

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME
USES

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December 15, 2009

Start: 11:43 am

Recess: 12:45 pm

HELD AT: Council Chambers
City Hall

B E F O R E:
JESSICA LAPPIN
Chairperson

COUNCIL MEMBERS:

Annabel Palma
Charles Barron
Rosie Mendez
Leroy G. Comrie, Jr.
Daniel R. Garodnick
Elizabeth Crowley
John C. Liu
Maria del Carmen Arroyo

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

Randal Fong
First Assistant Commissioner of Real Estate Services
NYC Department of Citywide Administrative Services

Joseph Valentino
Director of Property Sales
NYC Department of Citywide Administrative Services

Gregory Shaw
Attorney for Real Estate
NYC School Construction Authority

Elan Abneri
Director Architectural Engineering
NYC School Construction Authority

Dara Adams
Congresswoman Carolyn Maloney

2 CHAIRPERSON LAPPIN: Good morning,
3 welcome to the Land Use Subcommittee on Landmarks,
4 Public Siting, and Maritime Uses, I am Jessica
5 Lappin, the Chair.

6 We're joined today by Council
7 Member Annabel Palma of the Bronx, who wins the
8 most punctual award, Council Member Charles
9 Barron, Council Member Rosie Mendez, and Council
10 Member Leroy Comrie. We're also joined by Council
11 Member Dan Garodnick.

12 We have two items on the agenda
13 today, we're going to do--one is a school and one
14 is a land swap, we're going to start with that.
15 I'm going to ask DCAS to come up and testify,
16 Randal Fong and Joseph Valentino. It is item
17 number 1287, the 250 Baltic Street exchange in
18 Brooklyn. It's in both Council Member Dilan and
19 Council Member de Blasio's district.

20 And before I ask these gentlemen to
21 introduce themselves for the record and begin and
22 formally open the hearing, I wanted to make sure
23 everybody is here, that you know we are meeting
24 again Thursday morning in the Subcommittee before
25 the Land Use Committee, we're meeting at 9:30--is

2 that correct, Gail? Nine-thirty in the morning.
3 There is only one item on the agenda. If we meet
4 promptly at 9:30, we can get through the agenda
5 quickly and then we can have the full Land Use
6 Committee at 10.

7 And I want to note we've been
8 joined by Councilwoman Elizabeth Crowley.

9 There will be a vote on Thursday
10 morning, so please be here.

11 With that, I'd like to open the
12 hearing and ask these gentlemen to begin.

13 [Pause]

14 RANDAL FONG: Is it on?

15 MALE VOICE 1: It's on, it's on.

16 RANDAL FONG: Okay. Good morning,
17 Chair Lappin and Members of the Landmarks, Public
18 Siting and Maritime Uses Subcommittee. I am
19 Randal Fong, First Assistant Commissioner of Real
20 Estate Services at the Department of Citywide
21 Administrative Services, DCAS. I am joined by my
22 colleague Joseph Valentino, Director of Property
23 Sales.

24 On behalf of Commissioner Martha K.
25 Hirst, I would like to thank you for the

1 opportunity to discuss this real estate
2 transaction for the proposed exchange of city-
3 owned property located at 250 Baltic Street, Block
4 312, Lot 24, in the Borough of Brooklyn, for
5 state-owned property located at 338 Forbell
6 Street, Block 4258, Lots 34 and 36, also located
7 in Brooklyn.
8

9 This Forbell/Baltic exchange is
10 pursuant to the New York State General Municipal
11 Law, Section 72-h, which pertains to the sale,
12 lease, and transfer to municipal corporations of
13 certain public lands. This exchange will grant
14 the State of New York ownership of 250 Baltic
15 Street, now known as the Baltic Street Advocacy,
16 Employment, Housing, Inc., which has been occupied
17 as a mental health clinic for over 30 years.
18 Brooklyn Community Board number 6 will remain in
19 the office space that they have occupied at this
20 location for about 30 years as well.

21 Upon conveyance, the City will
22 enter into a 10-year lease with the state to
23 retain the office space for Brooklyn Community
24 Board number 6 with four 10-year renewal options.
25 Pursuant to this lease, the City will pay a fee

1 equivalent to the operating expenses related to
2 the space. The City of New York will acquire 338
3 Forbell Street, also known as the Forbell Shelter,
4 for continued use as a Department of Homeless
5 Services transitional facility for homeless men,
6 as it has been for nearly 20 years. This facility
7 is operated by Samaritan Village, Inc., under a
8 contract with the New York City Department of
9 Homeless Services.
10

11 This action is intended to promote
12 the continued use and future control of each
13 property by the current occupants and streamlined
14 facilities management and operations at these
15 locations. The exchange will minimize any
16 disruption of services or relocation of offices
17 and will allow each owner to make capital
18 improvements to their respective properties.

19 There is no monetary consideration for this real
20 estate transaction since both properties are
21 determined to be equivalent in value.

22 New York State General Municipal
23 Law, Section 72-h provides that this exchange is
24 subject to the disapproval by the New York City
25 Council within 30 days following receipt of

2 mayoral approval of the transaction. A mayoral
3 public hearing on this matter was held on November
4 10th, 2009, and mayoral authorization was obtained
5 on November 12th, 2009.

6 Thank you again for this
7 opportunity to testify about the Baltic/Forbell
8 exchange and we urge the Council to support this
9 transaction. We are pleased to answer any
10 questions that you may have.

11 CHAIRPERSON LAPPIN: It certainly
12 seems to make sense, I just have a couple of brief
13 questions. Right now, the--I just want to
14 understand, the Mental Health Clinic and the
15 homeless shelter are both operated by the city or
16 is one operated by the state?

17 RANDAL FONG: One is operated by
18 the state, the mental health clinic is operated by
19 the state, and the shelter is operated by the City
20 of New York, Department of Homeless Services.

21 CHAIRPERSON LAPPIN: Do either
22 entities pay rent?

23 RANDAL FONG: There are leases, but
24 they don't actually pay rent right now.

25 CHAIRPERSON LAPPIN: But the

1
2 Community Board pays rent?

3 RANDAL FONG: The Community Board
4 does not pay rent, they're in a city-owned
5 building currently.

6 CHAIRPERSON LAPPIN: But they will
7 pay rent.

8 RANDAL FONG: They will be paying
9 maintenance costs, but not rent, it'll just be for
10 their proportionate share of the operating costs
11 for their space.

12 CHAIRPERSON LAPPIN: Do they pay
13 that now?

14 RANDAL FONG: They don't pay that
15 now, they are part of the establishment of that
16 building and the state is operating that building,
17 but because it will be a private building in the
18 future, the city will pay its proportionate share,
19 it's...

20 CHAIRPERSON LAPPIN: How is that
21 going to impact the Community Board's budget?

22 RANDAL FONG: The OMB has approved
23 the payment of those operating costs so it should
24 not be a budget issue for the Community Board.

25 CHAIRPERSON LAPPIN: Okay. Do any

1
2 of my colleagues have questions? Council Member
3 Barron.

4 COUNCIL MEMBER BARRON: And Council
5 Member Dilan is supportive of the Forbell--

6 CHAIRPERSON LAPPIN: [Interposing]
7 He is.

8 COUNCIL MEMBER BARRON: --exchange?
9 Oh, 'cause that's in the very close to my area.
10 There'll be no impact--I know you're saying the
11 value of the property is equivalent--

12 RANDAL FONG: Yes.

13 COUNCIL MEMBER BARRON: --so
14 there's no financial burden on this, but there'll
15 be no change of services with the state? The
16 state will be taking over Forbell now.

17 RANDAL FONG: Yeah, the state owns
18 the Forbell property, the city will now own it
19 after this swap.

20 COUNCIL MEMBER BARRON: After the
21 swap--

22 RANDAL FONG: Yes.

23 COUNCIL MEMBER BARRON: --the city
24 will own--

25 RANDAL FONG: Yes, this--

2 COUNCIL MEMBER BARRON: --the
3 Forbell.

4 RANDAL FONG: --exactly, the city
5 will own the property, as well as operate the
6 Forbell property.

7 COUNCIL MEMBER BARRON: So you will
8 own and operate it.

9 RANDAL FONG: Correct.

10 COUNCIL MEMBER BARRON: And
11 there'll be no changes?

12 RANDAL FONG: The operation of the
13 facility is up to the Department of Homeless
14 Services and it's--you know, we are doing this as
15 a real estate transaction, I presume there will be
16 no changes, they will continue the operation as
17 they have right now.

18 COUNCIL MEMBER BARRON: You know, I
19 always get suspect when these happen too neat and
20 look like everything is fine, you know, there's
21 got to be something somewhere. Is there any
22 opposition anywhere from anyone?

23 RANDAL FONG: I have not heard of
24 any opposition.

25 COUNCIL MEMBER BARRON: Haven't

2 heard of any? If everything is so equal and the
3 same, why are you making the swap?

4 RANDAL FONG: The--

5 COUNCIL MEMBER BARRON:

6 [Interposing] If everything's going to be fine
7 with Forbell, everything's going to be fine,
8 nothing's going to change there, no rent's going
9 to change, everybody's going to be fine, what's
10 the purpose of this swap?

11 RANDAL FONG: The main purpose is
12 that the properties are owned by one entity and
13 operated by another entity, so what we are trying
14 to do is ensure that the--

15 COUNCIL MEMBER BARRON:

16 [Interposing] Swap, so the one's that are
17 operating it--

18 RANDAL FONG: --the ownership and
19 the operation--

20 COUNCIL MEMBER BARRON: Will be the
21 same.

22 RANDAL FONG: Exactly, Council
23 Member.

24 COUNCIL MEMBER BARRON: That's the
25 swap.

2 RANDAL FONG: Yes.

3 COUNCIL MEMBER BARRON: Okay.

4 Thank you.

5 CHAIRPERSON LAPPIN: Seeing no
6 other questions and nobody else signed up to
7 testify, the hearing on this item is closed.

8 Thank you, gentlemen.

9 RANDAL FONG: Thank you.

10 CHAIRPERSON LAPPIN: I'm going to
11 ask for the Counsel to call for a vote on this
12 item. I recommend a favorable vote.

13 CHRISTIAN HYLTON: Christian
14 Hylton, Counsel to the Committee. Chair Lappin?

15 CHAIRPERSON LAPPIN: Aye.

16 CHRISTIAN HYLTON: Council Member
17 Barron.

18 COUNCIL MEMBER BARRON: Aye.

19 MALE VOICE: Go for it--

20 [background noise]

21 CHRISTIAN HYLTON: Council Member
22 Comrie.

23 COUNCIL MEMBER COMRIE: Aye.

24 CHRISTIAN HYLTON: Council Member
25 Palma.

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2 COUNCIL MEMBER PALMA: Aye.

3 CHRISTIAN HYLTON: Council Member
4 Mendez.

5 COUNCIL MEMBER MENDEZ: Aye.

6 CHRISTIAN HYLTON: Council Member
7 Crowley.

8 COUNCIL MEMBER CROWLEY: Aye.

9 CHRISTIAN HYLTON: By a vote of six
10 in the affirmative, none in the negative, no
11 abstentions, LU 1287 is approved and referred to
12 the full Land Use Committee.

13 CHAIRPERSON LAPPIN: We'll keep
14 this vote open until the end of this meeting.

15 Okay, we're going to move on to the
16 other item which is on the agenda today which is
17 in Council Member Garodnick's district and it's
18 lovely that he has joined us this morning. It is--
19 -

20 COUNCIL MEMBER COMRIE: It is
21 lovely.

22 CHAIRPERSON LAPPIN: It is lovely,
23 I am being sincere.

24 COUNCIL MEMBER COMRIE: I just like
25 your word, I don't--

2 [Crosstalk]

3 CHAIRPERSON LAPPIN: P.S./I.S. 281-
4 M, which is in Manhattan's Community Board number
5 6. I'm going to ask first the School Construction
6 Authority, Mr. Gregory Shaw, Elan Abneri, and
7 James Elberfeld [phonetic] to open the hearing.

8 [Pause]

9 GREGORY SHAW: Good morning,
10 Chairperson Lappin and Council Members, thanks so
11 much for having us today. My name is Gregory
12 Shaw, I am principal attorney for Real Estate for
13 the New York City School Construction Authority,
14 and to my immediate left is Elan Abneri who is
15 Director for Real Estate for the School
16 Construction Authority--

17 [Off mic]

18 GREGORY SHAW: Oh, excuse me.
19 Architectural Engineering, sorry, and also we have
20 Jay Elberfeld who is the design manager for this
21 particular project that we're proposing to the
22 Council today.

23 The New York City School
24 Construction Authority has undertaken the site
25 selection process for the proposed 612-seat

3 primary and intermediate facility located on the
4 east side of First Avenue between East 35th Street
5 and East 36th Street in the east side of Manhattan
6 in tax Block 967, Lot 1, now to be Lot 2. The
7 proposed school is also located in Community
8 School District number 2 and Manhattan Community
9 Board number 6. The notice of filing for the site
10 plan was published in the New York Post and City
11 Record on September 30th, 2009. Manhattan
12 Community Board number 6 was also notified of the
13 site plan on September 30th and was asked to hold
14 a public hearing on the proposed site plan.

15 The Community Board held a public
16 hearing on the site plan, the City Planning
17 Commission was also notified of the plan on
18 September 30th and it recommended in favor of the
19 proposed site.

20 The proposed site is located on a
21 vacant lot and that is part of a privately-owned
22 development. The school site is approximately
23 23,581 square feet, a portion of an approximately
24 68,000 square foot parcel of vacant land that is
25 currently owned by 616 First Realty Company, LLC.
The developer purchased the property from Con

3 Edison and has obtained Land Use approvals to
4 permit development of the parcels with a mixed use
5 residential, commercial, retail with a community
6 facility, namely the school, and various open
7 spaces. The SA would purchase the property from
8 the developer and build the new 612-seat public
9 primary/intermediate facility.

10 Because the lot for the proposed
11 school is relatively small for the size of the
12 program, the design provides for the following:
13 The five foot setback from the sidewalk of First
14 Avenue and 35th Street, we're proposing to
15 cantilever [phonetic] the building from the second
16 floor upwards over the five foot setback, and what
17 I'm going to mention to you now will be further
18 described in the presentation by our designers.

19 The SA proposes to cantilever this
20 school building over the setback from the second
21 floor upwards on First Avenue and from the third
22 floor on 35th Street. The ramp for handicap
23 access and the fence restricting entrance to the
24 school and the playground will be located along a
25 portion of the 35th Street within the five foot
setback. The school building will be

2 approximately 85--excuse me, 89 feet high with a
3 mechanical penthouse on the roof, and the retail
4 component originally considered as part of
5 development along First Avenue will be deleted to
6 accommodate the school.

7 The SCA has considered all comments
8 received on the proposed site plan and affirms the
9 site plan pursuant to section 1731 of the Public
10 Authorities Law. In accordance with section 1732
11 of the Public Authorities Law, the SCA submitted
12 the proposed plan to the Mayor and Council on
13 December 10th, 2009.

14 We look forward to your
15 Subcommittee's favorable consideration of the
16 proposed site plan. At this particular point, I
17 would like to have Elan Abneri describe in a
18 little more detail some of the items that I have
19 mentioned in my testimony.

20 ELAN ABNERI: Good morning. The
21 site is bounded by 35th Street and 36th Street
22 between First Avenue and the FDR Drive. The
23 school is located in this corner, there's a
24 proposed tower over here which will be abutting
25 the school and a proposed tower here which would

1
2 have a 40-foot setback. This area is where a
3 proposed playground at-grade, and there's also
4 another proposed playground which would be on the
5 roof at the sixth floor.

6 This rendering--

7 [Off mic]

8 ELAN ABNERI: No [off mic]--this
9 rendering shows the various elements of the
10 school. We have the entry over here, we have a
11 handicapped ramp also leading into that entry. As
12 Mr. Shaw explained, we have an overhang here and
13 an overhang here, we needed these two overhangs to
14 allow us to fit the entire program into the site.
15 Most of the mechanical equipment will be in a
16 penthouse at the top, we have a rooftop playground
17 which is located here, the students will access it
18 off a corridor on the sixth floor. The at-grade
19 playground is around this corner.

20 MALE VOICE 1: Let's go to the next
21 site [off mic].

22 [Pause]

23 ELAN ABNERI: This is a plan of the
24 first floor with the entry again of your handicap
25 entry, your stairs to enter in, there's a gate

3 here and around this area; there's also a gate to
4 the playground, this area is an open playground
5 area, there's an early childhood playground here.
6 The main entry, we have a lobby, your elevators,
7 administrative office, lunch room, library,
8 library has a prominent face on the First Avenue
9 side.

10 At this point, if there's any
11 questions, I'd be happy to answer them.

12 CHAIRPERSON LAPPIN: Are there
13 windows on the north side of the building?

14 ELAN ABNERI: On the north side, we
15 are facing the tower or proposed towers, so we're
16 not planning any windows there.

17 GREGORY SHAW: But in fact none of
18 the program, no classrooms are on that side,
19 there's utility areas and also there's some other--
20 the gymnasium is on that side as well.

21 MALE VOICE 1: Yeah.

22 GREGORY SHAW: So in terms of light
23 and air--I mean in terms of light, we positioned--
24 the design calls for the areas, the critical items
25 that don't require light on that side of the
building.

2 CHAIRPERSON LAPPIN: Is that
3 because these would be lot line windows or why did
4 you make this decision?

5 GREGORY SHAW: Because the towers
6 going to--if the developer goes forward with the
7 towers, they will be abutting the building at that
8 point, they'll be right next to each other.

9 CHAIRPERSON LAPPIN: Okay. I have
10 a lot of questions, but you asked specifically if
11 we had questions related to the design, is that
12 what your question was or are you just--oh, are
13 you finished with your presentation?

14 ELAN ABNERI: We're finished.

15 CHAIRPERSON LAPPIN: Okay, great.
16 So we're going to open it up to questions, I have
17 a few and then I'm going to turn it over to
18 Council Member Garodnick and then other members of
19 the committee.

20 You know, sort of I want to start
21 by saying we're facing massive overcrowding in
22 District 2, particularly in this part of District
23 2 and 116, which is nearby, is beyond
24 overcapacity, so there is a desperate need in this
25 area for a new school. And, generally speaking, I

3 think excitement is not the right word, people
4 want this to open, they want it to open yesterday
5 and they need it to open yesterday, so I want to
6 start kind of with that being the overall
7 discussion and certainly people want this school
8 to be built. But there has been a lot of
9 discussion at the Community Board, which you were
10 nice enough--you didn't have to go to the
11 Community Board and we appreciate that you did and
12 I think it shows that you are willing to engage in
13 discussion and dialogue with the community, we're
14 going to need some of that--

15 GREGORY SHAW: Sure.

16 CHAIRPERSON LAPPIN: --going
17 forward. But I appreciate that you did that, even
18 though you didn't have to, but as you did, I think
19 this is a complicated site where you have other
20 construction, as you mentioned, these towers that
21 are going to be built. So what I wanted to ask
22 more generally is how this construction of this
23 school is going to fit into the construction at
24 the overall site. Once this is built--and we want
25 it to be built, we don't want to wait for the
other construction, but once it is and it's open

2 and you have children running around in the play
3 yard and in the building, how do those children
4 stay safe when there is massive construction
5 happening right there, abutting the building?

6 GREGORY SHAW: That's a good
7 question. Only working in, you know, concert with
8 the Building Department and all I can tell you is
9 a school that's in Manhattan, any school that's in
10 Manhattan is subject to that kind of development
11 where there could be a large structure next to it
12 or built next to it. We're cognizant of that,
13 we've had discussions with the developer regarding
14 that, but other than that, at this particular
15 point, there's nothing we can do until the
16 construction, or until he starts to move forward.
17 All I can tell you is currently the developer is
18 experiencing some financial difficulty. Whether
19 those towers ever go up or not--

20 CHAIRPERSON LAPPIN: Right.

21 GREGORY SHAW: --we're not even
22 sure.

23 CHAIRPERSON LAPPIN: And that's why
24 we don't want to wait, or that would be my view, I
25 don't think we should wait because who knows if or

2 when these towers ever get built and we need the
3 school, so I think it's prudent to move forward,
4 but it's going to be very complicated if and when
5 that happens.

6 Access to the public space on the
7 playground, how would that happen during
8 construction on the site?

9 GREGORY SHAW: If you're talking
10 about the playground area, which is not part of--

11 CHAIRPERSON LAPPIN: [Interposing]
12 Not the one on the roof, but the other one that
13 you pointed out.

14 GREGORY SHAW: That would obviously
15 be a concern for us as to what the contractor or
16 what the developer could do to assure that the
17 kids would not be exposed to this kind of
18 construction. I guess there's ways that could be
19 accomplished, that would all have to be discussed
20 with him at the time that he got his permits to do
21 this. Obviously, we have excellent relationships
22 with the Building Department, so we would
23 certainly be weighing in on that issue.

24 CHAIRPERSON LAPPIN: I mean we did
25 have a similar situation last year at 67th and

1
2 First at P.S. 183 when the Laurel was going up
3 next door, we had some problems with the
4 children's play yard being right next to that
5 construction. So I appreciate when you say this
6 happens in Manhattan, it does, even with buildings
7 that are going up near existing schools, but we
8 did have to alter the developer's schedule, have
9 him do work during the summer, for example, when
10 the children were not in school, we did have to
11 have a stop work order issued for that site at
12 different points. So it is complicated, and it
13 can be very dangerous so it's going to have to be
14 taken incredibly seriously, and if the developer,
15 whoever that person is, isn't cooperating, then we
16 have to issue stop work orders on that site until
17 he's forced to cooperate.

18 Is there any plan to have this
19 school, particularly when the site is dormant or
20 before there are other--before there's other
21 construction in the area be brought into the
22 community, made into a community asset to some
23 extent, having the gymnasium, or is there an
24 auditorium in this building?

25 ELAN ABNERI: The building has a

2 full gymnasium, it also has what we're calling a
3 gymnasium. It will function as both a secondary
4 gym and an auditorium space, there will be movable
5 seats, there would be a stage, and the advantage
6 is it gives more play space for the children, in
7 addition to serving the auditorium function.

8 CHAIRPERSON LAPPIN: And if they
9 have to play inside, perhaps when there's
10 construction happening, they would have that
11 possibility of doing it?

12 ELAN ABNERI: There again, there
13 are two gym spaces that they can play indoors.

14 CHAIRPERSON LAPPIN: And there's
15 room on the roof for them to play outdoors.

16 ELAN ABNERI: Yes, the outdoor
17 though is adjacent to one of the proposed towers.

18 CHAIRPERSON LAPPIN: So that would
19 potentially be off limits during construction,
20 potentially.

21 ELAN ABNERI: Potentially.

22 GREGORY SHAW: For periods of it,
23 yes.

24 CHAIRPERSON LAPPIN: Right.

25 GREGORY SHAW: Absolutely.

2 CHAIRPERSON LAPPIN: So are there
3 thoughts about opening up some of these spaces to
4 the community? Obviously not in school hours.

5 ELAN ABNERI: Yeah, well it has
6 been the Department of Education's policy to allow
7 community groups to make uses of schools, you
8 know, after hours, so that's generally been the
9 case and especially so when you have a new
10 facility which has actually more to offer, so,
11 yes.

12 CHAIRPERSON LAPPIN: And I assume
13 it goes without saying that there will be science
14 labs, art rooms?

15 ELAN ABNERI: Yes.

16 CHAIRPERSON LAPPIN: Cafeteria.

17 ELAN ABNERI: Science, there's
18 about 24 regular classrooms, an art room, music
19 room, there'll be science for the younger grades,
20 as well as science for the older grades, a lab and
21 demo space.

22 CHAIRPERSON LAPPIN: When do you
23 anticipate this school would open if all went
24 according to plan?

25 GREGORY SHAW: If all goes

2 according to plan, we're looking at 2013,
3 September [off mic].

4 CHAIRPERSON LAPPIN: I'm going to
5 turn it over to Council Member Garodnick.

6 COUNCIL MEMBER GARODNICK: Thank
7 you, Chair Lappin. I think you hit the points
8 right on the money because everybody has
9 anticipated that this would be the site of a
10 school, in fact it was a precondition for our
11 rezoning the area which included the entire East
12 River Realty Corporation proposal which goes from
13 35th Street up to 41st Street. In fact, we
14 reoriented the school from where it was initially,
15 which was in the depths of that site on the FDR
16 Drive to First Avenue. So I think Council Member
17 Lappin is absolutely correct that this is not only
18 important, but essential for the East Side to deal
19 with our overcrowding issues.

20 But let's talk a little bit about
21 the mechanics of where we are and where we're
22 going from here. First question is, I assume the
23 Community Board saw these renderings when you went
24 to them, is that right?

25 GREGORY SHAW: When we meet the

1 first meeting, Mr. Abneri and myself were at that
2 first meeting with the Youth and Education
3 Committee and we did provide them with a
4 schematics of design, we had some boards, not
5 exactly the same boards that we're showing you
6 here, but we went into some great detail of where
7 the school was going to be located and the
8 interior design for the school, yes.

10 COUNCIL MEMBER GARODNICK: Okay.

11 So you have more up-to-date information than you
12 did even when you were at the Community Board.

13 GREGORY SHAW: Slightly so, yes.

14 COUNCIL MEMBER GARODNICK: Okay.

15 And the action that the School Construction
16 Authority is asking the Council to take today is
17 an approval on the siting, not an approval on the
18 specific design of this building, is that correct?

19 GREGORY SHAW: Well we are
20 presenting to you information regarding what we
21 believe the design will be going forward and some
22 of the constraints that we faced given the
23 location of the school and the overall
24 requirements for the development.

25 COUNCIL MEMBER GARODNICK: I

3 understand, let me just be clear on my question,
4 which is that if we were to approve what we're
5 looking at right now and you decide that, instead
6 of putting windows on the first floor over there,
7 cantilever it over 35th Street and decided to make
8 that a non-windowed area, you have the ability to
do that, is that right?

9 GREGORY SHAW: That's correct--

10 [Crosstalk]

11 COUNCIL MEMBER GARODNICK:

12 [Interposing] And if you decided to move the
13 auditorium, the gymatorium, you know, a few feet
14 in a different direction or decided to eliminate
15 it in favor of additional classroom space or
16 science labs, you could do that even after our
17 approval, is that right?

18 GREGORY SHAW: Oh, absolutely--

19 [Crosstalk]

20 COUNCIL MEMBER GARODNICK: Okay.

21 So--

22 GREGORY SHAW: --yes.

23 COUNCIL MEMBER GARODNICK: --what
24 we're doing here today is approving a siting and
25 not necessarily the details of this design, is

1
2 that correct?

3 GREGORY SHAW: That's correct.

4 COUNCIL MEMBER GARODNICK: Okay.

5 And the reason I ask that question of course is
6 because--and I want to talk to you about this a
7 little more--is that we want to make sure that you
8 are fully engaged with the community on the
9 subject of the details of the program and the
10 details of the design going forward, and nothing
11 that we do here in the Council is intended to
12 preclude that continued discussion, in fact, we
13 would like to insist upon it and you have, I
14 believe, agreed to do that, but we will--if you
15 want to comment on that now, but we can come back
16 to that in a moment.

17 GREGORY SHAW: Yes, I'd like to--
18 yes, we certainly agree to continue dialogue with
19 the Community Board number 6 regarding the design
20 as it goes forward. As a matter of fact, we have
21 in the past when Community Boards have asked for
22 continued input with respect to a design going
23 forward, we have given them an opportunity when
24 they've asked.

25 COUNCIL MEMBER GARODNICK: Okay.

2 [Crosstalk]

3 GREGORY SHAW: And so we are
4 certainly willing to do so and we will appoint a
5 point person as a point of contact to bring the
6 appropriate representatives before the Community
7 Board so that you will have an opportunity to have
8 some dialogue and some input.

9 COUNCIL MEMBER GARODNICK: Good--

10 GREGORY SHAW: Yes.

11 COUNCIL MEMBER GARODNICK: --and
12 they will ask and we will certainly ask. In your
13 proposal, in your letters to both Mayor Bloomberg
14 and Speaker Quinn dated December 10, you note that
15 under the proposed project, the SCA would acquire
16 the privately-owned property and would construct a
17 new approximately 612-seat primary and
18 intermediate school serving students of District
19 2. Question one here is, have you acquired this
20 site?

21 GREGORY SHAW: No, we have not, we
22 could not because a precondition to acquiring a
23 site is approval of the site plan by the Mayor and
24 the Council, so if we are fortunate enough to have
25 your approval today, then we could go forward. We

2 are in contract with the developer to purchase
3 this particular property, but that contract is
4 subject to Mayor and Council approval of the site
5 plan.

6 COUNCIL MEMBER GARODNICK: Okay.

7 And is that the last obstacle that would stand
8 between you and the City's ability to perform on
9 the contract?

10 GREGORY SHAW: Yeah, yes, at this
11 particular point, that is the only condition right
12 now. The developer had some other conditions that
13 he had to comply with and he apparently has in
14 terms of subdividing the property and a few other
15 things and so this is the last condition.

16 COUNCIL MEMBER GARODNICK: Just
17 from the City's perspective, this is it.

18 GREGORY SHAW: That's right--

19 [Crosstalk]

20 COUNCIL MEMBER GARODNICK: Okay.

21 And the number of seats in the school that you
22 noted in your application here, you noted that it
23 was 612, now that number has moved around somewhat
24 during the course of our discussion over the last
25 two, three years. It at one point was a 708, I

3 think I remember it being, perhaps, I'm not
4 positive about this, a 640. The question that I
5 have for you today is, is this a floor or is this
6 a ceiling?

7 GREGORY SHAW: Well I'm going to
8 let Mr. Abneri answer that question in terms of
9 design.

10 ELAN ABNERI: From a practical
11 standpoint, I think we're at the maximum number of
12 seats we want to put in. As it is, we have six
13 stories and any more than that we think would be a
14 burden for the children to have to go up and down
15 the stairs, you know, all day long from class to
16 class, so we try not to go more than six stories
17 and that's where we're at now.

18 COUNCIL MEMBER GARODNICK: Okay.
19 And so that means that that is the max, you
20 believe that 612 is the max.

21 ELAN ABNERI: Yeah. It's actually
22 around--it's a little more than that, but it's
23 around 612.

24 COUNCIL MEMBER GARODNICK: Okay.
25 Council Member Lappin raised the issues about the
surrounding site future development, I think

3 everybody agrees that it is simply undesirable to
4 have a school followed by residential
5 construction, even on one side abutting the school
6 and a one side separated by a mere 40 feet.

7 During the interim period, however, before any
8 future residential development might take place--
9 and for the benefit of my colleagues, this site
10 today is a gravel pit which collects water and
11 does nothing today, it's just empty--and
12 presumably most of that site will remain a gravel
13 empty pit, even after 2013 if no residential
14 construction has taken place, is that correct?

15 GREGORY SHAW: Yes, if the
16 development--it's his property, so if he doesn't
17 develop it, we have no ability to--

18 [Crosstalk]

19 COUNCIL MEMBER GARODNICK:

20 [Interposing] How will you segregate off the
21 school and its property from the gravel, wet pit
22 that it is today to ensure that students don't
23 find their way there or that members of the public
24 don't find their way there? Today, it's chained
25 off, it's got a fence, as you know, but once you
start opening the door here, how will you protect

3 or segregate off the school?

4 GREGORY SHAW: I'll let Mr. Abneri,
5 who's an engineer, answer that question.

6 ELAN ABNERI: The site would have
7 to remain fenced off where there's no development.
8 We'll be building a retaining wall around the
9 perimeter of our property which will protect that
10 property when any future development is done and
11 our property would be chained off so there is no
12 way that people could easily wander off.

13 COUNCIL MEMBER GARODNICK: Okay. I
14 think that's going to be an important design
15 parameter, something that we will continue to have
16 as a conversation with the local Council Members
17 and the community.

18 Let me reiterate here that the
19 composition of this site is a point of concern and
20 this is beyond the jurisdiction of the School
21 Construction Authority, however, but we have
22 raised alarms about this with the Department of
23 City Planning, the City's Economic Development
24 Corporation, and the School Construction Authority
25 because this is an entire city block which is
being developed in an order that nobody really

1
2 expected. In fact, there were restrictions
3 written into the restrictive declaration when we
4 did the rezoning which would disallow too much
5 development before the school happened and those
6 were the rules that were put in at the time, not
7 what will happen if the school is coming in first,
8 nobody expected that to happen. So I do want to
9 say on the record that we do believe the
10 Department of City Planning should be working to
11 get a complete site plan from the developer and
12 working to do this in a way that makes sense for
13 the city, makes sense for the developer, and makes
14 sense for the school.

15 Let's talk about those future
16 conversations, however, that you were going to be
17 having with the community. First of all, did I
18 hear you correctly say that the School
19 Construction Authority is going to assign a point
20 person to discuss issues with the Community Board,
21 either in any task force or ongoing communications
22 that they wish to have?

23 GREGORY SHAW: That's correct,
24 Council Member.

25 COUNCIL MEMBER GARODNICK: Will the

2 School Construction Authority come back to the
3 Community Board and discuss the design and look
4 for improvements, get the Community Board more
5 information and a schematic design and agree to
6 work with them on their concerns and to find
7 solutions by possibly refining the design to meet
8 concerns that the Community Board has laid out?

9 GREGORY SHAW: Absolutely, Council.

10 COUNCIL MEMBER GARODNICK: Will you
11 open a constructive and meaningful dialogue with
12 the Community Board that allows them to make
13 constructive criticisms and suggest alternatives
14 that are thoroughly reviewed and considered?

15 GREGORY SHAW: Absolutely, we've
16 met with them twice and we're more than willing to
17 meet with them again.

18 COUNCIL MEMBER GARODNICK: And will
19 you do all of the foregoing requests as to the
20 local Council Members which includes me, Council
21 Member Mendez, Council Member Lappin, as well as
22 any of the state or federal officials?

23 GREGORY SHAW: Absolutely,
24 whatever, whatever you--

25 [Crosstalk]

2 COUNCIL MEMBER GARODNICK:

3 [Interposing] Terrific, well thank you for that,
4 and what we would like to ask is that you
5 memorialize that in a letter to us before
6 Thursday's vote. And I will say for myself that,
7 again, this site has been viewed as a critical
8 part of the East Side's school overcrowding
9 problem and ways to deal with it and we approved
10 our rezoning contingent on the existence of a
11 school on this site, so I have no question in my
12 mind that it is absolutely an appropriate site and
13 that's the question that is presently before us.
14 And so I will be supporting the application,
15 contingent on the receipt of the letter about your
16 ongoing communication with the Community Board and
17 elected. So thank you very much, Chair Lappin.

18 CHAIRPERSON LAPPIN: Thank you very
19 much, Council Member Garodnick, I look forward to
20 reviewing the letter, if you could get that to
21 Council Member Garodnick tomorrow so he has a
22 chance to run that by the Community Board, that
23 would be helpful so that we can meet and vote
24 promptly on Thursday morning, that would
25 appreciated.

2 GREGORY SHAW: No problem.

3 CHAIRPERSON LAPPIN: I wanted to
4 give Council Members Liu and Crowley the
5 opportunity to vote before we move on to other
6 questions.

7 MALE VOICE 2: Arroyo.

8 CHAIRPERSON LAPPIN: I'm sorry,
9 Arroyo.

10 CHRISTIAN HYLTON: Council Member
11 Liu.

12 COUNCIL MEMBER LIU: I vote yes.

13 CHRISTIAN HYLTON: Council Member
14 Arroyo.

15 COUNCIL MEMBER ARROYO: Yes.

16 CHRISTIAN HYLTON: Vote now stands
17 eight in the affirmative, none in the negative, no
18 abstentions.

19 CHAIRPERSON LAPPIN: Council Member
20 Barron.

21 COUNCIL MEMBER BARRON: Yes, I just
22 wanted to caution, one, my Council Members,
23 there's something I'm working on, some legislation
24 I'm working on to see what we can do as a Council
25 to have more authority over the design and the

1
2 programming.

3 All that he just said to you, Dan,
4 that, yes, we'll do this, yes and do that, if they
5 want to radically change that, they can have
6 conversations with you until you turn purple, and
7 if they decide to do that, they have the power and
8 the authority to do that. I've had an instance in
9 a school in my district where it's supposed to be
10 K to 8, we had conversations, the planning board
11 didn't want it changed, I didn't want it changed,
12 nobody wanted it changed, but the Department of
13 Education decided they wanted to put a high school
14 transfer school in the building instead of the
15 elementary school, so now we have a middle school
16 and a transfer school. They said we'll only leave
17 it there for a year and then revert back. We have
18 absolutely no power no matter how nice he said
19 yes--and he's a very nice guy, I like him very
20 much--but it's irrelevant what he just said to you
21 today, totally irrelevant because if the
22 Department of Education wants to radically alter
23 this, they have the legal authority to do it. So
24 I think in the letter, if they can put a little
25 more muscle in the letter and say that, even

1
2 though we have the legal authority to change the
3 design and the programming without the City
4 Council, we will not exercise that authority
5 without coming forth to the City Council. It'll
6 be interesting, I don't know if--I don't think we
7 can hold them legally bound to a letter because
8 it's not a contract, but a stronger letter than I
9 will talk to you and I will sit down and have
10 conversations with you. Until we can work on some
11 legislation to hold them legally binding to come
12 back to us--if in fact that could happen, I'm
13 exploring that. At least the letter should be
14 stronger, acknowledging that they have the legal
15 authority to change the design, they have the
16 legal authority to change the program, but we will
17 not exercise it out of good faith, because the
18 Council was nice enough to approve the site, we
19 will not exercise our legal power over you without
20 coming back to you and looking and dealing with
21 these changes. I think that--would you do a
22 letter like that?

23 GREGORY SHAW: Well the only
24 problem with that, Council Member, is in fact
25 Council Member Garodnick wants us to consult with

2 the Community Board as the design goes forward, so
3 it's an evolving process, so what we're talking
4 about today, may in fact be somewhat changed in
5 consideration of what the Community Board has
6 requested.

7 COUNCIL MEMBER BARRON: I didn't
8 say not change it, I didn't say you couldn't
9 change it, I said that you will not exercise your
10 legal authority to change it without consult--you
11 can say the Community Board--

12 MALE VOICE 3: Finalize it, or
13 finalize it.

14 COUNCIL MEMBER BARRON: --or to
15 finalize it without the Community Board, without
16 the consent of the Council. So it doesn't
17 preclude from doing all that you just mentioned,
18 you can go ahead and talk to the Community Board,
19 you can even make changes, but this letter will
20 say that you will not exercise your legal
21 authority without the approval to do that, without
22 the approval of the Council and the Community
23 Board and anybody else that the local--

24 CHAIRPERSON LAPPIN: [Interposing]
25 Okay.

2 COUNCIL MEMBER BARRON: --Council
3 Members--

4 CHAIRPERSON LAPPIN: Thank you,
5 Council Member Barron for that, and that's duly
6 noted.

7 COUNCIL MEMBER BARRON: What am--
8 [Off mic]

9 COUNCIL MEMBER BARRON: --duly
10 noted, I know you noted it.

11 CHAIRPERSON LAPPIN: Well we'll
12 take a look at the draft and what they sent us
13 and--

14 COUNCIL MEMBER BARRON: I just want
15 to see what--I just wanted to see if he would be
16 willing to do that.

17 GREGORY SHAW: I can't answer that
18 right--in that fashion, Council Member Barron,
19 other than to say that the issue that you had
20 raised previously which it was a change in the use
21 of the school from an elementary school to a high
22 school is different than what you're asking now.
23 When you're talking about interior design, one of
24 the things that Council Member Garodnick had
25 mentioned in his initial comments or questions

2 regarding what I was presenting was the--what
3 we're presenting today is not going to hold us if
4 we're going to change classrooms around or move
5 things around in the interior of the building--

6 COUNCIL MEMBER BARRON:

7 [Interposing] No, I understand the difference
8 between program and design, I'm not confused on
9 that at all. My concern--and pardon me, Chair
10 Lappin, if I just explore this a little further--
11 and I know the difference between program and
12 design, but your authority to do this without, you
13 know, even--you don't even have to consult us to
14 do this right now. I just wanted to see if you
15 would be willing--'cause this could be setting a
16 precedence of what we do, not just for your area,
17 but for what happens in the future, if the letter
18 could be stronger and saying we will not exercise
19 our legal authority to change the design or the
20 program without consulting the community and the
21 Council Members and getting their approval.

22 GREGORY SHAW: I'm afraid that I
23 have no authority to make that commitment to you,
24 Council Member.

25 COUNCIL MEMBER BARRON: So who

2 does?

3 GREGORY SHAW: First of all, in
4 terms of program, that is coming from the
5 Department of Education--

6 COUNCIL MEMBER BARRON: All right,
7 what about design, do you have authority over
8 that?

9 GREGORY SHAW: No, I don't have
10 authority over design, I can't--

11 COUNCIL MEMBER BARRON:
12 [Interposing] So you could just give a letter
13 that--

14 GREGORY SHAW: [Interposing] Well
15 the letter will be what the Council Member
16 Garodnick has asked for, which is to have a
17 serious--

18 COUNCIL MEMBER BARRON:
19 [Interposing] Of conversations--

20 GREGORY SHAW: --dialogue--

21 COUNCIL MEMBER BARRON: --with no
22 authority.

23 GREGORY SHAW: --and with
24 consultation with the community. I'll give you an
25 example, one of the things that the Community

2 Board had expressed interest in or question was
3 why is the entrance on 35th Street. Well that's
4 one of the things we're going to discuss with
5 them, but if you look at the site, it's either
6 going to be on 35th Street or it's going to on
7 First Avenue, and that's an issue of safety, so
8 that's one of the things we would have a dialogue
9 with them.

10 COUNCIL MEMBER BARRON: Right, you
11 can have a dialogue, but I'm looking at--but if
12 the community decided First Avenue and you decided
13 34th Street, that's it.

14 GREGORY SHAW: Well if you're
15 talking about the safety of children--

16 COUNCIL MEMBER BARRON:
17 [Interposing] And, and we--

18 [Crosstalk]

19 GREGORY SHAW: --if we're talking
20 about safety of children, yes, then--

21 [Crosstalk]

22 COUNCIL MEMBER BARRON:
23 [Interposing] Okay, but even in the design, if
24 Daniel wanted the gym on the first floor and so
25 did the Community Board and so did everybody, and

2 I'm not talking about that.

3 GREGORY SHAW: We would respond to
4 any request of--

5 [Crosstalk]

6 COUNCIL MEMBER BARRON:

7 [Interposing] I know you will, no further--go
8 ahead, now you can do your thing that you said
9 before.

10 CHAIRPERSON LAPPIN: Okay. I just
11 have one last question--did you have a question,
12 Leroy? Oh, Rosie has a question.

13 [Off mic]

14 CHAIRPERSON LAPPIN: You don't have
15 to have a question, Leroy--

16 [Crosstalk]

17 CHAIRPERSON LAPPIN: --but you can
18 if you want to.

19 [Off mic]

20 CHAIRPERSON LAPPIN: You mentioned
21 the contract of sale, what are we paying for this
22 property?

23 GREGORY SHAW: Thirty-three
24 million, 250.

25 [Pause]

2 [Off mic]

3 CHAIRPERSON LAPPIN: And what do we
4 anticipate the cost of construction to be?

5 COUNCIL MEMBER COMRIE: [Off mic]
6 got \$14 billion--

7 [Pause]

8 MALE VOICE 4: [Off mic] 60
9 million?

10 MALE VOICE 5: That's chump change.

11 [Pause]

12 GREGORY SHAW: Sixty, seventy
13 million.

14 CHAIRPERSON LAPPIN: Okay. Council
15 Member Mendez.

16 COUNCIL MEMBER MENDEZ: I'm sorry,
17 Chair Lappin, your question was...?

18 COUNCIL MEMBER COMRIE: How much
19 was the property.

20 CHAIRPERSON LAPPIN: How much is
21 the price of the property.

22 COUNCIL MEMBER MENDEZ: Sixty,
23 seventy million?

24 GREGORY SHAW: No, no.

25 COUNCIL MEMBER MENDEZ: You said

2 sixty.

3 ELAN ABNERI: No, that's probably--
4 I think it's probably, construction will probably
5 be around--

6 CHAIRPERSON LAPPIN: [Interposing]
7 I asked, right, price--

8 ELAN ABNERI: --fifty million.

9 CHAIRPERSON LAPPIN: --of property,
10 33 million--

11 COUNCIL MEMBER MENDEZ: Right.

12 CHAIRPERSON LAPPIN: --estimate on
13 construction costs, and you said 50 million?
14 Fifty to 60 million.

15 GREGORY SHAW: Approximately.

16 [Off mic]

17 CHAIRPERSON LAPPIN: So what a
18 school costs you say is 100 million bucks.

19 COUNCIL MEMBER COMRIE: In
20 Manhattan.

21 CHAIRPERSON LAPPIN: In Manhattan.
22 Council Member Mendez.

23 COUNCIL MEMBER MENDEZ: Thank you,
24 Chair Lappin. Council Member Barron had asked a
25 couple of questions, but he also--you said you

2 weren't in charge of construction, is that the
3 School Construction Authority that's got the final
4 approval on construction?

5 GREGORY SHAW: Yes.

6 COUNCIL MEMBER MENDEZ: Okay. I
7 want to get back to the wet gravel pit 'cause I
8 pass it every day, it's across the street from my
9 district and I, you know, I was taking down some
10 notes so I didn't hear everything, but that area
11 is owned by the developer, but this will be an
12 attractive nuisance. I remember what I did in
13 middle school, which is in the Broadway Triangle
14 and still hasn't been developed, but anyway,
15 another story.

16 [Off mic]

17 COUNCIL MEMBER MENDEZ: It's up? I
18 used to, during gym time, cross the street and go
19 into the empty lot and then I'll stop right there.
20 So what is the Department of Education's
21 responsibility then to make this attractive
22 nuisance not so attractive, particularly I think
23 to the older students who are going to be there.

24 GREGORY SHAW: I think we had
25 indicated we'll have a retaining wall and then the

2 kids will be fenced in, but other than that,
3 there's not too much we can do with someone else's
4 property. We don't have control over it, we can
5 only control the areas that we have. The way the
6 school is designed, it's designed in such a
7 fashion that the kids should not be--they don't
8 enter in that area.

9 COUNCIL MEMBER MENDEZ: So it will
10 be a retaining wall.

11 MALE VOICE 1: And fence.

12 COUNCIL MEMBER MENDEZ: And fence.

13 ELAN ABNERI: The retaining wall is
14 to make up the difference between the level of the
15 pit now and grade level and the fence will be
16 about 16 feet high in the playground area, so it
17 more than high enough to keep people out or in.

18 COUNCIL MEMBER MENDEZ: And the
19 retaining wall goes high enough that the school
20 children won't be able to grab the fence and then
21 jump over, or we don't know yet, we're still--

22 ELAN ABNERI: [Interposing] We
23 frequently install a very tight mesh fence, it has
24 very small openings, it difficult to get any kind
25 of foothold. I mean where there's a will, there's

2 a way, you can--

3 COUNCIL MEMBER MENDEZ: Yeah.

4 ELAN ABNERI: --scale anything,
5 but--

6 MALE VOICE 1: [Interposing] The
7 retaining wall will only come up to grade, the
8 base floor of the playground, from there up will
9 be a 16 foot high fence. The retaining wall is
10 merely to get the hole up to level--

11 COUNCIL MEMBER MENDEZ: Okay.

12 MALE VOICE 1: --with the street.

13 COUNCIL MEMBER MENDEZ: I see
14 issues, that's all I'm going to say. You know,
15 you can break the fence, I've climbed on those
16 when I was in better shape, put my fingers in
17 those little small things and climbed up.

18 So I certainly look forward to
19 working with my colleague Council Member Garodnick
20 and with the Community Board. This has been a
21 site that they've been looking at for nine years
22 or so when the Con Ed facility was still there, so
23 they've been very involved in this and have a lot
24 of knowledge about this and are very concerned.
25 So I look forward to the continuing conversations

2 about the future plans and look forward to this
3 letter and for us voting for a site coming up on
4 Thursday.

5 CHAIRPERSON LAPPIN: Agreed, and I
6 think it's certainly in the city's best interest
7 for ultimately this entire parcel to be developed
8 and we hope it will be, but we know that these are
9 tough financial times for many in this industry,
10 so who knows what the long term prognosis is.

11 Thank you very much, there is one
12 other person signed up to testify on this item
13 who's representing Congresswoman Carolyn Maloney,
14 Dara Adams, is Dara still here?

15 [Off mic]

16 CHAIRPERSON LAPPIN: Great.

17 [Pause]

18 [Off mic]

19 CHAIRPERSON LAPPIN: And, Council
20 Member Arroyo, I don't think you were here when I
21 mentioned we're meeting again Thursday morning
22 both to vote on this and one other item.

23 [Off mic]

24 [Pause]

25 CHAIRPERSON LAPPIN: Go ahead,

3 introduce yourself for the record and begin, Dara.

4 DARA ADAMS: Good afternoon, Chair
5 Lappin, I'm Dara Adams, representing Congresswoman
6 Maloney. Thank you so much for giving me the
7 opportunity to represent her here this afternoon.

8 I offer testimony in support of a
9 new 612-seat primary/intermediary public school
10 facility at 616 First Avenue. Congresswoman's
11 been advocating to site a school on the Con Edison
12 Waterside development since she first learned that
13 Con Edison would be vacating the space in 2000.
14 She's excited that the School Construction
15 Authority is finalizing their purchase of Lot 1
16 and has announced an intended opening of the
17 school in September of 2013.

18 She first testified about the need
19 for a public school in the Waterside development
20 at a public hearing on September 26, 2002, before
21 the Public Service Commission. At the time, she
22 had heard from the community that District 2
23 elementary schools were at 90% capacity and that
24 there was a very real concern that a new
25 development meant to attract thousands of
residents to the neighborhood would overburden our

1
2 already overcrowded schools.

3 At a hearing the following year on
4 the supplemental draft Generic Environmental
5 Impact Statement, the New York City Board of
6 Education projected that P.S. 116, which is
7 located in the heart of the Waterside development
8 area on 33rd Street, would reach 103 capacity by
9 2007 without the new Waterside development. At
10 the time, she testified that these numbers lag
11 behind reality and, sure enough, over the next six
12 years, more than 30 new residential buildings were
13 constructed in the P.S. 116 catchment zone and
14 P.S. 116 reached 113% capacity in 2008.

15 Accordingly, residents in the neighborhood have
16 expressed great excitement about a new school
17 coming on-line to alleviate the overcrowding.

18 I have seen Congressman--rather, I
19 have seen plans for this site change over the past
20 ten years. According to the original plans, some
21 2,000 to 4,000 additional residential units should
22 already have been constructed by 2007, as Council
23 Member Garodnick alluded to. Clearly the
24 development is a little behind schedule. The
25 uncertainty as to when private development will be

3 completed on this site is a cause of concern to
4 residents who worry that the new school will be
5 completed and open for business first, leaving
6 children vulnerable to dangers associated with the
7 construction site, as the Council Members have
8 mentioned.

9 In the past three years, my
10 district has witnessed two catastrophic crane
11 accidents and other serious construction
12 incidents. With that in mind, the Congresswoman
13 strongly encourages the city to take all steps
14 necessary to ensure that development of the site
15 will be as holistic as possible. She will also
16 work with the community and local elected
17 officials to ensure that any opportunity to
18 minimize the impact of construction on the
19 students and area residents will be implemented.

20 Thank you.

21 CHAIRPERSON LAPPIN: Thank you,
22 Dara. We appreciate the Congresswoman's testimony
23 and her support of this school and her advocacy on
24 behalf of the families in the neighborhood. Thank
25 you.

DARA ADAMS: Thank you so much,

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2
3
4
5
6

I'll share that with her.

CHAIRPERSON LAPPIN: With that,
this hearing is closed and this meeting will be
recessed until Thursday morning at 9:30, and the
vote is now closed.

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.

Signature Tammy Wittman

Date December 21, 2009