

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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November 26, 2012
Start: 11:34 a.m.
Recess: 12:52 p.m.

HELD AT: 250 Broadway
Hearing Room, 16th Floor

B E F O R E:
BRAD LANDER
Chairperson

COUNCIL MEMBERS:
Rosie Mendez
Maria del Carmen Arroyo
Annabel Palma
James F. Gennaro
Diana Reyna

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

Le Dan Cai
Linda's CAI Trading, Inc.

William Zou
Attorney
Linda's CAI Trading, Inc.

Jenny Fernandez
Landmarks Preservation Commission

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

Kenrick Ou
Senior Director for Real Estate
New York City School Construction Authority

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2 CHAIRPERSON LANDER: All right,
3 we're ready to go. Good morning, hope everyone
4 had a wonderful Thanksgiving holiday, lots to be
5 thankful for this year, for sure. I am New York
6 City Council Member Brad Lander, chair of the City
7 Council's Land Use Subcommittee on Landmarks,
8 Public Siting, and Maritime Uses. Very pleased to
9 be joined this morning for our Monday morning
10 post-Thanksgiving meeting by Council Members Rosie
11 Mendez of Manhattan, Maria del Carmen Arroyo of
12 the Bronx, Annabel Palma of the Bronx from the
13 committee. And then joining us today, as our
14 first item is in his district, Council Member Jim
15 Gennaro from Queens, nice to have you with us.

16 All right, and we'll get right to
17 work. We have items on the calendar today both on
18 the Landmark side and on the Public Siting side,
19 and we will begin on the Landmark side. We're
20 picking back up Land Use number 720, application
21 number 20135041, the Brinckerhoff Cemetery located
22 at 69-65 to 69-73 182nd Street in Council Member
23 Gennaro's district in Queens. We recessed the
24 public hearing at our last meeting so that we
25 could provide--make sure we were providing, go out

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2 of our way to provide an opportunity for the owner
3 of the site to come forward and testify before us,
4 and I'm pleased that as a result, we have the
5 owner here today to testify. So we're not going
6 to--we had the presentation from the LPC last time
7 and several people testifying in favor of the
8 application, and we had a letter from Council
9 Member Gennaro, so what we're going to do is move
10 straight to calling the owner of the site. And I
11 apologize if I say your name wrong, Le Dan Cai, of
12 Linda CAI's Trading, Incorporated, and also
13 William Zou, also representing Linda's CAI
14 Trading, Incorporated. Please come forward and
15 present your testimony. Thank you.

16 [background noise]

17 CHAIRPERSON LANDER Thank you.

18 [Pause]

19 [background noise]

20 CHAIRPERSON LANDER Okay. All
21 right, great, thank you. If you'll just introduce
22 yourselves and state your name for the record, and
23 then go ahead and present your testimony.

24 [Pause]

25 WILLIAM ZOU: Good morning, ladies

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2 and gentlemen, honorable Councilwomen and the
3 Councilmen, I have here--my name is William Zou,
4 I'm an attorney, I represent the homeowner, Linda
5 CAI Trading, Inc. I have the principal, Ms. Le
6 Dan Cai, who is the homeowner and I'll let her
7 speak first, but she doesn't speak English so
8 she's going to speak in Chinese, and I happen to
9 be fluent in Chinese and in English, so I will
10 swear to translate to the truth and correct
11 translation.

12 LE DAN CAI: Good morning
13 everybody. My name is Le Dan Cai, I'm a single
14 mother, I've been in the United States for over
15 ten years. I have American dream to have my own
16 house in the United States. I'm also an American
17 citizen.

18 I'm sitting here, this is the first
19 time I'm appear in your public hearing. Regarding
20 that property, I'm a victim, I want to tell you
21 the whole story.

22 In about May 2010, I was referred
23 by a friend--I'm sorry, I'm very upset whenever I
24 think of that property.

25 CHAIRPERSON LANDER Take your time,

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2 we're here to listen and please take the time you
3 need to tell your story.

4 LE DAN CAI: A friend of mine
5 introduced to me a property, he told me there was
6 a vacant offer for sale so I can build a house, I
7 always wanted to have my own house. So after he
8 give me the address, I went to visit the property,
9 I went there a couple of times and I didn't see
10 any problem.

11 So I talked to my family and the
12 friends, they agreed to support me and we start
13 negotiate a price and the price was good. So I
14 was very happy, and I have my attorney also did a
15 title search and nothing showed up it's a
16 cemetery. If it's a cemetery, I won't buy it.

17 And I didn't know anything until
18 the closing. At the time of the closing, the
19 seller's attorney told me there were two lots and
20 one you can build on it, the other one is a
21 cemetery. He told me one lot is clean and you can
22 build on it, and the other lots, there might be
23 people buried underneath, but he wasn't sure
24 whether you can still build on it, so the price
25 was very attractive so I decided to buy it.

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2 So after I bought it, I decided to
3 hire a architect to build a house on it. I hired
4 Kelvin Zou, who is a architect and then he started
5 to tell me a lot of stories about this property.
6 I asked Kelvin Zou to take care of everything and
7 however I didn't know what was going on and I
8 didn't know anything until I receive this letter,
9 then I couldn't find Kelvin Zou, so I decided to
10 hire attorney.

11 After I hired the attorney, I was
12 told the landmark commission already designate it
13 as a cemetery, but I didn't know about that and I
14 really have no idea what's going on, but I really
15 want to build a house. I hope everybody here can
16 understand my situation and I really want to build
17 a house and spend a lot of money already, so I
18 hope you can support me, allow me to build a
19 house.

20 I'm an American citizen, I also
21 respect the American history. But as the property
22 owner, I spend money on it and I hope you can give
23 me a fair resolution.

24 Thank you everybody.

25 CHAIRPERSON LANDER Thank you.

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2 First, I want to just say thank you very much for
3 coming today and presenting your testimony. You
4 know, one of the things that the City Council
5 tries to do is really listen. Sometimes we're
6 faced with challenging and hard decisions where,
7 you know, the full information isn't available.
8 And, anyway, I'm glad that the Council and I
9 appreciate the staff working hard to make sure
10 that you were able to come and testify and my
11 colleagues to be here to listen.

12 I'm going to turn it over to my
13 colleague, Council Member Gennaro, who is the
14 Council Member of the district and knows the site
15 and the story. But I do want to let you know that
16 we really appreciate your coming and--

17 [Crosstalk]

18 WILLIAM ZOU: [Interposing] Yeah,
19 I'm sorry, I appreciate the committee allow her to
20 testify. Can I put in few thoughts as well?

21 CHAIRPERSON LANDER Yeah, you also
22 signed up to testify so you can--

23 WILLIAM ZOU: Yes, yes.

24 CHAIRPERSON LANDER --testify
25 separately as her lawyer. Council Member--

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2 WILLIAM ZOU: Yes.

3 CHAIRPERSON LANDER --we'll let
4 them [off mic], yeah, sir, go ahead.

5 WILLIAM ZOU: Yeah, I'm sorry to
6 interrupt. Again, good morning, my name is
7 William Zou, I'm an attorney in Flushing. I want
8 to thank everybody here on behalf of the owner to
9 allow the owner an opportunity to testify before
10 this meeting and to explain herself regarding the
11 process and the situation she got into.

12 As she testified earlier, she
13 stepped into this without knowing anything about
14 the landmark, without knowing anything about a
15 cemetery, without knowing anything about the
16 history of this property. And up to this
17 juncture, she already spent about \$200,000,
18 purchasing the lots, putting up with the plans,
19 paying the broker's commission, so she has spend a
20 lot of fortune to own this property. And all this
21 were happened without knowing the history of this
22 property.

23 So she's the victim and, as she
24 testified, she hired Kelvin Zou, who is a
25 architect, but she hasn't been able to explain

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2 herself to this committee or to the LPC regarding
3 her situation.

4 Kelvin Zou, I was approached about
5 less than a week ago and I tried to catch--get in
6 contact with Kelvin Zou, but I couldn't reach him
7 at all, so we came here without any preparation
8 whatsoever, except that during the last week we
9 did some research and we also approached the
10 community, and I have handed over to you about a
11 petition in opposition to the designation signed
12 by 12 members of the neighborhoods. There are
13 people living right on the same street as the
14 property, 182nd Street, and there are people
15 living around the block. And we got the signature
16 within about two hours yesterday, we did not have
17 the time to contact everybody and there was
18 Thanksgiving weekend, so a lot of people are not
19 at home. But still with this such short two
20 hours, we were able to get 12 signatures in
21 opposition to this designation.

22 So my point is, I don't believe the
23 community has been hurt in opposition to this
24 because Ms. Cai did not really--well she had the
25 chance to present her opposition, but she was not

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2 competently represented and she was not able to
3 present her opposition as well as the opposition
4 from the community.

5 And in addition to the people who
6 signed the petition in opposition, we also talked
7 to some neighbors, talked to some members and some
8 of them, they bought their own property without
9 knowing this is a cemetery, they regret it because
10 the property has been abandoned over probably two
11 centuries. It doesn't look like a cemetery, it
12 didn't look like a cemetery, a lot of people
13 bought the people around the cemetery without
14 knowing it's a cemetery. So they regret it. But
15 the proponents for this designation also did a
16 very good campaign, they send e-mails and they
17 send out letters and some of the neighbors,
18 they're not willing to sign the petition
19 opposition, but they expressed definitely
20 expressed their concerns in opposition.

21 I know the committee probably did a
22 lot of research regarding this property, so I want
23 share some stories with the committee as well.
24 This property consisted of two lots, one is in the
25 front, it's about 100 x 24. It seems to be based

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 2 on the report prepared by the LPC, it's clean, was
 3 never been used as a cemetery before, was never
 4 been used as burial grounds before. That's
 5 attached to the report prepared by LDC, I think
 6 that's the 1919 survey prepared by the City, it
 7 shows two lots and the cemetery is in the back,
 8 not in the front.

9 So the homeowner is willing to
 10 compromise and we can--we're willing to separate
 11 these two lots and so the front, which is not a
 12 burial ground, has never been used as a burial
 13 grounds, can be build on so she can have her own
 14 house with her daughter. And the back can be, I
 15 mean, designated a landmark cemetery. I mean, we
 16 came from--the owner came from a culture, a
 17 Chinese culture, which respects their ancestor,
 18 respect the elders. She still lives with her
 19 elderly mother, taking care of her mother. We
 20 respect the people who were buried underground, so
 21 we're willing to compromise and we're willing to
 22 do what necessary to designate this, but not the
 23 whole two lots, just one.

24 And the other thing I want to put
 25 on the record is this two lots has always been

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2 owned by private owners. It was first owned by
3 the Brinckerhoff family and then sold by
4 themselves without noting portion of them were
5 cemeteries, they didn't... So with all the respect
6 to the Brinckerhoff family, I mean, they sold this
7 property. And then the property was transferred
8 to private owners and at a certain juncture, the
9 property owner did not pay real property taxes,
10 and the City even foreclosed this property because
11 of a tax lien. And then the prior owner acquired
12 this property through a public auction. And right
13 now, there are still real property taxes attached
14 to this--imposed upon this property. So there's
15 no way knowing this is a burial grounds or
16 cemetery.

17 And also there's no visible
18 evidence, there's no tombstones, there was no
19 graves, there was no aboveground, any evidence
20 whatsoever showing this used to be a burial
21 grounds or used to be a cemetery. So, I mean, Ms.
22 Cai's attorney did a title search and the title
23 search shows clean, the building department did
24 not show it's a cemetery, the Department of
25 Finance did not show it's a cemetery, and the--all

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2 the city records shows not as a cemetery or a
3 burial grounds. And all this information led her
4 to make the decision to buy it.

5 And the other thing I want on the
6 record is, it seems to me the commission in
7 support of the designation, there was no thorough
8 investigation, the only thing they did is based on
9 prior written records, written reports, generals
10 magazines. The evidence they strongly relied upon
11 is the 1919 survey prepared over 100 years ago,
12 over a century ago. And even according to the
13 survey, you can look at the survey, this survey
14 does--I mean, shows 76 tombstones or markers
15 showing this as a burial grounds. However, there
16 is no measurements, there's no size, how big is
17 the burial grounds. I mean, their reports says
18 it's a part of 54 acres, the reports says this
19 burial grounds was as large as one acre and a
20 half, I mean, that's on the LPC official report.

21 CHAIRPERSON LANDER Go ahead and
22 continue, just I think if you can--I really--

23 WILLIAM ZOU: Yeah.

24 CHAIRPERSON LANDER --appreciate
25 your testimony, we've--I've given you a lot more

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2 time than we usually give--

3 WILLIAM ZOU: Okay.

4 CHAIRPERSON LANDER --public
5 testimony, but--

6 WILLIAM ZOU: I appreciate it.

7 CHAIRPERSON LANDER --if you can
8 conclude--

9 WILLIAM ZOU: Sure.

10 CHAIRPERSON LANDER --that would be
11 great.

12 WILLIAM ZOU: So in the LPC's
13 report, they acknowledged there is no abovegrounds
14 tombstones, there was no graves, there was no
15 visible evidence whatsoever, so it seems to me
16 they're jumping to conclusion this is a burial
17 grounds. There was no investigation report, there
18 was no evidence, I mean, there is no whatsoever
19 evidence what's underneath right now. The only
20 evidence they relied upon is a survey prepared
21 over a century ago. And over the past 100 years,
22 lots of thing happen, the whole area, Fresh
23 Meadow, develop it. And if the LPC's report was
24 correct, the cemetery was as big as one acre and a
25 half, then right now the remaining, it's only

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2 about 100 x 100. So part of the cemetery, I mean,
3 one half of the cemetery were developed upon
4 already.

5 So we are asking the committee to
6 balance the public interest to designate the
7 landmark with the interest of the private owner
8 who has spent about \$200,000 in this property and
9 her 5th Amendment rights, her 14th Amendment
10 rights, and to balance this.

11 And lastly, but not least, with all
12 respect to the preserve the American history and
13 also the heritage, the Brinckerhoff family is very
14 famous, they're very large. I research a little
15 bit, there are numerous books about them, and they
16 have hundreds of thousands of dissidents all over
17 the country, they mainly constitute Ohio and also
18 upstate New York, Fishkill, Dutchess County, and
19 even within New York City, we have First Union
20 Church, first Dutch church in Brooklyn to, I mean,
21 to respect them. So I think there are plenty of
22 other ways to worship them, to respect them to
23 preserve the heritage at this age, and I ask your
24 committee to balance the interests of the public
25 and also the interests of the individual and

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2 disaffirm this proposal so we can work out a
3 proposal or a compromise with the LPC.

4 Thank you.

5 CHAIRPERSON LANDER Thank you very
6 much for your testimony. I'm going to turn it
7 over Council Member Gennaro, who represents the
8 district, and I know Council Member Arroyo also
9 has questions, and I have some as well. So,
10 Council Member Gennaro.

11 COUNCIL MEMBER GENNARO: Thank you,
12 Mr. Chairman. Thank you both for being here. It
13 is certainly, like the Chairman said, very good
14 for us to hear what you have to say, and taking
15 your testimony. And what I have to say is more of
16 a statement than a question, there may be a
17 question, but this is, you know, kind of my reply
18 to what you're saying.

19 You characterize your client as a
20 victim, but it's, you know, not a victim of the
21 LPC or of this Council. What you just stated on
22 the record--oh, okay, it's been recommended to me
23 that perhaps you, Mr. Zou, wanted I speak in short
24 sound bites and then you can translate to the--

25 WILLIAM ZOU: Oh--

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[Crosstalk]

COUNCIL MEMBER GENNARO: --to your client.

WILLIAM ZOU: Sure, sure.

COUNCIL MEMBER GENNARO: Would that be--so maybe you can just give her the gist of what I said so far and then--

WILLIAM ZOU: Okay.

COUNCIL MEMBER GENNARO: --we'll do it that way.

WILLIAM ZOU: Okay. I'm sorry.

COUNCIL MEMBER GENNARO: Sure. And thank you for providing that translation.

WILLIAM ZOU: Sure. It's Councilman Gennaro, right?

COUNCIL MEMBER GENNARO: Yes.

WILLIAM ZOU: Okay.

COUNCIL MEMBER GENNARO: And so--

WILLIAM ZOU: [Interposing] Well she responded, she said why not.

COUNCIL MEMBER GENNARO: Right, but--

FEMALE VOICE: That's not a response--

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[Crosstalk]

COUNCIL MEMBER GENNARO: Right, so-

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WILLIAM ZOU: Right.

COUNCIL MEMBER GENNARO: --yeah,
please advise her that, you know, this is not
colloquy, this is not a--

WILLIAM ZOU: Right, right, right.

COUNCIL MEMBER GENNARO: --
discussion, I'm making a statement.

WILLIAM ZOU: Yes, I stop her--

COUNCIL MEMBER GENNARO: Okay.

WILLIAM ZOU: --and ask her to
wait--

[Crosstalk]

COUNCIL MEMBER GENNARO: Sure.

[Crosstalk]

WILLIAM ZOU: --you finish.

COUNCIL MEMBER GENNARO: Sure. And
you have stated that your client during this whole
proceeding has not been competently represented.
And that, very tragically, is a problem for your
client, but not really a problem for the LPC or
for this Council, and there are other avenues that

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2 you can pursue. Why don't you do that, then I'll
3 continue? And I am not an attorney, but I would
4 think that, you know, the current attorney that
5 you have now can perhaps pursue some kind of
6 proceeding against the entity that did the title
7 search that gave your client advice. And also
8 there is a procedure by which you can petition the
9 LPC to seek to build a home if you can, you know,
10 positively determine that there were no interments
11 on this--on one of the lots. That has not been
12 established to the, you know, LPC's satisfaction.
13 I'm saying a lot here, so why don't you just tell
14 her that, then I'll keep going.

15 WILLIAM ZOU: Okay.

16 COUNCIL MEMBER GENNARO: So here's
17 where we are. The LPC absolutely believes that
18 there have been interments on both of these lots.
19 This is what has been represented to us, this--by
20 the LPC, by people within the local community who
21 have been tracking the history of this site for
22 hundreds of years. And we are going to act based
23 on the information that has been provided to us by
24 the local community activists and by the LPC, who
25 have done a lot of due diligence on the action and

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2 their designation. Now if you--okay, go ahead.

3 So if your client wishes to pursue
4 an action with the LPC to represent to the LPC
5 both your belief that there are no interments in
6 one of the lots and also if you want to do what is
7 known as a hardship proceeding, these are avenues
8 that are open to your client. Those proceedings
9 may ultimately be, you know, good money after bad,
10 but I don't represent your client, that would be
11 for you or whomever represents your client to, you
12 know, make that determination whether that makes
13 sense to try to determine conclusively that there
14 are no interments in one part of the property.
15 But the LPC believes that there have been burials
16 on both sides of the property and this is their
17 finding and this is what I am--and this is their
18 finding, which has, you know, led them to landmark
19 this property and I am in support of that
20 designation. And why don't you just say that,
21 then I'll conclude?

22 WILLIAM ZOU: All right.

23 COUNCIL MEMBER GENNARO: And I
24 guess, for the purposes of your client, we are
25 forced to--or compelled to act on the evidence

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2 that has been brought forth, you know, by the due
3 diligence of the LPC and the people who have been
4 students of this site for so many years. And as
5 one who represents the area, I have no choice
6 other than to support the facts presented. I do
7 that with a sorrow for your client who has spent
8 much money and has not been represented well, but-
9 -and the only thing that I think that I can offer,
10 although I don't speak for the committee or anyone
11 else, that your client, you know, has the ability
12 to, you know, take some kind of legal action
13 against the people who served her very poorly, and
14 so that is one avenue.

15 And the other avenue is to, you
16 know, try to continue to work with the LPC to do
17 some kind of hardship proceeding and do, you know,
18 some kind of analysis that can determine
19 conclusively to the LPC that there are no bodies
20 buried on one part of the property and then, you
21 know, perhaps--and I have no idea if it's worth
22 the money to do that kind of analysis or whether
23 it would hold water with the LPC, but, you know,
24 these are the avenues that, I guess, you know, out
25 of compassion and sympathy, I'm kind of, you know,

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2 compelled to offer.

3 But in terms of, you know, this
4 committee ratifying what the LPC has done, it is
5 going to be my recommendation to the chairman that
6 that's what happens here today. And I do that
7 with, you know, sadness for your client. It's not
8 a happy thing to hear that someone who has, you
9 know, spent a lot of hard-earned money and has not
10 been represented well in the legal process. But,
11 you know, like I said, there are avenues where,
12 you know, she can proceed against the people who,
13 you know, did not serve her well. And, again, I'm
14 not an attorney, but people can take action
15 against people who don't do their jobs well and
16 don't make proper representations to them. So
17 there's that avenue, and then there is, you know,
18 continued interaction with the LPC based on what I
19 said, if she or anyone advising her thinks that
20 that is a good expenditure of money.

21 WILLIAM ZOU: Okay.

22 COUNCIL MEMBER GENNARO: And, you
23 know, that will conclude my statement, and I thank
24 the chairman for his indulgence and I would
25 recommend to the chairman and to the committee

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2 that this be approved.

3 CHAIRPERSON LANDER Thank you very
4 much, Council Member. Do you want to summarize
5 for--

6 WILLIAM ZOU: [Interposing] Can I
7 translate?

8 CHAIRPERSON LANDER --Ms. Cai, yes,
9 please.

10 WILLIAM ZOU: Okay. Yeah, thanks.

11 CHAIRPERSON LANDER Thank you. So
12 I'm going to say a thing or two and then Council
13 Member Arroyo has a couple of questions. I know
14 some issues have been raised that I think it
15 probably is helpful for us to get some response
16 from the LPC on. One possibility would be for us
17 to maybe get some of those things in writing,
18 rather than a do--kind of keep going back and
19 forth today, but to follow up with the LPC on
20 these questions of a little more information on
21 the evidence of where the graves are and what
22 information, which I know some of it is in the
23 designation report, but it'd be helpful to
24 include.

25 And one thing that's not in the

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2 designation report that I'm just doing a little
3 online looking at here is a little more of the
4 history of the calendaring public review and
5 designation process because, obviously, part of
6 the issue that I think would be helpful is in the
7 public record is an understanding of the
8 consideration over time. I mean, I'm just
9 looking, I just pulled up a November 2000 Queens
10 Times Ledger news article which reports on the
11 public hearing which took place and makes clear
12 that the prior owner was quite aware of the
13 calendaring of the process of a extensive debate
14 in the community that makes me believe that, you
15 know, that owner or the attorney, Ms. Cai's
16 attorneys, the title company had every ability and
17 reason to be aware, but I think if we could just
18 be a little more clear that it's in the
19 designation report about some of the--just a
20 little history of the calendaring and designation,
21 that'd it give us--those two things at least would
22 give us the, I think, the information that we need
23 to put on the public record and have as part of
24 the hearing. So I want to--I think that'll mean
25 that we wind up laying this item over because, I

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2 don't know that you can have them for us by
3 tomorrow, but--

4 [Off mic]

5 CHAIRPERSON LANDER --but I think
6 that would help us a lot in the--and we have a
7 little more time, I think, on this item before we
8 are obligated to vote. So rather than do that
9 back and forth today, let me go ahead and ask that
10 the LPC provide us with that information which we
11 can then share and so--

12 [background noise]

13 CHAIRPERSON LANDER So now you're
14 effectively become part of the hearing, yeah,
15 well, for the record, you know, I'll identify
16 Jenny Fernandez from the Landmarks Preservation
17 Commission, but the council--the chair is asking
18 that the commission provide in writing some
19 additional information on the public process that
20 took place, the dates of the calendaring and a
21 little more--some of it's in a footnote I saw in
22 the designation report, but a little more
23 information on the public review process that took
24 place back prior to 2000 and in 2000, when this
25 was first calendared so we have that on the record

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2 and it could be used in future litigation, if
3 necessary, by Ms. Cai to clarify what, you know,
4 the title search company might should have found
5 or others would have available. And then a series
6 of questions that her council has raised about the
7 information that the LPC relied on in, you know,
8 in choosing to designate this as a site on which
9 there were likely gravestones and used as a
10 cemetery remains.

11 [Off mic]

12 MALE VOICE: Yes, excuse me.

13 CHAIRPERSON LANDER So rather than
14 go back and forth now, maybe it'd be helpful if we
15 could get that in writing. Do you want to
16 summarize that and then I'll call on Council
17 Member Arroyo for her questions.

18 WILLIAM ZOU: Okay. Mr. Chair, is
19 it possible we get a copy of letter--

20 CHAIRPERSON LANDER Absolutely--

21 [Crosstalk]

22 WILLIAM ZOU: --report and also get
23 a chance to response?

24 CHAIRPERSON LANDER I don't know
25 that there'll be a chance to respond, this is the

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2 way a public, you know, hearing works, people come
3 and testify and then we sometimes ask follow up
4 questions of the agency, but the hearing, we're
5 going to close the hearing after today. We can
6 make sure that you get a copy to be sure, and if
7 you choose to write a follow up letter, that's, of
8 course, something that you can write a follow up
9 letter and that can be part of the public record
10 as well, but we won't have any further public
11 hearing after we close today's public hearing.

12 WILLIAM ZOU: I understand.

13 CHAIRPERSON LANDER Yeah, and I'll
14 just--just to--one more thing, so, you know, we
15 had closed the public hearing, we reopened it to
16 make this opportunity for you to testify, so then
17 I'll be reclosing the public hearing today, but
18 when we get that in writing, we'll make sure it
19 gets to you, and, of course, you have the right to
20 write and to provide written communication
21 subsequent to receiving that letter.

22 WILLIAM ZOU: Thank you.

23 CHAIRPERSON LANDER So if you want
24 to go ahead and summarize and translate, and then
25 I'll call on Council Member Arroyo.

1
2 WILLIAM ZOU: Okay. Mr. Chair, I
3 have finished the translation, but she would like
4 to summarize.

5 CHAIRPERSON LANDER Let me have
6 Council Member Arroyo ask her question--

7 WILLIAM ZOU: Oh, okay.

8 CHAIRPERSON LANDER --and then in
9 the context--

10 WILLIAM ZOU: Sure.

11 CHAIRPERSON LANDER --of asking
12 that--answering the question, there'll be--

13 WILLIAM ZOU: Okay.

14 CHAIRPERSON LANDER --opportunity
15 to respond.

16 WILLIAM ZOU: Sure, sure.

17 COUNCIL MEMBER ARROYO: Good
18 morning. Thank you, Mr. Chair. Good morning and
19 thank you for being here and, Ms. Cai, for your
20 testimony.

21 WILLIAM ZOU: Good morning.

22 LE DAN CAI: Good morning. Thank
23 you, thank you, thank you for your comment.

24 COUNCIL MEMBER ARROYO: I have two
25 questions.

LE DAN CAI: Okay.

COUNCIL MEMBER ARROYO: What happens if we do not designate, what's your intention?

LE DAN CAI: I'll build a house belong to myself and move in with my kid.

COUNCIL MEMBER ARROYO: And what happens to the remains that are on the property?

LE DAN CAI: Yeah, I'll respect them and then put them in the back. There are two lots, so one in the front, there is, based on her knowledge, there is no remains, and then there is a lot behind it that used to be.

COUNCIL MEMBER ARROYO: Have you had this--made this proposal to the Landmarks Commission? And if you did, what was the response?

LE DAN CAI: Well I was represented by Kelvin Zou in the earlier proceeding, I did not have any information regarding what's going on. I bought this property to build a house and if there are remains buried underground, I will put a monument or whatever necessary in the back to worship them.

1
2 COUNCIL MEMBER ARROYO: Okay. So
3 the Landmarks Commission has not had an
4 opportunity to hear that proposal.

5 LE DAN CAI: I don't know, I've
6 been trying to reach Kelvin Zou for weeks, but
7 couldn't get a hold of him, so I don't know
8 whether he conveyed that to the LPC.

9 COUNCIL MEMBER ARROYO: And, Mr.
10 Chair, I guess the question then for the Landmarks
11 Commission is what options are available to the
12 property owner under a designation that will
13 enable her to realize the dream that she has
14 articulated while preserving the historic
15 significance of the property.

16 CHAIRPERSON LANDER So let me
17 extend the request to the LPC, first to make
18 comments to the extent that they're able to on
19 this question of the two lots and what information
20 they have about whether they concur that there is
21 this division or not. And in light of that, how
22 that would relate to their standard process of
23 reviewing a hardship application or, you know, any
24 other kind of application that the owner might
25 bring to the LPC if--

[Crosstalk]

LE DAN CAI: I hope--

CHAIRPERSON LANDER [Interposing]

Just if I can clarify first--

WILLIAM ZOU: Yeah.

CHAIRPERSON LANDER --'cause I

think, Council Member, there's really two

different questions being asked and one is about

actually our action to only--you know, the LPC is

asking us to as designating, you know, as voted in

favor of the designation of both of these two lots

and is asking us to do the same. They are not

proposing that we designate one and not the other,

though that is something that's within our powers.

There's a separate question about if we designate

both of them, how the LPC would look on an

application that would propose to build on a piece

of the site, but which the owner would represent

was not cemetery, does not contain remains. So

the former is not really fair to ask them to

comment on the latter, you know, if we, you know,

we could do what we want to, what we choose to do.

No? I mean, we can ask them what we want to.. So

but I guess let me just--if the LPC can respond to

1
2 this issue of where they believe that the graves
3 and the remains are located and what possibilities
4 that would provide for development on some piece
5 of the lot, that would be helpful in our
6 deliberations.

7 WILLIAM ZOU: Thank you very much.

8 LE DAN CAI: Thank you.

9 CHAIRPERSON LANDER All right,
10 thank you very much again for taking the time to
11 testify, I think you can hear from the seriousness
12 with which all of the Council Members are asking
13 their questions that we, you know, that we hear
14 the public--you know, the representations by many
15 members of the community who testified last time
16 and who testified in the past about their desire
17 for the preservation of this site, but we are also
18 moved by and trying to take into real
19 consideration your situation and your story. And
20 we thank you for taking your time to come and
21 testify to us.

22 WILLIAM ZOU: Okay.

23 CHAIRPERSON LANDER So and with
24 that, we're going to go ahead and close this
25 hearing with thanks to you, and we'll close the

public hearing at this time.

LE DAN CAI: Can I speak?

CHAIRPERSON LANDER We've taken a lot of time now--

LE DAN CAI: Yeah.

CHAIRPERSON LANDER --back and forth and I want to say a big thank you, but we're going to go ahead and--

WILLIAM ZOU: Yeah.

CHAIRPERSON LANDER --close the public hearing, we have other items on the--

WILLIAM ZOU: Sure.

LE DAN CAI: Yeah, okay.

CHAIRPERSON LANDER --agenda and you can continue to communicate with us in writing and by letter--

WILLIAM ZOU: Okay.

CHAIRPERSON LANDER --as well to me, to the Speaker--

WILLIAM ZOU: All right.

CHAIRPERSON LANDER --to the Council and we'll continue to--

[Crosstalk]

WILLIAM ZOU: [Interposing] Okay.

1
2 And thank you very much.

3 CHAIRPERSON LANDER Thank you.

4 LE DAN CAI: Thank you very much.

5 CHAIRPERSON LANDER Thank you.

6 LE DAN CAI: Thank you.

7 CHAIRPERSON LANDER Thanks very
8 much. So that concludes the public hearing on
9 this item, and as I said, we are going to--when we
10 get to the votes on this item, we'll layover this
11 item, at this time, we're not going to vote on it
12 today so that we'll have time to review the LPC
13 information, additional information.

14 And we will move on to the other
15 two items on today's calendar which are both
16 public siting proposals from the New York City
17 School Construction Authority. Their numbers?
18 Land Use number 727 and 728, and let me ask the
19 representatives from the School Construction
20 Authority to come up and present them to us.

21 [Off mic]

22 CHAIRPERSON LANDER Good to see you
23 both, hope you had a good Thanksgiving holiday.
24 And when you're ready, please go ahead and proceed
25 to present it--

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[Crosstalk]

GREGORY SHAW: [Interposing] Thank you. The first one that I--

CHAIRPERSON LANDER [Interposing] Please, even though we know you well, please--

GREGORY SHAW: Yes, I--

CHAIRPERSON LANDER --go ahead and--

-

[Crosstalk]

GREGORY SHAW: --I will. No problem.

CHAIRPERSON LANDER --yourself for the record.

GREGORY SHAW: Good afternoon, Chairperson Lander, and Council Members, my name is Gregory Shaw, I am principal attorney for real estate from the New York City School Construction Authority, and to my immediate left is, of course, Kenrick Ou, Senior Director for Real Estate for the New York City School Construction Authority.

I wasn't sure, Chairperson Lander, which site you want me to talk about first, testify to.

CHAIRPERSON LANDER: Just Land Use

number 727 is 98th Street between 50th and
Christie Avenues--

GREGORY SHAW: Okay.

CHAIRPERSON LANDER: --Community
schools, they're both in 24. I'm sorry, I don't
have the school number--

GREGORY SHAW: Okay.

CHAIRPERSON LANDER: --it's an 800-
seat primary school for--

[Crosstalk]

GREGORY SHAW: Right.

CHAIRPERSON LANDER: --on 98th
Street.

GREGORY SHAW: Thank you, thank you
very much. The particular site you're referring
to, which we refer to as PS 298, in Queens. The
New York City School Construction Authority has
undertaken the site selection process for the
proposed 800-seat primary school facility in tax
block 1891, lots 1, 12, 15, 20, and 22, located
between 50th Avenue and Christie Avenue in the
Corona section of Queens. The proposed school
site is also located in Community School District
number 24 in Queens Community Board number 4.

1
2 The project site contains a total
3 of approximately 48,000 square feet of lot area.
4 The site is currently leased by the Verizon
5 Communications repair and installation maintenance
6 facility and contains surface parking and a 10,800
7 square foot building.

8 Under the proposed plan, the SA
9 would acquire the property and demolish the
10 existing structures and construct the new 800-seat
11 primary school facility. A Phase 1 environmental
12 site assessment and Phase 2 environmental site
13 investigation were conducted at the site. A soil,
14 vapor, and active sub-slab depressurization system
15 will be installed in the new school building and
16 two-foot layer of environmentally clean fill will
17 be installed in the areas where soil is exposed
18 within school site.

19 The notice of filing for the site
20 plan was published in the New York Post and the
21 City Record on May 4th, 2010. Queens Community
22 Board number--excuse me, number 4 was also
23 notified of the site plan on that date and was
24 asked to hold a public hearing. Community Board
25 number 4 held its public hearing for the site plan

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2 on June 1st, 2010, and submitted written comments
3 in favor of the proposed site plan. The City
4 Planning Commission was also notified of the site
5 plan on May 4th, 2010, and it also recommended in
6 favor of the site.

7 The SCA has considered all comments
8 received under the proposed site plan and affirms
9 the site pursuant to Section 1731 of the Public
10 Authority's law. In accordance with Section 1732
11 of the Public Authority's law, the SA submitted
12 the proposed site plan to the Mayor and the City
13 Council on November 15th, 2012.

14 We look forward to your
15 Subcommittee's favorable consideration of the
16 proposed site plan and we are prepared to answer
17 any questions that the committee may have
18 regarding this proposal.

19 CHAIRPERSON LANDER: Thank you very
20 much. I'll note for my colleagues that we do have
21 the minutes of Community Board 4 in Queens and
22 their approval of the project. And it's located
23 in Council Member Dromm's district and I'm
24 informed that he is in support of this application
25 as well. Any questions from members of the

1
2 committee? All right, seeing none, we'll close
3 the public hearing on that item and move on to--
4 they're still lost in thought in the Brinckerhoff
5 cemetery--and we'll move on to Land Use number
6 728, which I believe you're calling PS 320 in
7 Queens. I believe this is located in Council
8 Member Reyna's district, and we're delighted to
9 have her here with us. So please go ahead and
10 present it to us.

11 GREGORY SHAW: Okay. Again,
12 thanks, Chairperson Lander and Council Members.
13 The New York City School Construction Authority
14 has undertaken the site selection process for the
15 proposed 472-seat primary school facility that
16 would be located in tax block 3425, lot 7, located
17 at the southwest corner of Seneca Avenue between
18 Dekalb Avenue and Stockholm Street in the
19 Ridgewood section of Queens. The proposed site--
20 school site is also located in Community School
21 District number 24 and Queens Community Board
22 number 5.

23 The project site contains a vacant
24 former parochial school two-story building. The
25 site has a total of approximately 20,000 square

1
2 feet of lot area. Under the proposed plan, SA
3 would acquire the property and demolish the
4 existing school and construct a new 472-seat
5 primary school facility. The SCA is currently
6 under contract with the owners of the school and,
7 upon receiving our necessary approvals, will go to
8 close on this property.

9 A Phase 1 environmental site
10 assessment and a Phase 2 environmental site
11 investigation were conducted at the site. The
12 Phase 2 determined that no hazardous materials
13 will impact the project site. A soil vapor
14 barrier will be installed as a preventative
15 measure beneath the foundation of the new school
16 building. All soil removed from the site will be
17 properly disposed of in accordance with federal,
18 state, and city regulations.

19 The notice of filing for the site
20 plan was published in the New York Post and City
21 Record on March 20th, 2012. Queens Community
22 Board number 5 was also notified of the site plan
23 on that date and was asked to hold a public
24 hearing on the proposed site plan. Community
25 Board number 5 held a public hearing for the site

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2 plan on April 12th--excuse me, April 10th, 2012,
3 and submitted written comments in favor of the
4 proposed site plan. The City Planning Commission
5 was also noted the site plan on March 20th, 2012,
6 and it also recommended in favor of the site.

7 The SCA has considered all comments
8 received on the proposed site plan and affirms it,
9 pursuant to Section 1731 of the Public Authority's
10 law in accordance with Section 1732 of the Public
11 Authority's law, the SCA submitted the proposed
12 site plan to the Mayor and City Council on
13 November 15th, 2012. We, again, look forward to
14 your Subcommittee's favorable consideration of the
15 proposed site plan and we are now prepared to
16 answer any questions that you might have. Thank
17 you.

18 CHAIRPERSON LANDER: Thank you very
19 much. Let me turn it over to Council Member
20 Reyna.

21 COUNCIL MEMBER REYNA: Thank you so
22 much, Mr. Chair. I just wanted to take a moment
23 to truly thank Lorraine Grillo for her enormous
24 effort in trying to make certain that we wouldn't
25 lose this property in your portfolio. This has

1
2 been something that I have been calling for for
3 quite some time and it's finally here before the
4 end of my term.

5 I do want to just address some of
6 the concerns that were raised by Community Board 5
7 in which they had certain provisions associated to
8 their voting, despite the fact that there was 37
9 members in favor and no opposition, there was an
10 effort in requesting the precaution--that
11 precaution be taken during demolition and
12 construction of the proposed new school for
13 minimum adverse impact to the students of
14 neighboring PS 305, located right across the
15 street on the Stockholm Street side. So there
16 will be an elementary school right beside this
17 particular school site.

18 The issue of whether or not--and
19 I'm not too certain if this has been determined to
20 the fullest extent--will the school proposed be
21 only for elementary or will there be a
22 consideration for further review of a middle
23 school--excuse me--of a middle school facility.
24 Having already built within the last decade a
25 brand new pre-K to second grade school facility at

PS 305, the need for a possible middle school is also of great demand.

GREGORY SHAW: I think I'll let Kenrick Ou attempt to respond to that.

KENRICK OU: Sure, so, Council Member, to respond to the first question--

COUNCIL MEMBER REYNA:

[Interposing] Your name?

[Crosstalk]

KENRICK OU: I'm sorry, I apologize, my name is Kenrick Ou, Senior Director for Real Estate Services for the School Construction Authority.

With respect to your first question regarding the impacts of demolition and construction on neighboring PS 305, the SCA is--I think most Council Members, hopefully, have seen across time, conducts a lot of construction activity, both additions, as well as major capital work in existing schools, so we will continue to follow the very comprehensive precautions that we do undertake for all capital work to try and minimize the impact to the operations of PS 305 during construction of this new building.

1
2 With respect to your second
3 question about the use of the building, the
4 building is being designed to serve grades K
5 through 5. I understand that our colleagues at
6 the Department of Education's Office of Portfolio
7 Management have been hearing different ideas as to
8 how that building might be best used, whether that
9 would be a brand new organization, whether it
10 would be a building that would then be one of two
11 buildings used by the existing PS 305 community, I
12 don't think the decision has yet been made--

13 COUNCIL MEMBER REYNA: Okay.

14 KENRICK OU: --on that point, but
15 that typically happens, I think, within the year
16 or so before the new building is ready for
17 occupancy. So based on our current schedule, we
18 anticipate this building being open in September
19 2015. So in, you know, the planning cycle for the
20 Department of Education that year before school
21 opening, I think is when they will continue to
22 work with the CEC and also review the available
23 data to propose the--what they believe will be the
24 most effective use of that building to address the
25 overcrowding.

1
2 COUNCIL MEMBER REYNA: And as far
3 as the zoning boundaries, will those zoning
4 boundaries be affiliated to that similar of what
5 was currently instituted for PS 305? There has
6 been certain amendments that have been made upon
7 request from the community as well as my office
8 and I just wanted to ensure that those boundaries
9 continue to be in effect for this new site.

10 KENRICK OU: I cannot speak to the
11 specifics of the zoning situation because that
12 really is managed by the Department of Education
13 with approval from the CEC. So the process of--
14 and as I understand it, PS 305 used to share a
15 zone with PS 81 and then there were some concerns
16 about how the graduating--well to-be third graders
17 coming out of PS 305 would be accommodated--

18 COUNCIL MEMBER REYNA:
19 [Interposing] Are going back.

20 KENRICK OU: --at PS 81. So I
21 think you probably know more about the specifics
22 of that process better than I do, but, again, the
23 rezoning process is one that the Department of
24 Education cannot undertake unilaterally, it is
25 something that would have to be proposed and if

1
2 the Community Education Council--or it can only go
3 into effect with the approval of the Community
4 Education Council--

5 COUNCIL MEMBER REYNA: Right.

6 KENRICK OU: --so that's as much as
7 I can say at this point.

8 COUNCIL MEMBER REYNA: I appreciate
9 that, I just wanted to give you very quickly a
10 background conversation we've had, making sure
11 that School Construction Authority understands in
12 connection with what would be the enrollment
13 office at the Department of Education where there
14 is a--when the department had taken the action of
15 creating regions, Brooklyn and Queens were
16 considered to be part of what would be accepted on
17 the first day of the school opening for PS 305.

18 Clearly, since then, we've returned
19 back to what would be school districts, but those
20 particular boundaries were never changed to
21 reflect that. And therefore, most recently, that
22 was taken a closer look at was accommodated and
23 the issue of overcrowding persists at PS 81, so
24 the measure of trying to reduce the overcrowding
25 at 81 was never achieved.

1
2 Therefore, we don't want to repeat
3 those same mistakes, we want to make sure that
4 we're flagging this and making sure that we're
5 tracking what would be the reduction of
6 overcrowding at PS 81 because of new schools in
7 the pipeline. In addition to that, making sure
8 that we're accommodating what would be the need
9 for the middle school once PS 305 has graduated
10 its third graders or second graders, I fail to
11 remember right now, up to what age. The need for
12 those students to go back to PS 81 defeats the
13 purpose of a new school building and so we have to
14 make sure that we're taking that into account.

15 Right now, at PS 81, the hope and
16 understanding and request to the SCA is that as we
17 move towards opening this new school building at
18 the Seneca Street--sorry, Seneca Avenue site for
19 2015, we want to make sure that there is a removal
20 of the trailers at PS 81. And so I don't know if
21 those discussions have begun. If you happen to
22 know further information as to the parallel
23 timeline for deconstructing what would be the
24 mobiles, mobile trailers, while constructing the
25 new school, hence, on the first day of school for

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2 September 2015, we will have achieved a very
3 triaged form of providing the quality education
4 that was promised to school district 24.

5 KENRICK OU: And I think that's
6 absolutely aligned with what the Department of
7 Education and the SCA are trying to do by bringing
8 this 472-seat building online in Ridgewood, this
9 is all part of the capital plan, which has one of
10 its goals to reduce the reliance upon and actually
11 remove transportables.

12 With respect to the question about
13 the timing of and the coordination of--'cause
14 really, there are going to be three buildings
15 involved--PS 81, PS 305's building, and this new
16 building--that really gets down to the nitty
17 gritty of the planning cycle that the Department
18 of Education would undertake in that year prior to
19 the new buildings opening.

20 I can tell you, I will certainly
21 bring, you know, these concerns back to the
22 Department of Education so they--I think they've
23 heard this before, but that they are--it is placed
24 again at the forefront of the consideration of
25 this area and how this new building could be used

1
2 most effectively to achieve reduction,
3 overcrowding, and removal of the transportables.

4 COUNCIL MEMBER REYNA: And the
5 separate and aside from what would be seats being
6 created with this new school building, I wanted to
7 understand, you mentioned that this is going to be
8 the demolition of the existing buildings at--

9 KENRICK OU: Right.

10 COUNCIL MEMBER REYNA: --parochial
11 site to create a brand new facility.

12 KENRICK OU: That's right.

13 COUNCIL MEMBER REYNA: Is there
14 going to be--part of the request from this
15 community board was the need for larger--the
16 proposed new school have a larger bathrooms, large
17 enough bathrooms in the cafeteria area, and that
18 the proposed new school have an auditorium and
19 stage a bit taller than PS 305. So, clearly, the
20 need for there to be the accommodation of a
21 different footprint based on the size of the child
22 is predetermined amongst the decisions whether
23 it's going to be only preschooler or beyond into
24 the intermediary years.

25 KENRICK OU: Right, so I think that

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2 the community board's feelings really are--and
3 thoughts are really in-line with what we saw when
4 we looked at the existing parochial school
5 building, that that building could not meet those
6 kinds of requirements. So that's why we're
7 proposing to demolish that two-story parochial
8 school building, which basically is only a
9 classroom building with a basement cafeteria
10 space, and replace it with, you know, a four-story
11 school building which will have, in the case of
12 the youngest students, bathrooms in the
13 classrooms, as well as for the older students, you
14 know, hallway bathrooms placed on each floor, as
15 well as an assembly space, what we call a combined
16 gymnasium auditorium that can serve both
17 functions. I think, as I understand it, some of
18 these concerns came from PS 305, which was
19 designed not so much to be a full primary school
20 building, but really to be what was a model that
21 we no longer pursue, which was the early childhood
22 model where, in lieu of providing the larger
23 gymnasium auditorium type space, smaller play
24 rooms, which were considered at the time to be
25 age-appropriate were provided. So I think that

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2 the new building, we'll be addressing those
3 concerns as part of the new construction.

4 COUNCIL MEMBER REYNA: And is the
5 need for K through 8, was that not part of the
6 assessment?

7 KENRICK OU: The need for the
8 buildings at the primary level really was driven
9 by the capital plan and the analysis that's done
10 through the capital planning process. So the need
11 that was identified in this part of Ridgewood
12 really is at the primary school level.

13 That having been said, because I
14 think we recognize that there sometimes is a gap,
15 you know, between when we start construction and
16 what our forecasts, demographic forecasts are and
17 what the actual needs are the year before the
18 building opens, that's why that portfolio planning
19 process occurs, you know, just of necessity after
20 we've started construction.

21 COUNCIL MEMBER REYNA: But the need
22 for and to continue--I'm sorry, I'm time..

23 [Off mic]

24 COUNCIL MEMBER REYNA: And you're
25 voting? I see. For the sake of having to vote on

1
2 this, and I don't want to lose members and then
3 we'll lose a vote for today, I want to just
4 continue these discussions because we need to make
5 sure that we're going to do this right now that
6 we've gotten to this point, and the need for a K
7 through 8, those kids graduating after the fifth
8 grade don't just stop going to school, they have
9 to be accommodated, and so the need will shift
10 from being a primary school to then an
11 intermediate school and then we won't have the
12 space to accommodate it. And so this is a very
13 low density community, if we're going to build it
14 from scratch, it should take that into account,
15 and there's very little land. And school district
16 24, as a whole, is one of the school districts
17 that's highly populated in the--regarded as one of
18 the highly in demand for seats. So I just want to
19 make sure that we're not losing the opportunity
20 and that we continue the discussions of not just a
21 K through 5, but a K through 8 to accommodate the
22 overcrowding overall in school district 24.

23 Thank you so much.

24 CHAIRPERSON LANDER: Could I just
25 maybe make a suggestion in this regard 'cause

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2 we've had this dialogue, before I had it in one of
3 my schools, other members have had it, and I know
4 one thing that either--I forget whether it's the
5 department or the SCA has been willing to provide,
6 especially where, you know, by then there'll be a
7 new administration, there'll be a new Council
8 Member, but a letter just memorializing what you
9 said here, which is that, you know, you continue
10 to look at the demographic projections and that as
11 September 2015 approaches, there will be a
12 dialogue with the community and the Council about
13 the appropriate, you know, most appropriate--

14 [Crosstalk]

15 KENRICK OU: [Interposing] Right,
16 and--

17 CHAIRPERSON LANDER: --of the
18 space--

19 [Crosstalk]

20 KENRICK OU: --and I think we
21 absolutely will talk to that, that is a letter
22 that we will ask the Department of Education to
23 prepare because they actually do manage that
24 process of the portfolio planning and the rezoning
25 proposal issues that we've discussed.

1
2 CHAIRPERSON LANDER: That will be
3 great, just and then there's an invitation to that
4 conversation to it continuing it over time.

5 COUNCIL MEMBER REYNA: Absolutely.
6 And this is going to include--the memorializing
7 includes what would be is there going to be a
8 playground in the--I didn't get to ask any of that
9 information.

10 KENRICK OU: Yes, there will be a
11 grade level playground, basically at a high level.
12 The new building will be located approximately in
13 the same location as the current parochial school
14 building, only it will be taller and the footprint
15 will be slightly larger, but that area which was
16 formerly used as a parking lot by the parochial
17 school will in fact be improved with a playground.

18 COUNCIL MEMBER REYNA: And no green
19 roof opportunity or you will build it so that it
20 has the capacity for future--

21 KENRICK OU: [Interposing] I think,
22 in light of how compact this building footprint is
23 and the rooftop mechanical equipment that is being
24 provided, I think we've discussed this on some of
25 the other very, very small sites, it's not

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2 practical to meet all of the requirements in terms
3 of access safety and accessibility to actually
4 create a green roof space on this building.

5 COUNCIL MEMBER REYNA: Okay. And
6 all right, well I look forward to contacting you
7 offline. And I thank and send my regards to
8 Lorraine Grillo for making this finally happen.

9 KENRICK OU: We will do that--

10 COUNCIL MEMBER REYNA: Thank you.

11 KENRICK OU: --thank you.

12 GREGORY SHAW: Thank you.

13 CHAIRPERSON LANDER: Thank you,
14 Council Member, and I apologize--

15 COUNCIL MEMBER REYNA: Thank you.

16 CHAIRPERSON LANDER: --for rushing
17 you along, though we want to be able to vote this
18 before we--

19 COUNCIL MEMBER REYNA:
20 [Interposing] Cemetery took all the time.

21 CHAIRPERSON LANDER: Yes, I think
22 what we learned is that public schools are less
23 controversial than burial grounds, and we're
24 learning that in these committee. So--

25 [Off mic]

2 CHAIRPERSON LANDER: --this is Mr.
3 Shaw's last hearing before us? Oh, we have to
4 sing For He's a Jolly Good Fellow. Where are you--
5 -let me close the public hearing first, this
6 closes the public hearing on Land Use numbers 727
7 and 728. But where are you--

8 GREGORY SHAW: [Interposing] No,
9 I'm retiring as of December 14th of this year--

10 [Applause]

11 CHAIRPERSON LANDER: Well
12 congratulations. Well--

13 GREGORY SHAW: And I am to
14 understand Council Member Arroyo's clapping that
15 I'm leaving?

16 COUNCIL MEMBER ARROYO: No, no.
17 No, the clap is not that we're happy to see you
18 go, it's just for you and congratulations.

19 GREGORY SHAW: Thank you, thank you
20 very much, it's been a pleasure working with all
21 of you.

22 CHAIRPERSON LANDER: [Interposing]
23 On behalf of the committee and on behalf of the
24 Council, we really have enjoyed working with you,
25 we really appreciate the work that you and

1
2 everyone at the SCA, but that you do on behalf of
3 the school kids and our constituents and your
4 patience with us as we ask a lot of questions
5 about how we make sure those schools get built in
6 the best way possible. So thank you very much on
7 behalf of the--

8 [Crosstalk]

9 GREGORY SHAW: [Interposing] Thank
10 you, thank you very much.

11 CHAIRPERSON LANDER: All right, and
12 now we will move forward to vote on the two items.
13 We are laying over Land Use number 720 and moving
14 to vote on Land Use numbers 727 and 728.

15 FEMALE VOICE: Do you have a--

16 CHAIRPERSON LANDER: [Interposing]
17 The chair recommends a vote of aye on both of
18 these items.

19 FEMALE VOICE: Chair Lander.

20 CHAIRPERSON LANDER: Aye on both.

21 FEMALE VOICE: Council Member
22 Palma.

23 COUNCIL MEMBER PALMA: Aye.

24 FEMALE VOICE: Council Member
25 Arroyo.

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COUNCIL MEMBER ARROYO: Aye.

FEMALE VOICE: Council Member
Mendez.

COUNCIL MEMBER MENDEZ: Aye.

FEMALE VOICE: By a vote of four in
the affirmative, zero in the negative, and zero
abstentions, the aforementioned items are hereby
adopted.

CHAIRPERSON LANDER: Thank you very
much, thank you to Gail Benjamin and thanks to
everyone for their patience today. This meeting
is adjourned.

C E R T I F I C A T E

I, Tammy Wittman, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature *Tammy Wittman*

Date December 10, 2012