

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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September 8, 2015
Start: 11:22 a.m.
Recess: 01:35 p.m.

HELD AT: 250 Broadway- Committee Rm, 16th Fl.

B E F O R E:

PETER KOO
Chairperson

COUNCIL MEMBERS:

ANNABEL PALMA
MARIA DEL CARMEN ARROYO
ROSIE MENDEZ
STEPHEN LEVIN
INEZ BARRON
BEN KALLOS

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

Dale Lazerson
Asset Management Department
Department of Citywide Administrative Services

Lisa Kersavage
Director of Special Projects & Strategic Planning
Landmark Preservation Commission

Michael Owen
Community Outreach Coordinator
Landmark Preservation Commission

Kendrick Ou
Real Estate Services
School Construction Authority

Gib Veconi
Chair
Prospect Heights Neighborhood Development Council

Margaret Spillane
Member
CEC, District 18

SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING, AND
MARITIME USES

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[gavel]

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CHAIRPERSON KOO: Good morning. We're

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going to start today's meeting. Welcome to the

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Subcommittee on Landmarks, Public Siting, and

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Maritime Uses. We will be holding public hearings

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and voting on five items today. And before we stop

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we want to welcome uh... the following council

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members on our committee, Council Member Arroyo,

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Council Barron... Council Member Barron, and Council

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Member Kallos. First we'll hear Land Use Item

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number 275 ad 276 applications by the NYPD, the New

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York District Attorney's Office and DCAS for site

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selections and acquisitions of two evidens

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[phonetic] of storage facilities in Sunset Park

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Brooklyn. These items are located in Council Member

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Menchaca's district. So we will call on Dale

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Lazerson of DCAS Accident Management and Darrell

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Taylor [sp?] of a... New York County District

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Attorney's Office, and Captain Timothy Hollywood

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from NYPD and also Deputy Commissioner Volvo

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Martinez of NYPD.

23

DALE LAZERSON: Hello.

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CHAIRPERSON KOO: Yeah please identify

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yourself and start, yeah.

SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING, AND
MARITIME USES

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DALE LAZERSON: Good. Good morning. My name is Dale Lazerson. I am with DCAS in the Asset Management leasing uh... Department. And I'm here to present the... I'm sorry thank you. Thank you. I'm Dale Lazerson with DCAS Asset Management. And I am here to present the application in front of you on behalf of the NYPD. I did want to make mention that I believe the first application is for the NYPD. Darrell is with the DA's office for the second application. And if I may because both applications are for use at the same building I'd like to present the building and then the specific agency uses. So, okay. So the applications are against a property known as 4312 2nd Avenue in the Sunset Park Area as you mentioned. The building is approximately 600 thousand square feet give or take, subject to measurement. It is six stories. It is currently occupied... a portion of it is occupied by the owner of the building, a portion of the second floor. The owner previously occupied several floors in the building but as a result of business changes a decreased square footage. Also in the building there is a city agency. The Board of Elections Occupies the entire second floor for

1
2 storage of voting machines. The proposed
3 applications in front of you for the two agencies
4 NYPD and the DA's Office are for the entire sixth
5 floor, the entire fifth floor, and a portion of the
6 ground floor. The proposed applications are for an
7 acquisition of the space for 15 years. And for the
8 NYPD the space will be used for evidence storage
9 and central records. And for the District
10 Attorney's Office for record storage and case
11 files. And I will mention that for the sixth floor
12 where the NYPD is proposing the space they
13 currently lease a... license the space. They're in
14 occupancy of the space and have been for about two
15 years on emergency order from the city. They were
16 located there after previous facilities and
17 occupancy were damaged by Hurricane Sandy and also
18 for capacity issues. So they landed at this
19 building and over the last couple of years
20 everything works out well for them. We are now in
21 process with approval with public approval to enter
22 into the 15 year... a 15 year lease for a more
23 permanent tenancy. On the fifth floor for the DA
24 they are also in occupancy of the fifth floor now
25 under a short term agreement as well which we would

1
2 like to with public approval move toward a long
3 term 15 year agreement. For the ground floor NYPD
4 is proposing to take occupancy of a portion of the
5 ground floor space for central records. They are
6 not currently in occupancy so this would be a new...
7 new... new occupancy. If I can answer any questions
8 about the applications.

9 CHAIRPERSON KOO: So this is both
10 buildings on two applications all for 15 year
11 lease?

12 DALE LAZERSON: Yes.

13 CHAIRPERSON KOO: Hmm.

14 DALE LAZERSON: One... one building. 4312...
15 [cross-talk] yes. Both applications are for 15 year
16 leases, 15 year terms, mm-hmm.

17 CHAIRPERSON KOO: And how... how much you
18 have to pay for the lease? How much rent you have
19 to pay on yearly basis.

20 DALE LAZERSON: Yeah, so since this is a
21 public forum and we are still in dialogue with the
22 owner... [cross-talk]

23 CHAIRPERSON KOO: Okay.

24 DALE LAZERSON: ...I might refrain from
25 disclosing that at this point? [cross-talk]

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MARITIME USES

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CHAIRPERSON KOO: So after you settle...

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[cross-talk]

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DALE LAZERSON: Would that be

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acceptable?

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CHAIRPERSON KOO: ...we can... Yeah.

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DALE LAZERSON: Yes, if the public... if

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we receive approval in the public review process

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the financials will be disclosed in a calendar memo

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through the real property hearing. Okay any members

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have any questions? Oh Council Member Arroyo.

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COUNCIL MEMBER ARROYO: Thank you Mr.

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Chairman. Welcome back. Hope everyone had a good

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summer although technically it's not over yet

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right. There are some recommendations from

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Community Board 7 and the borough president in

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Brooklyn related to the Department of Parks and

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Recreation and DOT making some improvements in the

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immediate community. One of those agencies

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positions on those recommendations and if they

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approve when will they happen?

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DALE LAZERSON: So specifically with

23

respect to the recommendations that were written in

24

the borough presidents... [cross-talk]

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2 COUNCIL MEMBER ARROYO: Well they're...
3 they're similar actually. The... the borough
4 president and Community Board 7... Community Board 7
5 is less detailed but the borough president's asking
6 for the same thing the community board is asking
7 for. There are some other things the borough
8 president is asking but I'll... I have some
9 questions... as well.

10 DALE LAZERSON: Okay so I'll start with
11 one of the larger items that the... the interest was
12 whether or not there would be an opportunity with
13 these particular applications to cause the owner of
14 the building to provide improvements in the
15 immediate area. First to his own building there was
16 some... some request that that... that with thee... with
17 the tenancy that the owner use the revenue, the
18 rental revenue to provide improvements to his
19 building. At this point in time what the owner has
20 already done on his own without these particular
21 proposed leases is improve the widow line of the
22 building and in improving the window line of the
23 building. I think he's replaced a lot of the
24 building windows but he's done it in a manner that
25 is consistent with the architectural and design

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1
2 integrity of the building as opposed to new
3 modernized windows with respect to building
4 systems. The owner has improved some of the
5 building systems over the last couple of years and
6 each of the agencies in occupying the fifth ad uh...
7 sixth floor have also done improvements to their
8 spaces. The owner has put in a building security
9 system etcetera. With respect to any additional
10 improvements that may fall outside of the building
11 sidewalk improvements, street improvements, any
12 kind of for lack of a better way to say it public
13 beautification if you will. DOT and the Parks
14 Department would be the governing agencies to make
15 decisions on that. The owner is willing.. this
16 property owner is willing to participate in the
17 dialogue with these agencies. However, whether or
18 not the owner's participation would come to
19 fruition would be an economic decision. The
20 particular applications, the uses in this building
21 will not expand the footprint of the building,
22 change it in any way. There will be no change to
23 the ingress egress of the building and the
24 operations will not spill out onto the street per
25 say to create any kind of potential concern for

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traffic or for pedestrians. So with the owner using the building with these proposed uses by right the revenue that he will receive will help him with his own financial posture in the building but may not present an economic picture for him to participate in area improvements. That said DCAS certainly is in a position to reach out to DOT to partner with them if possible on improvements. But that is a large... a large matter that goes... it's a matter that goes well beyond these lease if you will. And again it's an economic viability matter.

COUNCIL MEMBER ARROYO: Everything we do here goes beyond the application that's before us always. So my question is; what is DOT's and the Department of Park and Recreation's position on the request by the Community Board and the borough president.

DALE LAZERSON: Oh my... I'm sorry. My mistake, I didn't understand. Today I'm not certain of that. I can certainly find out and get back to this council.

COUNCIL MEMBER ARROYO: When do we...
[cross-talk]

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2 DALE LAZERSON: I can get back to the
3 council quick... [cross-talk]

4 COUNCIL MEMBER ARROYO: No I'm sorry
5 I'm... I'm... I'm asking our internal... our staff when
6 is this application up for a vote? Today? Today?
7 Without the answer to that question? I'm not sure
8 that I would recommend that. The other... the other
9 points the borough president have recommended and
10 I'm from the Bronx but we have colleagues here from
11 Brooklyn that I think would... would piggy back on
12 this. The use of contractors that are local based
13 community's businesses...

14 DALE LAZERSON: Mm-hmm.

15 COUNCIL MEMBER ARROYO: ...to no less than
16 20 percent participation. What's the owner's
17 position on that?

18 DALE LAZERSON: Sure so as a matter of
19 course in doing business DCAS we have policies
20 requesting when owners of buildings are preparing
21 improvements for us doing construction improvements
22 for the agencies, we strongly encourage the use of
23 local owned businesses and minority and women owned
24 businesses. That said this owner is very much
25 encouraged are we continuing to encourage him to

1
2 seek the special category contractors with any
3 improvements that he will be doing in the course of
4 these leases. However...

5 COUNCIL MEMBER ARROYO: So you don't... so
6 you don't know the owner's position on that?

7 DALE LAZERSON: No...

8 COUNCIL MEMBER ARROYO: ...request...

9 DALE LAZERSON: I'm sorry, yes. The
10 owner's position is that he is absolutely willing
11 to entertain the idea and we are encouraging him.
12 However with respect to the engagement of the
13 contractors uh... it will be ultimately an owner
14 decision in his... not only his bidding but also in
15 the requirements for his building. The owner I
16 believe does have a lender. And whether or not when
17 reaching out to the special use category
18 contractors they qualify with respect to his lender
19 requirements is a matter for him to advise us
20 about. But we are encouraging it and he is
21 absolutely open to the dialogue and seeking.

22 COUNCIL MEMBER ARROYO: How much is this
23 lease going to cost the city annually?

24 DALE LAZERSON: We are still in
25 negotiations on the price.

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2 COUNCIL MEMBER ARROYO: So we're... we're
3 considering an application that we don't know the
4 cost of to this city?

5 DALE LAZERSON: Well we are still
6 negotiating on it. We typically will not sign or
7 finish negotiations really until we have public
8 approval. But it'll... [cross-talk] be a couple of
9 million dollars annually for each agency.

10 COUNCIL MEMBER ARROYO: Okay. That's
11 significant and either that or they have the space
12 empty right?

13 DALE LAZERSON: Yes.

14 COUNCIL MEMBER ARROYO: I'm not sure
15 that it is unreasonable for the community board and
16 the BP to ask for leverage for us to leverage the
17 lease with the request that they're making that I...
18 in mind are fairly reasonable.

19 DALE LAZERSON: It is a reasonable
20 request. I do want to qualify that the application
21 for the 6th floor for the NYPD and for the fifth
22 floor there will not be any improvements. The space
23 is already improved as is... so there's no
24 construction work to be done. The only construction
25 work to be done would be for the NYPD's ground

1
2 floor space that will... that is what we're in
3 dialogue with the landlord now about. And it... it is
4 absolutely reasonable. And it's consistent with
5 DCAS' policy to encourage the use of the
6 contractors the question will again come down to
7 the price because it will be at the city's cost. So
8 it will be a bidding issue and it will also be a
9 qualifications issues, a contractor qualifications
10 issue, licenses... bonded, etcetera.

11 CHAIRPERSON KOO: Okay. Council Member
12 Barron.

13 COUNCIL MEMBER BARRON: Yes good
14 morning. I understand that you can't discuss the
15 amount of the lease. So presently the NYPD is
16 occupying the fifth and sixth floors.

17 DALE LAZERSON: Just the sixth floor.

18 COUNCIL MEMBER BARRON: The sixth floor.

19 DALE LAZERSON: DA is on five, yes.

20 COUNCIL MEMBER BARRON: And we are
21 paying... we're in some financial agreement for that
22 space.

23 DALE LAZERSON: Yes it's... [cross-talk]

24 COUNCIL MEMBER BARRON: Do you know what
25 that amount is presently?

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DALE LAZERSON: I do not know today. I don't know what that particular amount is.

COUNCIL MEMBER BARRON: And if this does not go forward would that agreement continue? Would it be renewed, what would be the process, they already are there on the sixth floor.

DALE LAZERSON: Yes it's a... It is a month to month agreement at this point in time.

COUNCIL MEMBER BARRON: Oh it's a month to month.

DALE LAZERSON: Yes. And we certainly hope... well let me qualify this. It's called a license agreement and it's... [cross-talk]

COUNCIL MEMBER BARRON: Okay.

DALE LAZERSON: ...not actually month to month. It has no expiration but it may be canceled by either party upon 30 days' notice.

COUNCIL MEMBER BARRON: Okay.

DALE LAZERSON: Yeah... In the event that these applications are not approved we will revisit the operating needs of each agency to protect their interest in terms of where they can be if not stay in the building in... in under these agreements which may put them at risk then potentially visit

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2 alternatives for them which we hope is not the case
3 because the city inputting each agency into the
4 building as a result of Sandy displacement and
5 needs have invested. And they have... [cross-talk]

6 COUNCIL MEMBER BARRON: And I... I think I
7 understood you say that the owner is willing to
8 consider entering into the situations and
9 arrangements that my colleague addressed. Is that a
10 commitment or is that just something that's vague?

11 DALE LAZERSON: No. He's absolutely
12 willing... willing to entertain and... and I believe
13 that... [cross-talk]

14 COUNCIL MEMBER BARRON: Well does
15 willing to entertain mean yes he will participate
16 in such arrangements?

17 DALE LAZERSON: He will be required to
18 participate in... in including the special category
19 vendors in the bidding process. However because the
20 city will fund the improvements when the bids are
21 returned depending upon the price and also
22 depending upon the qualification of the contractors
23 bond... being bonded and licensed... [cross-talk]

24 COUNCIL MEMBER BARRON: Right.
25

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2 DALE LAZERSON: ...etcetera it may narrow
3 the field of vendors that can be used for the
4 project. So... and that particular process for
5 bidding will not begin until we have public
6 approval and subsequent... we complete the lease
7 negotiations. And then we'll know whether or not
8 they... [cross-talk]

9 COUNCIL MEMBER BARRON: Okay so there'll
10 be another opportunity then for the city council to
11 say well based on what's happened we don't think
12 that this is in the best interest of our protecting
13 or advancing and... chance for involvement and will
14 be able to put a stop at it at that point?

15 DALE LAZERSON: I don't know if there is
16 another city council opportunity in the public
17 review process. I don't know if there will be
18 another opportunity after this hearing. I might get
19 clarification from someone that's a little more
20 familiar with the public review process.

21 COUNCIL MEMBER BARRON: Thank you. Okay
22 thank you.

23 CHAIRPERSON KOO: Okay thank you Council
24 Member Barron. Council Member Kallos you have
25 questions? Any questions for the public? Oh. So we

1
2 are closing the public hearing on items 275 and
3 276. Thank you. Yeah. Now we will continue to land
4 use item number 277, landmark designation of the
5 Henry and Susan McDonald House in Brooklyn. This
6 item's in... in Council Member Cumbo's district. And
7 we have Lisa Kersavage from LPC and Michael Owen
8 also from Landmark Preservation Commission. Thank
9 you. Yeah. You can identify yourself and then start
10 yeah.

11 LISA KERSAVAGE: Good morning Chair Koo
12 and committee members. My name is Michael Owen.
13 This is Lisa Kersavage. We are from the Landmarks
14 preservation Commission. I'm here today to testify
15 on the Commission's designation of the Henry and
16 Susan McDonald House located at 128 Clinton Avenue
17 in Brooklyn. On June 2nd, 2015 the Landmarks
18 Preservation Commission held a public hearing on
19 the proposed designation of the Henry and Susan
20 McDonald House. The hearing was advertised in
21 accordance with the provisions of the law. At that
22 hearing there were two speakers in favor of the
23 designation including representatives of the New
24 York Landmarks Conservancy and the Historic
25 Districts Council. The commission also received

1
2 letters of support for the designation from Council
3 Member Laurie Cumbo and Brooklyn Community Board 2.
4 There were no speakers or letters in opposition to
5 the designation. This item was previously heard on
6 June 25th, 2013. At that hearing there were three
7 speakers in favor of the designation including
8 representatives of... at... at the time it was Council
9 Member Leticia James, the Historic Districts
10 Council and Landmarks Conservancy. There were no
11 speakers in opposition to the designation and
12 commission also previously received a letter in
13 support of the designation from the Victorian
14 Society of New York. Henry and Susan McDonald House
15 was built in the Italianates style with Greek
16 revival elements in 1853 to 1854 built during the
17 time of rapid development in the Wallabout area and
18 is located on Clinton Avenue, the neighborhood's
19 premier residential street. The cubic form capped
20 by low hip roof with strongly projected bracketed
21 eaves is characteristic of the Italianate style. The
22 molded door sounds, wood and glass double doors
23 with segmental arched transom and wood reveal, and
24 a column portico with dentals and paired brackets
25 are also hallmarks of this style. The fluted porch

1
2 columns with tower of the winds Corinthian columns
3 and... surrounds on the first floor windows and a
4 Greek revival style element to the façade. Henry
5 McDonald, a prominent banker, lived in the house
6 with his family until the mid-1870s. Subsequent
7 owners included Merchant David S. Jones, Attorney
8 Edgar Phillips, and Physician Dominick Candela
9 [sp?]. Though there have been some changes to the
10 façade and the stoop as well as a rear addition the
11 McDonald House remains remarkably intact and is an
12 important reminder of the early development in
13 Wallabout. Accordingly the Landmarks Preservation
14 Commission urges you to affirm the designation.
15 Thank you.

16 CHAIRPERSON KOO: Thank you. Any
17 questions from our members? Council Member Barron.

18 COUNCIL MEMBER BARRON: Are there
19 presently occupants of this location?

20 CHAIRPERSON KOO: I... a... a few years ago
21 the owner was featured in a newspaper article. At
22 this current time I'm not sure if it's owner
23 occupied or not. We did not hear from the owner so
24 I'm not... it's residential but I'm not currently
25

1
2 sure if it's leased or if the owner lives there
3 himself.

4 COUNCIL MEMBER BARRON: But you did not
5 get any objections from the owner and he was... the
6 owner... he or she was notified that it was up for
7 land marking?

8 MICHAEL OWEN: Yes that's correct. And
9 in addition to sending letters to multiple
10 addresses I... I was able to... we were able to... the
11 commission was able to find email addresses. So we
12 also sent an email to him as well as his architect.

13 COUNCIL MEMBER BARRON: At the... at the
14 previous hearing two years ago... [cross-talk]

15 MICHAEL OWEN: Mm-hmm.

16 COUNCIL MEMBER BARRON: ...was the owner
17 involved and did the owner express opposition?

18 MICHAEL OWEN: Again it's... it is a very
19 similar answer. We have sent numerous letters and
20 try to get phone numbers but the owner just chose
21 not to show up.

22 COUNCIL MEMBER BARRON: Thank you.

23 MICHAEL OWEN: Mm-hmm.

24 CHAIRPERSON KOO: We are joined by
25 Council Member Mendez. Any other questions? Any

1
2 questions from the public? Yeah. So we will close
3 on this item, item number... land use item two... 277.
4 We'll continue to item... land use item 278, a
5 landmark designation of the MH Renken Dairy Company
6 Office and the engine room building. Also in
7 Council Member Cumbo's district.

8 MICHAEL OWEN: Thank you. And... thank you
9 Chair Koo and Committee Members. Again my name is
10 Michael Own. This is Lisa Kersavage from the
11 Landmarks Preservation Commission. We are here
12 today to testify on the commission's designation of
13 the MH Renken Dairy Company office building at 582
14 to 584 Myrtle Avenue and the Engine Room Building
15 at 580 Myrtle Avenue in Brooklyn. In June 2nd, 2015
16 the Landmarks Preservation Commission held a public
17 hearing on the proposed designation of the emmich
18 [phonetic] MH Renken Dairy Company office and
19 engine room buildings. The hearing was advertised
20 in accordance with the provisions of the law. At
21 that hearing there were two speakers in favor of
22 the designation including representatives of the
23 New York Landmarks Conservancy and the historic
24 district's council. The commission also received
25 letters of support for the designation from Council

1
2 Member Laurie Cumbo and... and Brooklyn Community
3 Board 2, and the Myrtle Avenue Brooklyn
4 Partnership. There were no speakers or letters in
5 opposition to the designation. On this filed two
6 earlier hearings where the two buildings were heard
7 individual. The emmich... MH Renken office building
8 was previously heard on April 2nd, 2013. At that
9 hearing four people spoke in favor of the
10 designation including representatives of the
11 historic district's council, Myrtle Avenue Brooklyn
12 Partnership, the New York Landmark's Conservancy
13 and the Society for Clinton Hill. There were no
14 speakers in opposition to the designation. The MH
15 Renken Dairy Company engine room building was
16 previously heard on October 29th, 2013. One person,
17 a representative of the historic district's
18 council, spoke in favor of designation. The public
19 hearing was then closed and reopened to hear the
20 testimony of a representative of the building's
21 owner who spoke in opposition to the designation.
22 In 2013 the commission received a letter in support
23 of designation of the M... of the MH Renken office
24 building from then, at the time, Council Member
25 Leticia James. The MH Renken Dairy Company office

1
2 and engine room buildings are two structures with a
3 unified art moderne [sp?] style located at the
4 corner of Myrtle and Classon Avenues in the Clinton
5 Hill neighborhood of Brooklyn. Founded by German
6 Immigrant Martin H. Renken in 1888. At its peak in
7 the... in the 1930s it was the third largest dairy in
8 New York City. As a... a part of this prosperity
9 Renken hired the Brooklyn Firm of Koch and Wagner
10 to design a new office building and in 1936 to
11 renovate the 1860 building next door combining the
12 two facades for the look of one unified building.
13 These buildings are notable for many reasons.
14 Modernistic in design the tan enamel brick conveys
15 a hygienic image. The dark brick speed lines,
16 bracket-less streamlined cornices, and patterned
17 brick are primary art moderne style with some art
18 deco touches. The balanced asymmet... asymmetry
19 project in receding rectangular planes also
20 demonstrate the influence of the international
21 style of the design. This building dates from a
22 period when New York was renowned for have the... the
23 best milk supply of any large city in the world
24 following the innovation and reform that made milk
25 a safe part of the American diet. The design and

1
2 prior use remind us of an early era in the Clinton
3 Hill neighborhood and accordingly the Landmarks
4 Preservation Commission urges you to affirm the
5 designation. Thank you.

6 CHAIRPERSON KOO: Thank you Mr. Owen.

7 MICHAEL OWEN: Thank you.

8 CHAIRPERSON KOO: So my question is... so
9 the public owner does not approve?

10 MICHAEL OWEN: Uh they're... [cross-talk]

11 CHAIRPERSON KOO: ...landmark application?

12 MICHAEL OWEN: Correct. There are...
13 there... there's more than one owner because it's...
14 it's two lots and two buildings. The owner for 580
15 Myrtle is... spoken opposition. And then we
16 subsequently met with that owner on numerous
17 occasions even on site to actually work with him on
18 a storefront design but he has not changed his
19 position.

20 CHAIRPERSON KOO: What about the other
21 property owner? You said the two... two owner.

22 MICHAEL OWEN: Right the... the other
23 property owners were unresponsive. And again we
24 sent letters as well as email... we found email
25 addresses for the other owners but only the... only a

1
2 representative for the owner of 580 Myrtle showed
3 up to testify.

4 CHAIRPERSON KOO: Mm.

5 MICHAEL OWEN: Right. And he did not
6 show up at the most recent hearing. Right.

7 CHAIRPERSON KOO: Mm.

8 MICHAEL OWEN: Thank you Lisa.

9 CHAIRPERSON KOO: Okay. Any questions
10 from our members? Oh. Any questions from the
11 public? No. So we going close these item. Thank
12 you.

13 MICHAEL OWEN: Thank you.

14 CHAIRPERSON KOO: Thank. And lastly we
15 will be holding a hearing in... inmoting [phonetic]
16 on preconsidered Land Use Item, application number
17 20165028SCK... a new public school facility in
18 Council Member Cumbo's district. And today we have
19 a Kendrick Ou from the... Ou... SCA here to testify.
20 Sorry can begin yeah. Just identify yourself first.

21 KENDRICK OU: Good morning Chairperson
22 Koo and subcommittee members. My name is Kendrick
23 Ou and I'm Senior Director for Real Estate Services
24 for the New York City School Construction
25 Authority. The New York City School Construction

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2 Authority has undertaken the site selection process
3 for a new public school facility on a site
4 assemblage consisting of lots one, four, 85, 86,
5 and 87 on block 1128 in the borough of Brooklyn.
6 The proposed site is located on the east side of
7 sixth avenue between Pacific Street and Dean Street
8 within Brooklyn Community District number 8 and
9 Community School District number 13. The proposed
10 site is located within a planned mixed use building
11 that will be constructed as part of the Pacific
12 Park also known as Atlantic Yards Development which
13 was the subject of a general project plan adopted
14 by Empire State Development in 2006 and.. which has
15 been subsequently amended and updated. Under the
16 proposed project the School Construction Authority
17 would acquire and fund the development of up to
18 approximately 100 thousand gross square feet of
19 space within the new B15 building in the Pacific
20 Park Development for a public school facility
21 providing approximately 616 seats for students in
22 Community School District number 13. The notice of
23 filing of the site plan for this proposal was
24 published in the New York Post and the city record
25 on May 15th, 2015 at which time Brooklyn Community

SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING, AND
MARITIME USES

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2 Board number 8, Community Education Council number
3 13 and the City Planning Commission were notified.
4 Brooklyn Community Board number 8 held its public
5 hearing on the site plan on June 3rd, 2015 and
6 subsequently submitted written comments expressing
7 concerns over the proposed location of the school
8 at B15 and also recommending that a school facility
9 developed on the site be used to serve middle
10 school students only. Community Education Council
11 number 13 did not hold a public hearing but did
12 submit written comments to the SCA recommending
13 that the proposed school facility be used to serve
14 middle school students. The City Planning
15 Commission recommended in favor of the proposed
16 site and also recommended that Brooklyn Community
17 Board number 8's recommendations be taken into
18 consideration. The SCA has considered all comments
19 received on the proposed site plan and affirms the
20 site plan pursuant to Section 1731 of the Public
21 Authority's Law. In accordance with Section 1732 of
22 the Public Authority's Law the SCA has submitted
23 the proposed site plan to the mayor and the city
24 council for consideration on August 31st, 2015. We
25 look forward to your subcommittee's favorable

1
2 consideration of this proposal and are prepared to
3 answer any questions from the subcommittee. Thank
4 you.

5 CHAIRPERSON KOO: Thank you Mr. Ou. So
6 Mr. Ou how soon can we expect the school be open?

7 KENDRICK OU: So the... the... under this...
8 our proposal because this is a mixed use
9 development which will have... if this is approved a
10 school at the base and residential apartments above
11 it would be developed by the developer. The
12 developer's current timeline is... is forecasting
13 student occupancy of the school space for September
14 2018. So within three years.

15 CHAIRPERSON KOO: And... and do you
16 expect... to... move in grade by grade or... or all... all
17 at the same time?

18 KENDRICK OU: That... that is something
19 that actually will be determined by the Department
20 of Education. And if I could take a step back
21 regarding some of the comments that I had mentioned
22 that we... that the SCA received from both Community
23 Board 8 and also Community Education Council number
24 13 I think for... for those members like Council
25 Member Arroyo who have... who have seen probably

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dozens of school sitings what the SCA does in the specifications that we are providing to the developer is for a... for the design of a school facility that will be flexible and appropriate to serve the instructional needs of students from pre-kindergarten up through grade eight. How the Department of Education opens a building... whether it is with primary school, middle school as I think some... or many of the comments we receive are advocating for whether that is a school that phases in across time or if that is a school that may be existing and may be moved and grow in... in the space is really the... the province of the Department of Education which... which would continue to work with Community Education Council on Finalizing those plans. The... those... that decision making process typically does not occur three years out from occupancy of a building which is where we are right now. That... that more typically occurs in the year to a year and a half... when a facility is well into construction a year a year and a half before occupancy is... is when the... the final determinations are usually made.

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2 CHAIRPERSON KOO: And also would it be
3 like recre... recreationals [phonetic] facilities or...
4 [cross-talk]

5 KENDRICK OU: Yes.

6 CHAIRPERSON KOO: ...athletic facilities
7 attached to the building?

8 KENDRICK OU: Yes...

9 CHAIRPERSON KOO: School.

10 KENDRICK OU: So... so the... the...
11 notwithstanding the... the fact that this is within
12 a... a mixed use building I think it... the... we have
13 shared our standards. So there will be athletic and
14 recreational physical education facilities within
15 this facility that will be identical to the... the
16 kinds of facilities that the SCA would build in
17 standalone schools. A good example... I... I think a
18 recent example that some of you may be familiar
19 with nearby is the spruce street school which is
20 right... right... right near here in the base of the
21 Frank Gehry Tower. That... to walk through that
22 school building and compare the spaces to
23 standalone school buildings I... I think that... that
24 it's a very much a... a comparable quality and the
25 standards are unchanged.

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2 CHAIRPERSON KOO: Any question from
3 members? Council Member Barron.

4 COUNCIL MEMBER BARRON: Thank you Mr.
5 Chair. The Atlantic Yards Project has been a fiasco
6 from the beginning. So now we're being asked to
7 have a school which has been as you presented it
8 able to accommodate from K... pre-k through grade
9 eight in the construction, a flexible design I
10 believe that's what you said, and it's a part of a
11 multi... of a mixed use building. So having no faith
12 in the completion of the residents that have been
13 planned and should have been completed and of which
14 there is still not any residential apartments
15 completed how can we have any faith that this
16 timeline is at all reasonable and understanding
17 that the school will be in the lower portion of the
18 building and apartments will be above will we need
19 to see the completion of the entire building before
20 the school can open. And if they're not yet
21 anywhere near the timeline of residence and
22 apartments that are pledged to be completed and
23 have not been completed and that development has
24 been pushed I believe back to 2030 in terms of
25 getting the apartments built what faith do we have

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that this school will be included, that it will be appropriate, and that the building will be satisfactory?

KENDRICK OU: The larger concerns I think... [cross-talk]

COUNCIL MEMBER BARRON: Yes.

KENDRICK OU: ...that you mentioned regarding the overall timeline and delivery of Atlantic Yards and the... the development that was envisioned in 2006 is really beyond you know the SCA's control.

COUNCIL MEMBER BARRON: Right.

KENDRICK OU: I think what we can make mention of is I think both on the developer end where the original developer has brought in a partner which I understand has bringing not just you know resources but also strong expectations of schedule to... to the... the overall project along with the Empire State's oversight of the project it... that... that's the framework within which we work. But I think you're absolutely right. When we're talking about mixed use developments where the public school facility depends on the completion of the larger project there is a different element of...

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2 of... that that's outside the city's control in terms
3 of being able to assure delivery of... of a school
4 facility.

5 COUNCIL MEMBER BARRON: And in terms of
6 ownership who owns what? As we talking about mixed
7 use with a school on the bottom.

8 KENDRICK OU: The... the overall framework
9 I think is envisioning that the city will
10 ultimately own the school portion either through a
11 condominium arrangement or through a long term
12 lease. The... quite frankly the specifics of the... the
13 business arrangements have yet... or are in the
14 process of being refined between our attorneys and
15 the developer's attorneys. But the overall general
16 project plan I think is very... Let me take a step
17 back. The general project plan that I had
18 referenced in my initial comments actually mandated
19 that a school be provided at Atlantic Yards in part
20 because of the very large residential population
21 that that was in... that... that the overall
22 development was envisioned to introduce into the
23 area. So this is... this is something that the state
24 had required from back in 2006 even as the Atlantic
25 Yards in that specific park project has evolved.

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2 That requirement for a school upon the developer
3 continues to... to exist within the... within the
4 general project, the state's general project plan.

5 COUNCIL MEMBER BARRON: And why can't we
6 get a commitment... perhaps that's not in your venue...
7 from the School Construction Authority that yes
8 this building will be a middle school or yes this
9 building will be an elementary school?

10 Unfortunately it appears that the DOE and the
11 School Construction Authority have the ability to
12 change their designation of the grades at any given
13 point and whereas they come to a community and
14 pledge to a build a school for a given population
15 they can change it at will. And... and when that
16 happens often times the building that is now
17 designated for perhaps a high school which is what
18 happened in East New York is not equipped to be
19 built as a high schools. High schools we know have
20 certain kinds of labs that should be incorporated
21 into construction. So when a building is designed
22 to let's say accommodate K to six or middle school
23 and then at some point at the designation of the
24 DOE changes to become a high school it's not
25 appropriately equipped with the dance performance

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2 rooms and the appropriate sized gymnasiums and
3 things of that nature which the chairman referred
4 to for... for the level that it's now being presented
5 as. So what can we do to look at making a firm
6 commitment so that the community knows okay right
7 here my child will be able to attend elementary
8 school because there may be a... a population of
9 residents who have younger children who are coming
10 into that. So what can we do... what can we consider
11 in that regard?

12 KENDRICK OU: I... I do specifically
13 recall the... the situation that you are referring...
14 [cross-talk]

15 COUNCIL MEMBER BARRON: Yes.

16 KENDRICK OU: ...in East New York... [cross-
17 talk]

18 COUNCIL MEMBER BARRON: Right.

19 KENDRICK OU: ...and... and... and I... I was
20 here and I was testifying and at the time I will be
21 very candid with you. We were... the Department of
22 Education and School Construction Authority fully...
23 [cross-talk]

24 COUNCIL MEMBER BARRON: Yes.

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2 KENDRICK OU: ...anticipated that that was
3 going to be a primary and... [cross-talk]

4 COUNCIL MEMBER BARRON: Correct.

5 KENDRICK OU: ...which is exactly what we
6 testified to. And... but as after we were well into
7 construction the need was identified for... for this
8 high school use. And I... I... I... I think and I
9 completely respect the... the frustrations about that
10 but I... I will... I do want to be very honest with you
11 that I certainly didn't... and none of my colleagues
12 at the SCA had any intention of testifying to
13 something that was ultimately going to be proven
14 not... not true. So... so in terms of the question
15 that... that... that you... you asked I... I think that
16 part... part of what's intention here and part of
17 the... well let me take a... Let me speak to the high
18 school component.

19 COUNCIL MEMBER BARRON: Yes.

20 KENDRICK OU: I think the instructional
21 needs for high school are very different than from
22 the pre-k to eight level which is why it's easier
23 to design and why for the larger school facilities
24 the School Construction Authority uses standards
25 that... that will provide for flexibility in a pre-k

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2 through eight... in... in a building that will
3 ultimately serve some sub-set or the full range of
4 pre-k through eight.

5 COUNCIL MEMBER BARRON: Mm-hmm.

6 KENDRICK OU: You know the primary
7 middle schools are programmed differently. The
8 curricular...

9 COUNCIL MEMBER BARRON: Yeah.

10 KENDRICK OU: ...requirements are... are
11 different. So I... and I... I will say I think that
12 given the situation as... as we currently see things
13 in District 13 the... as well as the projected
14 housing associated with Atlantic Yards I... I... I
15 would say and I... I can't promise you something on
16 behalf of Department of Education but I think it
17 would be extremely unlikely that this facility
18 would be used for high school students given the
19 very strong existing and projected need at both the
20 primary and middle school levels in... in... in this
21 geography. In... in terms of actually locking down a...
22 a commitment you know one way or the other in terms
23 of the use again to be completely candid with you I
24 think things change across time especially in... in
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2 an area like this part of Community School District
3 13 where there is a lot of housing.. [cross-talk]

4 COUNCIL MEMBER BARRON: Mm-hmm.

5 KENDRICK OU: ...that is both win... within
6 the Atlantic Yard's footprint and within that
7 development but also growth in the primary and
8 middle school population as a result of housing and
9 demographic changes you know in the surrounding
10 area. And the... the... the... the... I... I believe and
11 again I don't want to you know overstep in terms of
12 speaking for the department but I believe that the
13 Department of Education's real concern or one of
14 their principal concerns lies in making decisions
15 and locking in decisions you know three years out
16 from a building's occupancy that that may not be
17 appropriately recognized and that... that things may
18 change across... use... it may change very very quickly
19 which is why I think that the process they
20 currently have which you know looks at the latest
21 data, again engages through the Community Education
22 Council but... in order to finalize a... a use when a
23 building opens is... is the process that the
24 department uses.

25 COUNCIL MEMBER BARRON: Thank you.

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CHAIRPERSON KOO: Council Member Mendez?
You have questions?

COUNCIL MEMBER MENDEZ: Yes, thank you.
I... I think Council Member Barron was getting to it
but I'm not... and I'm sorry I was a little
distracted with another issue. My question
specifically is what happens if this becomes a
stalled site? So in... across from my district in
Council Member Garodnick's district we had the old
Con Edison site. And that stite [phonetic] is... site
is still stalled. That was one of the first things
we did when we first got into office. The school
was built and the school is now being phased in.
But in this case you say the developer is building
the school. So whether the developer for some
reason cannot go immediately into developing his
site is he still... he or she still required... they...
to move forward with building the school?

KENDRICK OU: The general project plan
requires that a school be part... up to a hundred
thousand square feet at the election of the
Department of Education and the School Construction
Authority within the Pacific Park Atlantic Yards
Development be available for a school. The... the

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2 specific location within the multiple buildings...
3 the general project plan does not specify. It does
4 specify that within an early part of the
5 residential phase that the goal would be that the
6 school be... be built. The... [cross-talk]

7 COUNCIL MEMBER MENDEZ: Ss... So I'm... I'm
8 sorry because that's kind of alarming to me. So you
9 have a multi-block area or a big area. You have a
10 supersite and we don't know where the school's
11 going to go. And if for some reason then if the
12 development all gets stalled since we don't know
13 where the school is going to be put we can't tell
14 the developer start building the school by 2018
15 2019... you know like at some point we can't make
16 developers start building the school?

17 KENDRICK OU: The mechanis [phonetic]...
18 it... with... within the... the SCA's negotiations with
19 that developer I don't believe so. I... I cannot
20 speak to the larger obligations that the developer
21 may have to the state in terms of the... the...
22 requirements under which the state has designated
23 the developer. I think that the... the... the context
24 here is also a very important one. And just to
25 clarify when I spoke about the general project plan

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2 not specifying a location for the school but
3 leaving things somewhat broader at... at this point
4 in the general project plan was adopted in 2006 was
5 amended most recently in 2014 we have identified
6 with the developer the proposed location which is
7 the one that we're advancing now on the east side
8 of 6th Avenue between Pacific Street and Dean
9 Street within the B15 building. So I'm sorry if my
10 comments were confusing. But there is absolutely a...
11 [cross-talk]

12 COUNCIL MEMBER MENDEZ: Yes it was
13 confusing.

14 KENDRICK OU: ...proposed site.

15 COUNCIL MEMBER MENDEZ: So what kind of
16 amenities is developer getting? What kind of
17 bonuses, tax breaks for providing a school? And if
18 we are giving them... then the follow-up would be...
19 we're going to give them... because I'm sure we're
20 giving them something then why can't we ensure that
21 a school will be built by a certain end date or you
22 know a span of time between 2018 to 2020 they need
23 to start construction of the school.

24 KENDRICK OU: When... when you mention...
25 [cross-talk]

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COUNCIL MEMBER MENDEZ: You can... you can start with the amenities. What are they getting?

KENDRICK OU: At the end of the day from the School Construction Authority nothing... I mean we're... [cross-talk]

COUNCIL MEMBER MENDEZ: Well they're getting something from the city. I mean... [cross-talk]

KENDRICK OU: Well there... [cross-talk]

COUNCIL MEMBER MENDEZ: ...you're... you're... [cross-talk]

KEDRICK: ...there's... [cross-talk]

COUNCIL MEMBER MENDEZ: ...here representing a city agency.

KENDRICK OU: Right but this was... [cross-talk]

COUNCIL MEMBER MENDEZ: Do we...

KENDRICK OU: ...Atlantic Yards Development was promulgated by the state through Empire State Development. So this was not something that the School Construction Authority was involved in... in crafting. This is something that ultimately if a school is to be built there as the state has required under the general project plan the School

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2 Construction Authority is the entity on behalf of
3 the city that... that is participating in that.

4 COUNCIL MEMBER MENDEZ: So the... What is
5 the state agency again, you say?

6 KENDRICK OU: Empire State Development.

7 COUNCIL MEMBER MENDEZ: Empire State
8 Development. Yeah that should be in my head this
9 morning after yesterday's tragedy. Empire State
10 Development. So they worked out something how many
11 years ago?

12 KENDRICK OU: The original modified
13 general project plan I think was adopted in 2006.

14 COUNCIL MEMBER MENDEZ: And at that
15 point they said they wanted a school somewhere on
16 the site?

17 KENDRICK OU: Correct. Within the
18 development there was an obligation provide a
19 hundred thousand square feet.

20 COUNCIL MEMBER MENDEZ: And so we don't
21 know what the state is giving them as some kind of
22 tax break, what they're requiring the city to give
23 them? In... we are what 2014 we don't know, you don't
24 know?

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KENDRICK OU: This is a very... [cross-talk]

COUNCIL MEMBER MENDEZ: Because I don't know.

KENDRICK OU: I... I... I... I will... I will tell you I think this is extremely complicated to analyze the whole scenario under which an arena and over a dozen residential buildings and you know... [cross-talk]

COUNCIL MEMBER MENDEZ: You know I'm... I'm going to stop you.

KENDRICK OU: Mm-hmm.

COUNCIL MEMBER MENDEZ: I don't care about complicated. That's why you're here. You're supposed to un-complicate these things for me and answer the questions. If we are going to give... and I'm assuming we're giving this developer some kind of tax break or something... and we are going to possibly get a school, we don't know when, if they start construction 2018. Then I need to know all those answers before I vote on this. That's just... I don't care how complicated it is. Those answers... someone here in the city council or from School

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2 Construction Authority should be bringing to this
3 meeting, to this hearing.

4 KENDRICK OU: If I... if I could just
5 clarify one... one point. And again I'm sorry if my
6 comments were unclear. The construction start would
7 not be 2018. The... the forecast construction start
8 would be 2016 with occupancy scheduled for 2018.

9 COUNCIL MEMBER MENDEZ: I... I know you
10 said occupancy 2018 but knowing how things get
11 stalled right I am saying that even in here we're
12 saying it's supposed to start 2016 and supposed to
13 end 2018. And what if it doesn't start in 2016. So
14 we don't know what's going to happen. You're asking
15 me to vote on a school not knowing that's
16 indefinitely into the future if this becomes a
17 stall site we will ever get a school.

18 KENDRICK OU: I will... I will comment
19 that if in fact this becomes a stalled site which
20 again giving current circumstances and giving the
21 urgency that we have heard from the developer and
22 also from Empire state in finalizing a
23 determination on whether the school is going to be
24 part of this building. So the design process for
25 this building and the construction process for this

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2 building can... can move forward I think all the
3 circumstances that we're seeing are... are positive.
4 But out... completely out of respect for the concern
5 that you are raising I think that if this does... you
6 know in the unlikely scen... or in... in for whatever
7 circumstance become a stalled site, in the event
8 that the needs within that community are still seen
9 even if the very large housing contribution from
10 Atlantic Yards is... is further delayed then the city
11 of New York will you know as the SCA has been asked
12 before in other parts of the city look at other...
13 other ways of trying to address the local
14 community's need for additional school seats.

15 COUNCIL MEMBER MENDEZ: So are you
16 familiar with the Solo [sp?] site?

17 KEDRICK: Yes.

18 COUNCIL MEMBER MENDEZ: So did the
19 School Construction Authority build that one and
20 not the developer?

21 KENDRICK OU: Yes.

22 COUNCIL MEMBER MENDEZ: So that's why it
23 got built even though it's a stall site.

24 KENDRICK OU: Yes well what... what
25 happened with that particular situation is in light

1
2 of that developer's... well developer number one had
3 a very large... it was basically a block of... or
4 nearly a block of... a city block for... for the site.
5 But in light of the developer's uncertainty... and I
6 think it was around the time of the financial
7 crisis about that developer's timing we were able
8 to with Council Member Garodnick's I think
9 encouragement and support negotiation successfully
10 to actually acquire a piece of land on which to...
11 to... to build a standalone school.

12 COUNCIL MEMBER MENDEZ: Okay well when
13 we did the rezoning there we were not... it was not
14 part of the financial crisis. There wasn't a
15 downturn in the market so I'm not quite sure how it
16 was worked out there. 616 seats, it's what grades
17 again? K through eight you said?

18 KENDRICK OU: The... the... the building
19 will be designed to be flexible to serve
20 instructional needs for students from pre-
21 kindergarten up through grade eight. So it is... I
22 mean I... I... part of what gets confusing is... is the
23 way that we refer to things from a... a planning
24 perspective, from a physical planning perspective
25 but... but we think that this is what we call primary

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2 middle school because it's... it's a primary... it's a
3 facility that... that serves... that... that can be
4 appropriate to serve that range of students that is
5 different from how the Department of Education
6 actually uses a building. Because it's not unheard
7 of you know for example I think with the solo site
8 that... that you mentioned it... that was designed to
9 be a PSMS and that's a primary... the DOE uses that
10 as a primary school.

11 COUNCIL MEMBER MENDEZ: Thank you. And
12 how many seats per grade or how many seats per
13 class... [cross-talk]

14 KENDRICK OU: The...

15 COUNCIL MEMBER MENDEZ: ...is this?

16 KENDRICK OU: So... so if it's ultimately
17 used... I... I think right now for... it... for... if it's
18 standalone middle school it would be about 200
19 seats per... per grade assuming even distribution
20 across grade six, seven, and eight. If it is a...
21 used exclusively as a primary school you're talking
22 about... we're looking at about a hundred students
23 per grade.

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2 COUNCIL MEMBER MENDEZ: And... And each of
3 those circumstances how many seats per class are we
4 talking about? How many sections?

5 KENDRICK OU: The... it would average... it
6 would... for... for a primary school it would average
7 out to about four sections a grade. For... for middle
8 school it would... approximately twice that so we're
9 looking at eight sections a grade.

10 COUNCIL MEMBER MENDEZ: Thank you very
11 much.

12 CHAIRPERSON KOO: Council Member Arroyo.

13 COUNCIL MEMBER ARROYO: Thank you Mr.
14 Chairman. So two questions. Well 100 students per
15 grade that's K through eighth is nine grades so
16 that's 900 students, not 600 and...

17 KENDRICK OU: I... I... I meant that it
18 would be about 100 students per grade if it were
19 used exclusively as a primary school.

20 COUNCIL MEMBER ARROYO: Ah.

21 KENDRICK OU: So going up through grade
22 five.

23 COUNCIL MEMBER ARROYO: Okay got it.
24 Thank you. And to Council Members Barron and... and
25 Mendez's question; does this site lend itself to

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2 enable the authority to build the school should the
3 rest of the project stall?

4 KENDRICK OU: The difference here... here
5 is I think it's a much smaller site then we had
6 with the... the ConEd Solo site. This is probably
7 under 30 thousand square feet of lot area all...
8 overall. The second complicating factor and I'm...
9 and I'm... this is extremely complicated so I hope
10 I'm explaining it correctly is the land use process
11 here is really governed by the state. And by the
12 general project plan that was adopted. So every... so
13 a lot of the things that we deal with... you know the
14 School Construction Authority and the Council in
15 terms of city zoning and city land use policy all
16 of that's overridden by... by the plan that Empire
17 State has promulgated. And Empire State actually
18 owns... has taken title in... to... to... to own the
19 property.

20 COUNCIL MEMBER ARROYO: So is that a yes
21 or a no...

22 KENDRICK OU: The...

23 COUNCIL MEMBER ARROYO: ...to the
24 question; does this site lend itself to the
25 authority being able to by... cut up the site and

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build a school notwithstanding the housing units
that... that were promised?

KENDRICK OU: No I don't think it would...

[cross-talk]

COUNCIL MEMBER ARROYO: It does not.

KENDRICK OU: ...work here. That scenario
is unlike... is unlikely be feasible.

COUNCIL MEMBER ARROYO: I see. Thank you
Mr. Chair.

CHAIRPERSON KOO: Council Member Mendez.

COUNCIL MEMBER MENDEZ: You said this is
a mixed site? It's like... what is it residential
commercial?

KENDRICK OU: It will be the... the school
at the base an residential units above. So it would
be mixed use in... in... [cross-talk]

COUNCIL MEMBER MENDEZ: Mixed use.

KENDRICK OU: ...that fashion.

COUNCIL MEMBER MENDEZ: Is it currently
mixed use?

KENDRICK OU: The general project plan
allows it right now... the site has... is... is an
assemblage. I think it consists of some vacant lots
along with residences that the state acquired that...

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and those residences will be... or are vacant and
will be demolished.

COUNCIL MEMBER MENDEZ: Do you or does
anyone here know what the zoning envelope is and
what it allows for the school and the building
maximum height?

KENDRICK OU: I would have to check on
that. The maximum height is established in the
general project plan so the things like the... the
general project plan does not specify you know
where the school is within the building other than
to say it must be in continuous floors so the sort
of internal configuration of... of the school and the
residential component are... are... the general project
plan doesn't get into that level of detail. That...
that's left to the designers but this will be a... a
tower.

COUNCIL MEMBER MENDEZ: So just for me
as... when I sit on this committee I like to know
that whenever a school siting is coming up because
we had an issue where we sited a school in my
district and then it turns out that it was contrary
to zoning and then we had to cut back the seats
because the neighborhood residents were going to

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sue and there was no way you'd be able to get to

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build higher without... and you wouldn't... without

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pursuing legal recourse. So I think that's

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something important that I want to know. I... I think

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people in the committee should know. So I like to

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get some of those answers at some point from

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anybody here.

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KENDRICK OU: We'll... we'll be happy to

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furnish the... the committee with the specifics in

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the general project plan identifying the... how that...

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how much of the lot that building can... can occupy

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and how tall that building can be and where the

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setbacks are.

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CHAIRPERSON KOO: Thank you... thank you

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Mr. Ou. Anymore questions? Any speakers for the

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public? No. And now we start our second panel,

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yeah. We have get Veconi and Margaret Spillane.

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GIB VECONI: [off mic] Good afternoon

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Chairman Koo and... [cross-talk]

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CHAIRPERSON KOO: Please identify

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yourself first.

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GIB VECONI: [off mic] Sorry. My name

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is...

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[background comments]

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GIB VECONI: Oh sorry about that. Good
afternoon. My name is Gib Veconi. I am the Chair of
the Prospect Heights Neighborhood Development
Council. I would like to thank the chair and the
subcommittee members for the opportunity to speak
here today. For the last 11 years PHNDC has
advocated on issues related to land use,
transportation, public safety, quality of life, and
social services for the community of Prospect
Heights. We were one of the lead organizations in a
settlement last year with Forest City Ratner and
the state of New York that resulted in an
acceleration of the completion of the affordable
housing in Atlantic Yards of 10 years from 2035 to
2025. And I'm here today to speak to the
subcommittee in support of the siting of the public
school at B15 in the Atlantic Yards project. Based
on our review of the project documents we believe
that the proposed site in B15 represents the best
opportunity for a very much needed public school
facility in District 13 to be provided at the
Atlantic Yard site as has been agreed to under the
terms of the project agreements. And... and I can
perhaps speak to some of the questions that were

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2 raised by the other subcommittee members about
3 scheduling and... and... and the like as well. Beyond
4 that we have joined with Community Board 8 with
5 Community Education Council of 13 and... and... and
6 elected officials to call for the facility at B15
7 to be a dedicated middle school. And we believe
8 that's critical because District 13 currently lacks
9 a standalone middle school of the type that exist
10 in other districts like the district 15 which is...
11 which is neighboring to us. So in fact we lose
12 families from District 13 by the time their
13 children get towards the end of primary school
14 because they perceive there are no... there are not
15 sufficient middle school options in District 13.
16 And the need for a middle school to serve all of
17 the students of District 13 has resulted in a
18 coalition including the community... Community Board
19 8, CEC 13, PHNDC, and virtually all of the elected
20 officials representing this area to come together
21 under a proposal called MS1 Brooklyn for... calling
22 for this site to be a dedicated middle school for
23 District 13. And the elected officials supporting
24 this proposal include Council Member Cumbo and
25 Lander, Assembly Member Walter Mosely, Assembly

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2 Member Jo Anne Simon, State Senator Jesse Hamilton,
3 Borough President Eric Adams, and New York City
4 Public Advocate Leticia James. They all recognize
5 that there has for... for a long time been a
6 compelling need for a middle school in District 13.
7 And to Council Member Barron's comments earlier we
8 believe it's very important to make a commitment to
9 make this a dedicated middle school site now so the
10 facilities can be built out with a type of physical
11 education facilities, laboratory facilities, and
12 other educational amenities that are appropriate
13 for middle school students. It's a very unique
14 opportunity. And we hope that the School
15 Construction Authority and the Department of
16 Education will take advantage of that opportunity
17 now while the building is being designed. And so it
18 isn't designed as a generic K to eight school but
19 in fact is designed to benefit middle school
20 students as has been repeatedly recognized by our
21 community boards and our... and our elected officials
22 in the Community Education Counsel. So I... I will
23 also add that since the time the MS Brooklyn
24 proposal was announced in July of this past year
25 nearly a thousand people have signed a petition in

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2 support of a dedicated middle school at the B15
3 site. And I've... I've given to the Sergeant at Arms
4 some comments that have been submitted by some of
5 the people who have signed that petition and I
6 would certainly encourage you to visit www dot M S
7 one Brooklyn that's M S O N E Brooklyn dot com
8 where you can link to the petition and... and... and
9 read all of the comments. There were many questions
10 raised during the last speaker's testimony about
11 the history of the Atlantic Yard's project, issues
12 around scheduling and the like. I... I might take a
13 second to answer some of these questions. In
14 particular there were questions raised about what
15 the developer is receiving in exchange for the
16 ability to build this project. A complete answer to
17 that question would take the rest of this afternoon
18 but let's just say that the Atlantic Yards Project...

19 [background comments]

20 GIB VECONI: ...has... yes. The Atlantic...
21 the Atlantic Yards Project.

22 [background comments]

23 GIB VECONI: I... and I'm... I'm sure all of
24 you are quite familiar with this project. It's...
25 it's received approximately 300 million dollars in

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2 state and city direct public tax dollars, zoning
3 overrides that have significantly increased the
4 value of the land, and access to the extraordinary
5 power of eminent domain to accumulate the property
6 that's necessary for the site. So there was a
7 tremendous amount of public contribution to this
8 project. And the 100 thousand square feet of space
9 for a public education facility there is an
10 important asset that the public is able to take
11 with them from this project. I'm not going to get
12 into whether it all balances out in the end or not.
13 But in fact this is a very important public asset
14 that's being provided by the project and we are
15 very much hopeful that it will be used to fill an
16 urgent need in District 13. So thank you very much
17 for the... for the opportunity to speak today.

18 CHAIRPERSON KOO: Thank you. Margaret,
19 yeah. [cross-talk]

20 MARGARET SPILLANE: Hi... my name is
21 Margaret Spillane, S p I l l a n e. I am a parent
22 of two children at PS9 which is the current zoned
23 local school in the Prospect Heights Community
24 where the new facility would be located. I'm also a
25 new member of the Community Education... [cross-talk]

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2 CHAIRPERSON KOO: May I interrupt you
3 for a moment. In light of time limit can you finish
4 in two minutes?

5 MARGARET SPILLANE: I'll do my best. I
6 am also a new member of the CEC for District 13 and
7 I'm also here to support this site and also to
8 reiterate Gib's comments urging that the site at
9 the facility be built as a dedicated middle school.
10 Our... we don't have a middle school... district middle
11 school in Prospect Heights. We don't have one
12 within walking distance. In contrast there are four
13 elementary school buildings within walking distance
14 of the proposed site. The lack of suitable
15 standalone middle school in District 13 is an issue
16 not just for our current middle school students who
17 tend to be collocated in very small spaces in
18 elementary school buildings that are not
19 appropriate for middle school learning this also
20 causes a trickledown effect to our elementary
21 schools because families who are more savvy and who
22 have access to better resources and... and can
23 transport their children long distances tend to
24 leave the district elementary schools well before
25 middle school hits. And that causes a lot of

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2 difficulties in terms of integration, diversity,
3 and stability in our elementary schools. As a CEC
4 we've taken a close look at capacity issues
5 locally. We understand that the DOE in some cases
6 prefers to wait. We don't think... we don't think
7 that our children can wait. And so we think that
8 the DOE needs to get with the community sooner
9 rather than later and make whatever decisions they
10 need to make in order to construct this as a
11 dedicated middle school for not just the children
12 of Prospect Heights but for all of District 13.
13 Thank you.

14 CHAIRPERSON KOO: Council Member Arroyo.

15 COUNCIL MEMBER ARROYO: Thank you for
16 your testimony. It's great to hear from the public.
17 Always so enlightening when some things are left
18 out from the public testimony of the agency. So I
19 guess Mr. Chairman we should call the authority
20 back up because my question is what's the
21 authority's position on the community and elected
22 official's request for a dedicated middle school?
23 What have they said to you about that request?

24 MARGARET SPILLANE: They... they've said
25 to us basically what you heard them say today which

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2 is that from the School Construction Authority's
3 perspective they don't make that decision. In terms
4 of how the use is configured in the long term the
5 Department of Education has not responded directly
6 to our requests that the facility... that they
7 directed the SCA construct... or have... have the
8 builder construct the facility as a dedicated
9 middle school.

10 COUNCIL MEMBER ARROYO: And unlike other
11 land use applications the community board and the
12 borough presidents don't weigh in on these
13 applications?

14 GIB VECONI: Well as... it was pointed
15 out... [cross-talk]

16 COUNCIL MEMBER ARROYO: That's not... I'm
17 sorry that... that's not a question to you... that's a
18 question for us here.

19 GIB VECONI: I'm sorry.

20 COUNCIL MEMBER ARROYO: Because the
21 other... the other applications we're considering
22 have obviously a... an opinion of the local community
23 board and the borough president. This one I don't
24 see any text that references whether or not this
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2 application is supported by the community or the
3 borough president.

4 CHAIRPERSON KOO: Well I... I believe
5 Council Member Cumbo approved these application.

6 [cross-talk]

7 COUNCIL MEMBER ARROYO: She's listed as
8 one of the elected officials that's calling for a
9 dedicated middle school?

10 GIB VECONI: That's correct. [cross-
11 talk]

12 COUNCIL MEMBER ARROYO: So that's a
13 conflict for me.

14 GIB VECONI: If... if I could answer... The
15 community board did submit testimony to the SCA
16 with respect the siting and Community Board 8 did
17 call for the site to be used as a dedicated middle
18 school. And... and since that time Community Board 6
19 which... [cross-talk]

20 COUNCIL MEMBER ARROYO: I will have to
21 take your word for it because the documents that
22 I'm reading as a member of this subcommittee do not
23 include that language on it.

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GIB VECONI: Well... well actually I believe that Mr. Ou testified to that effect while he was sitting here.

COUNCIL MEMBER ARROYO: Okay granted. But the documents that I'm being given to review as a member of this subcommittee does not contain that language. So I appreciate that. Thank you. Thank you Mr. Chair.

CHAIRPERSON KOO: Okay thank you.

GIB VECONI: Thank you.

CHAIRPERSON KOO: We also joined by Council Member Levin. We're going to do a 15 minute recess. Hello everyone. The committee will come back in session. Is it good? So we come back in session and we going to do a... a vote for the Land Use items 275, 276, 277, 278, and preconsider item application number 20165028SCK. And we will do this coupled orders and to vote and the chair recommend a yes vote. Counsel please call the roll.

COUNSEL: Chair Koo.

CHAIRPERSON KOO: Yes.

COUNSEL: Council Member Arroyo.

COUNCIL MEMBER ARROYO: Request to explain my vote?

SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING, AND
MARITIME USES

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CHAIRPERSON KOO: Yes, please.

COUNCIL MEMBER ARROYO: Okay. I have issues with three of the applications that are before this committee today. I am voting no on Land Use 275 and 276. The local community board has asked for the Department of Transportation and the Department of Parks and Recreation for very specific things around one of the... the blocks associate... in front of the building that would be leased. And the failure of those agencies to be here and provide answers to questions that I've raised with regards to what commitments they have for that area I think is unacceptable. And hopefully will serve as an example for future projects and applications where the administration is aware that the local community is requesting specific things that those agencies be present to provide testimony and answer questions that we as members of this committee have. With regards to the preconsidered land use siting application for the public school facility Mr. Ou put on the record that I have... am very familiar with the process and the many applications that have become... come before this committee in the la... in the 10 and a half

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2 years that I've been here. He's absolutely right.
3 When the School Construction Authority controls a
4 site they build a school and they produce some very
5 quality facilities for our children to learn in. In
6 this case the authority does not control the site
7 so I will be voting no on this item in Brooklyn
8 Community Board 8. And since it has no number I'll
9 read it. Number 20165028SCK I vote no. And yes on
10 the two other applications.

11 COUNSEL: Council Member Mendez.

12 COUNCIL MEMBER MENDEZ: Permission to
13 explain my vote?

14 CHAIRPERSON KOO: Yes, go for it.

15 COUNCIL MEMBER MENDEZ: Okay on the...
16 I'm... I'm going to be voting yes on all these
17 matters today in front of this committee. However I
18 have you know real reservations that other city
19 agencies are not coming to us with answers or
20 bringing to us what the local community is
21 requesting. And I... in some of these cases there are
22 things that could be done before this matter gets
23 to us. And my concerns about the school and the
24 zoning. So since there's been a zoning override it
25 seems like they can... they are... will be building

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something very very huge there.. 270 I think four feet to be exact which means once they start building they will build a school whether it's a elementary or middle we don't know. So they should move forward so that they can break ground there and start building that site. That's it. I vote aye on all the other matters. Thank you.

COUNSEL: Council Member Levin.

COUNCIL MEMBER LEVIN: Permission to explain my vote?

CHAIRPERSON KOO: Yes.

COUNCIL MEMBER LEVIN: I want to vote aye on all items. With regard the preconsidered land use item with the public school siting facility in Brooklyn Community Board 8 I just want to for the record add my support to the local CEC and other elected officials in advocating for this school to be a middle school in District 13. That is a desperately needed facility in District 13 and I realize that this is not the.. the time where that can be committed to but I think that it's important that we get that on the record. I want to support my colleagues and the local CEC and the Neighborhood Association in calling for a middle

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2 school in that location. And with that I vote aye
3 on all.

4 COUNSEL: Council Member Barron.

5 COUNCIL MEMBER BARRON: Permission to
6 explain my vote?

7 CHAIRPERSON KOO: Yes.

8 COUNCIL MEMBER BARRON: I vote aye on
9 277 and 278. On 275 and 276 I am abstaining. I
10 think that as has been cited there should have been
11 some decision included as to what the conditions
12 were that the borough president brought as well as
13 the community board and we have no indication that
14 those conditions will be met or agreed to or not
15 agreed to so we don't know where we stand on that.
16 In... in regards to the preconsidered... what is it...
17 21... 20165028SCK I'm also abstaining on that. The
18 Atlantic Yard's history is from its origins one
19 that has not regarded what it is that the community
20 saw was in its best interest. Someone asked what
21 benefits did they got. They got the benefits when
22 they got the land at the price that they paid. It's
23 on record. I don't want to cite it without having
24 it accurately before me. We don't know that the
25 construction they promised that they would use

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2 neighborhood people, that there would be jobs that
3 would be created and they have since decided that
4 they're going to use pre-fab for the residential.
5 They've not given us any data from engineers as to
6 how high you can successfully build with pre-fab. I
7 don't know this particular siting is going to
8 include that or not. The other concern I have is
9 that as the School Construction Authority as we
10 have said has quality construction with the school
11 I would like to know what involvement... what
12 oversight the School Construction Authority would
13 have over the developer who actually will build the
14 facility. And there's no indication as to what that
15 interaction would be so I'm abstaining on on that.

16 COUNSEL: Council Member Kallos.

17 COUNCIL MEMBER KALLOS: Permission to
18 explain my vote?

19 CHAIRPERSON KOO: Yes.

20 COUNCIL MEMBER KALLOS: I would just
21 like to concur with my colleagues and just... it...
22 it's starting to become a little bit repetitive
23 especially over the summer where previously I think
24 we were able to work a little bit more closely and
25 make sure that things did not come here where

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2 members did not have all the answers that we
3 needed. And I think this is the second consecutive
4 meeting where members have asked questions and not
5 had the answers that they need. And just ask that
6 this stop happening and that the administration
7 come prepared. You know what the questions are
8 going to relate to at this point. We've been asking
9 them over and over again and to the extent that
10 members have had questions outstanding for months
11 or years or terms it's important that we get those
12 addressed now sooner than later. That being said I...
13 I will vote aye on all but again ask the
14 administration to please come prepared with all the
15 answers to all the questions instead of asking us
16 to take a leap of faith over and over.

17 COUNSEL: All land use items are
18 approved. Land Use items number 277 and 278 are
19 approved with six votes in the affirmative, zero in
20 the negative, and zero abstentions. Land Use items
21 275 and 276 and preconsidered Land Use item number
22 20165028SCK are approved with four votes in the
23 affirmative, one in the negative, and one
24 abstention. And all items are referred to the full
25 Land Use Committee.

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CHAIRPERSON KOO: Thank you. Meeting
adjourned.

[gavel]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date September 9, 2015