

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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March 12, 2018
Start: 12:15 p.m.
Recess: 1:55 p.m.

HELD AT: 250 Broadway - Committee Room
16th Fl.

B E F O R E: ADRIENNE E. ADAMS
Chairperson

COUNCIL MEMBERS: Inez D. Barron
Peter A. Koo
I. Daneek Miller
Mark Treyger

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

Kelly Murphy, Director, Real Estate
NYC School Construction Authority

Michael Mirisola, Director, External Affairs
NYC School Construction Authority

Karen Blondel, Environmental Justice Group

Alicia West, Director, Public Design Outreach
Bureau of Public Affairs
NYC Dept. of Environmental Protection

Kevin Clarke, Bureau of Engineering, Design and
Construction, NYC Dept. of Environmental Protection

Terrell Estes, Bureau of Environmental Planning and
Analysis, NYC Dept. Environmental Protection

Karen Blondel, T3 Turning the Tide

Sabine Aronowsky, Fifth Avenue Committee
Board Member, Friends of Thomas Green Park
Member, Superfund Community Advisory Group

Andrea Parker, Director, Gowanus Canal Conservancy

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING
AND MARITIME USES

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2 [sound check, pause] [background
3 comments] [gavel]

4 CHAIRPERSON ADAMS: Good afternoon.
5 Welcome to this meeting of the Subcommittee on
6 Landmarks, Public Siting and Maritime Uses. I'm
7 Council Member Adrienne Adams, the Chair of this
8 subcommittee. Today, we are joined by Council
9 Members Koo, Barron, Treyger and Van Bramer. Today,
10 we will hold public hearings on two school site
11 selections. We will then vote on those items and two
12 landmark designations on which we held public
13 hearings last month. Finally, we will hold a public
14 hearing on an application for a site selection and
15 acquisition for a combined sewer overflow facility
16 for the Gowanus Canal Superfund Site. The two school
17 site selections we will hear are applications
18 submitted by the School Construction Authority
19 pursuant to Section 1732 of the New Yorkers School
20 Construction Authority Act. LU 39 is an application
21 for a proposed site selection for a new approximately
22 612-seat primary school facility known as PSQ 375 to
23 be located on Block 6, Lot 130 in the Borough of
24 Queens in Community School District 30.

25

LU 40 is an application for a proposed site selection for a new approximately 572-seat primary school facility known as PSQ 341 to be located on Block 6, part of Lot 60 also in the borough of Queens in Community School District 30.

Both sites are located in Council Member Van Bramer's district. Representations of the School Construction Authority will present both items today. We will then hearing testimony from the public on each item individually. If you would like to testify on these items, please see the sergeant-at-arms and fill out and appearance slip indicating the item on which you intend to speak. I would like to recognize Council Member Van Bramer at this time to give us his remarks.

COUNCIL MEMBER VAN BRAMER: Thank you very much, Madam Chair for allowing me to participate in your very important hearing today. These two schools are in my district. They are desperately needed and today marks a tremendous victory for the people, the families, the children of Long Island City and School District 30. By approving these two schools, we will be adding nearly 1,200 new seats in Long Island City. This is perhaps the fastest

1 growing neighborhood in the city of New York if not
2 the entire United States of America, but you cannot
3 have a healthy community without good schools and
4 without parents know that they will have a place to
5 send their children in their own neighborhood. So we
6 have had a crisis in and around this fast growing
7 part of my district. We are pushing incredibly hard
8 for even more schools, but by hearing this, by voting
9 this through and by beginning the process of building
10 these two new schools I know that parents and
11 families and in Long Island City will breathe a
12 little easier knowing that help is on the way, and I
13 want to thank in advance the committee for their
14 support and certainly the School Construction
15 Authority and those who are going to be testifying,
16 but these two schools long promised, long awaited it
17 is so important that we deliver on this promise to
18 the people of Long Island City, and it is my honor
19 and privilege to support this—these two applications,
20 and we need to make sure that we do right by the
21 families and children of Long Island City. This is a
22 great step in the right direction. So, I want to
23 thank the chair and the committee for allowing me to
24 be here today.
25

1
2 CHAIRPERSON ADAMS: Thank you very much,
3 Council Member. As a member, former member of
4 Community Board 12, past Education Chair, we know the
5 struggle of overcrowding in Queens especially in your
6 district. So, I am so happy to hear testimony about
7 this project, and we are always happy to see the
8 growth of our students throughout Queens and
9 throughout the city of New York. So, thank you very
10 much for being here today, and thank you for your
11 support. [coughing] Representatives from the SCA.
12 Kelly Murphy and Michael Mirisola. We're happy to
13 hear your testimony this afternoon. [pause] Okay,
14 before you begin, will you please raise your right
15 hands. Do you affirm to tell the truth, the whole
16 truth and nothing but the truth in your testimony
17 today before this committee, and in response to all
18 council member questions?

19 KELLY MURPHY: [off mic] I do.

20 CHAIRPERSON ADAMS: Thank you very much.
21 You may begin.

22 KELLY MURPHY: Okay. [pause] Is that on.
23 Okay, now it is. Sorry about that. Good afternoon.
24 Thank you for having us. As we said, we're here to
25

1 discuss two new primary schools in Long Island City.
2 The first is Q341, which is an approximate-

3
4 CHAIRPERSON ADAMS: [interposing] I have
5 to stop you for a second. Will you please identify
6 yourself for the record?

7 KELLY MURPHY: Oh, I'm sorry.

8 CHAIRPERSON ADAMS: Thank you.

9 KELLY MURPHY: Kelly Murphy, Director
10 Real Estate for the School Construction Authority.

11 MICHAEL MIRISOLA: [off mic] And I'm
12 Michael Mir-[on mic] I'm Michael Mirisola the
13 Director of External Affairs for the New York City
14 School Construction Authority.

15 KELLY MURPHY: Okay, so I'll go ahead.
16 [background comments]

17 MICHAEL MIRISOLA: Do you want me to make
18 a full screen?

19 KELLY MURPHY: Yeah, that would be nice.
20 Thank you. I should have done that. [pause] So,
21 this just to give you a general idea of where we are
22 with the southern part of the tip of Hunters Point,
23 the first school is located at Second Street and 54th
24 Avenue. This is part of a larger site. We will be
25 conducting the site text lot subdivision so the

1 outline in green is where the site will be. The
2 school more along 54th Avenue with the out grade of
3 play yard. This is just some photographs of the
4 site. You're looking at the school that we did.
5 That's three. Which one is that one Michael?

7 MICHAEL MIRISOLA: This is-

8 KELLY MURPHY: [interposing] We're
9 looking north at one of the new schools. Just some
10 visuals of the site. A lot-as you know, this was in
11 a vacant area, and it's part of the larger Hunter's
12 Point neighborhood, which is being graded with new
13 housing, a lot of affordable housing, parks,
14 waterfront access, new facilities, retail to support
15 this neighborhood. So, had to start off with
16 building the roads, sewers, drainage, you know, all
17 that. So, that's-for the first site, this is most
18 mostly done for Q341. So, that's just in the areas.
19 This is the program of requirements for the school.
20 It's a pre-K through grade 5. Some of the amenities
21 like reading resource room, our classrooms, music
22 rooms, and then the support mechanisms of medical
23 guidance. As I said, there's both a playground and
24 Early Childhood playground socialized, and this one
25 will also have the special education with these 75

1 seats, and the resources that go with that. And then
2 this is just a kind of early rendering of what the
3 school will look like. It's about 77,000 square
4 feet, and four stories. Let me get out of this one,
5 and let me get out of this one. Sorry, I did these
6 separate. I should have done it [laughs].

7
8 CHAIRPERSON ADAMS: [off mic] That's
9 okay.

10 KELLY MURPHY: And the next one. Hooking
11 up full screen. [background comments] Thank you, and
12 the second site is for Q375. This is an approximate
13 612 feet. Again, part of the larger Hunters Point.
14 This is at the south. Infrastructure is still being
15 worked on here as well, and the site—the textile
16 subdivision has already occurred on this site. So,
17 they do tests at 1:30 is what is here now. Again,
18 this is in the early images. They're actually
19 farther along than this. My understanding I think
20 May/June'ish they'll be finished with the
21 infrastructure work on this site. So this is just
22 some early images of what's going on there, and some
23 of the great views. This is, again, this is a Pre-K
24 through 5th Grade classroom, and this is some of the
25 amenities in the program requirements, and this is an

1 early rendering of the—of the school. So, now that
2 this is the technical piece in there. [laughs] Where
3 am I? So, both sites are owned by the city and are
4 currently vacant, and would be transferred
5 jurisdiction from Department Housing, Preservation
6 and Development to—to the SCA. The project was—the
7 site plan—the notice of site plan for both were
8 published in the New York and the city record on
9 September 25, 2017, and at which time Community Board
10 2 and Community Education Council 30 and the City
11 Planning Commission were notified of the proposed
12 site plans. Public hearing were hold—held on October
13 5, 2017, and at the Community Education Council on
14 October 24, 2017, and the City Planning Commission
15 both and they all submitted comments in support of—of
16 the schools. The SCA considered all comments that
17 was given, and each site plan is pursuant to Section
18 1731 of the Public Law—Authorities Law, and in
19 accordance with 1732 of the PAL, and the SCA
20 submitted the full site plans to the Mayor and City
21 Council on March 9, 2018, and we look forward to your
22 comments and questions. Thank you.

24 CHAIRPERSON ADAMS: Are there any
25 questions.

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AND MARITIME USES

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COUNCIL MEMBER VAN BRAMER: [off mic]

Yes.

CHAIRPERSON ADAMS: Council Member Van
Bramer we'll start with you.

COUNCIL MEMBER VAN BRAMER: Thank you.
Obviously, it's great news for our community that
these two new school are—are here today before this
committee. In terms of timeline moving forward,
obviously the Parcel F is very close.

KELLY MURPHY: Yes.

COUNCIL MEMBER VAN BRAMER: When—when do
you anticipate a shovel in the ground and—and
construction beginning?

KELLY MURPHY: Well, you know the
delivery date is September 2021.

COUNCIL MEMBER VAN BRAMER: Right.

KELLY MURPHY: This one, as you said is—
is much further along. We're just waiting for all
the—since it's a city site we kind of moved ahead on
a lot of these things further, you know, in design
and such, and it's bid.

COUNCIL MEMBER VAN BRAMER: Uh-hm.

KELLY MURPHY: So, I think it's more or
less we have to get the streets actually with the DOT

1 and then we can access the new streets to the site.

2 So, my understanding is that it will be some time in
3 the spring.
4

5 COUNCIL MEMBER VAN BRAMER: For
6 construction--

7 KELLY MURPHY: Yeah.

8 COUNCIL MEMBER VAN BRAMER: -to start on
9 it.

10 MICHAEL MIRISOLA: We're-we're probably-
11 we're bidding it and it will be awarded and, of
12 course, pending permits--

13 KELLY MURPHY: [interposing] Right

14 MICHAEL MIRISOLA: --which can take
15 three-about several months--

16 KELLY MURPHY: [interposing] Yeah.

17 MICHAEL MIRISOLA: --to get. So, one the
18 permits are all in place, we'll be-we'll start.

19 We're ready to start then

20 COUNCIL MEMBER VAN BRAMER: And Parcel C.

21 KELLY MURPHY: C is a little bit more
22 complicated. As you know, this site is over Amtrak
23 tunnels, and there's a building. So, there's a lot
24 of engagement with Amtrak. So, we're working on the
25 agreement with them of how-where we're digging and

1
2 their facilities and their building. So, we expect
3 to actually get that in place relatively soon, and
4 finish up design. My understanding it's still 2021
5 on this project.

6 MICHAEL MIRISOLA: We're—we're still it
7 calling 2021, but we're—it's—it's a little iffy--

8 KELLY MURPHY: [interposing] That's not
9 as firm because of the Amtrak.

10 MICHAEL MIRISOLA: [interposing] -and it
11 might be—it might be the—it might the following year.
12 We're just not sure. We'll be ready to from the
13 design point of view, and we'll be ready just to bid
14 the job. It's just waiting for other agencies and
15 Amtrak and all to fall in line.

16 COUNCIL MEMBER VAN BRAMER: Right. I
17 mean C has been delayed so much--

18 MICHAEL MIRISOLA: Uh-hm.

19 COUNCIL MEMBER VAN BRAMER: --for so long
20 because of these other issues--

21 MICHAEL MIRISOLA: [interposing] Yeah.

22 COUNCIL MEMBER VAN BRAMER: --and other
23 agencies and—and it's just really important. As you
24 know, we have a crisis in--

1
2 MICHAEL MIRISOLA: [interposing] Yes, we
3 do.

4 COUNCIL MEMBER VAN BRAMER: --in Long
5 Island City and Hunters Point. Obviously District 30
6 is one of the most overcrowded in the city of New
7 York. Great news that we're moving forward with
8 these two new schools. Obviously, it's significant
9 investment in the future of Long Island City, but we
10 cannot build them fast enough.

11 MICHAEL MIRISOLA: I know.

12 COUNCIL MEMBER VAN BRAMER: Thank you.

13 KELLY MURPHY: Thank you.

14 CHAIRPERSON ADAMS: Thank you. I'd like
15 to acknowledge that we have been joined by Council
16 Member Levin. Council Member Barron, a question?

17 COUNCIL MEMBER BARRON: Yes, thank you.
18 I have questions about the space within the schools.

19 MICHAEL MIRISOLA: Uh-hm.

20 COUNCIL MEMBER BARRON: Cafe—the term
21 cafetorium is becoming quite popular meaning it's a
22 space that serves as a cafeteria, as a gymnasium, as
23 a an auditorium and, in fact, when I was principal at
24 PS81, that was what I on the south side of my
25 building, one huge space, which is separated by

1
2 dividers. There were fixed seats for the auditorium,
3 but if we needed more seating we could open the
4 folding doors and add more chairs in what was the
5 gym, and then on the other side of that was the
6 cafeteria. What are the facilities that are designed
7 for these two schools?

8 KELLY MURPHY: Do you want to back up to
9 the—the system 375. This one.

10 MICHAEL MIRISOLA: This is 375?

11 KELLY MURPHY: 375.

12 MICHAEL MIRISOLA: So, 375 is the—it's
13 what we call Parcel F. So you can see a—so we have—
14 as you can see for Pre-K for kindergarten 20 standard
15 classrooms. CSD those are special education rooms
16 that the district handles, and we have two of those.
17 Reading resource rooms. We have the art classrooms,
18 and music classroom with instrument storage, a
19 science resource room, health instruction. We're
20 calling it a gymnatorium here, and that is a—a space,
21 a public assembly space that can be—can double as a
22 gymnasium and an auditorium, and so the library, of
23 course, a guidance suite, medical suite,
24 administrative suite, parent room, a full

1 kitchen/cafeteria and staff lunchroom and, and of
2 course, the playground at grade. (sic)

3
4 COUNCIL MEMBER BARRON: And for the other
5 schools?

6 MICHAEL MIRISOLA: Okay.

7 KELLY MURPHY: I can to go that one.
8 I'll get out of this site. I don't know how to do
9 it. [background comments]

10 MICHAEL MIRISOLA: Okay, one more. So,
11 this school has—is very similar. The four pre-K, the
12 four kindergarten 15 standard classrooms. Again,
13 this has three—oops. We don't need that. We can do
14 it.

15 KELLY MURPHY: Yes.

16 MICHAEL MIRISOLA: Three special ed
17 class—education classrooms, a reading resource room,
18 an art classroom, a music classroom, a science room,
19 a health instructor's room. Again, another
20 gymnasium, a library, guidance suite, medical
21 suite, administrative suite, kitchen cafeteria staff
22 lunch room and two playgrounds, a general playground
23 as well as an

24 COUNCIL MEMBER BARRON: Early Childhood
25 playground. In addition in this building there will

1 be the District 75 children. Will have their own
2 floor with eight classrooms, and each one of those
3 classrooms will its own toilet, a two speech rooms,
4 three guidance rooms and two guidance offices. There
5 will be occupational therapy, supervisory changing
6 rooms, and a multipurpose room. They'll also have
7 access to the gymnasium. A physical therapy room
8 and their own main office. 17:22

10 KELLY MURPHY: And both schools have at-
11 grade sliding areas. (sic)

12 MICHAEL MIRISOLA: Yes.

13 KELLY MURPHY: Early Childhood and
14 regular playgrounds.

15 COUNCIL MEMBER BARRON: Thank you, thank
16 you Madam Chair.

17 CHAIRPERSON ADAMS: Thank you. Council
18 Member Treyger a question?

19 COUNCIL MEMBER TREYGER: Thank you, Chair
20 Adams and congratulations to my colleague Council
21 Member Van Bramer for championing this issue for his
22 district. I-I love the news of building new schools.
23 That's-that's always a great thing. Just to-first
24 off, I-I have never heard of a gymnasium before.
25 This is a new term, and I was a teacher. So, and I'm

1 I guess just—I guess a little bit concerned or making
2 sure that students have adequate opportunities to,
3 you know, have gym time, physical education, and
4 also—but also perform and practice for performances
5 at auditoriums or parent assembly meetings. So, I’m—
6 this is a new term that I—I—I’m going to have to kind
7 of dig deeper with, with DOE and SCA. I—I also have
8 a question about is—are the schools being equipped
9 with central air?
10

11 MICHAEL MIRISOLA: Yes. All of our
12 schools are fully air conditioned and fully handicap
13 accessible as well.

14 COUNCIL MEMBER TREYGER: Well, that’s
15 good, but central air, right?

16 MICHAEL MIRISOLA: Central air
17 conditioning.

18 COUNCIL MEMBER TREYGER: And so, and—and
19 I do appreciate that and note that for the record
20 many schools are not equipped with central air.

21 MICHAEL MIRISOLA: Uh-hm.

22 COUNCIL MEMBER TREYGER: And—and that is
23 why this becomes a major, major I think public health
24 issue and an equity issue particularly in communities
25 that I represent and others that do not have adequate

1 air ventilation. Does the vent--does the central air
2 also extend into the cafeteria?
3

4 MICHAEL MIRISOLA: Yes.

5 KELLY MURPHY: Yes.

6 COUNCIL MEMBER TREYGER: That's very
7 important--

8 MICHAEL MIRISOLA: Yes.

9 COUNCIL MEMBER TREYGER: --where
10 children, you know, eat and--and workers serve food as
11 well, which is we've heard that Labor as well.

12 Alright, I--I thank the Chair for her time.

13 CHAIRPERSON ADAMS: Thank you very much.

14 Are there any more questions for the panel? I'd like
15 to recognize Council Member Miller. [pause]

16 CHAIRPERSON ADAMS: Okay, thank you very
17 much.

18 KELLY MURPHY: Thank you.

19 CHAIRPERSON ADAMS: You may step down.

20 Thank you. Are there any members of the public that
21 wish to testify on these items today? If so, please
22 see the sergeant-at-arms. If none?

23 FEMALE SPEAKER: Yes.

24 CHAIRPERSON ADAMS: Okay, we'll wait for
25 you. [pause] Ms. Karen Blondel.

1
2 KAREN BLONDELL: Thank you.

3 CHAIRPERSON ADAMS: Please state up.
4 Thank you very much.

5 KAREN BLONDEL: I'm Karen Blondel, and I
6 work with the Environmental Justice Group. I'm
7 actually here for something else, but I do know what
8 a gymnasium is, and we use them quite frequently in
9 Brooklyn and there is one issue with that and that's
10 the noise. So, sometimes they'll have like an after
11 school program going on in the school gymnasium but
12 other business going on in the auditorium, and maybe
13 they could, you know, just consider the noise because
14 it's really hard to hear in a gymnasium—in the
15 auditorium when there's active recreation going on in
16 the gym part. So, I just wanted to raise that issue.

17 CHAIRPERSON ADAMS: We appreciate that
18 very much. Thank you.

19 KAREN BLONDEL: You're welcome.

20 CHAIRPERSON ADAMS: You may step down.
21 Thank you. [background comments] Okay, seeing no
22 other members of the public who wish to testify
23 [background comments, pause] the hearings on LUs 39
24 and 40 are now closed. In addition to these site
25 selections, we will vote on two landmark designations

1 that we heard at our meeting on February 6th. The
2 first of these landmark designations is LU 21, the
3 Samuel H. and Mary T. Booth House, a wood frame house
4 designated in the stick style located at 30 Centre
5 Street on City Island in the Bronx. The second
6 designation is LU 22, the Sears Roebuck produced
7 Stafford Osborn house located 95 Pell Place also on
8 City Island in the Bronx. Both houses are located in
9 Council Member Gjonaj's district who opposes these
10 designations. Council Member Gjonaj is unable to be
11 here today, but he has submitted a statement for the
12 record. I now move to approve the school site
13 selections, LUs 39 and 40 with the support of Council
14 Member Van Bramer, and in accordance with Council
15 Member Gjonaj's position to disapprove the
16 designations LU 21 and LU 22 as historic landmarks.
17 Counsel, please call the roll.

19 LEGAL COUNSEL: Adams.

20 CHAIRPERSON ADAMS: Aye.

21 LEGAL COUNSEL: Barron.

22 COUNCIL MEMBER BARRON: Permission to
23 explain my vote.

24 CHAIRPERSON ADAMS: Yes.

1
2 COUNCIL MEMBER BARRON: My question is
3 what do the owners of these properties, what's their
4 position? Do we know what the owners want?

5 CHAIRPERSON ADAMS: Yes we do. Council
6 Member Gjonaj his—his letter indicates and his
7 feelings indicate that he opposes the designations
8 because the owners approve—disapprove the
9 designation.

10 COUNCIL MEMBER BARRON: Okay, thank you.
11 I vote aye on all.

12 LEGAL COUNSEL: Koo.

13 COUNCIL MEMBER KOO: [pause]

14 COUNCIL MEMBER BARRON: Correction, if I
15 may.

16 CHAIRPERSON ADAMS: Yes.

17 COUNCIL MEMBER BARRON: I vote aye for
18 the school construction and I vote no on the request
19 for landmark status for LU 21 and 22.

20 CHAIRPERSON ADAMS: Okay, the vote is to
21 disapprove.

22 COUNCIL MEMBER BARRON: Okay, I vote aye
23 on all.

24 CHAIRPERSON ADAMS: Thank you. [laughter]
25

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2 COUNCIL MEMBER KOO: [off mic] I vote aye
3 on the school construction-[on mic] I vote aye on
4 the school construction and no to the Samuel and Mary
5 Booth House-

6 LEGAL COUNSEL: Council Member, just to
7 clarify a vote to approve is a vote to approve the
8 schools and to approve the Landmarks.

9 COUNCIL MEMBER KOO: [interposing] Oh,
10 okay, I see.

11 LEGAL COUNSEL: So, a vote of aye.

12 COUNCIL MEMBER KOO: [interposing] I vote
13 aye on all, yeah.

14 LEGAL COUNSEL: Okay.

15 COUNCIL MEMBER KOO: Thank you.

16 CHAIRPERSON ADAMS: Thank you.

17 LEGAL COUNSEL: Miller.

18 COUNCIL MEMBER MILLER: Permission to
19 explain.

20 CHAIRPERSON ADAMS: Yes.

21 COUNCIL MEMBER MILLER: Thank you, Madam
22 Chair. Well, I think that-I believe that it is so
23 important that we maintain the integrity and-and
24 values of New York City, which seems to be getting
25 away from us and that landmarks plays a very

1 important role in doing so. I am inclined as is the
2 Council Member not to support the City Island
3 proposal, which I know is the vote, but I just want
4 to put it on the record that I struggle with this,
5 but this is not a community that I know enough about,
6 the history and the tradition that is trying to be
7 preserved by government on one hand, and so I will
8 rely on the member and the communities and this
9 expertise on this one. For that reason, I vote aye
10 on all.
11

12 LEGAL COUNSEL: Treyger.

13 COUNCIL MEMBER TREYGER: Aye.

14 LEGAL COUNSEL: By a vote of 5 in the
15 affirmative, 0 in the negative and 0 abstentions, the
16 motions to approve LUs 39 and 40 and to disapprove
17 LUs 21 and 22 are recommended to the full Land Use
18 Committee. [background comments]

19 CHAIRPERSON ADAMS: Yes, Council Member
20 Barron.

21 COUNCIL MEMBER BARRON: Yes, just one
22 further comment. I just want to say I do appreciate
23 the historic work that was done in terms of LU 21 and
24 22 and the highlights in the report which references
25 the fact that this property particularly LU 21 was,

1 in fact, owned by those who did own other people and
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enslave them, and I appreciate the fact that that
history is recorded, and I think we need to make sure
that we always make sure that we make note of that
kind of history. Thank you.

CHAIRPERSON ADAMS: I agree and thank
you. The last item we will hear today is LU 38 the
Gowanus Canal CSO an application submitted by the New
York City Department of Environmental Protection and
the Department of Citywide Administrative Services
pursuant to 197-c of the New York City Charter for
the site selection and acquisition of property
located at 234 Butler Street, 242 Nevins Street and
270 Nevins Street Block 411, Lot 24, Block 418, lot
1, Block 425 , Lot 1 for a combined sewer overflow
facility to reduce the volume of sewer overflows
entering the Gowanus Canal. The site is located in
Community District 6 in Council Member Levin's
district. Speakers for this panel: Alicia West,
Department of Environmental Protection; Kevin Clarke,
Department of Environmental Protection; and Terrell
Estesen? Close? New York City Department of
Environmental Protection. Thank you. Please raise
your right hands. Do you affirm to tell the truth,

1 the whole truth and nothing but the truth in your
2 testimony before this committee, and in response to
3 all council member questions?
4

5 ALICIA WEST: Yes.

6 KEVIN CLARKE: Yes.

7 TERRELL ESTESEN: Yes.

8 CHAIRPERSON ADAMS: Thank you very much.

9 You may begin and please remember to state your name
10 for the record.

11 ALICIA WEST: Is this on? Okay. Good
12 morning Council Members and Chair. My name is Alicia
13 West, Director of Public Outreach for the Department
14 of Environmental Protection's Bureau of Public of
15 Public Affairs. I'm joined today by my colleagues
16 from DEP's Bureau of Engineering, Design and
17 Construction, Kevin Clarke and Terrell Estesén from
18 the Bureau of Environmental Planning and Analysis.
19 So, we're pleased to be here to present to you our
20 ULURP application for acquisition and site selection
21 for the Gowanus combined sewer overflow facility. A
22 little history. After the Gowanus Canal was
23 constructed in the 1860s, it quickly became one of
24 the nation's busiest industrial waterways serving
25 heavy industries including chemical plants, oil

1 refineries and premanufactured gas plants. In 2010,
2 the US EPA designated the Gowanus Canal a superfund
3 site identifying as number of potential responsible
4 parties including New York City and National Grid.
5 The EPA has required the city to remediate petroleum
6 based contaminants at the canal, and reduce combined
7 sewer overflows, which we call CSOs for short--and
8 you'll hear that a bunch--into the canal. So, the
9 project we're here today to discuss will continue our
10 agency's work to limit CSOs into the canal by
11 constructing two underground tanks and associated
12 head houses to intercept and store combined overflows
13 during wet weather events. The two sites are shown
14 here on this map are the head end. The first is at
15 the head end of the canal, which will accommodate and
16 8 million gallon tank, and at the bend of the canal
17 we this this Owls Head Facility, which will have a
18 four million gallon tank. Both sites will have above
19 ground structures to house, pumps, screens,
20 electrical equipment and important odor control. So
21 the ULURP Application we're pursuing currently is for
22 the site selection and acquisition of the head end
23 site, which includes three privately owned parcels
24 namely 242 Nevins, Block 418 Lot 1 and 234 Butler
25

1 Street, Block 411, Lot 24 and 270 Nevins Street,
2 which is Block 2—sorry—425, Lot 1. 270 Nevins will
3 be leased as a construction staging site. So,
4 following certification of the ULURP application by
5 the City Planning Commission in September, DEP has
6 presented to the Community Board and the Borough
7 President's Office and received recommendations of
8 approval with conditions. City Planning approved the
9 application on February 14th. The ULURP for the Owls
10 Head site will follow, but that's on a separate
11 schedule. We will also be remapping portions of
12 Douglas Street and Fifth—and Fifth Street that run
13 through these sites. This is really just a matter of
14 cleaning up the city map there. Sort of what's
15 called paper streets. They don't really exist.
16 They're just on the map. So, I am going to now throw
17 it over to Kevin to speak a little bit about site
18 selection. Hi.

20 KEVIN CLARKE: My name is Kevin Clarke
21 with the New York City DEP's Bureau of Engineering
22 Design and Construction. So, at the beginning of the
23 project we conducted a very structured and objective
24 siting study to identify the best location for the
25 construction of the CSO facility. The RH-03 site,

1 which is what, which is the site that we're here to
2 discuss today was ranked number 1 out of that siting
3 study, RH-04, which is the Thomas Green Park just
4 across the street on Nevins Street, and was ranked
5 number 2 and parcel 1 is the staging area, which will
6 be leased during construction to support the
7 construction of this facility. The city fought
8 really hard to avoid building this facility on the
9 park property as it would disrupt this important
10 community resource in an already open space starved
11 neighborhood. The EPA does, however, retain the
12 right to force the city to build in the park should
13 of the scheduled milestones be missed. Those are
14 design milestones, property acquisition milestones
15 and some construction milestones. Next slide.
16 Zooming on the head—the head end side of it, here you
17 can see the canal, the park in green, DEP's pumping
18 station in red there's an existing facility there.
19 There's a wastewater pumping station and the Gowanus
20 Canal Flushing Tunnel Pumping Station in that
21 location, and the—the—the site that we're looking to
22 acquire is delineated by the dotted red line. RH-03
23 site was selected because of its advantageous
24 proximity to the RH-03 out—I'm sorry, RH-034 Outfall.
25

1
2 In order to abate the CSO discharges at that outfall,
3 the flow must be intercepted prior to the outfall and
4 directed to the new CSO facility. This location
5 significantly reduces the—the length that the large
6 influent conduit—conduits that would have to be
7 constructed in order to direct that flow into the
8 facility and all of the impacts, the construction
9 impacts associated with that construction. With this
10 location, we are able to keep that intrusive and
11 disruptive construction out of the utility congested
12 streets. There are several other pluses with the
13 site as well. Operationally, it allows us to service
14 the facility through out existing driveway at the
15 neighboring pumping station, which is located on
16 Butler Street. It allows for shorter construction
17 period, and as you will see in the coming slides,
18 rather than disrupt and alien—alienated parkland, if
19 we were to build it in the Thomas Greene Park. It
20 allows us to provide a significant net increase in
21 open space with waterfront access that will be made
22 accessible to the public following construction of
23 the facility. Throughout the siting study process
24 and the ongoing community engagement that has been
25 tremendous support for this project, the improvement

1 in water quality that is going to result from it, and
2 for building the project in the site adjacent to the
3 canal rather than building it in Thomas Greene Park.
4 And I'm going to turn it back over to Alicia.

5
6 ALICIA WEST: So, members of the Council
7 and City Planning, we've been doing a lot of great
8 work with Gowanus community as a part of the
9 Neighborhood Planning Study and DEP has been working
10 with them on that effort since the beginning. The
11 Planning city has been a really helpful touchstone
12 for us and the Project Team has really taken to heart
13 a number of the recommendations that have been made.
14 We have a truly great design team on board, members
15 of whom are very familiar with this neighborhood, and
16 then architecture really is incredibly adept at
17 creating buildings that work within a neighborhood's
18 design vocabulary, but in a contemporary way. So, I
19 have a few slides to sort of give you a conceptual
20 sense of what we'll be building here. So, here you
21 can see the conceptual layout for the head end site.
22 The head house is located at the north-northern end
23 of the tanks here, and the tanks run below ground to
24 the south. As we mentioned the site will allow us to
25 provide a public open space for past recreation on

1 tops of the tanks, and also a waterfront esplanade,
2 which we hope will set the tone for future waterfront
3 development. This conceptual rendering provides a
4 sense of the massing of the head house here, and the
5 extent of the open space. Our design teams is
6 working very carefully to ensure that the structure
7 fits in with the surrounding neighborhood character.
8 You can see how the massing of the building is broken
9 down, and at the highest roofline point align with
10 the building across Butler Street, which is the old
11 publishing plant. [coughs] We've conducted a
12 careful Environmental Impact Statement or EIS, which
13 is identified the potential impacts in historic
14 resources and construction noise categories. Three
15 properties on our proposed project site were
16 identified as being contributing to the National
17 Register Eligible Gowanus Canal Historic District.
18 There are a 270 Nevins, 242, 244 Nevins and 234
19 Butler shown here on this map. There has been a lot
20 of interest in the former Gowanus Station Building at
21 234 Butler, and through our public outreach we are
22 aware that some folks in the community feel really
23 strongly about this building. We have been and will
24 continue to coordinate with the EPA and the State
25

1
2 Preservation Office, SHPO, which has oversight on-of
3 the eligible district. SHPO has agreed that due to
4 the structural conditions of this building and the
5 large scale excavation required to build the tanks
6 and also the operational needs of the facility, there
7 is not alternative to demolition. However, we expect
8 to enter into a memorandum of understanding with
9 them. Memorandum of agreement, excuse me, with them,
10 an MOA, with the EPA and SHPO to determine the
11 appropriate mitigation to mitigate-to minimize the
12 effects on the eligible historic district. So, this
13 could include documentation of the building,
14 interpretive graphics, salvaging architectural
15 elements for reuse, and members of the Gowanus
16 Superfund Community Advisory Group will be
17 contributing their comments to SHPO in a couple of
18 months. So, I have a few photos of the properties
19 identified by SHPO. [pause] So, the EIS also
20 identified potential impacts with archeological
21 artifacts, and we're working the Landmarks
22 Preservation Committee and SHPO to formulate a
23 mitigation plan for that should any artifacts be
24 identified. EIS generally found that the
25 construction would not present an adverse noise

1 impact. However, give the duration and the intensity
2 of construction, noise levels at two residences at
3 282 and 285 Niven Street are predicted to result in
4 temporary significant adverse noise impact. We are
5 working on a larger construction mitigation plan to
6 lessen all impacts with construction. And finally,
7 just a little bit about our schedule. Construction
8 of the head end facility is divided into three
9 construction phases to facilitate the sequencing of
10 work and the construction activities by other. Our
11 construction activities at the head end facility are
12 expected to take approximately seven years, with some
13 additional time expected to be required for site
14 remediation by National Grid. Our team has worked
15 really hard on the sequencing, and is coordination
16 closely with the EPA and National Grid to ensure that
17 these milestones are met. As Kevin mentioned
18 earlier, should we miss a deadline, the EPA does
19 retain the right to make us build on Thomas Green
20 Park, which again, the city feels would be a real
21 hardship on this community that's already starved for
22 green space. So, that is our presentation and we're
23 happy to answer any questions that you may have.
24
25

1
2 CHAIRPERSON ADAMS: Okay. Thank you.
3 I'm going to reserve my questions because I want to
4 hear from my colleagues. I'd like to acknowledge
5 that we've been joined by Council Member Yeger.
6 Okay, we have questions from Council Member Levin.

7 COUNCIL MEMBER LEVIN: Thank you very
8 much, Chair. Thank you very much for the
9 presentation. So, the first question is what's
10 bigger and \$8 million or an 8 million gallon CSO tank
11 or a gymnatorium. [laughter]

12 ALICIA WEST: I think our tank.
13 [laughter]

14 COUNCIL MEMBER LEVIN: Okay. How many
15 gymnatoriums is in an 8 million gallon CSO tank?

16 ALICIA WEST: I don't know.

17 COUNCIL MEMBER LEVIN: Maybe it will
18 double. It's-it's-I'm half joking. This is a very
19 large siting if you just put that into some kind of
20 context. That's-that's what the-the EPA is requiring
21 DEP to do is to site facilities that can hold
22 literally 8 million gallons of-of storm water runoff
23 so that it does not go into the-to the Bronx Canal,
24 and that's to ensure that long-term CSOs are brought
25 down. Just actually for a further context, even once

1 you build this how many CSO events will you have in
2 Gowanus approximately per year?

3
4 KEVIN CLARKE: Sure. So, RH-034 is the
5 largest outfall in the Gowanus Canal. It currently
6 discharges about 137 million gallons of CSO into the
7 canal each year. After the tank is construction that
8 would be reduced to about 33 million gallons a year,
9 and—and about six events. So, we're going from about
10 40 events that total 137 million gallons to six
11 events that would total 33.

12 COUNCIL MEMBER LEVIN: And so, explain a
13 little bit about what that would mean environmentally
14 for the Gowanus Canal.

15 KEVIN CLARKE: So, following the upgrades
16 of the wastewater pumping station, and the Gowanus
17 Canal flushing tunnel, the canal actually does meet
18 current water quality standards. However, the CSO
19 reductions will only further help reduce bacterial
20 counts, and reduce solids, improve clarity. In
21 addition, the CSOs that will continue to discharge to
22 the canal will actually pass through the tank and,
23 therefore, receive some additional treatment that is
24 screening of any solid material that's in that—in

1 that flow as well as some settling that would occur
2 as the—as the flow passes through the tank.
3

4 COUNCIL MEMBER LEVIN: What do you
5 predict is the overall budget for this project?

6 KEVIN CLARKE: So, the total program for
7 the canal that includes both CSO facilities is about
8 \$1.2 billion. That includes the construction of the
9 two facilities, property acquisition and all soft
10 costs that's, you know, planning, design,
11 construction and management costs.

12 COUNCIL MEMBER LEVIN: How much for this
13 particular facility?

14 KEVIN CLARKE: It's a little over \$500
15 million.

16 COUNCIL MEMBER LEVIN: How much of that
17 do you predict is going to go to site acquisition
18 versus capital construction?

19 KEVIN CLARKE: Site acquisition for the
20 entire program is about \$190 million. At the head
21 end we estimate it's about \$90 million.

22 COUNCIL MEMBER LEVIN: \$90 million. So—
23 so then, over \$400,000 just for the construction of
24 the tanks?

25 KEVIN CLARKE: Right.

2 COUNCIL MEMBER LEVIN: This tank--

3 KEVIN CLARKE: That's right.

4 COUNCIL MEMBER LEVIN: --just this tank.

5 KEVIN CLARKE: That's right.

6 COUNCIL MEMBER LEVIN: I think it's
7 illustrative because early on the prediction that you
8 were getting from the EPA was far short of that,
9 correct?

10 KEVIN CLARKE: \$77 million for the entire
11 program.

12 COUNCIL MEMBER LEVIN: Okay, including
13 both CSO facilities?

14 KEVIN CLARKE: Yes.

15 COUNCIL MEMBER LEVIN: So, \$77 million to
16 now predicted to be \$1.1 billion.

17 KEVIN CLARKE: Yes. \$1.2.

18 COUNCIL MEMBER LEVIN: You know,
19 obviously the city is--as a--right the--I mean the city
20 is a--a PRP in the Gowanus Canal Superfund, and it is
21 required under federal law to be doing all of this,
22 but it's a--it's a remarkably expensive endeavor, and
23 a huge endeavor, and I think that needs to be put
24 into some kind of context, and the property
25

2 acquisition is going to be either through acquisition
3 and eminent domain? Is that correct?

4 KEVIN CLARKE: That's correct.

5 COUNCIL MEMBER LEVIN: Just for the
6 record there's a current use on one of the sites as a
7 film studio that's done a significant amount of
8 capital investment of their own on their site. Can
9 you talk a little bit about—I don't know if you can
10 answer this, but what—what the city is—has the city
11 been engaging with them?

12 KEVIN CLARKE: So, the DEP is working
13 with its partner the Economic Development Corporation
14 to—we're basically working on a relocation scheme for
15 Eastern Effects.

16 COUNCIL MEMBER LEVIN: Okay, and what—if
17 this were to not work and you were forced to look at
18 RH-04 as a site, which is the Thomas Green Park, just
19 also for the record Thomas Green Park is—is—is kind
20 of broken down into two halves. You have one half as
21 an active and passive use park and—and then the site
22 closer to the canal, the portion of the park plus the
23 canal is actually a Moses Era swimming pool that is
24 used currently. It happens to be on top of a coal
25 tar deposit that is the responsibility ultimately of

1 National Grid inheriting that responsibility, keeps
2 inheriting that responsibility from Brooklyn Union
3 Gas to-to-to eventually do that cleanup. The EPA was
4 ultimately-first was looking at that site as the-as
5 the preferable site. What-what would it look like if
6 you were to-what would the park look like at the end
7 of the day if you were to site these-this 8 million
8 gallon tank, you know, know the multiple gymnasium
9 on that site.
10

11 KEVIN CLARKE: So, EPA's recommendation
12 to build it at the-at-to build the tank at the park
13 site I think was a simplistic view that National Grid
14 would have to dig this big hole in order to remediate
15 the park to clean up that coal tar and the we could
16 just simply come along and construct the tank. It's
17 just that, you know, it was a little overly
18 simplistic. We can't build the-the tank there. It
19 significantly changes the-the design of the tank.
20 It's a lot more expensive for a couple of reason.
21 First of all, the conduits that we would have to
22 construct to carry the flow from RH-034 to the park
23 and then conduit from the tank back out to the-to the
24 canal. They've become a lot longer. Very difficult
25 to construct the gape, the streets are very congested

1 with-with utilities. So, there's a lot of costs
2 there. In addition, some other complicating factors
3 in the park. We would try hard to reduce the
4 footprint of the tank, but then in order to provide
5 that same value we've got to go deeper. And as you
6 go deeper, the construction more complicated, you
7 will also likely run into some more to more
8 contaminated material. In addition, we would have to
9 somehow rebuild the park as much as we can. However,
10 in order to support the tank there is a super
11 structure that is required to house pumps and screens
12 and electrical mechanical equipment to support the
13 tank, odor control. That sort of thing, and that way
14 that-that building would have to be also located in
15 the park and, therefore you're reducing the amount of
16 park space that's left behind one the tank is
17 constructed.

19 COUNCIL MEMBER LEVIN: Can you give a
20 cost estimate of what it would-what the overall cost
21 would be for this site if you were to do it on RH-04?

22 KEVIN CLARKE: Yes, absolutely. It's
23 about \$100 million more.

24 COUNCIL MEMBER LEVIN: More. Okay, so-so
25 it's-it's ultimately more expensive.

2 KEVIN CLARKE: Yes.

3 COUNCIL MEMBER LEVIN: And just to be
4 clear, the—the consent agreement with—between
5 National Grid is on governing for manufactured gas
6 sites as with New York State Department of
7 Environmental Conservation. That's superseded by in
8 this instance. Is that correct?

9 KEVIN CLARKE: That's right.

10 COUNCIL MEMBER LEVIN: Right. So, and E—
11 so, and this is all for the record. I think it's
12 just good to make sure that this is out there, and
13 this is my understanding that DEC is—has—has said
14 that the actual pool itself, the concrete pool is an
15 appropriate barrier for—for the coal tar to prevent
16 that from additional seepage into the pool itself,
17 and so from—from DEP's perspective at least my
18 understanding has been that they don't—they don't
19 require National Grid to do remedial efforts at this
20 time. However, because of Superfund and because EPA
21 is looking at the leaching of coal tar the navigation
22 of coal tar to—to the canal itself. They are
23 requiring National Grid to remediate the—the
24 contamination. Is that right?

2 KEVIN CLARKE: That's right. So,
3 regardless of where the tank is constructed, EPA
4 plans to force National Grid to clean up the park.

5 COUNCIL MEMBER LEVIN: Uh-hm.

6 KEVIN CLARKE: We are aware only of a
7 draft consent order to National Grid, or it could be
8 a unilateral order. That order has not been issued
9 yet, but we are aware that they are actively
10 negotiating that order.

11 COUNCIL MEMBER LEVIN: And National Grid
12 would be required then to replace the pool in kind
13 and not—and not the city.

14 KEVIN CLARKE: That's right.

15 COUNCIL MEMBER LEVIN: So, then—so then,
16 right, so the—the cost of that reconstruction is nor
17 borne by New York City taxpayers. It's borne by rate
18 payers, but it's not the taxpayers. On—so that's
19 helpful to know certainly around the cost estimates
20 that you have drawn up. On the—the—the northern end
21 of the RH-03 site, along Butler Street, is there any
22 opportunity to increase public access beyond what's
23 in the current proposal so that, you know, there—
24 there's a—for instance there's a—a building that
25 is—well, it's not actually on—it's not on the RH-03

1 site, but it's on-closer to the small little kind of,
2 I think you could see it. It's-it's on the-the-the
3 western side of the canal at the edge there. You
4 know, allowing for that to have kind of public
5 continuous access to the-the public areas that will
6 be open on top of-on top of the tanks?
7

8 ALICIA WEST: So, you're-I think you're
9 referring to through the DEP's pump station, which is
10 here in red at the head of the canal.

11 COUNCIL MEMBER LEVIN: Yeah, I mean
12 there's the pump station and then there's this
13 little, there's actually this tiny little building--

14 KEVIN CLARKE: [interposing] Yeah.

15 COUNCIL MEMBER LEVIN: --that looks like
16 a little kiosk.

17 KEVIN CLARKE: The gate house.

18 COUNCIL MEMBER LEVIN: The gate house, I
19 guess.

20 ALICIA WEST: Yes, the gate house. So,
21 we've definitely been taking a look at what can-can
22 be provided at the head end of the canal. We do-this
23 is an operational facility and there's a lot of
24 complicated stuff that goes on there. So, it's-
25 we're-we're taking a look at it--

2 CHAIRPERSON LEVINE: Uh-hm.

3 ALICIA WEST: --but, you know, we've got
4 a very large crane that is very much in the way.

5 CHAIRPERSON LEVINE: Okay. Something
6 maybe to just think about as this process movers
7 forward about kind of—I mean with the—with the goal
8 being how do we have as much public access. I mean
9 once this canal is fully cleaned, people should be
10 able to—be able to have access to it. And then in
11 terms of—in terms of design, I just want to talk a
12 little bit about how you're approaching the design of
13 the actual head house facility.

14 ALICIA WEST: Sure.

15 COUNCIL MEMBER LEVIN: It's going to be
16 the public facing portion of this, the non-
17 underground portion of this endeavor.

18 ALICIA WEST: So, here is just a
19 reference slide. So the head house just as a
20 reminder, this is where all the combined sewage is
21 coming through, and it's screened with these very,
22 very large screens, and with that odor control in
23 here and electrical and all of that good stuff. So,
24 the facility is very technically complicated, but we
25 have a really fabulous design team including

1 wonderful engineers, and wonderful architects, so,
2 with architects who are working with us on this. This
3 is a facility that is very much going to be in the
4 public eye, and it is nestled into this community,
5 and so it's really been a priority for us to ensure
6 that what gets built here is attractive, but also
7 respectful of the character of the neighborhood, and
8 really provides, you know, really is absolutely not
9 an eyesore of, you know, of-of industrial facility.
10 So, that-that is the goal, and then in addition to
11 that we also have the opportunity to provide the
12 public open space, and, you know, as we said, access
13 to the canal as an-as an esplanade.

14
15 COUNCIL MEMBER LEVIN: Just so that
16 everybody knows, when you say screens, you literally
17 mean screens that--

18 ALICIA WEST: [interposing] I don't like
19 that--

20 COUNCIL MEMBER LEVIN: -- catch toilet
21 paper, right?

22 ALICIA WEST: Like a giant--

23 COUNCIL MEMBER LEVIN: [interposing] And
24 other things.

25

1
2 ALICIA WEST: A giant sieve, right. So,
3 because it's like a flattened out spaghetti strainer.
4 You know, we're pulling out water bottles, tree
5 branches, flushable wipes are a big problem for us--

6 COUNCIL MEMBER LEVIN: Uh-hm.

7 ALICIA WEST: --or non-flushable. They
8 are not.

9 COUNCIL MEMBER LEVIN: Right, right,
10 right, right. A misnomer.

11 ALICIA WEST: Right.

12 KEVIN CLARKE: Any trash that gets washed
13 off the street.

14 ALICIA WEST: Any trash that gets washed
15 off the street.

16 COUNCIL MEMBER LEVIN: Because it's
17 combined sewer.

18 ALICIA WEST: Combined sewer.

19 COUNCIL MEMBER LEVIN: Everybody
20 understands what combined sewer is.

21 ALICIA WEST: Right it's everything.

22 COUNCIL MEMBER LEVIN: It's everything.
23 Everything combined.

24

25

1
2 ALICIA WEST: It's everything. It's
3 everything that goes down the toilet, plus everything
4 goes into a catch basin on the street.

5 COUNCIL MEMBER LEVIN: And then there's
6 guy that works for DEP that's sitting there scraping
7 it clean, right?

8 ALICIA WEST: We have a little more
9 technical events than that. At his point, we're--
10 we're very--

11 COUNCIL MEMBER LEVIN: [interposing]
12 That's why they have the Newtown Creek. I saw it at
13 the Newtown Creek a couple of years ago.

14 ALICIA WEST: The screens have basically
15 this big rake pulls--

16 COUNCIL MEMBER LEVIN: [interposing] Okay.

17 ALICIA WEST: --the stuff out and
18 deposits it onto a conveyor belt and then that's put
19 into a container and then that is taken off site.

20 COUNCIL MEMBER LEVIN: Okay, okay. That's
21 just so everybody knows that's what happens.

22 ALICIA WEST: That's what's going on so--

23 COUNCIL MEMBER LEVIN: For the--the public
24 access portion. So, the park for--for lack of a
25

1 better word. So this is going to be a DEP park. This
2 is in the main New York City Parks Department park.

3
4 ALICIA WEST: We are going to retain
5 ownership of the property. However, we've been
6 working really closely with the Parks Department and
7 we, you know, to design this as a space that they are
8 capable of maintaining.

9 COUNCIL MEMBER LEVIN: Uh-hm.

10 ALICIA WEST: We hope to have an MOU
11 signed with them, but it has to happen a little bit
12 further along once we own the property. [laughs]

13 COUNCIL MEMBER LEVIN: Okay, to get that
14 MOU.

15 ALICIA WEST: Yes, for—we have been very
16 respectful of their needs.

17 COUNCIL MEMBER LEVIN: [interposing] Made
18 you luck. It's made your luck. (sic) Yes. Do you
19 guys have any interest closing down Nevins Street,
20 and just making it a continuous park?

21 ALICIA WEST: I think that might be a
22 question for DOT.

23 COUNCIL MEMBER LEVIN: Okay because it—
24 because, you know, it's just a dead end a few blocks
25 down, so it's something to think about.

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ALICIA WEST: [laughs]

COUNCIL MEMBER LEVIN: In terms of historic preservation, could you talk a little about that—that building that you—you reference on Slide 12 and what the plan is for that because it is a historically significant building?

ALICIA WEST: So, these are three separate properties. This is 270 Nevins where we'll be having our staging site, 242 to 44 Nevins and then this is what everyone calls the Butler Building. Sorry. Excuse me, the Gowanus Station Building, which is on Butler. I call it the Butler Building. So, this is the—this is the building that has garnered the most interest from by SHPO and folks in the community and we've been working with everyone to figure out how we can retain some of the more significant architectural elements of this structure, and it does have this really nice pediments with the terracotta plaque that has the name of the station, and which, obviously is the name of the neighborhood and, you know, there's a big sort of identifying feeling with that, that we want to respect and be able to retain. So, we've got our design team looking at how we can sort of incorporate these

1 elements into the project in a way that's going to
2 kind of do the history of these sites and, you know,
3 also work with the modern day pieces that we're going
4 to be putting here.
5

6 COUNCIL MEMBER LEVIN: Just speak a little
7 bit about the public engagement that you hope to do
8 around design, design of the open spaces on the
9 building?

10 ALICIA WEST: Sure. So, we—we have a
11 number of sort of venues that we have public outreach
12 for. We've got our Community Advisory Group and
13 those meetings have been monthly. That's a wider
14 view of the Superfund. We also have the community
15 board, which we have been to as a part of this ULURP
16 process, but also we'll be going back in terms of as
17 the time is progressing, and before we take it the
18 Design Commission, and we're eager to get folks'
19 input on what they'd like to see here. Certainly,
20 any information that you have about what folks would
21 like to see here would be really helpful. We are in,
22 you know, we do have constraints because this is on
23 top of our infrastructure where--

24 COUNCIL MEMBER LEVIN: [interposing] Uh-
25 hm.

1
2 ALICIA WEST: you know, we have to limit
3 programming to passive recreation. You know, that
4 doesn't mean you can't go out there and throw a ball
5 around, but it does mean that we can't, you know,
6 construct a basketball court because we know we have
7 to get into these tanks periodically for maintenance
8 and if there was an emergency we-we need to get in
9 there and make sure it wasn't, you know, so that we
10 can have clear-clear access to our hatches. So,
11 we're moving forward and we'll hope to hold some
12 public forum to get input on the public-public space.

13 COUNCIL MEMBER LEVIN: Is there-is there
14 an opportunity for maybe some kind of charrette type
15 or, you know, not-not, you know, ten sessions, but
16 something that's maybe a little more than a minute?

17 ALICIA WEST: It's-it's a-it's a-as I
18 said, it's a little more challenging than, you know,
19 Parks has this wonderful process where they can
20 really go out into the community and say what do you
21 do here? What do you like-what would you like to do
22 here, and they have a really wonderful working from
23 the process. We're a little limited by our
24 operational needs.

1
2 COUNCIL MEMBER LEVIN: Yours, right,
3 right.

4 ALICIA WEST: So, it's not as though it's
5 a clean slate and, you know, anything you want to see
6 here we can—we can do here. So, it would have to be
7 a little bit more agreement.

8 COUNCIL MEMBER LEVIN: Have you—I'm
9 sorry. Have you selected a—a landscape architect?

10 ALICIA WEST: We do. We have DLAN (sp?)
11 Landscape Architects, and they've done a good amount
12 of work along the Gowanus Canal. They're very
13 familiar with it, and all very affectionate today.
14 [laughs]

15 COUNCIL MEMBER LEVIN: Okay, to the—to the
16 greatest extent possible I mean I look at—I also
17 represent Newtown Creek and I look at, you know, the—
18 the—the public engagement that happened in Newtown
19 Creek where you had the selection of two, you know,
20 well regarded artists to deal with the public
21 installations, George Trakas who did the Nature Walk
22 and Leo Conchi who did the Fountains.

23 ALICIA WEST: Yes.

24 COUNCIL MEMBER LEVIN: and just also to—
25 just to put it in the context of the magnitude of

1 this project. How deep do the walls have to go along
2 the outside of this—the site?

3
4 KEVIN CLARKE: So, the—the supportive
5 excavation, the current design actually we plan to
6 construct slurry wall panels down to bedrock. So
7 that's about 200 feet deep. The actual inside walls
8 of the tank, the below-ground portions of the tank
9 are on the order of about 40 to 50 feet deep
10 depending on where you are in the tank.

11 COUNCIL MEMBER LEVIN: Just slurry wall
12 goes down.

13 KEVIN CLARKE: We're going to key into
14 bedrock, right. That's the plan.

15 COUNCIL MEMBER LEVIN: So, it's 20
16 stories below, below grade. I guess roughly.

17 KEVIN CLARKE: [laughs] Yes.

18 COUNCIL MEMBER LEVIN: Okay, those are
19 all my questions. Let's continue to—to about this
20 kind of the public engagement open space questions as
21 this moves forward. Really appreciate your time.
22 Thank you.

23 CHAIRPERSON ADAMS: Thank you Council
24 Member Levin. We have questions from Council Member
25 Barron. Then Council Member Koo.

1
2 COUNCIL MEMBER BARRON: Thank you, Madam
3 Chair. I represent the East New York section of
4 Brooklyn and we have the 26th Ward Water Treatment
5 Plant, and we also have a CSO that now functions-I
6 think it was in 2016, and homeowners were subjected
7 to all of the things that we talked about that are in
8 the sewers coming up through their toilets. It turns
9 out that there was some malfunction and what they had
10 to do was ensure that there is a person physically
11 there to make sure that everything is operating the
12 way it should be. Do you have that provision so that
13 those persons in that area will not be subjected to
14 all that the homeowners in my section were subjected
15 to.

16 TERRELL ESTESEN: I'm a little familiar
17 with the issue you're referring to at the-I believe
18 it was the Spring Creek--

19 COUNCIL MEMBER BARRON: [interposing]
20 Correct.

21 TERRELL ESTESEN: --Tillery Water
22 Pollution Control Plant, and I-I believe you're right
23 in the way you categorized it in that it was a-a
24 technological failure.

25 COUNCIL MEMBER BARRON: Yes.

1
2 TERRELL ESTESEN: We—we—we've been
3 working very hard with our partner bureau. We
4 actually called them our client bureau. It's the
5 Bureau of Wastewater Treatment. So, my bureau would
6 do the plan, design and construction of this
7 facility, but the Bureau of Wastewater treatment
8 would have to operate the facility, and they—they
9 prefer facilities that—that are simple, and so do we.
10 And so, a couple of things that we're doing here that
11 I think is a little bit different than Spring Creek
12 is that all the controls at the head end of the
13 facility are what we would call passive controls.
14 So, using things like fixed layers (sic) as opposed
15 to a gate that has to open and close, less reliance
16 on sensors that has, you know, that—that could
17 potentially fail and then result in the type of
18 failure that occurred at Spring Creek. In addition,
19 if there were to be a significant failure of the
20 facility, we are actually maintaining the ability to
21 bypass to the existing RH-034 CSO Outfall. So that if
22 something more went wrong in the facility that
23 overflow would go out the existing outfall prior to
24 impacting the drainage area and private properties
25 and homes and that sort of thing.

2 COUNCIL MEMBER BARRON: Thank you, and
3 also in your documentation you talk about the
4 possibility of the potential archaeological resources
5 that you might encounter, and I'm particularly
6 concerned about the item that says Seventh Street the
7 potential resource type would be soldier burials from
8 the Battle of Brooklyn, and I'm always very concerned
9 as to how we maintain and honor burial remains.
10 We're doing some work at one of the parks in my
11 district and we have encountered some remains. So,
12 we had to stop and do a whole redesign of what we
13 had intended to do. So, what are your plans if, in
14 fact, you should discover unearthed remains?

15 TERRELL ESTESEN: Well, first off, we
16 consider it highly unlikely that intact burials would
17 remain there, but it is something that's been
18 reported and that was known from, you know, the
19 Marylanders from the Battle of Brooklyn, and there's
20 been a lot of disturbance along seven—since. So, we
21 consider it a very low likelihood of encountering
22 anything. But we will work to put together a geo-
23 archeological plan for review by SHPO and the
24 Landmarks Preservation Commission to highlight what
25 the likely sensitivities are, and we'll do monitoring

1
2 if necessary, and even if monitoring isn't part of
3 it, we'll have an Unanticipated Discoveries Plan so
4 that if the contractor who has been alerted to this
5 possibility encounters anything there will be a way
6 to shut it down and notify the proper people and do
7 the proper curation and protection.

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

10 CHAIRPERSON ADAMS: Thank you. Council
11 Member Koo.

12 COUNCIL MEMBER KOO: [coughs] Thank you,
13 Madam Chair. Hi, everyone. I'm not an engineer, but
14 I want to ask you a questions. Are all these they
15 have to become bound sewage? Can you do a separate?
16 Sewage is sewage, wall is wall? (sic)

17 KEVIN CLARKE: You can, but the process
18 of constructing new separate sewer systems is
19 incredibly expensive. It's incredibly intrusive in
20 the neighborhood especially in an older neighborhood
21 like this section of Brooklyn where, you know, the
22 streets are already very heavily congested with other
23 utilities as well. So, that's, you know, water
24 mains, gas lines, telecommunications, et cetera. So,
25

1 it becomes very, very expensive to do sewer
2 separation.
3

4 COUNCIL MEMBER KOO: So, you would—do—do—
5 do—do other countries do the same thing like when I
6 asked you do you do the combined sewage or the
7 advances countries in Europe and in Asia?

8 KEVIN CLARKE: I think that--

9 COUNCIL MEMBER KOO: [interposing] Do you
10 know any other countries who use separate systems?

11 KEVIN CLARKE: Most older cities even in—
12 in Europe would be combined like London for example.
13 It's—it's very much combined. I don't know what the
14 percentage would be but they—they do have combined
15 sewers there as well.

16 COUNCIL MEMBER KOO: The reason I asked
17 that is because, you know, when you have combined
18 sewers, when you have overflow it gets in the river
19 and it gets in the water mains and it smells and it
20 stinks for a long time, you know. And it's all—it's
21 very easy to get over capacity when you flushing and
22 you have may have sewage tank, too, and CSO tank.

23 KEVIN CLARKE: Yes.

24 COUNCIL MEMBER KOO: As you just build it
25 it's over capacity. So, how do you—on this new one

1 how—when do you expect it would be over the capacity
2 if it takes ten years to build. By the time you
3 build it, we have more people who live there and more
4 sewage, more water, there's trash. So, are you up to
5 capacity ten years later?
6

7 KEVIN CLARKE: Well, first Gowanus Canal
8 does meet current water quality standards, and the
9 Barnhart's incident (sic) for bacterial and—So, so
10 that's a good thing already, and that is due to some
11 of the—the last round of projects that we did there,
12 and that was the upgraded for the Gowanus Canal
13 Flushing Tunnel and pumping system, and an upgrade in
14 the Gowanus Canal Wastewater Pumping Station from 20
15 to 30 and a million gallons per day. In addition,
16 when EPA issued its record of decision for Gowanus
17 Canal it specified a solids reduction of 58 to 74%
18 for the two outfalls, and that's—that's solids
19 reduction not volume reduction. So, RHW4 and OH07
20 reduced those solids discharges by 58 to 74%. They
21 also provided preliminary estimates of the sizing of
22 those tanks at 8 and 4 million respectively. We did
23 a lot of work on our end and we were able to
24 demonstrate that in order to—to—to achieve those
25 solids reduction goals we could actually construct

1 smaller tanks. In the end, we came to an agreement
2 with EPA to build 8 and 4 million gallon tanks. And
3 so, we're far exceeding both volume and solids
4 reduction goals that were specified in the--in the
5 record of decision. We're going to be exceeding 80%
6 solids reduction and-- Sorry, exceeding, not--sorry,
7 exceeding 80% volume of CSO reduction and exceeding
8 90% on solids reduction.

10 COUNCIL MEMBER KOO: So, during the
11 construction in the sensitive so long in the
12 buildings these tanks, our quality of life issues
13 will be critical along the surround areas, and we in
14 the neighborhood have to be breathing all these
15 dusts, and dirt and the layer of traffic, all this
16 other stuff. How are you going to take care of the
17 neighborhood so that the impact is minimal?

18 KEVIN CLARKE: Right. I think Terrell and
19 I might need to take this, but just--just a general
20 comment on--on the construction. I think, you know,
21 the current plan where we're building at the head
22 end, and we're using what we had called Parcel 1. I
23 don't know if you want to bring that--that up. It
24 allows us to have one single contiguous construction
25 site, which is going to help us minimize the impact

1 on the community, and then there are some plans that
2 we have to put in place for mitigation construction
3 impacts. I don't know if you want to--

4 TERRELL ESTESEN: [interposing] Yes.

5 KEVIN CLARKE: --take over. Thank you.

6 TERRELL ESTESEN: I the EIS we looked
7 closely at traffic, area noise as construction
8 impacts. We don't identify any traffic or air
9 impacts. Not to say it won't be noticeable, and we
10 did identify construction noise impacts to the
11 closest residences. But, you know, even though we
12 didn't identify traffic impacts, we'll be working
13 closely with DOT to put in place construction
14 measures to maintain as much vehicular movement as
15 possible to minimize disruption. There will be odor
16 control plans and dust suppression plans, and for
17 noise we'll put together a construction noise
18 mitigation plan, not that we think we'll be able to
19 eliminates the impacts that we identified, but to
20 minimize it with an identification of the most
21 sensitive effective properties. And just to put in
22 perspective, that also we did identify and disclose
23 significant adverse noise impacts. We were looking
24 to get to an interior noise level that standard we
25

1 try to keep it is 45 decibels interior with non-
2 extraordinary noise measures. Those we could safely
3 commit to. Those residences that interior noise
4 levels would be 46 and 47 decibels interior. So,
5 it's-it's-it's going to be noticeable construction is
6 going—you know, I don't want to downplay how much the
7 neighborhood will notice ten years of construction,
8 but the—the unavoidable avoidable impacts identified
9 were just over the limit, and we have looked at
10 whether there would be a feasible. We call it
11 receptor mitigation by changing the windows, but
12 because those sort of old loft buildings artist work
13 quarters, and they don't have central air
14 conditioning units. So, we wouldn't be able to
15 replace it with noise proof storm windows, for
16 instance because it would—they wouldn't be able to
17 maintain a closed window condition there. So, we
18 will be undertaking the entirety of construction with
19 a lot of measures to minimize the disruption, and
20 what we've considered unavoidable will be minimized.

22 COUNCIL MEMBER KOO: Yeah, especially if
23 you have schools around there and around the
24 construction site. Do they have schools around the
25 construction site? No.

1
2 TERRELL ESTESEN: [off mic] No, not
3 close. Yeah.

4 COUNCIL MEMBER KOO: Oh.

5 TERRELL ESTESEN: [on mic] Not that
6 close.

7 COUNCIL MEMBER KOO: Okay, thank you.

8 CHAIRPERSON ADAMS: Thank you, Council
9 Member Koo. Council Member Yeger.

10 COUNCIL MEMBER YEGER: Thank you, Madam
11 Chair. Good afternoon. I just have a couple of
12 quick questions. You indicated earlier that the EPA
13 put the cost at \$77 million, but the actual cost is
14 \$1.2 billion. So, that's not a rounding error. Do
15 you have any kind of explanation for that greater
16 differential without saying that they just don't know
17 how to do math, or you know how to do much better
18 than they do.

19 KEVIN CLARKE: Yeah, there were—there
20 were a couple of things. EPA made—first of all, they
21 didn't—they didn't factor property acquisition costs
22 into—into their estimate so—

23 COUNCIL MEMBER YEGER: Takes care of one
24 of my questions.

1
2 KEVIN CLARKE: Right. So, for one of the
3 tanks wanted us to build it in the park and,
4 therefore, there as not property acquisition costs
5 associated with that, and then for the second site
6 they had proposed the use of an existing city-owned
7 Department of Sanitation property. So, for the
8 second site we do feel that we can use that property,
9 but we still need additional property in order to
10 support the construction of the tank. So, that was
11 one big factor. Another big factor had to do with
12 the type of tank that EPA assumed we would be able to
13 construct. There are passive types of CSO tanks that
14 basically become just an extension of the sewer and
15 they don't have some of the complex mechanical
16 electrical equipment that we know that we have to
17 include in the construction of this tank. So, that's
18 the screening, the pumping, the odor control, and-and
19 the head house, the-the super structure that's
20 required to-to house all that equipment. So, they
21 didn't account for any of that.

22 COUNCIL MEMBER YEGER: So, we have \$400
23 million there and a couple hundred million there and
24 assuming--

1
2 KEVIN CLARKE: [interposing] It adds up
3 quickly.

4 COUNCIL MEMBER YEGER: Okay. You
5 indicated that you would be acquiring the properties
6 in all these three (sic) by acquisition principally
7 is your desire, and if not, you would be going to
8 eminent domain. So, this we saw in the places in the
9 city where eminent domain was used, it takes more
10 than year or two or three or four as much as much as
11 a decade. Have you given any thought to--have you
12 actually already started speaking with the owners of
13 these properties or where are you up to in that
14 process if at all?

15 KEVIN CLARKE: We--we've been talking to
16 the property owners for quite some time now.

17 COUNCIL MEMBER YEGER: Have they
18 indicated that--their willingness to sell to the city?

19 KEVIN CLARKE: The thing that's--that we
20 owed them right now is a formal offer. So, there's a
21 very formal appraisal process that I believe is
22 starting today. It's going to take a couple weeks to
23 complete.

24 COUNCIL MEMBER YEGER: Are you waiting on
25 the Council to act before you--

1 KEVIN CLARKE: [interposing] No.

2 COUNCIL MEMBER YEGER: --pursue it.

3 Okay.

4 KEVIN CLARKE: No.

5 COUNCIL MEMBER YEGER: If the--it's--this
6 was presented and--and just correct me if I'm
7 mischaracterizing it. But this was essentially
8 presented, as I understand it, from before I got here
9 reading and then hearing you today that, if the city
10 did not do the RH-03 as proposed here, then the feds
11 would come in and say do it in the park, right, and
12 they would force it.

13 KEVIN CLARKE: That's right.

14 COUNCIL MEMBER YEGER: But they can't
15 actually--you can't actually do anything in the park
16 without going to the state legislature and--and asking
17 them for permission, which is not likely to be
18 granted. I would guess knowing that I can't image
19 any Assembly Member or state senator who would say
20 sure, take a park and turn it into a sewer. So, what
21 is--what happens then? I mean, you know, because
22 it's--it's kind of being presented that if--if the
23 Council doesn't do this, then your park is gone, but
24 I don't see it really that way, and--
25

1
2 KEVIN CLARKE: So, on-on the design side
3 we are actually proceeding on a parallel path. We
4 are designing both designs. So, building the CSO
5 facility at RH-03 and a parallel design for the park.
6 The city in it's negotiations with EPA, and in order
7 to reach the agreement that we're currently in,
8 brought up the parkland alienation issue, and EPA did
9 recognize it as a risk, and that was helpful in-in us
10 being able to-to push for building the tank and at
11 the head end site, but EPA- I don't know how to put
12 this best, but they felt that in court that Superfund
13 might be able to trump the parkland alienation issue.
14 It still would probably take some time resulting in
15 some delays, but they felt that they would win that
16 battle so to speak.

17 COUNCIL MEMBER YEGER: Are your
18 conversations with EPA that you're talking about in
19 this administration or in the last administration?

20 KEVIN CLARKE: That would-that would have
21 been the last administration. So, this is a part-
22 right.

23 COUNCIL MEMBER YEGER: So the-given the
24 environmental record of the current administration,
25 you're not necessarily confident or are you confident

1 that they—they would insist on proceeding with such a
2 plan. They're not really known very well for being
3 the great environmentalists that we here at the
4 Council are.
5

6 KEVIN CLARKE: It's hard to say.

7 COUNCIL MEMBER YEGER: But your—but your
8 conversations are in the last administration.

9 KEVIN CLARKE: That's right.

10 COUNCIL MEMBER YEGER: So, we don't
11 actually know for sure. EPA didn't say yesterday, by
12 the way, guys, if you don't do that RH-03, we're
13 coming in and taking over your park, and we're going
14 to force you in court to do so.

15 TERRELL ESTESEN: The consent order that
16 we're currently working under was signed in 2016 so--

17 COUNCIL MEMBER YEGER: The last
18 administration.

19 TERRELL ESTESEN: Yes.

20 COUNCIL MEMBER YEGER: Okay, and with
21 the--

22 TERRELL ESTESEN: [interposing] And we're
23 doing from a—from a performance standpoint, we've
24 actually met every, you know, milestone in that
25 order. So, we feel pretty confident that the current

1 plan of building the tank at RH-03 is what's going to
2 happen.

3
4 COUNCIL MEMBER YEGER: Or-or sure at the
5 very least if the city were to be sued it can
6 demonstrate good efforts in compliance with the
7 Consent Order--

8 TERRELL ESTESEN: [interposing] That's
9 right.

10 COUNCIL MEMBER YEGER: --to date, and
11 thus ask the court for some understanding of it.
12 Okay. One of the--one of the items that jumped out at
13 me as the Chair herself was a member of a community
14 board for many years, I was when Brooklyn Community
15 Board 6 my home borough, but Councilman Levin's
16 district approved this, one of the things that they
17 asked was that in addition to the strongest possible
18 noise mitigation, but that you consider some kind of
19 tenant relocation plan. Can you speak to that at all,
20 if that's an undertaking, if there's any thought to
21 that? What's happens if a tenant lives across the
22 street or down the block and across the street and
23 down the block. They just can't take the noise. What
24 are we doing?

1
2 TERRELL ESTESEN: The—I mean the—the
3 tenant relocation work that we've looked at so far
4 had to—had to do mostly with tenants that are on the
5 sites that we're looking to acquire. I honestly
6 don't know what we've done. I might have to get back
7 to you on that.

8 COUNCIL MEMBER YEGER: I mean because I—I
9 don't think that that's what the board was referring
10 to because obviously if you acquired the property
11 tenants are gone and—and as it was described to us at
12 Council offering tenant relation for the construction
13 time period. So, it would seem to me that the board
14 was indicating tenants who are affected by the
15 construction. [background comments]

16 TERRELL ESTESEN: We can get back to you.
17 We have not undertaken looking at relocating anybody
18 in the neighboring area. We did talk and we
19 understood the community board did talk about
20 offering relocation services to the businesses on
21 site. So, we haven't made efforts looking at
22 relocating people offsite. As mentioned before, we
23 don't—we feel that the construction duration will be
24 a very long time, but we don't think that impacts are
25

1 the type that are going to cause people to need to
2 move.
3

4 COUNCIL MEMBER YEGER: I can tell you
5 that wouldn't--there was a building across the street
6 from me many years ago, not that many. I'm not that
7 old, that was doing pile driving. I called it the
8 summer of pile driving while I was studying for law
9 school exams, and I have to go to my parents' house
10 study because I couldn't take it. You know, it's--
11 it's not--you've got to be pretty far away if you're
12 going to drive piles into the ground to get all the
13 way down to--get all the way down into bedrock.
14 Fifty stories of that slab construction, and if
15 people-- You know it's one thing to say in two,
16 three, four or five months it's going to--it's about
17 to end or you're talking about years and years. And
18 I would encourage you to--to look into what need be
19 done particularly because when a community board says
20 yes to something with conditions, you know, it's our
21 obligation on the receiving end of those conditions
22 to say, hey, you know, that's--those--those were the--
23 that was the fourth process of the community board at
24 the time they said yes, and if they would have known
25 that we're just going to say we're not going to do

1 it, then maybe their--their vote would have been
2 different. Then maybe that would have weighed a
3 little differently on the rest of the steps if we
4 didn't, you know, the--the CPC, the borough president
5 and all the other steps that follow the community
6 board. So, I always look to the first step and, you
7 know, what were those conditions? I've--I've voted
8 on--on hundreds of plans over my 18 years on the
9 community board, and so many of them had conditions
10 that we anticipate would be taken into account later
11 on down the road, and I would encourage you to do
12 that because, you know, this may be a necessary plan
13 but people also have to live somewhere. Just a few
14 more questions, Madam Chair. Thank you. [coughs]
15 The--you indicated that--that the city is but one of
16 the PRPs in this and including National Grid as a
17 successor and then there were others. I read
18 somewhere that one of number--one of a number of them.
19 Are there contributions being made to the cost of
20 this by those other PRPs, or is this all on the city,
21 the \$1.2 billion?
22

23 KEVIN CLARKE: [coughs] So, there are
24 two main portions of the cleanup. One is the CSO tank
25 work and the city is wholly responsible for that.

1
2 COUNCIL MEMBER YEGER: Right, by-by a
3 decree of some sort or by a consent decree or by--

4 KEVIN CLARKE: [interposing] Right. Yeah,
5 record or decision and consent decree. Yes, and then
6 the other big portion of the cleanup is the dredging
7 and capping of the Gowanus Canal. So, they'll be
8 dredging out some—you know, some of the material—
9 contaminated sediment, an then capping it with some
10 clean sand. There's a little—there's some other work
11 that's taking place in the canal as well, and so the
12 city—the city is a PRP, one of many PRPs for the in
13 canal work. National grid is the biggest
14 contributor, and then there's a slew of other--

15 COUNCIL MEMBER YEGER: [interposing]
16 Companies along the canal that have the—depose there.

17 KEVIN CLARKE: Anybody that had some
18 historical presence on the canal basically.

19 COUNCIL MEMBER YEGER: Are you getting
20 contribution from them towards our ultimate costs
21 because we're doing the work? They're not doing the
22 work. We're doing the work.

23 KEVIN CLARKE: National Grid is doing the
24 in-canal work. They're leading it. So, we would make

1 a contribution to their work both on the design and
2 the construction side.

3
4 COUNCIL MEMBER YEGER: Okay.

5 KEVIN CLARKE: On the tank side, it's all
6 us unfortunately.

7 CHAIRPERSON ADAMS: In the interest of
8 time, I will ask my colleague to please wrap.

9 COUNCIL MEMBER YEGER: I'm—I'm—I'm done,
10 Madam Chair. Thank you very much. I—I and just want
11 to say for the record I'm not a member of this
12 committee. So, I appreciate very much, Madam Chair,
13 giving me the opportunity to exhibit some nerdism,
14 and thank you very much for taking the time to come
15 down.

16 KEVIN CLARKE: Thank you.

17 CHAIRPERSON ADAMS: You are very welcome
18 and I thank you. I had one question. I said I was
19 going to defer to my colleagues first. You asked the
20 question just now, and I thank you for that because,
21 as you said, we are both former members of our
22 community boards. The only question that I had had
23 to do with the noise, and the mitigation of the
24 noise. So, I thank my colleague Yeger for bring that
25 up. Thank you so much, and I trust that you will get

1 back to both of us with the answers that we're
2 looking for that question.

3 KEVIN CLARKE: Okay.

4 CHAIRPERSON ADAMS: Thank you very much.

5 KEVIN CLARKE: Thank you.

6 CHAIRPERSON ADAMS: Okay, thank you. You
7 may step down, and I will now call members of the
8 public to testify on these items. I believe we have
9 all the information that we need. So, will Karen
10 Blondel of T3 Turning the Tide; Sabine Aronowsky of
11 Fifth Avenue Committee; and Andrea Parker of the
12 Gowanus Canal Conservancy please step up. [background
13 comments, pause] Please identify yourselves for the
14 record before you begin. Thank you.

15 KAREN BLONDEL: Good afternoon. I'm
16 Karen Blondel with Turning the Tide, which is and
17 Environmental Justice group that educates
18 marginalized residents on environmental issues such
19 as the Gowanus Canal cleanup and CSOs and et cetera.
20 [background comments] Oh, okay. So, I actually live
21 in the community. I actually live—live at the foot
22 of the canal, which is another stage that will be
23 happening. So, I'm very concerned because whatever
24 is happening at the canal eventually is going to
25

1 reach my area, which is Red Hook, which is where the
2 canal lets out into. I'm concerned about several
3 things. Like you're talking about capturing solids,
4 but I have a concern about what's in the actual
5 liquid volume. One thing we're finding is that a lot
6 of medicine is reaching our shores and affecting our
7 marine life. So, I'm asking that there be room left,
8 if it is built, for a bio-digester or for something
9 else to go in at a later date that will actually
10 reduce some of the other toxins that are still going
11 to be able to get into our water system. So, that's
12 really important to me. Also, speaking for the
13 public housing residents, they are just right outside
14 of the project scope by feet.

16 CHAIRPERSON ADAMS: They're within it.

17 KAREN BLONDEL: Oh, they're actually
18 within it, and I don't feel enough attention is paid
19 to public housing residents in regards to the fact
20 that they are taxpayers that, you know, I'm going to
21 stop calling them public housing residents and
22 actually call them taxpayers or American citizens,
23 because they have to be vetted to get into public
24 housing, and it's really unfortunate that you have
25 such big campuses there, but the outreach and the

1 understanding of this type of work is not really
2 negated to the entire area. A lot of times public
3 housing is left out of it or it's kind of like they
4 only need to know a little bit. No, they need to
5 know a lot because they're living right there on top
6 of this. As far as safety, I have issues with safety
7 in regards to this plan, and the fumes and things
8 like that. Public housing in the area rises 16, 18
9 stories. I don't know how high the ventilation
10 system is going to be on this tank. So, I don't know
11 how that's going to factor in on what public housing
12 is feeling. They also don't have central air. They
13 use their windows all the time because there is no
14 central heating in those buildings. So, I want that
15 to be taken into consideration as well as
16 neighborhood community emergency response team just
17 to back up DEP and everybody else who would have to
18 come to the neighborhood, or wait for a sensor to go
19 off to recognize a danger. We need to train our
20 residents right there in real time how to handle
21 those situations. So, I approve but with conditions,
22 and that's it. [background comments] Oh, one more
23 thing the trucking. So, when I read—what I'm reading
24 is a little contradictory because inside of this
25

1 description it says that the-the recommendation by
2 the community board was to barge it out, but it's
3 actually going to be trucked out, and then it says
4 that each rain event somebody needs to be on hand.
5 But I think that DEP was more talking about not each
6 rain event but more sporadic. We demand that
7 somebody stay at all times especially because this is
8 new. The first thing that we're going to have to
9 contend with is vermin. That area is right next
10 sewer lines. We have to deal with the fact that
11 vermin burrows are going to be disturbed in that
12 area. A lot of times contractors cut corners when it
13 comes to vermin control because they know the public
14 doesn't know about brown spiders and other things
15 that wouldn't normally bother you, but now that
16 you're actually digging as deep as you're going to
17 dig, we don't know what we might find there, you
18 know. So more concern and more community engagement
19 and more community eyes on the actual 10-year
20 procedure would be what I would want to see.

22 CHAIRPERSON ADAMS: Thank you.

23 KAREN BLONDEL: Thank you.

24 SABINE ARONOWSKY: You want me to go.

25 Hi, good afternoon. My name Sabine Aronowsky, and I

1 am a Gowanus life long resident. I'm a mother whose
2 child uses Thomas Green Park. I am here today not
3 only as a resident, but I work at the Fifth Avenue
4 Committee, a longstanding community development
5 corporation in Gowanus, Brooklyn, and I'm also a
6 member or the board of Friends of Thomas Green Park.
7 So, I have been active on this tank siting issue now
8 since the EPA actually made the announcement as part
9 of the Gowanus Superfund Cleanup that they would be
10 looking to build a sewage holding tank in Gowanus.
11 And I've been active on this issue not only as an
12 individual and a person who works in this community,
13 but also as a member of the Superfund Community
14 Advisory Group, and also in partnership with Gowanus
15 Canal Conservancy and the Environmental Justice group
16 that Karen mentioned, and FUREE, Families United for
17 Racial and Economic Equality as well as with the
18 support of New York Lawyers in the public interest.
19 So, we definitely view this tank siting. We are in
20 support of it, I should say, first and foremost.
21 We're very supportive of the preferred location of
22 DEP, which is the RH-03 site. So, we are in support
23 of that location, but regardless, we do have some
24 conditions that we feel really should be addressed.
25

1 First and foremost, this is an environmental justice
2 issue for the community. It's an environmental
3 justice issue in multiple ways because you have a
4 community that has contaminated land that has also
5 been subject to excessive combined sewer overflow
6 coming out of the canal. So, it's an environmental
7 justice issue in that way, but also the tank siting
8 itself is an environmental justice issue because of
9 the location, and because it threatens the only park
10 space that we have in Gowanus neighborhood. So
11 Thomas Green Park is the only existing mapped park
12 space currently in this area that is also anticipated
13 to be rezoned through the Department of City
14 Planning. So, we—we definitely do not want to see
15 any alienation of park space by the—by the placement
16 of this tank, but regardless of where the tank is
17 sited, I think the most important thing from our
18 perspective is that the scope of the study does
19 include public housing, Gowanus Houses and Wyckoff
20 Gardens, and that's currently the largest number of
21 residents in the Gowanus neighborhood. We're talking
22 about over 4,500 residents very close to this tank
23 and park and only public park. As well—sorry. I
24 lost most of my train of thought. So, we're
25

1 concerned about it from—from that perspective, the
2 scope. But the scope also includes the park itself.
3 So, we really feel that there is a need to address
4 the—the park itself in terms of whether—in terms of
5 the impacts. So, that is our deepest concern
6 regardless of where the tank is sited is how will
7 this park space be impacted, and what will be done to
8 mitigate that. So, we've heard about mitigation for
9 noise, but we haven't heard about how that might
10 impact the park and the—the young children that are
11 going to be using this park potentially throughout
12 this—this cleanup. So, you have swimming pool, a
13 community swimming pool, the Douglas and DeGraw
14 Swimming Pool. That is very valued in our community.
15 It's an important community resource, and again, we
16 just don't—I haven't—we haven't seen enough of the
17 city intends to address impacts to this park for the
18 park space itself and for the—the users of the park.
19 So, we're very concerned about that, and we really
20 want to see an agreement, something written in
21 writing, some sort of MOA come out of this that
22 addresses permanent replacement facilities as well as
23 temporary as needed, and we want it planned for well
24 in advance of when ground is broken. So, we don't
25

1 want to be in a situation where a community is left
2 without its only park space. That is unacceptable
3 from our perspective. We also have concerns around
4 the leasing of the site versus acquisition. So, the
5 staging areas. So, the RH-03 site the plan is to
6 acquire those lots, but the staging area directly—
7 what is it? South is—is only going—the plan right
8 now is only to lease it. So, from a—from a monetary
9 perspective we—we understand that, but also from a
10 land use perspective we're concerned because as the
11 anticipated rezoning currently that is manufacturing
12 land. And we would love to see that be used an
13 opportunity to actually increase park space in our
14 park starved area, And to again have that be thought
15 through before—before this—this is approved. So, we
16 would rather see that—that not—not be leased, but
17 actually the opportunity we think how is for the city
18 to actually acquire that. Even in this \$1.2 billion
19 estimate that we heard from DEP, there is no money
20 allocated for the park. So, there's no money
21 allocated for a—any sort of temporary facilities that
22 may be needed or permanent replacement facilities.
23 We understand that won't be—that the city—that there
24 is also other parties such as National Grid that will
25

1
2 be responsible, but again, we're not seeing any
3 estimates or attempts within the required scope to
4 address these issues now. The final thing I'll
5 mention about the-the-the area is that we have a Con-
6 Con-Edison owns a lot on Butler and Baltic. You can
7 see it right next to Wyckoff Gardens over here. We
8 also strongly feel like that would be a great place
9 for a temporary park while all this is-while all this
10 construction work is happening. We have spoken
11 Councilman Levin about this, and we've-we've-we've
12 been outspoken about this issues now for years. So,
13 we would love to see something in writing. That is
14 our-our-our biggest concern in regards to this
15 application. I think I covered what I wanted to say.
16 Yes.

17 CHAIRPERSON ADAMS: Okay.

18 SABINE ARONOWSKY: Thank you.

19 CHAIRPERSON ADAMS: Thank you. We're
20 going to have to speed it up because we've got just a
21 couple minutes left before the next panel comes.

22 ANDREA PARKER: Okay. I'll be quick. I'm
23 Andrea Parker. I'm the Director of the Gowanus Canal
24 Conservancy, and I just want to say a couple of
25 things about-I mean I think Council Member Levin said

1 a lot of the things that I wanted to say about site
2 design. So, I'm not going to repeat those. I do
3 want to reiterate that this desire for a community
4 visioning process, and I understand that there are a
5 lot of constraints around what can go on top of the
6 tank. However, there's also going to be this
7 investment. There' needs to be investment in the
8 park as well, as well as esplanades along the canal.
9 So, it's an opportunity to have a charrette process
10 that doesn't just look at the top of the tank that
11 says there are some constraints here. What are the
12 activities that we want to see throughout the area,
13 and how can we knit these spaces together. I also
14 think that though the CAG and the Community Board are
15 great resources, they are still a small subset of the
16 community, and we really need to have a much larger
17 conversation that really includes the public housing
18 community in those design decisions. And I-just
19 another thing about access. I think the access to
20 both the pump house, the gate house and sort of that
21 whole head end complex it would be amazing if an
22 additional-in addition to all the important
23 information and operations that are happening there,
24 there was a way for the community to get around the
25

1 head of the canal, and I know we have been looking a
2 lot at the idea of some sort of floating bridge or
3 barge that could actually—people could walk across
4 the canal on. I think that, you know, another couple
5 million dollars added to the budget would make a huge
6 difference for the interpretive power of this
7 installation. That's all.

9 CHAIRPERSON ADAMS: Okay. I thank you
10 very much. Noted is your thoughtful and careful
11 testimony before this committee today, and I
12 appreciate all the time that you've taken. I see the
13 concern that you have for your community, and we
14 really, really appreciate it. You've given us a lot
15 to consider, and I thank you for your time today. It
16 takes a lot to come down and speak and—and wait and
17 all of those good things, and you've done that and we
18 do appreciate that. Council Member Levin.

19 COUNCIL MEMBER LEVIN: Thank you very
20 much, Madam Chair. I just want to thank this panel
21 for all the work that you guys have been doing for
22 the last five years that we've been working on this
23 together.

24 ANDREA PARKER: Right. [laughter]

1
2 COUNCIL MEMBER LEVIN: Karen, I'm sorry I
3 missed your testimony, but I'll—I'll watch it online.

4 KAREN BLONDEL: Yeah. [laughter]

5 COUNCIL MEMBER LEVIN: But—but again,
6 yeah, I just thing that the—the—the work that the
7 Fifth Avenue Committee and FUREE and Friend of
8 Douglas DeGraw and Friends of Thomas Green Park and
9 everyone else in support of Douglas DeGraw Pool over
10 the years and Gowanus Canal Conservancy [coughs] has
11 been—has been instrumental in ensuring that in this
12 whole Superfund conversation that's been happening
13 for the last eight years now, that ensuring that the
14 community doesn't lose its park is a top priority
15 would not have happened if it wasn't the work that
16 you guys have all been doing. So, I wanted to thank
17 you for that.

18 ANDREA PARKER: Thank you.

19 COUNCIL MEMBER LEVIN: And thank you,
20 too.

21 CHAIRPERSON ADAMS: Thank you very much.
22 You may step down.

23 KAREN BLONDEL: Thank you.

24 CHAIRPERSON ADAMS: Are there any other
25 members of the public that wish to testify? Seeing

SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING
AND MARITIME USES

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1 none, the public hearing on LU 38 related to the
2
3 Gowanus CSO is now closed, and the item is laid over.

4 I would like to thank the members of the public, my
5 colleagues, counsel and Land Use staff for attending
6 today's hear. The meeting is hereby adjourned.

7 Thank you. [gavel]

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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 March 31, 2018