

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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August 20, 2012
Start: 11:43 a.m.
Recess: 12:35 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E: MARIA DEL CARMEN ARROYO
Acting Chairperson

COUNCIL MEMBERS:
Brad S. Lander
Rosie Mendez
Annabel Palma
James Sanders, Jr.
Jumaane D. Williams
Daniel J. Halloran III

APPEARANCES (CONTINUED)

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

Mark Diller
Chair
Manhattan Community Board 7

Mel Wymore
Chair Emeritus
Manhattan Community Board 7

David Harney
Chief of Staff to the Deputy Fire Commissioner
Technology and Support Services

Abdo Nahmod
Chief of Emergency Medical Services
New York City Fire Department

Kate Daly
Executive Director
New York City Landmarks Preservation Commission

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2 ACTING CHAIRPERSON ARROYO: We're
3 ready?

4 [gavel]

5 ACTING CHAIRPERSON ARROYO: Good
6 morning, everyone. Welcome to this hearing on the
7 Landmarks, Public Siting and Maritime Uses
8 Subcommittee. As you can tell I am not Brad
9 Lander, but he is on vacation and hopefully he is
10 having a good time. I am Maria del Carmen Arroyo,
11 and I will be chairing this hearing. Housekeeping
12 for members, we have seven items on the agenda.
13 We will be voting on all seven—maybe lay one over,
14 but we will not know until a little later. The
15 first item, we have three schools, so we will
16 bring up the School Construction Authority First
17 with a school proposed in Council Member Comrie's
18 district, pre-considered 20125428 in Queens and we
19 will hear from Gregory Shaw, and this is on the
20 project P.S. 892, and Kendrick Ou. Welcome. You
21 guys know the rules here. Begin when you are
22 ready.

23 GREGORY SHAW: Thank you,
24 Chairperson Arroyo and Council Members. My name
25 is Gregory Shaw. I am principal attorney for real

1
2 estate for the New York City School Construction
3 Authority and thanks for welcoming us today on
4 this very important project. The New York City
5 School Construction Authority has undertaken the
6 site selection process for the proposed 379 seat
7 primary school facility that will be located on
8 tax block 1975, lot 1, located at 199-02 112th
9 Street in the St. Albans section of Queens. The
10 proposed school site is also located in Community
11 School District number 29 and Queens Community
12 Board number 12. The project site contains
13 approximately 22,250 square feet of lot area. The
14 site is improved with a six story former Catholic
15 high school currently owned by the police athletic
16 league [phonetic]. The SCA has a contract with
17 the police athletic league to purchase the
18 property. Under the proposed plan, the SCA would
19 acquire the property and renovate the existing
20 structure and construct a 379 seat primary school
21 facility. A phase one environmental site
22 assessment and a phase two environmental site
23 investigation were conducted at the site—one
24 underground 10,000 petroleum tank was discovered
25 and will be removed or decommissioned in place

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2 with accordance to all applicable federal, state
3 and city regulations and requirements. The notice
4 of filing for the site plan was published in the
5 New York Post and city record on March 5th, 2012.
6 Queens Community Board number 12 was also notified
7 of the site plan on that date. Community Board
8 number 12 held a hearing on April 18th, 2012 but
9 did not submit written comments on the proposed
10 plan. The city Planning Commission was also
11 notified of the site on March 5th, 2012 and it
12 recommended in favor of the site. The SCA has
13 considered all comments received on the proposed
14 site plan and affirms it pursuant to Section 1731
15 of the Public Authorities Law. In accordance with
16 Sections 1732 of the Public Authorities Law, the
17 SCA submitted the proposed site plan to the mayor
18 and City Council on August 7th, 2012. We look
19 forward to your Subcommittee's favorable
20 consideration of the proposed site plan. We are
21 prepared to answer any questions that you might
22 have. And for the record, to my immediate left is
23 Kendrick Ou, director of real estate for the
24 School Construction Authority. Thank you.

25 ACTING CHAIRPERSON ARROYO: Thank

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2 you for your testimony. Before I turn it over to
3 Council Member Comrie, I want to acknowledge the
4 members of the Committee and other members who
5 have joined us this morning. We have to my
6 extreme left--no pun intended--Council Member Rosie
7 Mendez, Council Member Palma to my right--no pun
8 intended there either--and Council Member Sanders
9 from the Committee and joining us is--I'm sorry?
10 And Council Member Williams is joining us, Council
11 Member Comrie and Council Member Brewer, and now I
12 would like to turn over to Council Member Comrie
13 to make a statement on the P.S. 892 project.

14 COUNCIL MEMBER COMRIE: Thank you,
15 Chairman Arroyo. Good morning. I am pleased that
16 the Department of Education has identified this
17 site after I had spoken to them about acquiring
18 the site for a possible school. I'm glad that
19 they have followed through and are bringing this
20 site together. As you know, when we first talked
21 about the site, it was to do a middle school at
22 this site and because of the size dimensions of
23 the school, DOE has decided that it should be an
24 elementary school. I just want to express the
25 concerns of my community that we still need middle

1 school seats in that area. We have preparatory
2 high school, which is co-located in Junior High
3 School 192 and we have some available property on
4 Hollis Avenue between 204 Street and 202nd Street.
5 I would hope that the City works to acquire that
6 site, which is right adjacent to Junior High
7 School 192/the preparatory high school as well, so
8 that we could get that site as well for a school.
9 It would create a major impact and a major - -
10 problems along Hollis Avenue, but to this degree,
11 I am pleased that this site will be purchased. I
12 hope that we can make sure that the construction
13 of the site will create an opportunity for
14 community activities as well. As you know, it was
15 the former police athletic league site so, people
16 in the community are used to being able to do
17 recreational activities there, so I'm hoping that-
18 and the plan of the site will create a large
19 enough basketball court and a community facility
20 that the community can use on a regular basis.
21 With that, I want to say that I do agree with this
22 site being chosen. I am pleased that the City is
23 following through and purchasing sites that are
24 being recommended to them and I have more
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2 recommendations that we should purchase properties
3 as well because it's important that we especially
4 in Queens and especially in my district where we
5 are property—where we don't have property. We are
6 very limited in property. We don't have any city
7 owned parcels that we try to acquire or any
8 properties that are buyable and feasible as
9 quickly as possible, even if it's in the long term
10 planning for construction because the population
11 numbers—even though the census is not accurately
12 reflecting it—are going up in my district and the
13 people that are coming to the district to attend
14 school, those numbers are increasing as well.
15 With that, Madam Chair, I would recommend the
16 Subcommittee vote for the project and I look
17 forward to working with School Construction as
18 they develop the site. Can I ask a question now?
19 Just to be clear, what type of community
20 facilities will be at the school?

21 GREGORY SHAW: The existing
22 building I believe has a gymnasium and also
23 classrooms. The renovation plans are still under
24 way, but we certainly would be maintaining the
25 existing facility. We'd be upgrading it. In

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2 terms of community based programming, the
3 Department of Education once there is a principal
4 selected for this school very often the principal
5 and the community based organizations will
6 partner. At this point since the building would
7 not be ready for occupancy until 2014, I don't
8 think the Department of Education has selected a
9 principal yet to begin that discussion.

10 COUNCIL MEMBER COMRIE: Also, I
11 want to make sure that the gymnasium can stay open
12 for community services since the gymnasium is
13 planned to be intact and that could be upgraded.
14 The floors needed to be upgraded also. I upgraded
15 the kitchen in there. There is a full kitchen
16 that can provide cooking—with full cooking
17 facilities in there. I hope that that will be
18 maintained and also to give an opportunity for
19 swing space for possible group activities in the
20 evening as well for community meetings. If you
21 could get back to us and to just be specific on
22 the usage of the gym to make sure that that is
23 part of the site plan for the school. If we could
24 get that in writing, I would appreciate it. I'm
25 sure that any principal they would want to do

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2 that, but just to make it as part of the site plan
3 would be...

4 GREGORY SHAW: We will get back to
5 you on that.

6 COUNCIL MEMBER COMRIE: Alright.

7 ACTING CHAIRPERSON ARROYO: This is
8 an existing site?

9 GREGORY SHAW: Yes. Yes, it is.

10 ACTING CHAIRPERSON ARROYO: One of
11 the challenges that we have always confronted with
12 siting schools and buildings that already exist is
13 the environmental conditions. What are the
14 environmental assessment results and what's the
15 plan to remediate anything that has been
16 identified as a potential hazard?

17 GREGORY SHAW: Well, the main
18 potential hazard--and this is the existing
19 structure--is the asbestos which will be removed in
20 accordance with all federal, state and city
21 requirements. In addition in my remarks, I had
22 mentioned that in our investigation there was a
23 determination that there is an underground storage
24 tank probably petroleum based, approximately
25 10,000 square feet that will either be removed or

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2 decommissioned in place and all the other measures
3 if there is any soil disturbed, of course, we will
4 remove any contaminated soil and replace it with
5 clean fill for any soil that is going to be
6 exposed in the playground area or likewise, so all
7 environmental conditions will be ameliorated as
8 they are encountered.

9 ACTING CHAIRPERSON ARROYO: When
10 will the community have a site plan that they can
11 review and critique or participate in the
12 monitoring of?

13 GREGORY SHAW: If you're referring
14 to the design for the school-

15 ACTING CHAIRPERSON ARROYO: The
16 environmental cleanup.

17 GREGORY SHAW: The environmental
18 cleanup normally that is undertaken and is
19 included as part of the bid with the contractor
20 and in terms of any critique, I mean, you're more
21 or less set in terms of the award. When you award
22 the contract, the contractor is specified as part
23 of his requirements exactly what is necessary to
24 be accomplished to make the site environmentally
25 compliant.

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2 ACTING CHAIRPERSON ARROYO: I
3 appreciate that. I think the concern is always
4 what happens after and was the site remediated
5 appropriately and if there are any future issues
6 who is informed, what action plan will be
7 undertaken to remediate. I know too well the
8 concerns that communities raise around sites that
9 we promise we are going to clean up and make safe
10 for those that are going to occupy the structure,
11 the facility and making sure that they're
12 comfortable and understand that this site
13 continues to be a safe place for children to learn
14 and for people to work.

15 GREGORY SHAW: Keeping in mind that
16 this site was a former Catholic High School, so
17 we're not talking about a site that is like a
18 warehouse or something else, so this is a site
19 that has always been a residential area. It's a
20 former school. The continued community use by
21 police athletic league underscores the fact that
22 it's not something that was used for chemicals - -
23 so...

24 ACTING CHAIRPERSON ARROYO: Okay.
25 Glad to hear that and I trust that my colleague

1 will keep your feet to the fire on it anyway.

2 Okay. Any questions, my colleagues? Council
3 Member Halloran has joined us. Okay. So we're
4 going to move on to the next school. This one is
5 in Council Member Brewer's district, P.S. 342 in
6 Manhattan. We have a couple of folks from the
7 public who have signed up to testify. We are
8 going to hear from the School Construction
9 Authority first and then we will call you up. You
10 may begin.

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12 GREGORY SHAW: Thank you again,
13 Chairperson Arroyo and Council Members. The New
14 York City School Construction Authority—and again,
15 my name is Gregory Shaw. I'm principal attorney
16 for real estate for the New York City School
17 Construction Authority and to my immediate left is
18 Kendrick Ou, director of real estate for the
19 Authority. The New York City School Construction
20 Authority has undertaken the site selection
21 process for the proposed 692 seat primary and
22 intermediate school facility proposed for location
23 at the southwest corner of West 61st Street and
24 West End Avenue and tax block 1171, portion of lot
25 165 in the borough of Manhattan. The proposed

1 school is also located in Manhattan Community
2 Board number 7 and Community School district
3 number 3. The notice of filing for the site plan
4 was published in the New York Post and City Record
5 on March 5th, 2012. Manhattan Community Board
6 number 7 was also notified of the site plan on
7 March 5th, and was asked to hold the public hearing
8 on the proposed site plan. The Community Board
9 held a public hearing on the site plan on April
10 19th, 2012 and subsequently submitted written
11 comments in favor of the proposed school. The
12 City Planning Commission was also notified of the
13 site plan on March 5th, 2012 and it also
14 recommended in favor of the site plan on March 5th.
15 Although the notice of filing initially indicated
16 the SCA was proposing a 480 seat school facility,
17 the SCA has confirmed that the available space
18 within building number two as part of the
19 development could accommodate 692 seats and that
20 is currently the plan. The proposed site will be
21 located within a new mixed use building that will
22 be constructed as part of the larger Riverside
23 Center of Development. Under the proposed plan,
24 the SCA would acquire a condominium interest in
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2 approximately 100,000 gross square feet of space
3 in building number two and the development. The
4 SCA has considered all comments received on the
5 proposed site plan and affirms it pursuant to
6 Section 1731 of the Public Authorities Law. In
7 accordance with 1732 of the Public Authorities
8 Law, the SCA submitted the proposed site plan to
9 the Mayor and to the City Council on August 7th,
10 2012. We look forward to your Subcommittee's
11 favorable consideration of the plan. We are
12 prepared to answer any questions you might have.

13 ACTING CHAIRPERSON ARROYO: There's
14 something wrong with that mic I think. Okay.
15 Council Member Brewer?

16 COUNCIL MEMBER BREWER: I want to
17 thank the School Construction Authority.
18 Shockingly, we are pleased. You cannot believe
19 this. We have never said anything good publically
20 about the School Construction Authority and we are
21 delighted. We really as I told the Chair of
22 today's Subcommittee, we are ecstatic, and I think
23 it's particularly appropriate that we have
24 expanded from 85,000 to 100,000 square feet
25 because we have so many families who are

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2 desperate. One question is, do we know the
3 timing? Obviously, we in the community have been
4 meeting with the developer. It's no longer Extel
5 [phonetic]; it's a different developer, so I'm
6 wondering if you meet regularly, how are we going
7 to involve the community, not just with the
8 building, but obviously there is a lot of academic
9 decisions to be made and needless to say,
10 Community Board 7, the CEC [phonetic] and the
11 Parent's Council would like a seat at the table
12 because they have lots of ideas. You can imagine
13 how many ideas we have. We're the board of ideas.
14 What's the timing on all of this?

15 GREGORY SHAW: Regarding the timing
16 the expectation from information we have gotten
17 from the developer is the timing to commence
18 construction of the core and shell for the
19 building is sometime in November/December this
20 year. My understanding is that the core and shell
21 and that work along with the other construction
22 for the building will take approximately 30 months
23 and then an additional I guess 14 to 18 months—I
24 believe it's 18 months for us to do the interior
25 fit out for the school, so that's—

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COUNCIL MEMBER BREWER:

[Interposing] And what would be the normal way of working with the neighborhood? I know you have already met with them and we're very appreciative, but how would you—like are there regular meetings? How is the usual procedure done?

GREGORY SHAW: I think once we actually have a contractor selected to do the fit outs so that would be as the construction of the overall building is further along. Our construction management group does provide periodic updates, works with stakeholders sometimes. It depends on what the particular level of interest is in the construction.

COUNCIL MEMBER BREWER: Tremendous.

GREGORY SHAW: Just keep in mind though the type of construction that we'd be doing and the fit out is just inherently a lot less disruptive than the work that the developer will be undertaking with the building foundations and the larger superstructure.

COUNCIL MEMBER BREWER: Okay. I appreciate that. I'm sure there will be lots of questions along the way, but I appreciate the time

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2 line very much, and thank you very much and thank
3 Lorraine Grillo [phonetic] very much for all of
4 us.

5 GREGORY SHAW: And thank you,
6 Council Member and Community Board 7 and the other
7 advocates that were able to help us get this
8 school and this development. We appreciate your
9 help.

10 COUNCIL MEMBER BREWER: We are very
11 excited. Thank you, Madam Chair.

12 ACTING CHAIRPERSON ARROYO: Any
13 questions, colleagues? Okay. I'm going to bring
14 up two members of the public on this item. Mel
15 Wymore and Mark Diller, Community Board 7. If you
16 can come up together... I think you guys have done
17 this before.

18 MALE VOICE: Yes, ma'am.

19 ACTING CHAIRPERSON ARROYO:
20 Identify yourself for the record and begin when
21 you are ready.

22 MARK DILLER: Good morning, Madam
23 Chairman and members of the Council. Thank you
24 for hearing us. We will be incredibly brief
25 because we have only good news to report. My name

1 is Mark Diller. I am the chair of Community Board
2 7 and was lucky enough to succeed Mel Wymore, who
3 is Chair Emeritus. We are here to offer our
4 unconditional—we have a unanimous vote by
5 Community Board 7, so that's the headline. 3800—
6 No, ma'am, it does not. Even when we try to
7 decide what our name is, we probably couldn't get
8 that vote. So we're here to offer our unanimous
9 consent and approval and eagerness to see this
10 project completed. We are grateful for many
11 aspects of this project beginning with the
12 fulfillment of the promise that this school would
13 be in one of the first two buildings constructed.
14 It appears that that is going to be the case.
15 Separately members of this Committee will hear
16 about affordable housing on the site, and—it's off
17 topic for today—but we're encouraged and pleased
18 to see that that is also a promise that is going
19 to be fulfilled. We do want to keep our hand in
20 design matters and Mr. Ou and Lorraine Grillo and
21 that team has been nothing but supportive and
22 encouraging and we hope we will be able to
23 continue to work with them and the CEC to make
24 sure that the school is fitted out in a way that
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2 meets the incredible needs of our overcrowded
3 classrooms in the Upper West Side, which I know
4 are not all that different from other parts of the
5 city, but to be sure there are needs that need to
6 be addressed. Further going forward, we feel it's
7 essential that we plan proactively. There will be
8 three schools within a one block radius of this
9 school. They are all desperately needed, and we
10 want to achieve two things: one is to make sure
11 that we achieve what we need in terms of seats—
12 this is the first new addition of seats in my
13 district in over 50 years, so it's important that
14 we get the biggest bang for our buck out of it. I
15 know the SCA has that in mind as well. The second
16 is that we want to make sure that there is an
17 amazing potential to create truly diverse schools
18 in all of those three schools, and that footprint—
19 this is further down the line, but this is very
20 much in our thinking right now—that we want to
21 plan and proactively prepare to make sure that all
22 of those schools are as diverse as our whole
23 community is and we want to make sure that that
24 happens. So with that, we are pleased and
25 delighted to continue this process and offer

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2 Community Board 7's approval and thanks.

3 MEL WYMORE: My name is Mel Wymore.
4 I'm the chair emeritus of Community Board 7 and
5 oversaw the negotiation on behalf of the Board
6 regarding this project. I want to echo everything
7 Mark said about our advocacy for the project and
8 our approval of the way it has come out. Thank -
9 - for his advocacy all throughout the
10 ULARP[phonetic] process and advocating for the
11 children of the district. I also just want to
12 thank the SCA for exercising the option going from
13 what was originally a 75,000 square foot school to
14 100,000 square foot school, which are really going
15 to provide much needed middle school seats for the
16 district and we're predicting that right when the
17 school gets completed, it will fulfill a very
18 critical need in the district. And finally, I'd
19 like to thank Gale Brewer for her tireless
20 advocacy around this and really working
21 collaboratively with the community and the
22 Community Board to achieve this result. This is a
23 real model of how it can work, how communities can
24 work together with government and developers to
25 make something really positive happen within a

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2 community and we look forward to that continuing
3 collaboration as this project moves forward, so
4 thank you very much, Chair, for the opportunity to
5 speak.

6 ACTING CHAIRPERSON ARROYO: Thank
7 you for coming down. The public's opinion is very
8 important to us and we usually learn quite a few
9 things when listening to the public. Then the
10 bureaucrats come and say what they need to say,
11 but it's critically important that we hear from
12 the public and its opinion, so thank you for
13 taking the time to be here with us today. Okay.
14 I'm going to bring School Construction back up.
15 We are going to talk about P.S. 339 in Queens.

16 MALE VOICE: - - .

17 ACTING CHAIRPERSON ARROYO: I
18 didn't close the hearing on the first one.

19 MALE VOICE: - - .

20 ACTING CHAIRPERSON ARROYO: Okay.
21 So consider those hearings closed, and we will
22 open the hearing on P.S. 339. Do we have any
23 member of the public? No member from the public.
24 Okay. You may begin.

25 GREGORY SHAW: Thank you, again,

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2 Chairperson Arroyo and Council Members. My name
3 is Gregory Shaw. I am the principal attorney for
4 real estate for the School Construction Authority
5 and to my left is Kendrick Ou, director of real
6 estate for the School Construction Authority. The
7 New York City School Construction Authority has
8 undertaken the site selection process for the
9 proposed 472 seat primary school facility in tax
10 block 1228, lots 48, 52, 57, 58, 60, and 61
11 located at the south side of 39th Avenue between
12 57th and 58th Street in the Woodside section of
13 Queens. The proposed school site is also located
14 in Community School Board—excuse me, Community
15 School District number 30 and Queens Community
16 Board number 2. The project site contains a total
17 of approximately 27,000 square feet of lot area.
18 The site is improved with a commercial printing
19 facility and three residential buildings. The SCA
20 has entered into a contract with the owner to
21 purchase the property. Under the proposed plan
22 the SCA would acquire the property and demolish
23 the existing structures and construct a new 472
24 seat primary school facility. In phase one
25 environmental assessment and in phase two

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2 environmental site investigation were conducted at
3 the site. A soil vapor barrier and active sub
4 slab depressuration [phonetic] system will be
5 installed in the new school building and a two
6 foot layer of environmental clean fill will be
7 installed in areas where the soil is exposed
8 within the school site. The notice of filing for
9 the site plan was published in the New York Post
10 and City Record on March 5th, 2012. Queens
11 Community Board number 2 was also notified of the
12 site plan on that date and asked to hold a public
13 hearing on the proposed plan. Community Board
14 number 2 held a public hearing for the site plan
15 on April 18th, 2012, but did not submit written
16 comments on the proposed site plan. The City
17 Planning Commission was also notified of the site
18 plan on March 5th, 2012 and it recommended in favor
19 of the plan. The SCA has considered all comments
20 received on the proposed site plan and affirms it
21 pursuant to Section 1731 of the Public Authorities
22 Law. In accordance with Section 1732 of the
23 Public Authorities Law, the SCA submitted the site
24 plan to the mayor and City Council on August 15th,
25 2012. We look forward to your Subcommittee's

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2 favorable consideration of the plan. We are
3 prepared to answer any questions you might have.

4 ACTING CHAIRPERSON ARROYO: Thank
5 you. Any questions, colleagues? The school will
6 be located in Council Member Van Bramer's district
7 and my understanding is that he is extremely
8 pleased with the proposal and it has very strong
9 community support, and since there is no one from
10 the public signed up to testify, I'm going to
11 close the hearing on this item.

12 Okay, next up we're going to bring
13 our friends from FDNY to hear Land Use number 660,
14 the Midtown West EMS Station in the Speaker's
15 district. And I am going to kill your name,
16 Chief, so please forgive me in advance. Abdo
17 Nahmod and David Harney, deputy commissioner—chief
18 of staff to the deputy commissioner. I think you
19 guys have been here before too. Identify
20 yourselves for the record, and please begin when
21 you are ready.

22 DAVID HARNEY: My name is David
23 Harney. I am chief of staff to the deputy fire
24 commissioner for technology and support services.

25 ABDO NAHMOD: Good morning. Abdo

1 Nahmod, the chief of EMS for the New York City
2 Fire Department. Good morning, Chairwoman Arroyo,
3 Council Members. My name is Abdo Nahmod, and I'm
4 the chief of emergency medical services command of
5 New York City Fire Department. Thank you for the
6 opportunity to speak to you today in support of
7 our uniform land use review procedure (ULARP)
8 application for the selection acquisition of the
9 privately owned site at 512 West 23rd Street
10 between 10th and 11th Avenues in Manhattan.

11 Approval of this ULARP action will allow the fire
12 department working with the Department of City
13 Wide Administrative Services (DCAS) to enter into
14 a lease agreement for the continued use of this
15 parcel as support facilities for FDNY EMS. Some
16 background, as you may know St. Vincent's Hospital
17 closed in 2010. The closure meant that we would
18 not only be losing 13 ambulance tours per day,
19 which we have assumed, it also meant that we lost
20 an EMS station on the west side of Manhattan to
21 support those ambulances. Once the hospital
22 announced it was closing, we began looking to
23 establish an EMS facility on the west side.
24 Without a west side location to house them all
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2 those ambulances which serve Greenwich Village,
3 Chelsea, Clinton and Midtown West, would have to
4 be based out of our already overcrowded facility
5 in Bellevue Hospital across town on 1st Avenue and
6 East 26th Street. If these ambulances were to
7 operate out of Bellevue, they would be required to
8 travel the width of Manhattan to go in and out of
9 service increasing response times and turnaround
10 times. Working through DCAS last year, we located
11 the former parking lot on West 23rd Street to
12 establish our facility under a license agreement;
13 however, license agreements can be terminated on
14 30 days' notice. We therefore instituted this
15 ULARP action to allow the city to enter a lease
16 agreement for the property, a preferred option to
17 the less secure license agreement, the ULARP
18 process. The City Planning Commission certified
19 this action in February. In April, Community
20 Board 4 recommended denial of the FDNY's action
21 unless we addressed several quality of life issues
22 it had raised. These included concerns about
23 parking at and maintenance of the site, the
24 station location and design and the ambulances
25 exhaust, sirens, back up alarms. In a May 3rd,

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2 2012 letter we committed to working with the Board
3 and the local community to address and/or
4 alleviate these quality of life issues to the
5 extent possible. The Manhattan borough president
6 conditionally approved this action and asked that
7 we work on addressing quality of life concerns the
8 Community Board has raised and also install
9 cameras to monitor compliance with our own
10 policies and procedures, install active driveway
11 signage and remove the parking attendant booth.
12 The borough president also encouraged us to work
13 with DCAS and the Office of Management and Budget
14 to identify another location to permanently
15 located this EMS facility. We responded to the
16 borough president in a May 2nd, 2012 letter that
17 stated our commitment to working with the local
18 community and to place eight cameras on site to
19 monitor compliance with our policies pertaining to
20 emergency response and engine idling. The City
21 Planning Commission heard this action in June. At
22 the hearing, we reiterated our commitment to
23 working with the local community on quality of
24 life issues and advised the commission that the
25 cameras were being installed. The Planning

1
2 Commission approved the action in July and in its
3 report noted that the fire department had
4 responded to the community's concerns. The
5 Commission requested that we continue this
6 cooperation. Addressing the Council's concern,
7 since the Planning Commission's approval, we have
8 been discussing this action with City Council
9 staff and they have made several additional
10 requests. First, they asked us to attend
11 Community Board's quarterly quality of life
12 committee meetings. We are happy to do that.
13 Second, we have been asked to develop a solution
14 to lessen the noise generated by the ambulances'
15 back up alarms. We have engaged a sound
16 engineering consultant to help us address the
17 noise issues and awaiting the consultant's scope
18 of work; however, we do face several obstacles in
19 addressing noise concerns even if we agree with
20 the sound consultant's recommendation. We do not
21 have the budgetary authority at this time to
22 construct anything additional at the site and are
23 not permitted to affix anything permanent to the
24 highline under which our facility is located and
25 we cannot completely alleviate the back up alarms

1
2 due to prevailing state safety regulations. The
3 Speaker's staff has also requested that we utilize
4 the now installed cameras at the site to ensure
5 and being more proactive about the compliance with
6 our own rules, regulations governing engine idling
7 and sirens. We can do that and also use the
8 cameras to monitor conditions in front and
9 throughout the facility. As the borough president
10 recommended, we can also install additional
11 driveway signage, remove the former parking
12 attendant booth, which will greatly improve
13 pedestrian safety in front of the station. The
14 Speaker's staff, like the borough president, had
15 asked us to conduct a study to identify a more
16 permanent location for this critical facility that
17 serves Greenwich Village, Chelsea, Clinton and
18 Midtown West. The fire department is more than
19 willing to do that; however, we do not have the
20 budgetary authority to acquire or construct a
21 replacement facility. Moreover we already
22 canvassed the real estate market in that area and
23 know that the majority of these sites that are
24 appropriate size and location for this function
25 are not available for our use at this time. We

1
2 are also concerned that the acquisition of another
3 site would take several years. Even if we had the
4 funding and the appropriate site was available, we
5 would need three to four years to complete the
6 Land Use review, approvals, bidding and finally
7 construction and renovation. If only privately
8 owned sites were available, we would face
9 additional delays of one to two years since
10 acquisition would require ULARP approval. If we
11 could not negotiate the purchase of a private site
12 and had to take property through eminent domain
13 that would also significantly lengthen the
14 process. This is why we chose to establish a
15 temporary facility under a license agreement and
16 then develop a Land Use action for acquisition.
17 With the closure of St. Vincent's, the fire
18 department cannot afford to wait three to five
19 years or possibly longer to establish an essential
20 life safety facility. As we have said several
21 times, the most critical quality of life issue is
22 life itself. We would be remiss in our duty to
23 the citizens of Greenwich Village, Chelsea,
24 Clinton and Midtown West if we did not work to
25 ensure prompt emergency medical response times and

1
2 expedite the acquisition and establishment of this
3 EMS station. We are more than willing and have
4 made this pledge several times to work with the
5 local residents, the Community Board, borough
6 president's office, City Council to address their
7 quality of life concerns; however, we hope the
8 Council recognizes the vitally important services
9 that this facility provides to the communities of
10 Manhattan's West Side and hope you will support
11 this action and our life saving efforts. In
12 closing, the fire department wishes to thank you
13 again for the opportunity to discuss this
14 important Land Use item and we look forward to
15 working with everyone involved in addressing the
16 quality of life issues around this facility while
17 making the station a true resource for these
18 communities. Thank you, and I would be happy to
19 take questions at this time.

20 ACTING CHAIRPERSON ARROYO: Okay.

21 Any questions? Council Member Halloran?

22 ACTING COUNCIL MEMBER HALLORAN:

23 Not a question. Just a clarification. The
24 listing on L.U. 660 is inaccurate. It's the fire
25 department, not the police department that is

1
2 acquiring this property.

3 ACTING CHAIRPERSON ARROYO: Thank
4 you, Council Member. No. Okay. Thank you for
5 your testimony. We have a letter for the record
6 from the Department to the Speaker on this item
7 with the commitments that the Department is making
8 to her district relative to the concerns that the
9 community has raised and we understand the Speaker
10 is very supportive of the application moving
11 forward. So thank you for being here and for your
12 testimony. Okay. Now we're going to close the
13 hearing on this item—thank you—and move to our
14 landmarks portion of the hearing, and we have two
15 items and for the record, we will be laying over
16 Land Use 648, the Metro East 99th Street
17 application in Council member Viverito's district.
18 We will be convening tomorrow morning at 9 o'clock
19 to hear that particular item, so everything else
20 will be coupled on the vote after we hear from
21 Landmarks. We have Kate Daly from the Landmarks
22 Preservation Commission. We—let me see—have two
23 items. Let's do L.U. 658 Van Tassell and Kearney
24 Auction Mart, and we also have a member of the
25 public signed up to testify, but she had to leave.

1
2 We have her testimony and hard copy for the
3 record, so I want to thank her for being here. Go
4 ahead.

5 KATE DALY: Okay. Thank you, Chair
6 Arroyo, Council Members. My name is Kate Daly,
7 executive director of the Landmarks Preservation
8 Commission. I am here today to testify on the
9 Commission's designation of the Van Tassell and
10 Kearney Auction Mart in Manhattan. On September
11 7th, 2006, the Landmarks Commission held a public
12 hearing on the proposed designation. 24 people
13 spoke in favor of the designation, including
14 Council Member Rosie Mendez and representatives of
15 Manhattan Borough President Scoot Stringer
16 [phonetic], State Senator Tom Duane, State
17 Assembly Member Deborah Glick and several local
18 community and preservation groups. There were no
19 speakers in opposition. On May 15th, 2012, the
20 Commission voted to designate the Van Tassell and
21 Kearney Auction Mart an individual landmark. The
22 former Van Tassell and Kearney Auction Mart is a
23 three story Beaux-Arts style building on East 13th
24 Street between 3rd and 4th Avenues in the East
25 Village of Manhattan. Built in 1903 to 1904 the

1
2 handsome structure is one of the last remaining
3 buildings in New York City erected for staging
4 horse auctions. Designed by architects Jardine,
5 Kent & Jardine, the red brick façade terminates in
6 a rounded cornice echoing the shape of the central
7 window and is enlivened by four bulls eye windows
8 and limestone trim. Originally general
9 auctioneers, after 1904 high class show horses and
10 ponies dominated the weekly auctions. Many
11 prominent citizens including members of the
12 Vanderbilt Family did business with Van Tassell
13 and Kearney. By 1920, the firm was primarily
14 involved in automobile sales. The building was
15 leased first to a candy manufacturer and then to a
16 vocational institute that trained women for the
17 defense industry during World War II. In 1978,
18 the structure was acquired by artist Frank Stella,
19 who used it as his studio until 2005. Significant
20 in terms of architectural design and specialized
21 purpose, the former Van Tassell and Kearney
22 Auction Mart recalls an era when the city was a
23 leading auction center and horse sales were a
24 common activity. The Commission urges you to
25 affirm the designation, and I'm happy to answer

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any questions.

ACTING CHAIRPERSON ARROYO: Thank you. Council Member Mendez?

COUNCIL MEMBER MENDEZ: Thank you. This has been a long time coming. Shortly after I got elected we advocated for landmarking of this building and then there was a standstill agreement, so glad we're getting to do this during my tenure in the City Council. I support this designation.

ACTING CHAIRPERSON ARROYO: Okay. We have testimony for the record as I indicated before from the Greenwich Village Society for Historic Preservation, Amanda Davis, and the testimony is in favor of designation. With that, I'm going to close the hearing on this item, and ask Kate Daly to talk to us about Land Use 657, a landmarking in Council Member Eugene's District, the Sears Roebuck and Company Department Store.

KATE DALY: Thank you, Chair Arroyo. My name for the record is Kate Daly. I'm the executive director of the Landmarks Preservation Commission. I'm here today to testify on the Commission's designation of the

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2 Sears Roebuck and Company Department Store in
3 Brooklyn. On March 22nd, 2011, the Landmarks
4 Commission held a public hearing on the proposed
5 designation. One person spoke in favor of
6 designation, a representative of the Historic
7 Districts Council. On March 27th, 2012, a second
8 hearing was held. Representatives of Sears
9 Holding Corporation and the owner of the property
10 both expressed support for the designation and
11 asked that the Commission exclude the rear parking
12 lot, which was encompassed in the large tax lot
13 originally calendared. On May 15th, 2012, the
14 Commission voted to designate the Sears Roebuck
15 and Company Department Store an individual
16 landmark. The Flatbush branch of Sears Roebuck
17 and Company is an impressive late example of the
18 Art Deco style. Located at the intersection of
19 Bedford Avenue and Beverley Road, this three story
20 retail structure was designed by Chicago
21 architects Nimmons, Carr & Wright in association
22 with Alton L. Craft of New York City. Founded as
23 a catalog company in the 1890s, Sears Roebuck and
24 Company began opening stores in 1925. By the late
25 1920s, Sears had settled on a restrained, yet

1
2 stylish corporate image enlivened by Art Deco
3 details. Most Sears stores featured a highly
4 visible tower with prominent signage as well as
5 panels or thin bands of abstract two dimensional
6 relief that emphasized the placement of the
7 original store entrances. Plans to erect a large
8 department store in Brooklyn designed for the
9 motoring age were announced in 1932. Eleanor
10 Roosevelt addressed the audience at the November
11 1932 store opening. The building was
12 significantly expanded in 1940, adding four bays
13 and additional square footage at the rear. Of the
14 three Sears stores erected in the metropolitan
15 region, this Flatbush branch is the only one that
16 continues to operate. The Commission urges you to
17 affirm this designation and I'm happy to answer
18 any questions you may have.

19 ACTING CHAIRPERSON ARROYO: Okay,
20 we have no member of the public signed up to
21 testify on this item, and Council Member Eugene is
22 supportive of the designation. With that, any
23 questions, colleagues? I will close the hearing
24 on this item. And now the best part, we call the
25 roll. Counsel? Oh yeah. Minor detail—suggest

1
2 that we vote aye on all of the items on the
3 calendar.

4 COUNSEL: Chair Arroyo?

5 ACTING CHAIRPERSON ARROYO: Aye.

6 COUNSEL: Council Member Sanders?

7 COUNCIL MEMBER SANDERS: Aye.

8 COUNSEL: Council Member Palma?

9 COUNCIL MEMBER PALMA: Aye.

10 COUNSEL: Council Member Mendez?

11 COUNCIL MEMBER MENDEZ: I vote aye
12 on all.

13 COUNSEL: Council Member Williams?

14 COUNCIL MEMBER WILLIAMS: I vote
15 aye on all with especially attention to the Sears
16 that I grew up going to before they had the Sears
17 at King's Plaza, so I'm glad to see some special
18 attention being paid. There used to be a pretty
19 nice club there called the Elite Arc [phonetic] as
20 well. That has been taken down though.

21 COUNSEL: Council Member Halloran?

22 COUNCIL MEMBER HALLORAN: Aye on
23 all.

24 COUNSEL: By a vote of six in the
25 affirmative, none in the negative, no abstentions,

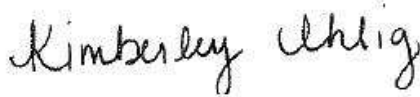
1
2 pre-considered L.U. 20125428 SCQ, pre-considered
3 L.U. 20025429 SCM, pre-considered L.U. 20025427
4 SCQ, L.U. 660, 657 and 658 are approved and
5 referred to the full Land Use Committee.

6 ACTING CHAIRPERSON ARROYO: as a
7 reminder, my colleagues, we are recessing this
8 hearing and convening tomorrow at 9 o'clock to
9 hear Land Use 648. I want to say a special thank
10 you to the Committee staff for guiding me through
11 this pinch hitting session that I've had for the
12 Committee. Thank you guys so much. You're
13 awesome. We will see you tomorrow at 9.

C E R T I F I C A T E

I, Kimberley Uhlig 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

Handwritten signature of Kimberley Uhlig in cursive script, written over a horizontal line.Date September 2, 2012

CITY COUNCIL
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND
MARITIME USES

-----X

August 20, 2012
Start: 11:43 a.m.
Recess: 12:35 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E: MARIA DEL CARMEN ARROYO
Acting Chairperson

COUNCIL MEMBERS:
Brad S. Lander
Rosie Mendez
Annabel Palma
James Sanders, Jr.
Jumaane D. Williams
Daniel J. Halloran III

APPEARANCES (CONTINUED)

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

Mark Diller
Chair
Manhattan Community Board 7

Mel Wymore
Chair Emeritus
Manhattan Community Board 7

David Harney
Chief of Staff to the Deputy Fire Commissioner
Technology and Support Services

Abdo Nahmod
Chief of Emergency Medical Services
New York City Fire Department

Kate Daly
Executive Director
New York City Landmarks Preservation Commission

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2 ACTING CHAIRPERSON ARROYO: We're
3 ready?

4 [gavel]

5 ACTING CHAIRPERSON ARROYO: Good
6 morning, everyone. Welcome to this hearing on the
7 Landmarks, Public Siting and Maritime Uses
8 Subcommittee. As you can tell I am not Brad
9 Lander, but he is on vacation and hopefully he is
10 having a good time. I am Maria del Carmen Arroyo,
11 and I will be chairing this hearing. Housekeeping
12 for members, we have seven items on the agenda.
13 We will be voting on all seven—maybe lay one over,
14 but we will not know until a little later. The
15 first item, we have three schools, so we will
16 bring up the School Construction Authority First
17 with a school proposed in Council Member Comrie's
18 district, pre-considered 20125428 in Queens and we
19 will hear from Gregory Shaw, and this is on the
20 project P.S. 892, and Kendrick Ou. Welcome. You
21 guys know the rules here. Begin when you are
22 ready.

23 GREGORY SHAW: Thank you,
24 Chairperson Arroyo and Council Members. My name
25 is Gregory Shaw. I am principal attorney for real

1
2 estate for the New York City School Construction
3 Authority and thanks for welcoming us today on
4 this very important project. The New York City
5 School Construction Authority has undertaken the
6 site selection process for the proposed 379 seat
7 primary school facility that will be located on
8 tax block 1975, lot 1, located at 199-02 112th
9 Street in the St. Albans section of Queens. The
10 proposed school site is also located in Community
11 School District number 29 and Queens Community
12 Board number 12. The project site contains
13 approximately 22,250 square feet of lot area. The
14 site is improved with a six story former Catholic
15 high school currently owned by the police athletic
16 league [phonetic]. The SCA has a contract with
17 the police athletic league to purchase the
18 property. Under the proposed plan, the SCA would
19 acquire the property and renovate the existing
20 structure and construct a 379 seat primary school
21 facility. A phase one environmental site
22 assessment and a phase two environmental site
23 investigation were conducted at the site—one
24 underground 10,000 petroleum tank was discovered
25 and will be removed or decommissioned in place

1 with accordance to all applicable federal, state
2 and city regulations and requirements. The notice
3 of filing for the site plan was published in the
4 New York Post and city record on March 5th, 2012.
5 Queens Community Board number 12 was also notified
6 of the site plan on that date. Community Board
7 number 12 held a hearing on April 18th, 2012 but
8 did not submit written comments on the proposed
9 plan. The city Planning Commission was also
10 notified of the site on March 5th, 2012 and it
11 recommended in favor of the site. The SCA has
12 considered all comments received on the proposed
13 site plan and affirms it pursuant to Section 1731
14 of the Public Authorities Law. In accordance with
15 Sections 1732 of the Public Authorities Law, the
16 SCA submitted the proposed site plan to the mayor
17 and City Council on August 7th, 2012. We look
18 forward to your Subcommittee's favorable
19 consideration of the proposed site plan. We are
20 prepared to answer any questions that you might
21 have. And for the record, to my immediate left is
22 Kendrick Ou, director of real estate for the
23 School Construction Authority. Thank you.

24
25 ACTING CHAIRPERSON ARROYO: Thank

1
2 you for your testimony. Before I turn it over to
3 Council Member Comrie, I want to acknowledge the
4 members of the Committee and other members who
5 have joined us this morning. We have to my
6 extreme left--no pun intended--Council Member Rosie
7 Mendez, Council Member Palma to my right--no pun
8 intended there either--and Council Member Sanders
9 from the Committee and joining us is--I'm sorry?
10 And Council Member Williams is joining us, Council
11 Member Comrie and Council Member Brewer, and now I
12 would like to turn over to Council Member Comrie
13 to make a statement on the P.S. 892 project.

14 COUNCIL MEMBER COMRIE: Thank you,
15 Chairman Arroyo. Good morning. I am pleased that
16 the Department of Education has identified this
17 site after I had spoken to them about acquiring
18 the site for a possible school. I'm glad that
19 they have followed through and are bringing this
20 site together. As you know, when we first talked
21 about the site, it was to do a middle school at
22 this site and because of the size dimensions of
23 the school, DOE has decided that it should be an
24 elementary school. I just want to express the
25 concerns of my community that we still need middle

1 school seats in that area. We have preparatory
2 high school, which is co-located in Junior High
3 School 192 and we have some available property on
4 Hollis Avenue between 204 Street and 202nd Street.
5 I would hope that the City works to acquire that
6 site, which is right adjacent to Junior High
7 School 192/the preparatory high school as well, so
8 that we could get that site as well for a school.
9 It would create a major impact and a major - -
10 problems along Hollis Avenue, but to this degree,
11 I am pleased that this site will be purchased. I
12 hope that we can make sure that the construction
13 of the site will create an opportunity for
14 community activities as well. As you know, it was
15 the former police athletic league site so, people
16 in the community are used to being able to do
17 recreational activities there, so I'm hoping that-
18 and the plan of the site will create a large
19 enough basketball court and a community facility
20 that the community can use on a regular basis.
21 With that, I want to say that I do agree with this
22 site being chosen. I am pleased that the City is
23 following through and purchasing sites that are
24 being recommended to them and I have more
25

1
2 recommendations that we should purchase properties
3 as well because it's important that we especially
4 in Queens and especially in my district where we
5 are property—where we don't have property. We are
6 very limited in property. We don't have any city
7 owned parcels that we try to acquire or any
8 properties that are buyable and feasible as
9 quickly as possible, even if it's in the long term
10 planning for construction because the population
11 numbers—even though the census is not accurately
12 reflecting it—are going up in my district and the
13 people that are coming to the district to attend
14 school, those numbers are increasing as well.
15 With that, Madam Chair, I would recommend the
16 Subcommittee vote for the project and I look
17 forward to working with School Construction as
18 they develop the site. Can I ask a question now?
19 Just to be clear, what type of community
20 facilities will be at the school?

21 GREGORY SHAW: The existing
22 building I believe has a gymnasium and also
23 classrooms. The renovation plans are still under
24 way, but we certainly would be maintaining the
25 existing facility. We'd be upgrading it. In

1
2 terms of community based programming, the
3 Department of Education once there is a principal
4 selected for this school very often the principal
5 and the community based organizations will
6 partner. At this point since the building would
7 not be ready for occupancy until 2014, I don't
8 think the Department of Education has selected a
9 principal yet to begin that discussion.

10 COUNCIL MEMBER COMRIE: Also, I
11 want to make sure that the gymnasium can stay open
12 for community services since the gymnasium is
13 planned to be intact and that could be upgraded.
14 The floors needed to be upgraded also. I upgraded
15 the kitchen in there. There is a full kitchen
16 that can provide cooking—with full cooking
17 facilities in there. I hope that that will be
18 maintained and also to give an opportunity for
19 swing space for possible group activities in the
20 evening as well for community meetings. If you
21 could get back to us and to just be specific on
22 the usage of the gym to make sure that that is
23 part of the site plan for the school. If we could
24 get that in writing, I would appreciate it. I'm
25 sure that any principal they would want to do

1
2 that, but just to make it as part of the site plan
3 would be...

4 GREGORY SHAW: We will get back to
5 you on that.

6 COUNCIL MEMBER COMRIE: Alright.

7 ACTING CHAIRPERSON ARROYO: This is
8 an existing site?

9 GREGORY SHAW: Yes. Yes, it is.

10 ACTING CHAIRPERSON ARROYO: One of
11 the challenges that we have always confronted with
12 siting schools and buildings that already exist is
13 the environmental conditions. What are the
14 environmental assessment results and what's the
15 plan to remediate anything that has been
16 identified as a potential hazard?

17 GREGORY SHAW: Well, the main
18 potential hazard--and this is the existing
19 structure--is the asbestos which will be removed in
20 accordance with all federal, state and city
21 requirements. In addition in my remarks, I had
22 mentioned that in our investigation there was a
23 determination that there is an underground storage
24 tank probably petroleum based, approximately
25 10,000 square feet that will either be removed or

1
2 decommissioned in place and all the other measures
3 if there is any soil disturbed, of course, we will
4 remove any contaminated soil and replace it with
5 clean fill for any soil that is going to be
6 exposed in the playground area or likewise, so all
7 environmental conditions will be ameliorated as
8 they are encountered.

9 ACTING CHAIRPERSON ARROYO: When
10 will the community have a site plan that they can
11 review and critique or participate in the
12 monitoring of?

13 GREGORY SHAW: If you're referring
14 to the design for the school-

15 ACTING CHAIRPERSON ARROYO: The
16 environmental cleanup.

17 GREGORY SHAW: The environmental
18 cleanup normally that is undertaken and is
19 included as part of the bid with the contractor
20 and in terms of any critique, I mean, you're more
21 or less set in terms of the award. When you award
22 the contract, the contractor is specified as part
23 of his requirements exactly what is necessary to
24 be accomplished to make the site environmentally
25 compliant.

1
2 ACTING CHAIRPERSON ARROYO: I
3 appreciate that. I think the concern is always
4 what happens after and was the site remediated
5 appropriately and if there are any future issues
6 who is informed, what action plan will be
7 undertaken to remediate. I know too well the
8 concerns that communities raise around sites that
9 we promise we are going to clean up and make safe
10 for those that are going to occupy the structure,
11 the facility and making sure that they're
12 comfortable and understand that this site
13 continues to be a safe place for children to learn
14 and for people to work.

15 GREGORY SHAW: Keeping in mind that
16 this site was a former Catholic High School, so
17 we're not talking about a site that is like a
18 warehouse or something else, so this is a site
19 that has always been a residential area. It's a
20 former school. The continued community use by
21 police athletic league underscores the fact that
22 it's not something that was used for chemicals - -
23 so...

24 ACTING CHAIRPERSON ARROYO: Okay.
25 Glad to hear that and I trust that my colleague

1 will keep your feet to the fire on it anyway.

2 Okay. Any questions, my colleagues? Council
3 Member Halloran has joined us. Okay. So we're
4 going to move on to the next school. This one is
5 in Council Member Brewer's district, P.S. 342 in
6 Manhattan. We have a couple of folks from the
7 public who have signed up to testify. We are
8 going to hear from the School Construction
9 Authority first and then we will call you up. You
10 may begin.

11
12 GREGORY SHAW: Thank you again,
13 Chairperson Arroyo and Council Members. The New
14 York City School Construction Authority—and again,
15 my name is Gregory Shaw. I'm principal attorney
16 for real estate for the New York City School
17 Construction Authority and to my immediate left is
18 Kendrick Ou, director of real estate for the
19 Authority. The New York City School Construction
20 Authority has undertaken the site selection
21 process for the proposed 692 seat primary and
22 intermediate school facility proposed for location
23 at the southwest corner of West 61st Street and
24 West End Avenue and tax block 1171, portion of lot
25 165 in the borough of Manhattan. The proposed

1 school is also located in Manhattan Community
2 Board number 7 and Community School district
3 number 3. The notice of filing for the site plan
4 was published in the New York Post and City Record
5 on March 5th, 2012. Manhattan Community Board
6 number 7 was also notified of the site plan on
7 March 5th, and was asked to hold the public hearing
8 on the proposed site plan. The Community Board
9 held a public hearing on the site plan on April
10 19th, 2012 and subsequently submitted written
11 comments in favor of the proposed school. The
12 City Planning Commission was also notified of the
13 site plan on March 5th, 2012 and it also
14 recommended in favor of the site plan on March 5th.
15 Although the notice of filing initially indicated
16 the SCA was proposing a 480 seat school facility,
17 the SCA has confirmed that the available space
18 within building number two as part of the
19 development could accommodate 692 seats and that
20 is currently the plan. The proposed site will be
21 located within a new mixed use building that will
22 be constructed as part of the larger Riverside
23 Center of Development. Under the proposed plan,
24 the SCA would acquire a condominium interest in
25

1
2 approximately 100,000 gross square feet of space
3 in building number two and the development. The
4 SCA has considered all comments received on the
5 proposed site plan and affirms it pursuant to
6 Section 1731 of the Public Authorities Law. In
7 accordance with 1732 of the Public Authorities
8 Law, the SCA submitted the proposed site plan to
9 the Mayor and to the City Council on August 7th,
10 2012. We look forward to your Subcommittee's
11 favorable consideration of the plan. We are
12 prepared to answer any questions you might have.

13 ACTING CHAIRPERSON ARROYO: There's
14 something wrong with that mic I think. Okay.
15 Council Member Brewer?

16 COUNCIL MEMBER BREWER: I want to
17 thank the School Construction Authority.
18 Shockingly, we are pleased. You cannot believe
19 this. We have never said anything good publically
20 about the School Construction Authority and we are
21 delighted. We really as I told the Chair of
22 today's Subcommittee, we are ecstatic, and I think
23 it's particularly appropriate that we have
24 expanded from 85,000 to 100,000 square feet
25 because we have so many families who are

1
2 desperate. One question is, do we know the
3 timing? Obviously, we in the community have been
4 meeting with the developer. It's no longer Extel
5 [phonetic]; it's a different developer, so I'm
6 wondering if you meet regularly, how are we going
7 to involve the community, not just with the
8 building, but obviously there is a lot of academic
9 decisions to be made and needless to say,
10 Community Board 7, the CEC [phonetic] and the
11 Parent's Council would like a seat at the table
12 because they have lots of ideas. You can imagine
13 how many ideas we have. We're the board of ideas.
14 What's the timing on all of this?

15 GREGORY SHAW: Regarding the timing
16 the expectation from information we have gotten
17 from the developer is the timing to commence
18 construction of the core and shell for the
19 building is sometime in November/December this
20 year. My understanding is that the core and shell
21 and that work along with the other construction
22 for the building will take approximately 30 months
23 and then an additional I guess 14 to 18 months—I
24 believe it's 18 months for us to do the interior
25 fit out for the school, so that's—

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COUNCIL MEMBER BREWER:

[Interposing] And what would be the normal way of working with the neighborhood? I know you have already met with them and we're very appreciative, but how would you—like are there regular meetings? How is the usual procedure done?

GREGORY SHAW: I think once we actually have a contractor selected to do the fit outs so that would be as the construction of the overall building is further along. Our construction management group does provide periodic updates, works with stakeholders sometimes. It depends on what the particular level of interest is in the construction.

COUNCIL MEMBER BREWER: Tremendous.

GREGORY SHAW: Just keep in mind though the type of construction that we'd be doing and the fit out is just inherently a lot less disruptive than the work that the developer will be undertaking with the building foundations and the larger superstructure.

COUNCIL MEMBER BREWER: Okay. I appreciate that. I'm sure there will be lots of questions along the way, but I appreciate the time

1
2 line very much, and thank you very much and thank
3 Lorraine Grillo [phonetic] very much for all of
4 us.

5 GREGORY SHAW: And thank you,
6 Council Member and Community Board 7 and the other
7 advocates that were able to help us get this
8 school and this development. We appreciate your
9 help.

10 COUNCIL MEMBER BREWER: We are very
11 excited. Thank you, Madam Chair.

12 ACTING CHAIRPERSON ARROYO: Any
13 questions, colleagues? Okay. I'm going to bring
14 up two members of the public on this item. Mel
15 Wymore and Mark Diller, Community Board 7. If you
16 can come up together... I think you guys have done
17 this before.

18 MALE VOICE: Yes, ma'am.

19 ACTING CHAIRPERSON ARROYO:
20 Identify yourself for the record and begin when
21 you are ready.

22 MARK DILLER: Good morning, Madam
23 Chairman and members of the Council. Thank you
24 for hearing us. We will be incredibly brief
25 because we have only good news to report. My name

1
2 is Mark Diller. I am the chair of Community Board
3 7 and was lucky enough to succeed Mel Wymore, who
4 is Chair Emeritus. We are here to offer our
5 unconditional—we have a unanimous vote by
6 Community Board 7, so that's the headline. 3800—
7 No, ma'am, it does not. Even when we try to
8 decide what our name is, we probably couldn't get
9 that vote. So we're here to offer our unanimous
10 consent and approval and eagerness to see this
11 project completed. We are grateful for many
12 aspects of this project beginning with the
13 fulfillment of the promise that this school would
14 be in one of the first two buildings constructed.
15 It appears that that is going to be the case.
16 Separately members of this Committee will hear
17 about affordable housing on the site, and—it's off
18 topic for today—but we're encouraged and pleased
19 to see that that is also a promise that is going
20 to be fulfilled. We do want to keep our hand in
21 design matters and Mr. Ou and Lorraine Grillo and
22 that team has been nothing but supportive and
23 encouraging and we hope we will be able to
24 continue to work with them and the CEC to make
25 sure that the school is fitted out in a way that

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2 meets the incredible needs of our overcrowded
3 classrooms in the Upper West Side, which I know
4 are not all that different from other parts of the
5 city, but to be sure there are needs that need to
6 be addressed. Further going forward, we feel it's
7 essential that we plan proactively. There will be
8 three schools within a one block radius of this
9 school. They are all desperately needed, and we
10 want to achieve two things: one is to make sure
11 that we achieve what we need in terms of seats—
12 this is the first new addition of seats in my
13 district in over 50 years, so it's important that
14 we get the biggest bang for our buck out of it. I
15 know the SCA has that in mind as well. The second
16 is that we want to make sure that there is an
17 amazing potential to create truly diverse schools
18 in all of those three schools, and that footprint—
19 this is further down the line, but this is very
20 much in our thinking right now—that we want to
21 plan and proactively prepare to make sure that all
22 of those schools are as diverse as our whole
23 community is and we want to make sure that that
24 happens. So with that, we are pleased and
25 delighted to continue this process and offer

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2 Community Board 7's approval and thanks.

3 MEL WYMORE: My name is Mel Wymore.
4 I'm the chair emeritus of Community Board 7 and
5 oversaw the negotiation on behalf of the Board
6 regarding this project. I want to echo everything
7 Mark said about our advocacy for the project and
8 our approval of the way it has come out. Thank -
9 - for his advocacy all throughout the
10 ULARP[phonetic] process and advocating for the
11 children of the district. I also just want to
12 thank the SCA for exercising the option going from
13 what was originally a 75,000 square foot school to
14 100,000 square foot school, which are really going
15 to provide much needed middle school seats for the
16 district and we're predicting that right when the
17 school gets completed, it will fulfill a very
18 critical need in the district. And finally, I'd
19 like to thank Gale Brewer for her tireless
20 advocacy around this and really working
21 collaboratively with the community and the
22 Community Board to achieve this result. This is a
23 real model of how it can work, how communities can
24 work together with government and developers to
25 make something really positive happen within a

1
2 community and we look forward to that continuing
3 collaboration as this project moves forward, so
4 thank you very much, Chair, for the opportunity to
5 speak.

6 ACTING CHAIRPERSON ARROYO: Thank
7 you for coming down. The public's opinion is very
8 important to us and we usually learn quite a few
9 things when listening to the public. Then the
10 bureaucrats come and say what they need to say,
11 but it's critically important that we hear from
12 the public and its opinion, so thank you for
13 taking the time to be here with us today. Okay.
14 I'm going to bring School Construction back up.
15 We are going to talk about P.S. 339 in Queens.

16 MALE VOICE: - - .

17 ACTING CHAIRPERSON ARROYO: I
18 didn't close the hearing on the first one.

19 MALE VOICE: - - .

20 ACTING CHAIRPERSON ARROYO: Okay.
21 So consider those hearings closed, and we will
22 open the hearing on P.S. 339. Do we have any
23 member of the public? No member from the public.
24 Okay. You may begin.

25 GREGORY SHAW: Thank you, again,

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2 Chairperson Arroyo and Council Members. My name
3 is Gregory Shaw. I am the principal attorney for
4 real estate for the School Construction Authority
5 and to my left is Kendrick Ou, director of real
6 estate for the School Construction Authority. The
7 New York City School Construction Authority has
8 undertaken the site selection process for the
9 proposed 472 seat primary school facility in tax
10 block 1228, lots 48, 52, 57, 58, 60, and 61
11 located at the south side of 39th Avenue between
12 57th and 58th Street in the Woodside section of
13 Queens. The proposed school site is also located
14 in Community School Board—excuse me, Community
15 School District number 30 and Queens Community
16 Board number 2. The project site contains a total
17 of approximately 27,000 square feet of lot area.
18 The site is improved with a commercial printing
19 facility and three residential buildings. The SCA
20 has entered into a contract with the owner to
21 purchase the property. Under the proposed plan
22 the SCA would acquire the property and demolish
23 the existing structures and construct a new 472
24 seat primary school facility. In phase one
25 environmental assessment and in phase two

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2 environmental site investigation were conducted at
3 the site. A soil vapor barrier and active sub
4 slab depressuration [phonetic] system will be
5 installed in the new school building and a two
6 foot layer of environmental clean fill will be
7 installed in areas where the soil is exposed
8 within the school site. The notice of filing for
9 the site plan was published in the New York Post
10 and City Record on March 5th, 2012. Queens
11 Community Board number 2 was also notified of the
12 site plan on that date and asked to hold a public
13 hearing on the proposed plan. Community Board
14 number 2 held a public hearing for the site plan
15 on April 18th, 2012, but did not submit written
16 comments on the proposed site plan. The City
17 Planning Commission was also notified of the site
18 plan on March 5th, 2012 and it recommended in favor
19 of the plan. The SCA has considered all comments
20 received on the proposed site plan and affirms it
21 pursuant to Section 1731 of the Public Authorities
22 Law. In accordance with Section 1732 of the
23 Public Authorities Law, the SCA submitted the site
24 plan to the mayor and City Council on August 15th,
25 2012. We look forward to your Subcommittee's

1
2 favorable consideration of the plan. We are
3 prepared to answer any questions you might have.

4 ACTING CHAIRPERSON ARROYO: Thank
5 you. Any questions, colleagues? The school will
6 be located in Council Member Van Bramer's district
7 and my understanding is that he is extremely
8 pleased with the proposal and it has very strong
9 community support, and since there is no one from
10 the public signed up to testify, I'm going to
11 close the hearing on this item.

12 Okay, next up we're going to bring
13 our friends from FDNY to hear Land Use number 660,
14 the Midtown West EMS Station in the Speaker's
15 district. And I am going to kill your name,
16 Chief, so please forgive me in advance. Abdo
17 Nahmod and David Harney, deputy commissioner—chief
18 of staff to the deputy commissioner. I think you
19 guys have been here before too. Identify
20 yourselves for the record, and please begin when
21 you are ready.

22 DAVID HARNEY: My name is David
23 Harney. I am chief of staff to the deputy fire
24 commissioner for technology and support services.

25 ABDO NAHMOD: Good morning. Abdo

1 Nahmod, the chief of EMS for the New York City
2 Fire Department. Good morning, Chairwoman Arroyo,
3 Council Members. My name is Abdo Nahmod, and I'm
4 the chief of emergency medical services command of
5 New York City Fire Department. Thank you for the
6 opportunity to speak to you today in support of
7 our uniform land use review procedure (ULARP)
8 application for the selection acquisition of the
9 privately owned site at 512 West 23rd Street
10 between 10th and 11th Avenues in Manhattan.

11 Approval of this ULARP action will allow the fire
12 department working with the Department of City
13 Wide Administrative Services (DCAS) to enter into
14 a lease agreement for the continued use of this
15 parcel as support facilities for FDNY EMS. Some
16 background, as you may know St. Vincent's Hospital
17 closed in 2010. The closure meant that we would
18 not only be losing 13 ambulance tours per day,
19 which we have assumed, it also meant that we lost
20 an EMS station on the west side of Manhattan to
21 support those ambulances. Once the hospital
22 announced it was closing, we began looking to
23 establish an EMS facility on the west side.
24 Without a west side location to house them all
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1
2 those ambulances which serve Greenwich Village,
3 Chelsea, Clinton and Midtown West, would have to
4 be based out of our already overcrowded facility
5 in Bellevue Hospital across town on 1st Avenue and
6 East 26th Street. If these ambulances were to
7 operate out of Bellevue, they would be required to
8 travel the width of Manhattan to go in and out of
9 service increasing response times and turnaround
10 times. Working through DCAS last year, we located
11 the former parking lot on West 23rd Street to
12 establish our facility under a license agreement;
13 however, license agreements can be terminated on
14 30 days' notice. We therefore instituted this
15 ULARP action to allow the city to enter a lease
16 agreement for the property, a preferred option to
17 the less secure license agreement, the ULARP
18 process. The City Planning Commission certified
19 this action in February. In April, Community
20 Board 4 recommended denial of the FDNY's action
21 unless we addressed several quality of life issues
22 it had raised. These included concerns about
23 parking at and maintenance of the site, the
24 station location and design and the ambulances
25 exhaust, sirens, back up alarms. In a May 3rd,

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2 2012 letter we committed to working with the Board
3 and the local community to address and/or
4 alleviate these quality of life issues to the
5 extent possible. The Manhattan borough president
6 conditionally approved this action and asked that
7 we work on addressing quality of life concerns the
8 Community Board has raised and also install
9 cameras to monitor compliance with our own
10 policies and procedures, install active driveway
11 signage and remove the parking attendant booth.
12 The borough president also encouraged us to work
13 with DCAS and the Office of Management and Budget
14 to identify another location to permanently
15 located this EMS facility. We responded to the
16 borough president in a May 2nd, 2012 letter that
17 stated our commitment to working with the local
18 community and to place eight cameras on site to
19 monitor compliance with our policies pertaining to
20 emergency response and engine idling. The City
21 Planning Commission heard this action in June. At
22 the hearing, we reiterated our commitment to
23 working with the local community on quality of
24 life issues and advised the commission that the
25 cameras were being installed. The Planning

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2 Commission approved the action in July and in its
3 report noted that the fire department had
4 responded to the community's concerns. The
5 Commission requested that we continue this
6 cooperation. Addressing the Council's concern,
7 since the Planning Commission's approval, we have
8 been discussing this action with City Council
9 staff and they have made several additional
10 requests. First, they asked us to attend
11 Community Board's quarterly quality of life
12 committee meetings. We are happy to do that.
13 Second, we have been asked to develop a solution
14 to lessen the noise generated by the ambulances'
15 back up alarms. We have engaged a sound
16 engineering consultant to help us address the
17 noise issues and awaiting the consultant's scope
18 of work; however, we do face several obstacles in
19 addressing noise concerns even if we agree with
20 the sound consultant's recommendation. We do not
21 have the budgetary authority at this time to
22 construct anything additional at the site and are
23 not permitted to affix anything permanent to the
24 highline under which our facility is located and
25 we cannot completely alleviate the back up alarms

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2 due to prevailing state safety regulations. The
3 Speaker's staff has also requested that we utilize
4 the now installed cameras at the site to ensure
5 and being more proactive about the compliance with
6 our own rules, regulations governing engine idling
7 and sirens. We can do that and also use the
8 cameras to monitor conditions in front and
9 throughout the facility. As the borough president
10 recommended, we can also install additional
11 driveway signage, remove the former parking
12 attendant booth, which will greatly improve
13 pedestrian safety in front of the station. The
14 Speaker's staff, like the borough president, had
15 asked us to conduct a study to identify a more
16 permanent location for this critical facility that
17 serves Greenwich Village, Chelsea, Clinton and
18 Midtown West. The fire department is more than
19 willing to do that; however, we do not have the
20 budgetary authority to acquire or construct a
21 replacement facility. Moreover we already
22 canvassed the real estate market in that area and
23 know that the majority of these sites that are
24 appropriate size and location for this function
25 are not available for our use at this time. We

1
2 are also concerned that the acquisition of another
3 site would take several years. Even if we had the
4 funding and the appropriate site was available, we
5 would need three to four years to complete the
6 Land Use review, approvals, bidding and finally
7 construction and renovation. If only privately
8 owned sites were available, we would face
9 additional delays of one to two years since
10 acquisition would require ULARP approval. If we
11 could not negotiate the purchase of a private site
12 and had to take property through eminent domain
13 that would also significantly lengthen the
14 process. This is why we chose to establish a
15 temporary facility under a license agreement and
16 then develop a Land Use action for acquisition.
17 With the closure of St. Vincent's, the fire
18 department cannot afford to wait three to five
19 years or possibly longer to establish an essential
20 life safety facility. As we have said several
21 times, the most critical quality of life issue is
22 life itself. We would be remiss in our duty to
23 the citizens of Greenwich Village, Chelsea,
24 Clinton and Midtown West if we did not work to
25 ensure prompt emergency medical response times and

1 expedite the acquisition and establishment of this
2 EMS station. We are more than willing and have
3 made this pledge several times to work with the
4 local residents, the Community Board, borough
5 president's office, City Council to address their
6 quality of life concerns; however, we hope the
7 Council recognizes the vitally important services
8 that this facility provides to the communities of
9 Manhattan's West Side and hope you will support
10 this action and our life saving efforts. In
11 closing, the fire department wishes to thank you
12 again for the opportunity to discuss this
13 important Land Use item and we look forward to
14 working with everyone involved in addressing the
15 quality of life issues around this facility while
16 making the station a true resource for these
17 communities. Thank you, and I would be happy to
18 take questions at this time.

19
20 ACTING CHAIRPERSON ARROYO: Okay.

21 Any questions? Council Member Halloran?

22 ACTING COUNCIL MEMBER HALLORAN:

23 Not a question. Just a clarification. The
24 listing on L.U. 660 is inaccurate. It's the fire
25 department, not the police department that is

1
2 acquiring this property.

3 ACTING CHAIRPERSON ARROYO: Thank
4 you, Council Member. No. Okay. Thank you for
5 your testimony. We have a letter for the record
6 from the Department to the Speaker on this item
7 with the commitments that the Department is making
8 to her district relative to the concerns that the
9 community has raised and we understand the Speaker
10 is very supportive of the application moving
11 forward. So thank you for being here and for your
12 testimony. Okay. Now we're going to close the
13 hearing on this item—thank you—and move to our
14 landmarks portion of the hearing, and we have two
15 items and for the record, we will be laying over
16 Land Use 648, the Metro East 99th Street
17 application in Council member Viverito's district.
18 We will be convening tomorrow morning at 9 o'clock
19 to hear that particular item, so everything else
20 will be coupled on the vote after we hear from
21 Landmarks. We have Kate Daly from the Landmarks
22 Preservation Commission. We—let me see—have two
23 items. Let's do L.U. 658 Van Tassell and Kearney
24 Auction Mart, and we also have a member of the
25 public signed up to testify, but she had to leave.

1
2 We have her testimony and hard copy for the
3 record, so I want to thank her for being here. Go
4 ahead.

5 KATE DALY: Okay. Thank you, Chair
6 Arroyo, Council Members. My name is Kate Daly,
7 executive director of the Landmarks Preservation
8 Commission. I am here today to testify on the
9 Commission's designation of the Van Tassell and
10 Kearney Auction Mart in Manhattan. On September
11 7th, 2006, the Landmarks Commission held a public
12 hearing on the proposed designation. 24 people
13 spoke in favor of the designation, including
14 Council Member Rosie Mendez and representatives of
15 Manhattan Borough President Scoot Stringer
16 [phonetic], State Senator Tom Duane, State
17 Assembly Member Deborah Glick and several local
18 community and preservation groups. There were no
19 speakers in opposition. On May 15th, 2012, the
20 Commission voted to designate the Van Tassell and
21 Kearney Auction Mart an individual landmark. The
22 former Van Tassell and Kearney Auction Mart is a
23 three story Beaux-Arts style building on East 13th
24 Street between 3rd and 4th Avenues in the East
25 Village of Manhattan. Built in 1903 to 1904 the

1
2 handsome structure is one of the last remaining
3 buildings in New York City erected for staging
4 horse auctions. Designed by architects Jardine,
5 Kent & Jardine, the red brick façade terminates in
6 a rounded cornice echoing the shape of the central
7 window and is enlivened by four bulls eye windows
8 and limestone trim. Originally general
9 auctioneers, after 1904 high class show horses and
10 ponies dominated the weekly auctions. Many
11 prominent citizens including members of the
12 Vanderbilt Family did business with Van Tassell
13 and Kearney. By 1920, the firm was primarily
14 involved in automobile sales. The building was
15 leased first to a candy manufacturer and then to a
16 vocational institute that trained women for the
17 defense industry during World War II. In 1978,
18 the structure was acquired by artist Frank Stella,
19 who used it as his studio until 2005. Significant
20 in terms of architectural design and specialized
21 purpose, the former Van Tassell and Kearney
22 Auction Mart recalls an era when the city was a
23 leading auction center and horse sales were a
24 common activity. The Commission urges you to
25 affirm the designation, and I'm happy to answer

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any questions.

ACTING CHAIRPERSON ARROYO: Thank you. Council Member Mendez?

COUNCIL MEMBER MENDEZ: Thank you. This has been a long time coming. Shortly after I got elected we advocated for landmarking of this building and then there was a standstill agreement, so glad we're getting to do this during my tenure in the City Council. I support this designation.

ACTING CHAIRPERSON ARROYO: Okay. We have testimony for the record as I indicated before from the Greenwich Village Society for Historic Preservation, Amanda Davis, and the testimony is in favor of designation. With that, I'm going to close the hearing on this item, and ask Kate Daly to talk to us about Land Use 657, a landmarking in Council Member Eugene's District, the Sears Roebuck and Company Department Store.

KATE DALY: Thank you, Chair Arroyo. My name for the record is Kate Daly. I'm the executive director of the Landmarks Preservation Commission. I'm here today to testify on the Commission's designation of the

1 Sears Roebuck and Company Department Store in
2 Brooklyn. On March 22nd, 2011, the Landmarks
3 Commission held a public hearing on the proposed
4 designation. One person spoke in favor of
5 designation, a representative of the Historic
6 Districts Council. On March 27th, 2012, a second
7 hearing was held. Representatives of Sears
8 Holding Corporation and the owner of the property
9 both expressed support for the designation and
10 asked that the Commission exclude the rear parking
11 lot, which was encompassed in the large tax lot
12 originally calendared. On May 15th, 2012, the
13 Commission voted to designate the Sears Roebuck
14 and Company Department Store an individual
15 landmark. The Flatbush branch of Sears Roebuck
16 and Company is an impressive late example of the
17 Art Deco style. Located at the intersection of
18 Bedford Avenue and Beverley Road, this three story
19 retail structure was designed by Chicago
20 architects Nimmons, Carr & Wright in association
21 with Alton L. Craft of New York City. Founded as
22 a catalog company in the 1890s, Sears Roebuck and
23 Company began opening stores in 1925. By the late
24 1920s, Sears had settled on a restrained, yet
25

1
2 stylish corporate image enlivened by Art Deco
3 details. Most Sears stores featured a highly
4 visible tower with prominent signage as well as
5 panels or thin bands of abstract two dimensional
6 relief that emphasized the placement of the
7 original store entrances. Plans to erect a large
8 department store in Brooklyn designed for the
9 motoring age were announced in 1932. Eleanor
10 Roosevelt addressed the audience at the November
11 1932 store opening. The building was
12 significantly expanded in 1940, adding four bays
13 and additional square footage at the rear. Of the
14 three Sears stores erected in the metropolitan
15 region, this Flatbush branch is the only one that
16 continues to operate. The Commission urges you to
17 affirm this designation and I'm happy to answer
18 any questions you may have.

19 ACTING CHAIRPERSON ARROYO: Okay,
20 we have no member of the public signed up to
21 testify on this item, and Council Member Eugene is
22 supportive of the designation. With that, any
23 questions, colleagues? I will close the hearing
24 on this item. And now the best part, we call the
25 roll. Counsel? Oh yeah. Minor detail—suggest

1
2 that we vote aye on all of the items on the
3 calendar.

4 COUNSEL: Chair Arroyo?

5 ACTING CHAIRPERSON ARROYO: Aye.

6 COUNSEL: Council Member Sanders?

7 COUNCIL MEMBER SANDERS: Aye.

8 COUNSEL: Council Member Palma?

9 COUNCIL MEMBER PALMA: Aye.

10 COUNSEL: Council Member Mendez?

11 COUNCIL MEMBER MENDEZ: I vote aye
12 on all.

13 COUNSEL: Council Member Williams?

14 COUNCIL MEMBER WILLIAMS: I vote
15 aye on all with especially attention to the Sears
16 that I grew up going to before they had the Sears
17 at King's Plaza, so I'm glad to see some special
18 attention being paid. There used to be a pretty
19 nice club there called the Elite Arc [phonetic] as
20 well. That has been taken down though.

21 COUNSEL: Council Member Halloran?

22 COUNCIL MEMBER HALLORAN: Aye on
23 all.

24 COUNSEL: By a vote of six in the
25 affirmative, none in the negative, no abstentions,

1
2 pre-considered L.U. 20125428 SCQ, pre-considered
3 L.U. 20025429 SCM, pre-considered L.U. 20025427
4 SCQ, L.U. 660, 657 and 658 are approved and
5 referred to the full Land Use Committee.

6 ACTING CHAIRPERSON ARROYO: as a
7 reminder, my colleagues, we are recessing this
8 hearing and convening tomorrow at 9 o'clock to
9 hear Land Use 648. I want to say a special thank
10 you to the Committee staff for guiding me through
11 this pinch hitting session that I've had for the
12 Committee. Thank you guys so much. You're
13 awesome. We will see you tomorrow at 9.

C E R T I F I C A T E

I, Kimberley Uhlig 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 Kimberley Uhlig

Date September 2, 2012

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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August 20, 2012
Start: 11:43 a.m.
Recess: 12:35 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E: MARIA DEL CARMEN ARROYO
Acting Chairperson

COUNCIL MEMBERS:
Brad S. Lander
Rosie Mendez
Annabel Palma
James Sanders, Jr.
Jumaane D. Williams
Daniel J. Halloran III

APPEARANCES (CONTINUED)

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

Mark Diller
Chair
Manhattan Community Board 7

Mel Wymore
Chair Emeritus
Manhattan Community Board 7

David Harney
Chief of Staff to the Deputy Fire Commissioner
Technology and Support Services

Abdo Nahmod
Chief of Emergency Medical Services
New York City Fire Department

Kate Daly
Executive Director
New York City Landmarks Preservation Commission

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2 ACTING CHAIRPERSON ARROYO: We're
3 ready?

4 [gavel]

5 ACTING CHAIRPERSON ARROYO: Good
6 morning, everyone. Welcome to this hearing on the
7 Landmarks, Public Siting and Maritime Uses
8 Subcommittee. As you can tell I am not Brad
9 Lander, but he is on vacation and hopefully he is
10 having a good time. I am Maria del Carmen Arroyo,
11 and I will be chairing this hearing. Housekeeping
12 for members, we have seven items on the agenda.
13 We will be voting on all seven—maybe lay one over,
14 but we will not know until a little later. The
15 first item, we have three schools, so we will
16 bring up the School Construction Authority First
17 with a school proposed in Council Member Comrie's
18 district, pre-considered 20125428 in Queens and we
19 will hear from Gregory Shaw, and this is on the
20 project P.S. 892, and Kendrick Ou. Welcome. You
21 guys know the rules here. Begin when you are
22 ready.

23 GREGORY SHAW: Thank you,
24 Chairperson Arroyo and Council Members. My name
25 is Gregory Shaw. I am principal attorney for real

1
2 estate for the New York City School Construction
3 Authority and thanks for welcoming us today on
4 this very important project. The New York City
5 School Construction Authority has undertaken the
6 site selection process for the proposed 379 seat
7 primary school facility that will be located on
8 tax block 1975, lot 1, located at 199-02 112th
9 Street in the St. Albans section of Queens. The
10 proposed school site is also located in Community
11 School District number 29 and Queens Community
12 Board number 12. The project site contains
13 approximately 22,250 square feet of lot area. The
14 site is improved with a six story former Catholic
15 high school currently owned by the police athletic
16 league [phonetic]. The SCA has a contract with
17 the police athletic league to purchase the
18 property. Under the proposed plan, the SCA would
19 acquire the property and renovate the existing
20 structure and construct a 379 seat primary school
21 facility. A phase one environmental site
22 assessment and a phase two environmental site
23 investigation were conducted at the site—one
24 underground 10,000 petroleum tank was discovered
25 and will be removed or decommissioned in place

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2 with accordance to all applicable federal, state
3 and city regulations and requirements. The notice
4 of filing for the site plan was published in the
5 New York Post and city record on March 5th, 2012.
6 Queens Community Board number 12 was also notified
7 of the site plan on that date. Community Board
8 number 12 held a hearing on April 18th, 2012 but
9 did not submit written comments on the proposed
10 plan. The city Planning Commission was also
11 notified of the site on March 5th, 2012 and it
12 recommended in favor of the site. The SCA has
13 considered all comments received on the proposed
14 site plan and affirms it pursuant to Section 1731
15 of the Public Authorities Law. In accordance with
16 Sections 1732 of the Public Authorities Law, the
17 SCA submitted the proposed site plan to the mayor
18 and City Council on August 7th, 2012. We look
19 forward to your Subcommittee's favorable
20 consideration of the proposed site plan. We are
21 prepared to answer any questions that you might
22 have. And for the record, to my immediate left is
23 Kendrick Ou, director of real estate for the
24 School Construction Authority. Thank you.

25 ACTING CHAIRPERSON ARROYO: Thank

1
2 you for your testimony. Before I turn it over to
3 Council Member Comrie, I want to acknowledge the
4 members of the Committee and other members who
5 have joined us this morning. We have to my
6 extreme left--no pun intended--Council Member Rosie
7 Mendez, Council Member Palma to my right--no pun
8 intended there either--and Council Member Sanders
9 from the Committee and joining us is--I'm sorry?
10 And Council Member Williams is joining us, Council
11 Member Comrie and Council Member Brewer, and now I
12 would like to turn over to Council Member Comrie
13 to make a statement on the P.S. 892 project.

14 COUNCIL MEMBER COMRIE: Thank you,
15 Chairman Arroyo. Good morning. I am pleased that
16 the Department of Education has identified this
17 site after I had spoken to them about acquiring
18 the site for a possible school. I'm glad that
19 they have followed through and are bringing this
20 site together. As you know, when we first talked
21 about the site, it was to do a middle school at
22 this site and because of the size dimensions of
23 the school, DOE has decided that it should be an
24 elementary school. I just want to express the
25 concerns of my community that we still need middle

1 school seats in that area. We have preparatory
2 high school, which is co-located in Junior High
3 School 192 and we have some available property on
4 Hollis Avenue between 204 Street and 202nd Street.
5 I would hope that the City works to acquire that
6 site, which is right adjacent to Junior High
7 School 192/the preparatory high school as well, so
8 that we could get that site as well for a school.
9 It would create a major impact and a major - -
10 problems along Hollis Avenue, but to this degree,
11 I am pleased that this site will be purchased. I
12 hope that we can make sure that the construction
13 of the site will create an opportunity for
14 community activities as well. As you know, it was
15 the former police athletic league site so, people
16 in the community are used to being able to do
17 recreational activities there, so I'm hoping that-
18 and the plan of the site will create a large
19 enough basketball court and a community facility
20 that the community can use on a regular basis.
21 With that, I want to say that I do agree with this
22 site being chosen. I am pleased that the City is
23 following through and purchasing sites that are
24 being recommended to them and I have more
25

1
2 recommendations that we should purchase properties
3 as well because it's important that we especially
4 in Queens and especially in my district where we
5 are property—where we don't have property. We are
6 very limited in property. We don't have any city
7 owned parcels that we try to acquire or any
8 properties that are buyable and feasible as
9 quickly as possible, even if it's in the long term
10 planning for construction because the population
11 numbers—even though the census is not accurately
12 reflecting it—are going up in my district and the
13 people that are coming to the district to attend
14 school, those numbers are increasing as well.
15 With that, Madam Chair, I would recommend the
16 Subcommittee vote for the project and I look
17 forward to working with School Construction as
18 they develop the site. Can I ask a question now?
19 Just to be clear, what type of community
20 facilities will be at the school?

21 GREGORY SHAW: The existing
22 building I believe has a gymnasium and also
23 classrooms. The renovation plans are still under
24 way, but we certainly would be maintaining the
25 existing facility. We'd be upgrading it. In

1
2 terms of community based programming, the
3 Department of Education once there is a principal
4 selected for this school very often the principal
5 and the community based organizations will
6 partner. At this point since the building would
7 not be ready for occupancy until 2014, I don't
8 think the Department of Education has selected a
9 principal yet to begin that discussion.

10 COUNCIL MEMBER COMRIE: Also, I
11 want to make sure that the gymnasium can stay open
12 for community services since the gymnasium is
13 planned to be intact and that could be upgraded.
14 The floors needed to be upgraded also. I upgraded
15 the kitchen in there. There is a full kitchen
16 that can provide cooking—with full cooking
17 facilities in there. I hope that that will be
18 maintained and also to give an opportunity for
19 swing space for possible group activities in the
20 evening as well for community meetings. If you
21 could get back to us and to just be specific on
22 the usage of the gym to make sure that that is
23 part of the site plan for the school. If we could
24 get that in writing, I would appreciate it. I'm
25 sure that any principal they would want to do

1
2 that, but just to make it as part of the site plan
3 would be...

4 GREGORY SHAW: We will get back to
5 you on that.

6 COUNCIL MEMBER COMRIE: Alright.

7 ACTING CHAIRPERSON ARROYO: This is
8 an existing site?

9 GREGORY SHAW: Yes. Yes, it is.

10 ACTING CHAIRPERSON ARROYO: One of
11 the challenges that we have always confronted with
12 siting schools and buildings that already exist is
13 the environmental conditions. What are the
14 environmental assessment results and what's the
15 plan to remediate anything that has been
16 identified as a potential hazard?

17 GREGORY SHAW: Well, the main
18 potential hazard--and this is the existing
19 structure--is the asbestos which will be removed in
20 accordance with all federal, state and city
21 requirements. In addition in my remarks, I had
22 mentioned that in our investigation there was a
23 determination that there is an underground storage
24 tank probably petroleum based, approximately
25 10,000 square feet that will either be removed or

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2 decommissioned in place and all the other measures
3 if there is any soil disturbed, of course, we will
4 remove any contaminated soil and replace it with
5 clean fill for any soil that is going to be
6 exposed in the playground area or likewise, so all
7 environmental conditions will be ameliorated as
8 they are encountered.

9 ACTING CHAIRPERSON ARROYO: When
10 will the community have a site plan that they can
11 review and critique or participate in the
12 monitoring of?

13 GREGORY SHAW: If you're referring
14 to the design for the school-

15 ACTING CHAIRPERSON ARROYO: The
16 environmental cleanup.

17 GREGORY SHAW: The environmental
18 cleanup normally that is undertaken and is
19 included as part of the bid with the contractor
20 and in terms of any critique, I mean, you're more
21 or less set in terms of the award. When you award
22 the contract, the contractor is specified as part
23 of his requirements exactly what is necessary to
24 be accomplished to make the site environmentally
25 compliant.

1
2 ACTING CHAIRPERSON ARROYO: I
3 appreciate that. I think the concern is always
4 what happens after and was the site remediated
5 appropriately and if there are any future issues
6 who is informed, what action plan will be
7 undertaken to remediate. I know too well the
8 concerns that communities raise around sites that
9 we promise we are going to clean up and make safe
10 for those that are going to occupy the structure,
11 the facility and making sure that they're
12 comfortable and understand that this site
13 continues to be a safe place for children to learn
14 and for people to work.

15 GREGORY SHAW: Keeping in mind that
16 this site was a former Catholic High School, so
17 we're not talking about a site that is like a
18 warehouse or something else, so this is a site
19 that has always been a residential area. It's a
20 former school. The continued community use by
21 police athletic league underscores the fact that
22 it's not something that was used for chemicals - -
23 so...

24 ACTING CHAIRPERSON ARROYO: Okay.
25 Glad to hear that and I trust that my colleague

1 will keep your feet to the fire on it anyway.

2 Okay. Any questions, my colleagues? Council

3 Member Halloran has joined us. Okay. So we're

4 going to move on to the next school. This one is

5 in Council Member Brewer's district, P.S. 342 in

6 Manhattan. We have a couple of folks from the

7 public who have signed up to testify. We are

8 going to hear from the School Construction

9 Authority first and then we will call you up. You

10 may begin.

11
12 GREGORY SHAW: Thank you again,

13 Chairperson Arroyo and Council Members. The New

14 York City School Construction Authority—and again,

15 my name is Gregory Shaw. I'm principal attorney

16 for real estate for the New York City School

17 Construction Authority and to my immediate left is

18 Kendrick Ou, director of real estate for the

19 Authority. The New York City School Construction

20 Authority has undertaken the site selection

21 process for the proposed 692 seat primary and

22 intermediate school facility proposed for location

23 at the southwest corner of West 61st Street and

24 West End Avenue and tax block 1171, portion of lot

25 165 in the borough of Manhattan. The proposed

1 school is also located in Manhattan Community
2 Board number 7 and Community School district
3 number 3. The notice of filing for the site plan
4 was published in the New York Post and City Record
5 on March 5th, 2012. Manhattan Community Board
6 number 7 was also notified of the site plan on
7 March 5th, and was asked to hold the public hearing
8 on the proposed site plan. The Community Board
9 held a public hearing on the site plan on April
10 19th, 2012 and subsequently submitted written
11 comments in favor of the proposed school. The
12 City Planning Commission was also notified of the
13 site plan on March 5th, 2012 and it also
14 recommended in favor of the site plan on March 5th.
15 Although the notice of filing initially indicated
16 the SCA was proposing a 480 seat school facility,
17 the SCA has confirmed that the available space
18 within building number two as part of the
19 development could accommodate 692 seats and that
20 is currently the plan. The proposed site will be
21 located within a new mixed use building that will
22 be constructed as part of the larger Riverside
23 Center of Development. Under the proposed plan,
24 the SCA would acquire a condominium interest in
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2 approximately 100,000 gross square feet of space
3 in building number two and the development. The
4 SCA has considered all comments received on the
5 proposed site plan and affirms it pursuant to
6 Section 1731 of the Public Authorities Law. In
7 accordance with 1732 of the Public Authorities
8 Law, the SCA submitted the proposed site plan to
9 the Mayor and to the City Council on August 7th,
10 2012. We look forward to your Subcommittee's
11 favorable consideration of the plan. We are
12 prepared to answer any questions you might have.

13 ACTING CHAIRPERSON ARROYO: There's
14 something wrong with that mic I think. Okay.
15 Council Member Brewer?

16 COUNCIL MEMBER BREWER: I want to
17 thank the School Construction Authority.
18 Shockingly, we are pleased. You cannot believe
19 this. We have never said anything good publically
20 about the School Construction Authority and we are
21 delighted. We really as I told the Chair of
22 today's Subcommittee, we are ecstatic, and I think
23 it's particularly appropriate that we have
24 expanded from 85,000 to 100,000 square feet
25 because we have so many families who are

1
2 desperate. One question is, do we know the
3 timing? Obviously, we in the community have been
4 meeting with the developer. It's no longer Extel
5 [phonetic]; it's a different developer, so I'm
6 wondering if you meet regularly, how are we going
7 to involve the community, not just with the
8 building, but obviously there is a lot of academic
9 decisions to be made and needless to say,
10 Community Board 7, the CEC [phonetic] and the
11 Parent's Council would like a seat at the table
12 because they have lots of ideas. You can imagine
13 how many ideas we have. We're the board of ideas.
14 What's the timing on all of this?

15 GREGORY SHAW: Regarding the timing
16 the expectation from information we have gotten
17 from the developer is the timing to commence
18 construction of the core and shell for the
19 building is sometime in November/December this
20 year. My understanding is that the core and shell
21 and that work along with the other construction
22 for the building will take approximately 30 months
23 and then an additional I guess 14 to 18 months—I
24 believe it's 18 months for us to do the interior
25 fit out for the school, so that's—

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COUNCIL MEMBER BREWER:

[Interposing] And what would be the normal way of working with the neighborhood? I know you have already met with them and we're very appreciative, but how would you—like are there regular meetings? How is the usual procedure done?

GREGORY SHAW: I think once we actually have a contractor selected to do the fit outs so that would be as the construction of the overall building is further along. Our construction management group does provide periodic updates, works with stakeholders sometimes. It depends on what the particular level of interest is in the construction.

COUNCIL MEMBER BREWER: Tremendous.

GREGORY SHAW: Just keep in mind though the type of construction that we'd be doing and the fit out is just inherently a lot less disruptive than the work that the developer will be undertaking with the building foundations and the larger superstructure.

COUNCIL MEMBER BREWER: Okay. I appreciate that. I'm sure there will be lots of questions along the way, but I appreciate the time

1
2 line very much, and thank you very much and thank
3 Lorraine Grillo [phonetic] very much for all of
4 us.

5 GREGORY SHAW: And thank you,
6 Council Member and Community Board 7 and the other
7 advocates that were able to help us get this
8 school and this development. We appreciate your
9 help.

10 COUNCIL MEMBER BREWER: We are very
11 excited. Thank you, Madam Chair.

12 ACTING CHAIRPERSON ARROYO: Any
13 questions, colleagues? Okay. I'm going to bring
14 up two members of the public on this item. Mel
15 Wymore and Mark Diller, Community Board 7. If you
16 can come up together... I think you guys have done
17 this before.

18 MALE VOICE: Yes, ma'am.

19 ACTING CHAIRPERSON ARROYO:
20 Identify yourself for the record and begin when
21 you are ready.

22 MARK DILLER: Good morning, Madam
23 Chairman and members of the Council. Thank you
24 for hearing us. We will be incredibly brief
25 because we have only good news to report. My name

1
2 is Mark Diller. I am the chair of Community Board
3 7 and was lucky enough to succeed Mel Wymore, who
4 is Chair Emeritus. We are here to offer our
5 unconditional—we have a unanimous vote by
6 Community Board 7, so that's the headline. 3800—
7 No, ma'am, it does not. Even when we try to
8 decide what our name is, we probably couldn't get
9 that vote. So we're here to offer our unanimous
10 consent and approval and eagerness to see this
11 project completed. We are grateful for many
12 aspects of this project beginning with the
13 fulfillment of the promise that this school would
14 be in one of the first two buildings constructed.
15 It appears that that is going to be the case.
16 Separately members of this Committee will hear
17 about affordable housing on the site, and—it's off
18 topic for today—but we're encouraged and pleased
19 to see that that is also a promise that is going
20 to be fulfilled. We do want to keep our hand in
21 design matters and Mr. Ou and Lorraine Grillo and
22 that team has been nothing but supportive and
23 encouraging and we hope we will be able to
24 continue to work with them and the CEC to make
25 sure that the school is fitted out in a way that

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2 meets the incredible needs of our overcrowded
3 classrooms in the Upper West Side, which I know
4 are not all that different from other parts of the
5 city, but to be sure there are needs that need to
6 be addressed. Further going forward, we feel it's
7 essential that we plan proactively. There will be
8 three schools within a one block radius of this
9 school. They are all desperately needed, and we
10 want to achieve two things: one is to make sure
11 that we achieve what we need in terms of seats—
12 this is the first new addition of seats in my
13 district in over 50 years, so it's important that
14 we get the biggest bang for our buck out of it. I
15 know the SCA has that in mind as well. The second
16 is that we want to make sure that there is an
17 amazing potential to create truly diverse schools
18 in all of those three schools, and that footprint—
19 this is further down the line, but this is very
20 much in our thinking right now—that we want to
21 plan and proactively prepare to make sure that all
22 of those schools are as diverse as our whole
23 community is and we want to make sure that that
24 happens. So with that, we are pleased and
25 delighted to continue this process and offer

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2 Community Board 7's approval and thanks.

3 MEL WYMORE: My name is Mel Wymore.
4 I'm the chair emeritus of Community Board 7 and
5 oversaw the negotiation on behalf of the Board
6 regarding this project. I want to echo everything
7 Mark said about our advocacy for the project and
8 our approval of the way it has come out. Thank -
9 - for his advocacy all throughout the
10 ULARP[phonetic] process and advocating for the
11 children of the district. I also just want to
12 thank the SCA for exercising the option going from
13 what was originally a 75,000 square foot school to
14 100,000 square foot school, which are really going
15 to provide much needed middle school seats for the
16 district and we're predicting that right when the
17 school gets completed, it will fulfill a very
18 critical need in the district. And finally, I'd
19 like to thank Gale Brewer for her tireless
20 advocacy around this and really working
21 collaboratively with the community and the
22 Community Board to achieve this result. This is a
23 real model of how it can work, how communities can
24 work together with government and developers to
25 make something really positive happen within a

1
2 community and we look forward to that continuing
3 collaboration as this project moves forward, so
4 thank you very much, Chair, for the opportunity to
5 speak.

6 ACTING CHAIRPERSON ARROYO: Thank
7 you for coming down. The public's opinion is very
8 important to us and we usually learn quite a few
9 things when listening to the public. Then the
10 bureaucrats come and say what they need to say,
11 but it's critically important that we hear from
12 the public and its opinion, so thank you for
13 taking the time to be here with us today. Okay.
14 I'm going to bring School Construction back up.
15 We are going to talk about P.S. 339 in Queens.

16 MALE VOICE: - - .

17 ACTING CHAIRPERSON ARROYO: I
18 didn't close the hearing on the first one.

19 MALE VOICE: - - .

20 ACTING CHAIRPERSON ARROYO: Okay.
21 So consider those hearings closed, and we will
22 open the hearing on P.S. 339. Do we have any
23 member of the public? No member from the public.
24 Okay. You may begin.

25 GREGORY SHAW: Thank you, again,

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2 Chairperson Arroyo and Council Members. My name
3 is Gregory Shaw. I am the principal attorney for
4 real estate for the School Construction Authority
5 and to my left is Kendrick Ou, director of real
6 estate for the School Construction Authority. The
7 New York City School Construction Authority has
8 undertaken the site selection process for the
9 proposed 472 seat primary school facility in tax
10 block 1228, lots 48, 52, 57, 58, 60, and 61
11 located at the south side of 39th Avenue between
12 57th and 58th Street in the Woodside section of
13 Queens. The proposed school site is also located
14 in Community School Board—excuse me, Community
15 School District number 30 and Queens Community
16 Board number 2. The project site contains a total
17 of approximately 27,000 square feet of lot area.
18 The site is improved with a commercial printing
19 facility and three residential buildings. The SCA
20 has entered into a contract with the owner to
21 purchase the property. Under the proposed plan
22 the SCA would acquire the property and demolish
23 the existing structures and construct a new 472
24 seat primary school facility. In phase one
25 environmental assessment and in phase two

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2 environmental site investigation were conducted at
3 the site. A soil vapor barrier and active sub
4 slab depressuration [phonetic] system will be
5 installed in the new school building and a two
6 foot layer of environmental clean fill will be
7 installed in areas where the soil is exposed
8 within the school site. The notice of filing for
9 the site plan was published in the New York Post
10 and City Record on March 5th, 2012. Queens
11 Community Board number 2 was also notified of the
12 site plan on that date and asked to hold a public
13 hearing on the proposed plan. Community Board
14 number 2 held a public hearing for the site plan
15 on April 18th, 2012, but did not submit written
16 comments on the proposed site plan. The City
17 Planning Commission was also notified of the site
18 plan on March 5th, 2012 and it recommended in favor
19 of the plan. The SCA has considered all comments
20 received on the proposed site plan and affirms it
21 pursuant to Section 1731 of the Public Authorities
22 Law. In accordance with Section 1732 of the
23 Public Authorities Law, the SCA submitted the site
24 plan to the mayor and City Council on August 15th,
25 2012. We look forward to your Subcommittee's

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2 favorable consideration of the plan. We are
3 prepared to answer any questions you might have.

4 ACTING CHAIRPERSON ARROYO: Thank
5 you. Any questions, colleagues? The school will
6 be located in Council Member Van Bramer's district
7 and my understanding is that he is extremely
8 pleased with the proposal and it has very strong
9 community support, and since there is no one from
10 the public signed up to testify, I'm going to
11 close the hearing on this item.

12 Okay, next up we're going to bring
13 our friends from FDNY to hear Land Use number 660,
14 the Midtown West EMS Station in the Speaker's
15 district. And I am going to kill your name,
16 Chief, so please forgive me in advance. Abdo
17 Nahmod and David Harney, deputy commissioner—chief
18 of staff to the deputy commissioner. I think you
19 guys have been here before too. Identify
20 yourselves for the record, and please begin when
21 you are ready.

22 DAVID HARNEY: My name is David
23 Harney. I am chief of staff to the deputy fire
24 commissioner for technology and support services.

25 ABDO NAHMOD: Good morning. Abdo

1 Nahmod, the chief of EMS for the New York City
2 Fire Department. Good morning, Chairwoman Arroyo,
3 Council Members. My name is Abdo Nahmod, and I'm
4 the chief of emergency medical services command of
5 New York City Fire Department. Thank you for the
6 opportunity to speak to you today in support of
7 our uniform land use review procedure (ULARP)
8 application for the selection acquisition of the
9 privately owned site at 512 West 23rd Street
10 between 10th and 11th Avenues in Manhattan.

11 Approval of this ULARP action will allow the fire
12 department working with the Department of City
13 Wide Administrative Services (DCAS) to enter into
14 a lease agreement for the continued use of this
15 parcel as support facilities for FDNY EMS. Some
16 background, as you may know St. Vincent's Hospital
17 closed in 2010. The closure meant that we would
18 not only be losing 13 ambulance tours per day,
19 which we have assumed, it also meant that we lost
20 an EMS station on the west side of Manhattan to
21 support those ambulances. Once the hospital
22 announced it was closing, we began looking to
23 establish an EMS facility on the west side.
24 Without a west side location to house them all
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2 those ambulances which serve Greenwich Village,
3 Chelsea, Clinton and Midtown West, would have to
4 be based out of our already overcrowded facility
5 in Bellevue Hospital across town on 1st Avenue and
6 East 26th Street. If these ambulances were to
7 operate out of Bellevue, they would be required to
8 travel the width of Manhattan to go in and out of
9 service increasing response times and turnaround
10 times. Working through DCAS last year, we located
11 the former parking lot on West 23rd Street to
12 establish our facility under a license agreement;
13 however, license agreements can be terminated on
14 30 days' notice. We therefore instituted this
15 ULARP action to allow the city to enter a lease
16 agreement for the property, a preferred option to
17 the less secure license agreement, the ULARP
18 process. The City Planning Commission certified
19 this action in February. In April, Community
20 Board 4 recommended denial of the FDNY's action
21 unless we addressed several quality of life issues
22 it had raised. These included concerns about
23 parking at and maintenance of the site, the
24 station location and design and the ambulances
25 exhaust, sirens, back up alarms. In a May 3rd,

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2 2012 letter we committed to working with the Board
3 and the local community to address and/or
4 alleviate these quality of life issues to the
5 extent possible. The Manhattan borough president
6 conditionally approved this action and asked that
7 we work on addressing quality of life concerns the
8 Community Board has raised and also install
9 cameras to monitor compliance with our own
10 policies and procedures, install active driveway
11 signage and remove the parking attendant booth.
12 The borough president also encouraged us to work
13 with DCAS and the Office of Management and Budget
14 to identify another location to permanently
15 located this EMS facility. We responded to the
16 borough president in a May 2nd, 2012 letter that
17 stated our commitment to working with the local
18 community and to place eight cameras on site to
19 monitor compliance with our policies pertaining to
20 emergency response and engine idling. The City
21 Planning Commission heard this action in June. At
22 the hearing, we reiterated our commitment to
23 working with the local community on quality of
24 life issues and advised the commission that the
25 cameras were being installed. The Planning

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2 Commission approved the action in July and in its
3 report noted that the fire department had
4 responded to the community's concerns. The
5 Commission requested that we continue this
6 cooperation. Addressing the Council's concern,
7 since the Planning Commission's approval, we have
8 been discussing this action with City Council
9 staff and they have made several additional
10 requests. First, they asked us to attend
11 Community Board's quarterly quality of life
12 committee meetings. We are happy to do that.
13 Second, we have been asked to develop a solution
14 to lessen the noise generated by the ambulances'
15 back up alarms. We have engaged a sound
16 engineering consultant to help us address the
17 noise issues and awaiting the consultant's scope
18 of work; however, we do face several obstacles in
19 addressing noise concerns even if we agree with
20 the sound consultant's recommendation. We do not
21 have the budgetary authority at this time to
22 construct anything additional at the site and are
23 not permitted to affix anything permanent to the
24 highline under which our facility is located and
25 we cannot completely alleviate the back up alarms

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2 due to prevailing state safety regulations. The
3 Speaker's staff has also requested that we utilize
4 the now installed cameras at the site to ensure
5 and being more proactive about the compliance with
6 our own rules, regulations governing engine idling
7 and sirens. We can do that and also use the
8 cameras to monitor conditions in front and
9 throughout the facility. As the borough president
10 recommended, we can also install additional
11 driveway signage, remove the former parking
12 attendant booth, which will greatly improve
13 pedestrian safety in front of the station. The
14 Speaker's staff, like the borough president, had
15 asked us to conduct a study to identify a more
16 permanent location for this critical facility that
17 serves Greenwich Village, Chelsea, Clinton and
18 Midtown West. The fire department is more than
19 willing to do that; however, we do not have the
20 budgetary authority to acquire or construct a
21 replacement facility. Moreover we already
22 canvassed the real estate market in that area and
23 know that the majority of these sites that are
24 appropriate size and location for this function
25 are not available for our use at this time. We

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2 are also concerned that the acquisition of another
3 site would take several years. Even if we had the
4 funding and the appropriate site was available, we
5 would need three to four years to complete the
6 Land Use review, approvals, bidding and finally
7 construction and renovation. If only privately
8 owned sites were available, we would face
9 additional delays of one to two years since
10 acquisition would require ULARP approval. If we
11 could not negotiate the purchase of a private site
12 and had to take property through eminent domain
13 that would also significantly lengthen the
14 process. This is why we chose to establish a
15 temporary facility under a license agreement and
16 then develop a Land Use action for acquisition.
17 With the closure of St. Vincent's, the fire
18 department cannot afford to wait three to five
19 years or possibly longer to establish an essential
20 life safety facility. As we have said several
21 times, the most critical quality of life issue is
22 life itself. We would be remiss in our duty to
23 the citizens of Greenwich Village, Chelsea,
24 Clinton and Midtown West if we did not work to
25 ensure prompt emergency medical response times and

1 expedite the acquisition and establishment of this
2 EMS station. We are more than willing and have
3 made this pledge several times to work with the
4 local residents, the Community Board, borough
5 president's office, City Council to address their
6 quality of life concerns; however, we hope the
7 Council recognizes the vitally important services
8 that this facility provides to the communities of
9 Manhattan's West Side and hope you will support
10 this action and our life saving efforts. In
11 closing, the fire department wishes to thank you
12 again for the opportunity to discuss this
13 important Land Use item and we look forward to
14 working with everyone involved in addressing the
15 quality of life issues around this facility while
16 making the station a true resource for these
17 communities. Thank you, and I would be happy to
18 take questions at this time.

19
20 ACTING CHAIRPERSON ARROYO: Okay.

21 Any questions? Council Member Halloran?

22 ACTING COUNCIL MEMBER HALLORAN:

23 Not a question. Just a clarification. The
24 listing on L.U. 660 is inaccurate. It's the fire
25 department, not the police department that is

1
2 acquiring this property.

3 ACTING CHAIRPERSON ARROYO: Thank
4 you, Council Member. No. Okay. Thank you for
5 your testimony. We have a letter for the record
6 from the Department to the Speaker on this item
7 with the commitments that the Department is making
8 to her district relative to the concerns that the
9 community has raised and we understand the Speaker
10 is very supportive of the application moving
11 forward. So thank you for being here and for your
12 testimony. Okay. Now we're going to close the
13 hearing on this item—thank you—and move to our
14 landmarks portion of the hearing, and we have two
15 items and for the record, we will be laying over
16 Land Use 648, the Metro East 99th Street
17 application in Council member Viverito's district.
18 We will be convening tomorrow morning at 9 o'clock
19 to hear that particular item, so everything else
20 will be coupled on the vote after we hear from
21 Landmarks. We have Kate Daly from the Landmarks
22 Preservation Commission. We—let me see—have two
23 items. Let's do L.U. 658 Van Tassell and Kearney
24 Auction Mart, and we also have a member of the
25 public signed up to testify, but she had to leave.

1
2 We have her testimony and hard copy for the
3 record, so I want to thank her for being here. Go
4 ahead.

5 KATE DALY: Okay. Thank you, Chair
6 Arroyo, Council Members. My name is Kate Daly,
7 executive director of the Landmarks Preservation
8 Commission. I am here today to testify on the
9 Commission's designation of the Van Tassell and
10 Kearney Auction Mart in Manhattan. On September
11 7th, 2006, the Landmarks Commission held a public
12 hearing on the proposed designation. 24 people
13 spoke in favor of the designation, including
14 Council Member Rosie Mendez and representatives of
15 Manhattan Borough President Scoot Stringer
16 [phonetic], State Senator Tom Duane, State
17 Assembly Member Deborah Glick and several local
18 community and preservation groups. There were no
19 speakers in opposition. On May 15th, 2012, the
20 Commission voted to designate the Van Tassell and
21 Kearney Auction Mart an individual landmark. The
22 former Van Tassell and Kearney Auction Mart is a
23 three story Beaux-Arts style building on East 13th
24 Street between 3rd and 4th Avenues in the East
25 Village of Manhattan. Built in 1903 to 1904 the

1
2 handsome structure is one of the last remaining
3 buildings in New York City erected for staging
4 horse auctions. Designed by architects Jardine,
5 Kent & Jardine, the red brick façade terminates in
6 a rounded cornice echoing the shape of the central
7 window and is enlivened by four bulls eye windows
8 and limestone trim. Originally general
9 auctioneers, after 1904 high class show horses and
10 ponies dominated the weekly auctions. Many
11 prominent citizens including members of the
12 Vanderbilt Family did business with Van Tassell
13 and Kearney. By 1920, the firm was primarily
14 involved in automobile sales. The building was
15 leased first to a candy manufacturer and then to a
16 vocational institute that trained women for the
17 defense industry during World War II. In 1978,
18 the structure was acquired by artist Frank Stella,
19 who used it as his studio until 2005. Significant
20 in terms of architectural design and specialized
21 purpose, the former Van Tassell and Kearney
22 Auction Mart recalls an era when the city was a
23 leading auction center and horse sales were a
24 common activity. The Commission urges you to
25 affirm the designation, and I'm happy to answer

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any questions.

ACTING CHAIRPERSON ARROYO: Thank you. Council Member Mendez?

COUNCIL MEMBER MENDEZ: Thank you. This has been a long time coming. Shortly after I got elected we advocated for landmarking of this building and then there was a standstill agreement, so glad we're getting to do this during my tenure in the City Council. I support this designation.

ACTING CHAIRPERSON ARROYO: Okay. We have testimony for the record as I indicated before from the Greenwich Village Society for Historic Preservation, Amanda Davis, and the testimony is in favor of designation. With that, I'm going to close the hearing on this item, and ask Kate Daly to talk to us about Land Use 657, a landmarking in Council Member Eugene's District, the Sears Roebuck and Company Department Store.

KATE DALY: Thank you, Chair Arroyo. My name for the record is Kate Daly. I'm the executive director of the Landmarks Preservation Commission. I'm here today to testify on the Commission's designation of the

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2 Sears Roebuck and Company Department Store in
3 Brooklyn. On March 22nd, 2011, the Landmarks
4 Commission held a public hearing on the proposed
5 designation. One person spoke in favor of
6 designation, a representative of the Historic
7 Districts Council. On March 27th, 2012, a second
8 hearing was held. Representatives of Sears
9 Holding Corporation and the owner of the property
10 both expressed support for the designation and
11 asked that the Commission exclude the rear parking
12 lot, which was encompassed in the large tax lot
13 originally calendared. On May 15th, 2012, the
14 Commission voted to designate the Sears Roebuck
15 and Company Department Store an individual
16 landmark. The Flatbush branch of Sears Roebuck
17 and Company is an impressive late example of the
18 Art Deco style. Located at the intersection of
19 Bedford Avenue and Beverley Road, this three story
20 retail structure was designed by Chicago
21 architects Nimmons, Carr & Wright in association
22 with Alton L. Craft of New York City. Founded as
23 a catalog company in the 1890s, Sears Roebuck and
24 Company began opening stores in 1925. By the late
25 1920s, Sears had settled on a restrained, yet

1
2 stylish corporate image enlivened by Art Deco
3 details. Most Sears stores featured a highly
4 visible tower with prominent signage as well as
5 panels or thin bands of abstract two dimensional
6 relief that emphasized the placement of the
7 original store entrances. Plans to erect a large
8 department store in Brooklyn designed for the
9 motoring age were announced in 1932. Eleanor
10 Roosevelt addressed the audience at the November
11 1932 store opening. The building was
12 significantly expanded in 1940, adding four bays
13 and additional square footage at the rear. Of the
14 three Sears stores erected in the metropolitan
15 region, this Flatbush branch is the only one that
16 continues to operate. The Commission urges you to
17 affirm this designation and I'm happy to answer
18 any questions you may have.

19 ACTING CHAIRPERSON ARROYO: Okay,
20 we have no member of the public signed up to
21 testify on this item, and Council Member Eugene is
22 supportive of the designation. With that, any
23 questions, colleagues? I will close the hearing
24 on this item. And now the best part, we call the
25 roll. Counsel? Oh yeah. Minor detail—suggest

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2 that we vote aye on all of the items on the
3 calendar.

4 COUNSEL: Chair Arroyo?

5 ACTING CHAIRPERSON ARROYO: Aye.

6 COUNSEL: Council Member Sanders?

7 COUNCIL MEMBER SANDERS: Aye.

8 COUNSEL: Council Member Palma?

9 COUNCIL MEMBER PALMA: Aye.

10 COUNSEL: Council Member Mendez?

11 COUNCIL MEMBER MENDEZ: I vote aye
12 on all.

13 COUNSEL: Council Member Williams?

14 COUNCIL MEMBER WILLIAMS: I vote
15 aye on all with especially attention to the Sears
16 that I grew up going to before they had the Sears
17 at King's Plaza, so I'm glad to see some special
18 attention being paid. There used to be a pretty
19 nice club there called the Elite Arc [phonetic] as
20 well. That has been taken down though.

21 COUNSEL: Council Member Halloran?

22 COUNCIL MEMBER HALLORAN: Aye on
23 all.

24 COUNSEL: By a vote of six in the
25 affirmative, none in the negative, no abstentions,

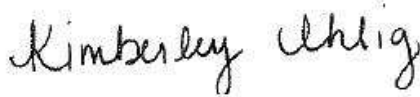
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2 pre-considered L.U. 20125428 SCQ, pre-considered
3 L.U. 20025429 SCM, pre-considered L.U. 20025427
4 SCQ, L.U. 660, 657 and 658 are approved and
5 referred to the full Land Use Committee.

6 ACTING CHAIRPERSON ARROYO: as a
7 reminder, my colleagues, we are recessing this
8 hearing and convening tomorrow at 9 o'clock to
9 hear Land Use 648. I want to say a special thank
10 you to the Committee staff for guiding me through
11 this pinch hitting session that I've had for the
12 Committee. Thank you guys so much. You're
13 awesome. We will see you tomorrow at 9.

C E R T I F I C A T E

I, Kimberley Uhlig 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

Handwritten signature of Kimberley Uhlig in cursive script, written over a horizontal line.Date September 2, 2012