SIMEON BANKOFF: Good
23 afternoon, Council Member. I'm Simeon Bankoff,
24 Executive Director of the Historic Districts
25 Council.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING §15
2 MARITIME USES

3 HDC is the citywide advocate for
4 New York's historic neighborhoods. We support
5 this bill, which will strengthen the Landmarks
6 Preservation Commission's ability to protect
7 designated landmark properties from inappropriate
8 alterations. This bill, originally introduced two
9 years ago in response to the post-designation
10 defacements of PS 64 and the City and Suburban
11 First Avenue Estate, seeks to address the loophole
12 that allows property owners to sit on issued
13 permits in order to avoid landmark designation.

14 Under current law, once Department
15 of Building permits are issued for a project, they
16 remain valid for a set number of years regardless
17 of subsequent landmark designation, resulting in a
18 situation where potentially a facade could legally
19 be stripped off a landmark building despite the
20 LPC's best efforts. This is particularly
21 egregious when a permit is granted and then sat on
22 for years, resulting in a kind of dead man's
23 switch against designation.

24 Looking at the text of the bill,
25 HDC is mildly concerned about giving discretion to
 the Department of Buildings about whether an

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING §20
 MARITIME USES

2 Preservation of New York's historic
3 buildings is environmentally friendly, creates
4 jobs, boosts tourism and stimulates the local
5 economy. This bill will be a forceful statement
6 affirming the Council's support for preserving New
7 York's historic buildings.

8 Thank you for the opportunity to
9 allow me to present the Conservancy's views.

10 MR. LO VAN DER VALK: My name is Lo
11 van der Valk, I'm President of Carnegie Hill
12 Neighbors in the Upper East Side.

13 We commend you, Chair, and your
14 committee for introducing this bill. We have
15 faced challenges where we tried to landmark a
16 specific block, and this happened two years ago,
17 East 93rd Street, and two buildings were
18 threatened to be demolished. I'm not sure that
19 this would change that situation, but a bill like
20 this certainly is a starting point on which future
21 amendments could be built or future bills could be
22 introduced.

23 But obviously there have been many
24 suggestions, very good suggestions to make this
25 more implementable and we applaud those.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING §21
 MARITIME USES

2 Just continuing my narrative, after
3 those two buildings were demolished and the block
4 was not landmarked--we think that the fact that
5 those two buildings were threatened and written
6 off also hurt the landmarking prospects of the
7 block--a third building which was more intact was
8 bought by the developer and then also demolished.
9 And so now for about 55 feet wide, there's going
10 to be an RAB type of an apartment building.

11 So any effort in this direction we
12 think is great, and we have in mind other,
13 smaller, historic districts in the nearby area
14 that could greatly be benefited by this bill where
15 people wouldn't rush to permits.

16 So we thank you very much and we
17 hope that a bill can be produced and will be
18 successful.

19 COUNCIL MEMBER MENDEZ: Thank you.
20 Sir, you said this was on 93rd Street?

21 MR. VAN DER VALK: Yes, 93rd
22 between Lexington and 3rd Avenue, it's also now
23 known as the Marx Brothers Block because across
24 the street was the walk-up apartment building
25 where the Marx Brothers had grown up. So this was

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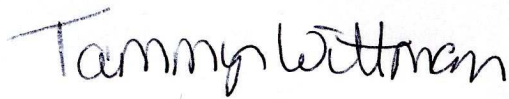
SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING §23
MARITIME USES

So this hearing will be held in
recess, and the committee is in recess.

Thank you very much on behalf of
Chair Lappin, this is Councilwoman Melissa Mark-
Viverito saying good night.

C E R T I F I C A T E

I, Tammy Wittman, 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 black ink that reads "Tammy Wittman". The signature is written in a cursive style with a large initial 'T'.

Signature

Date July 28, 2009