

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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April 17, 2018
Start: 12:14 p.m.
Recess: 12:51 p.m.

HELD AT: 250 Broadway - Committee Rm.
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)

Anthony Biosci, President
Montefiore Cemetery, Southeast Queens

Allison Grant, Chief of Staff
Division of Child and Family Wellbeing
Administration for Children's Services

Dale Anderson (sic), Assistant Director
Leasing Real Estate Service Group
Department of Citywide Administrative Services

SUBCOMMITTEE LANDMARKS, PUBLIC SITING
AND MARITIME USES

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[sound check][pause] [gavel]

CHAIRPERSON ADAMS: Good afternoon, and welcome to this meeting of the Subcommittee Landmarks, Public Siting and Maritime Uses. I'm Council Member Adrienne Adams, the Chair of this Committee. We are joined today by Council Member Koo. Today we will hold public hearings on two applications and one bill, Proposed Introduction No. 212-A. Due to a scheduling conflict, the previously scheduled hearing on Intro 368 by Council Member Salamanca, a local law to amend the Administrative Code of the City of New York in relation to authorizing the Landmarks Preservation Commission to administer a Historic Preservation Grants Program is deferred to a future date. The first two items we will hear related to an application to use land in Queens for cemetery purposes. The first of those items is LU 51, an application submitted by Montefiore Cemetery pursuant to Section 1506 of the New York State of the Not-for-Profit Corporation Law for approval to use real property for cemetery purposes in relation to property located at Block 12595, Lots 15, 21, and 101 in Council Member Miller's district in Queens. Though state law

1 authorizes the Council to approve an application to
2 use real property in Queens for cemetery purposes,
3 the Administrative Code prohibits cemeteries in
4 Queens from engaging in—in such use. Therefor, to
5 give effect to Montefiore's application, we will also
6 hear Proposed Introduction 212-A by Council Member
7 Miller, a Local Law to amend the Administrative Code
8 of the city of New York in relation to approval of
9 cemetery uses on land acquired in Queens before 1973.
10 This bill will allow a cemetery corporation that owns
11 land in Queens to use up to additional acres acquired
12 before 1973 for cemetery uses provided such land is
13 across the street from the existing cemetery and such
14 cemetery corporation first obtains approval for such
15 use from the Council. Representatives of Montefiore
16 Cemetery will present on both of these items today.
17 We'd like to call the witnesses of—for Montefiore
18 Cemetery at this time, Anthony Biosci (sp?),
19 Montefiore Cemetery. [pause] I hope I pronounce
20 your name correctly.
21

22 ANTHONY J. BIOSCI: [off mic] You did.
23 You said it correctly.
24
25

2 CHAIRPERSON ADAMS: Okay. [laughs]

3 Alright, so before you begin, can you please identify
4 yourself for the record?

5 ANTHONY J. BIOSCI: [off mic] My name is
6 Anthony J. Biosci. [background comments]

7 CHAIRPERSON ADAMS: Turn your mic on, and
8 repeat.

9 ANTHONY J. BIOSCI: Anthony J. Biosci.

10 CHAIRPERSON ADAMS: Thank you so much.
11 I'd like to welcome Council Member Miller to-to-to
12 speak as well. Okay, he will pass. The floor is
13 yours. Please-please begin.

14 ANTHONY J. BIOSCI: Good afternoon Madam
15 Chair and members of the Subcommittee. As I stated,
16 my name is Anthony Biosci. I'm the President of
17 Montefiore Cemetery located in Southeast Queens.
18 Thank you for the opportunity to present our
19 application-Application LU 51, and testify today in
20 support of Intro 212-A. Established in 1908 as a
21 cemetery for burial of the individuals of the Jewish
22 faith, and operated by the non-profit Bloomfield Long
23 Island Cemetery Society, Montefiore Cemetery is
24 located along Springfield Boulevard in Southeast
25 Queens. The existing cemetery covers 114 acres with

1 presently over 156,000 burials. In order to
2 accommodate the demand for private parking during a
3 time of high burial and visitation activity,
4 Montefiore acquired an approximately 2-acre property
5 directly the street from the cemetery between
6 Springfield Boulevard and Nashville Boulevard between
7 122nd and 121st Street. I'm sorry, 121st Avenue in
8 four separated purchases: 1956, 1958, 1963 and in
9 1972. A variance was obtained to use the property
10 for park-parking, and construction of a maintenance
11 area for cemetery equipment. Visitors would park
12 across the street and walk to visit the graves. Over
13 time, the burial and visitation rate diminished,
14 lessening the need for ancillary parking lot. It has
15 been some years since the property across Springfield
16 Boulevard has been used for parking. The property
17 Block 12695, Lots 101, 21 and 15 is no longer needed
18 for ancillary parking, and has reverted back to R3A.
19 The cemetery continues to maintain its on Lot 1 for
20 our maintenance facility. Today, the cemetery is
21 almost completely full. The Springfield Long Island
22 Cemetery Society has expressed its desire to convert
23 this former parking lot into an expanded grave space
24 at Montefiore Cemetery-Cemetery in order to plan for
25

1 the future and meet our demand. We have spent the
2 last two years briefing elected officials, community
3 boards, civic associations and other community—and
4 others in the community about our plans, and have
5 received overwhelmingly positive feedback. There are
6 several advantages of this expansion to both cemetery
7 and the community. We will be able to meet the
8 demand for Jewish burials in the Borough of Queens
9 saving the New York based families the expense and
10 inconvenience of traveling to locations outside the
11 city. This will also improve the long-terms
12 financial stability of the cemetery benefitting many
13 thousands of family members who rely upon us to
14 maintain the burial sites of their loved ones. In
15 conversations over the last two years, community
16 members have repeatedly expressed their preference
17 and the expansion of the cemetery over commercial
18 development of the property. The community will see
19 a vacant lot transformed into a low-impact permanent
20 green space that will serve a natural extension of
21 the cemetery that has itself been a fixture in the
22 community since 1908. Specifically, we plan to
23 create a green space that will allow for up to 2,000
24 new graves. The site will featured landscaping,
25

1 screening fence around the perimeter. It will be
2 completely maintained by the staff of Montefiore
3 Cemetery, and will be an extension of the cemetery.
4 The same visiting hours at the cemetery will extend
5 to prop—extend to the property, Sunday to Friday,
6 8:00 a.m. to 4:00 p.m. We are closed on Saturdays
7 and all Jewish holidays. The only alternative for
8 the cemetery's Board of Directors consistent with
9 their fiduciary obligations would be to sell the
10 property to the highest bidder, something the
11 cemetery does not wish to do. We are very pleased
12 that the Application LU 51 and Intro 212-A will
13 enable the cemetery to expand graves onto this
14 property. We are particularly grateful to the
15 sponsor Councilman Daneek Miller for his thoughtful
16 leadership and support. Thank you and I would be
17 happy to answer any questions you may have.

18
19 CHAIRPERSON ADAMS: Thank you very much.
20 I'd like to acknowledge that we've been joined by
21 Council Members Treyger and Menchaca. As one who has
22 been a resident of the community for a very long
23 time, this is a venture that is a long time coming,
24 and we're glad to see you here today. Council Member
25 Miller.

2 COUNCIL MEMBER MILLER: Yes. Good
3 afternoon. So, I do have one or two questions, and
4 so, in terms of the development of this—these two
5 acres here, have you—this in the past was additional
6 parking for Montefiore. What are the parking
7 provisions that have been put in place to—for your
8 plan? You do have a plan for development? What do
9 you—?

10 ANTHONY J. BIOSCI: We have some
11 preliminary drawings. Yes, there would be some
12 parking within the two-acre property to accommodate,
13 you know, visitation, some visiting over there.
14 There is still parking across the street at the
15 cemetery. They can park there, and they can walk
16 across the street if spaces are available.

17 COUNCIL MEMBER MILLER: Okay. So, you
18 don't anticipate much off-street parking?

19 ANTHONY J. BIOSCI: We don't anticipate
20 much at all. Currently, we don't even see that now.
21 We have the parking we have on this at our building
22 now is more than adequate for the—for the visitation.

23 COUNCIL MEMBER MILLER: Okay. You
24 Montefiore [coughs]—Montefiore shares this acreage of
25 the cemetery with what—what all denominations. Is

2 Montefiore exclusively [coughs] excuse me,
3 exclusively a Jewish cemetery?

4 ANTHONY J. BIOSCI: Yes.

5 COUNCIL MEMBER MILLER: And the other
6 portions of the cemetery is?

7 ANTHONY J. BIOSCI: I'm sorry, what other
8 portion are you talking about?

9 COUNCIL MEMBER MILLER: The other portion
10 the cemetery along Springfield Boulevard [coughs] on
11 the—on the east side?

12 ANTHONY J. BIOSCI: You—you—are we
13 talking about that non-denominational cemetery in
14 between us? Is that what we're talking about?

15 COUNCIL MEMBER MILLER: That is correct.

16 ANTHONY J. BIOSCI: Yeah, we have nothing
17 to do with them. They're—they're a completely
18 separate entity.

19 COUNCIL MEMBER MILLER: And who are they?

20 ANTHONY J. BIOSCI: I have no idea. It
21 just says Springfield Cemetery on it. I—I—there's no
22 affiliation with us whatsoever.

23 COUNCIL MEMBER MILLER: Okay. [coughs]
24 Could you speak very briefly about the responsibility
25 of a Jewish cemetery [coughs] which allows them to

1
2 cohabitate with the existing Springfield Cemetery
3 and/or what would permit or [coughs] not permit
4 others from being buried in that cemetery?

5 ANTHONY J. BIOSCI: Our charter—our
6 charter specifically states that it's for burials of
7 the Jewish faith only. It's been that way since it
8 was established in 1908. I believe that other
9 cemetery you're—you're talking about is a—is a non-
10 sectarian, non denominational cemetery where any
11 faith I believe can buried there from what—from what
12 I understand.

13 COUNCIL MEMBER MILLER: So, there's no
14 such provisions that would permit others other than
15 the Jewish faith to be buried there?

16 ANTHONY J. BIOSCI: No, absolutely not.
17 As I said, you know, our—our—our Charter specifically
18 states what the—that we're, you know, of the Jewish
19 faith, and we've been such—we've been that way since
20 our inception in 1908. [pause]

21 COUNCIL MEMBER MILLER: Okay, thank you.

22 CHAIRPERSON ADAMS: Thank you. Are there
23 any other question from the committee? Council
24 Member Koo.

2 COUNCIL MEMBER KOO: So, to follow
3 through Council Member Miller's questions, a cemetery
4 is something I don't know anything about. So-so-so
5 there's such a thing that, you know, if it's a Jewish
6 cemetery other people cannot apply to buy a plot
7 there?

8 ANTHONY J. BIOSCI: No. That is correct.
9 They—they would have to be of the Jewish faith.

10 COUNCIL MEMBER KOO: It's legal?

11 ANTHONY J. BIOSCI: Yes, absolutely.

12 COUNCIL MEMBER KOO: Oh, okay, because—
13 because under the—for—for—for living persons, you
14 know, this would have to be prohibit certain places
15 where you cannot buy a house, you know, in this
16 neighborhood, but when you die you can do it?

17 ANTHONY J. BIOSCI: Right.

18 COUNCIL MEMBER KOO: Uh-hm. So, there's
19 something funny about it. I thought when we go to
20 heaven, we're all the same, you know. It doesn't
21 matter what race we are from. So, this is something
22 that I didn't know anything about before.

23 ANTHONY J. BIOSCI: Yes.

24 COUNCIL MEMBER KOO: So, but this is true
25 also under other denominations? Are there Catholic

2 cemeteries, you have to be Catholic to be buried
3 there, right?

4 ANTHONY J. BIOSCI: Well, that's a
5 religious cemetery.

6 COUNCIL MEMBER KOO: Yeah.

7 ANTHONY J. BIOSCI: Yeah, so you—you
8 would have to be Catholic.

9 COUNCIL MEMBER KOO: So, for your
10 cemetery you had to be Jewish?

11 ANTHONY J. BIOSCI: Yes.

12 COUNCIL MEMBER KOO: So, and—and how much
13 does it cost to buy a burial plot there?

14 ANTHONY J. BIOSCI: Currently?

15 COUNCIL MEMBER KOO: Yeah.

16 ANTHONY J. BIOSCI: About \$15,000 a
17 grave.

18 COUNCIL MEMBER KOO: \$15,000 for—for how
19 big a plot there?

20 ANTHONY J. BIOSCI: That's for one—one
21 grave, one 8 by 3 foot grave.

22 COUNCIL MEMBER KOO: A 3 by—3 by 5 foot?

23 ANTHONY J. BIOSCI: No, 8 feet by 3 feet.
24
25

2 COUNCIL MEMBER KOO: Yeah, 8 b 3 feet,
3 yeah. So, what happens if-if the cemetery is full?
4 Like you said before. There's no more space?

5 ANTHONY J. BIOSCI: What happens when a
6 cemetery is full is that their operating income
7 basically disappears and the cemeteries have to live
8 off whatever investments they have in order to
9 maintain. They have to, you know, we're obligated
10 and we have a duty to maintain the cemetery. So, by
11 expanding it, we-we, you know, our operating can-then
12 will continue for maybe another 20 years or so, you
13 know. So, and again, I mean it allows for, you know,
14 burials of people of the Jewish faith stay within
15 Queens and not have to go to Long Island or not have
16 to go some other-some other-some other borough.

17 COUNCIL MEMBER KOO: I mean when you buy
18 a plot do you have to pay a monthly maintenance fee
19 to--

20 ANTHONY J. BIOSCI: No.

21 COUNCIL MEMBER KOO: --to include the
22 cleanup and other things? No?

23 ANTHONY J. BIOSCI: No.

24 COUNCIL MEMBER KOO: No, there's no-no
25 charge for that?

2 ANTHONY J. BIOSCI: Only there would be--

3 COUNCIL MEMBER KOO: [interposing] A just
4 one-time fee?

5 ANTHONY J. BIOSCI: There would only be a
6 charge if the--if the individual planted or put
7 something on the grave, and at that point there would
8 be, you know, a maintenance charge, but if--if a
9 person didn't, no, there would be no charge.

10 COUNCIL MEMBER KOO: So, there's no
11 further charges there?

12 ANTHONY J. BIOSCI: Providing they put
13 nothing on the grave, no.

14 COUNCIL MEMBER KOO: Alright, thank you.
15 Yeah.

16 CHAIRPERSON ADAMS: Thank you, Council
17 Member Koo. Are there any further questions from the
18 committee? Okay, thank you.

19 ANTHONY J. BIOSCI: Thank you.

20 CHAIRPERSON ADAMS: You may step down.

21 CHAIRPERSON ADAMS: Are there any members
22 of the public that wish to testify? Seeing none, I
23 will now close the public hearing on LU 51. The last
24 item we will hear is LU 63, and application submitted
25 by the Administration for Child Services and DCAS

2 pursuant to Section 197-C of the New York City
3 Charter for the acquisition of property for the
4 continued use of Saint Anthony's Community Daycare
5 Center. The site is located at 4917 Fourth Avenue.
6 That's Block 783, Lot 1 in Council Member Menchaca's
7 district in Brooklyn. Representatives of the
8 Administration for Children's Services will present
9 on this item followed by testimony from the public.
10 DCAS will also present. If you wish to speak on this
11 or any item on today's agenda, please fill out an
12 appearance slip. We welcome the first panel Allison
13 Grant of ACS, and Dale Anderson of DCAS. I hope I
14 said that correctly. Okay, 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 before this committee, and in response to all Council
18 Members' questions?

19 ALLISON GRANT: I do.

20 CHAIRPERSON ADAMS: Thank you very much.
21 Before you begin your testimony will you please
22 identify yourselves for the record?

23 ALLISON GRANT: My name is Allison Grant.
24 I'm the Chief of Staff for the Division of Child and
25

2 Family Wellbeing at the Administration for Children's
3 Services.

4 DALE ANDERSON: My name is Dale Anderson.
5 I'm—I am an Assistant Director of Leasing at DCAS in
6 the Real Estate Service Group.

7 CHAIRPERSON ADAMS: Thank you very much.
8 You may begin.

9 ALLISON GRANT: Good afternoon Chair
10 Adams and members of the Subcommittee on Landmarks,
11 Public Siting and Maritime Uses. As I stated, my
12 name is Allison Grant and I'm the Chief of Staff at
13 the Division of Child and Family Wellbeing within the
14 New York City ACS. Thank you for the opportunity to
15 testify this afternoon. The Division of Child and
16 Family Wellbeing aims to engage families before they
17 reach the child welfare system. With resources and
18 services to help them thrive, CFWB or division's
19 acronym focuses on the factors that contribute to
20 family wellbeing including health, education,
21 employment and culture and used place-based and
22 population base approaches to engage families,
23 children and communities. CFWB's scope includes the
24 agency's community partnerships programs, Safe Sleep
25 Initiative, Early Care and Education, Primary

2 Prevention Services and a new Office of Equity
3 Strategies that works to identify strategies to
4 reduce inequities, implicit bias and other factors
5 that contribute to disparate outcomes for families
6 and communities that we serve. CFWB currently
7 oversee the city's Early Care and Education System,
8 which includes the Early Learn contracted system and
9 the provision of Childcare vouchers. Our system
10 serves almost 100,000 children from ages six weeks to
11 13 years of age, approximately 30,000 of whom served
12 within Early Learn. ACS Early Learn program is
13 specifically developed to provide high quality
14 holistic early child ed—early child education that
15 provides social and intellectual development for
16 young children. My testimony today pertains to a
17 lease renewal for one of ACS' Early Learn sites, St.
18 Andrew's Community Day Care. This day care is
19 operated by the Sunset Bay Community Services and is
20 located with St. St. Andrew's at school church at
21 4917 Fourth Avenue, Brooklyn, New York 11220 in
22 Community District 7 and Council District 38. The
23 day care occupies a total of 8,971 square feet, 6,000
24 square feet of which is exterior and 2,971 is
25 interior space, which includes a total of two

1 classrooms. As of April 16th, this day care center
2 has the capacity to serve 35 children and currently
3 is serving 33. The effective contracted rate for
4 Sunset Bay Community Services is approximately
5 \$13,500 per child, per year, but the Fiscal Year 2018
6 budget of nearly \$475,000 including estimated parent
7 fees of \$33,000. This site has operated as a day
8 care center since 1972. The most recent lease began
9 in 1994 and expired in September of 2014, and the day
10 care has been on a month-to-month lease since that
11 time. The pending application is the best
12 opportunity to provide a stable location for day care
13 for at least the next several years. The New York
14 State Department of Citywide Administrative Services,
15 DCAS is currently negotiating lease renewal for St.
16 Andrew's Community Day Care, and my colleague Dale
17 Anderson is next to me and can answer questions about
18 that when we're done with our testimony. St. Andrew's
19 Church is the landlord for the site, and has
20 indicated to DCAS that it intends to develop the
21 portion of the property that is currently used as an
22 outdoor playground. While this would impact the day
23 care program by removing its outdoor play space, all
24 ACS Early Learn sites that do not have playgrounds
25

1 are required to ensure appropriate opportunities for
2 the development of motor skills and play time
3 outdoors. Programs that do not have their own
4 outside play spaces use local parks and go on walks
5 to address these needs. In addition, Early Learn
6 sites will be transferring tot the Department of
7 Education in 2019, at which point these requirements
8 around the day care's play time and motor skills
9 development will be governed by the DOE. New York
10 City has held a lease at this location for nearly 50
11 years in order to provide consistent high quality
12 childcare services at Sunset neighborhood. A new
13 leas will allow the current operator to continue to
14 provide high quality childcare and a stable location
15 for the next several years, and the City Council's
16 approval of this application is critical to achieving
17 this goal. Thank you for this opportunity to speak
18 with you about the Early Learn program at St.
19 Andrew's Community Day Care. I look forward to
20 answering any questions you may have regarding the
21 application as does my colleague Dale Anderson.

22 [coughing]

23

24

25

2 CHAIRPERSON ADAMS: Thank you very much.

3 I'd like to acknowledge that we've been joined by
4 Council Member Barron. Council Member Menchaca.

5 COUNCIL MEMBER MENCHACA: Thank you,
6 Chair and to the committee for today's discussion
7 about the--the site the St. Andrew's site. So, I want
8 to thank you for--for coming here today, and talking
9 with us. I know we're not going to be voting today,
10 but it's really important that we understand the kind
11 of full--the full application. I also understand that
12 this is--this is something that I think we're all
13 aligned on, and we want--we want to support, and--but
14 it also is connected to a lot of other things that
15 are happening in the city, and we want to make sure
16 as much as possible we inform everyone on the
17 committee and the Council and our community about
18 what's happening and why we're here today, and--and--
19 because this is not the last time we're going to be
20 here across the city for sites. So, I want to make
21 sure that we get stronger in our conversation as we
22 join all of the minds on this. In fact, yes, all--all
23 across the city development pressures are threatening
24 the availability or the sustainability of our
25 community facilities and church and synagogue

1
2 properties are being converted from publicly
3 accessible space into the private and resident space.
4 Meanwhile, in my district in Southwest Brooklyn,
5 District 38, we've seen a dramatic community facility
6 need. K through-for K through 12 schools are
7 operating over capacity. Day care facilities are
8 operating at 98% capacity, and in this context, the
9 quality and availability and sustainability of day
10 care facilities is super critical. And we're hearing
11 from all across the district from communities who are
12 expressing their interest in this front in Spanish
13 and-and Chinese and Arabic. We're hearing from
14 every-every-every different corner of our community,
15 and the issue before us today is the renewal of a
16 lease at St. Andrew's Church on Fourth Avenue to
17 continue to be used as a day care facility, but our
18 decision about this lease renewal must be informed by
19 knowledge that the property owner is considering
20 developing the playground property adjacent most
21 likely for several stories of residential units.
22 Again, this is a common story in all our districts.
23 As public agencies and elected officials, it's our
24 duty to ensure that the future quality and
25 availability of the spaces support our children in

2 our neighborhood. So, I hope that we—we can come
3 together in public service in the public—as public
4 servants and find solutions to ensure that they—that
5 the continued availability of these spaces and
6 expansion are developed to provide quality care for
7 our youngest New Yorkers, and so that's my statement.
8 I have a few questions, but I don't know if this is
9 the time to go? Yeah. Okay, I'll go right into it.
10 So, talk just a little bit about that idea of the
11 playground and whether or not we know that it's
12 considered as a possible development site, as part of
13 the leased property.

14 DALE ANDERSON: Sure. Thank you. Thank
15 you for the opportunity to be here and respond to you
16 questions. As late as this morning, the parish—I
17 spoke with the parish. The parish remains consistent
18 in its response. Teacher right revenue for the
19 parish is considering disposition of a portion of the
20 lot, which would be the outdoor lot to a developer.
21 The development RFP went. It is only issued to, and
22 they are only considering developers that are
23 agreeable to a minimum 30% affordable housing, and a
24 community space for day care center services. So,
25 that's good news. Whether or not it's actually the

2 award of this is actually conditioned upon that. I
3 don't have an answer, but that is—those were two
4 elements of criteria to short listing. With that,
5 there is not an immediate guarantee that that
6 community space for child care services would
7 necessarily be a city specific day care center site.
8 However, that is the goal, as we discussed this
9 morning.

10 COUNCIL MEMBER MENCHACA: And so, I think
11 this kind of points to my second question about, you
12 know, during the lease period what—what—what—what is
13 the lease allow us to do in terms of—of that
14 development?

15 DALE ANDERSON: Sure. So, right now the
16 proposed lease will be for a period of just five
17 years. Because of the development opportunity very
18 likely that it will have a kick-out by the owner
19 after year 2 so they can grab a portion of the lease
20 space. The lease space will be considered as
21 premises, both the interior and the lot, and what the
22 owner is considering is that they will have a right
23 to take back the lot after year 2, which obviously
24 would affect the operations, the day care center
25 operations, and then redevelop. We're in dialogue

2 about this now, and if we were to allow this with our
3 line of sight on hopefully allow continued day care
4 centers in the new development, day care centers
5 services in the new site, we will work very closely
6 with DOE, SCA and ACS to ensure that the continued
7 operations in the interior of the space are not
8 adversely affected. However, way in advance—so
9 looking at that construction schedule, it DOE, SCA,
10 and/or ACS at the time believe that they will be
11 adversely affected, then a relocation either
12 temporary or on a permanent basis. If something is
13 found, we'd be probably the dialogue at that time,
14 but we intend to incorporate as much flexibility and
15 protections into the lease s possible.

16 COUNCIL MEMBER MENCHACA: Thank you for
17 kind of walking us through that. I think what I'm
18 hearing, though is—is that we don't really a lot of—a
19 lot of power here beyond leasing and kind of through
20 this action giving the city the power to bring a day
21 are service to—to the property. So, the
22 redevelopment question comes in. They're seeing two
23 years before that will happen. Construction might
24 disrupt, and if that happens, there's not much that
25 we can do as city to say this is how we want to do

2 it. We can propose and have dialogue. So, having
3 dialogue is important, but at the end of the day, the
4 worst case scenario is you're going to have to
5 relocate for X amount of time unknown until the
6 redevelopment continues. Is that right? Am I
7 understanding that correctly?

8 DALE ANDERSON: Yes, most of that is
9 absolutely correct. Much of this is speculatively,
10 of course, but the good news is that the parish is in
11 active dialogue with us and they are committed to not
12 only continuing to provide parish services to the
13 community, but also the day care services. So,
14 through our proposed deal, once we get a little
15 farther along with them, which will happen when they
16 get a little farther along with their response on the
17 RFP to see. We expect to sit down at the table to
18 really bake into the deal protections that actually
19 may allow us to be assured of continued services, and
20 one component did come up this morning, which I'm
21 afraid to speak about, which is if the day care
22 center operator and DOE, SCA or ACS believe that the
23 takeback of the lot area during construction will be
24 adverse to the operation, one of the developers that
25 is being considered actually has a site in the

2 immediate area, and we're hoping that we can further
3 that dialogue about whether or not that site can
4 serve a s relocation site. So, we—we—we expect to
5 have some significant dialogue to really understand
6 the real risk, and put as many protective mechanisms
7 around this opportunity as possible.

8 COUNCIL MEMBER MENCHACA: I think what's
9 important here, too, is in this decision and in
10 partnership, this is partnership how we—how we can
11 get as much information as possible, and you're
12 feeding us a lot of good conversations around
13 negotiations, and what I want to understand, too,
14 though, is you're—you're kind of speaking in the
15 future we're going to bake in later. Do those things
16 happen—can they happen before we essentially give
17 power to all of—can we see essentially the plan
18 before we say yes?

19 DALE ANDERSON: Yes. I'm sorry, that's
20 essentially happening now. Yeah.

21 COUNCIL MEMBER MENCHACA: Yeah.

22 DALE ANDERSON: So, I'm—I'm talking about
23 the future. It's speculated because the final
24 response of the RFP and the dialogue with the

2 selected developer really between the parish and that
3 selected developer hasn't happened yet.

4 COUNCIL MEMBER MENCHACA: And when will
5 that happen? Do we know? Did the church tell you?

6 DALE ANDERSON: I believe the responses
7 have come in and the short list should be in the near
8 future. No, I don't have a definitive date yet.

9 COUNCIL MEMBER MENCHACA: Will that
10 happen before the Council votes to move forward on
11 this lease?

12 DALE ANDERSON: No, I don't think so
13 based on your jurisdiction period ending fairly soon.

14 COUNCIL MEMBER MENCHACA: Soon?

15 DALE ANDERSON: Yeah.

16 COUNCIL MEMBER MENCHACA: Yeah, super
17 soon.

18 DALE ANDERSON: But-but this would just
19 allow us to enter into any--the--the Council's approval
20 of the--

21 COUNCIL MEMBER MENCHACA: [interposing]
22 yeah.

23 DALE ANDERSON: --of the ULURP
24 application will allow us to enter into any final
25 deal.

2 COUNCIL MEMBER MENCHACA: Right.

3 DALE ANDERSON: So, it's good that we
4 would secure that in advance, but the terms for these
5 protections, all of this will happen. It may not
6 happen before their development deal, but it will
7 certainly happen—it's certainly happening now the
8 dialogue of this.

9 COUNCIL MEMBER MENCHACA: And how—how much
10 notice would the DOE give in terms of any one of
11 these issues, redevelopment? Because that—that will
12 have an impact. No more—no more adjacent site use,
13 adverse impact, relocation. What's the—what's the
14 DOE process or—or expectations? (sic)

15 ALLISON GRANT: [interposing] Well, none
16 of us work for DOE. So, we actually can't speak to
17 that, but we would ask that Intergov would follow up
18 with you to get answers from them.

19 DALE ANDERSON: And on the reverse—the
20 reverse side of that if the question is also how much
21 will they give—give to DOE and SCA, this morning I
22 asked for a minimum of one year. One year's notice
23 of when anything would occur including any take-back
24 if—if they elect to take back a portion of the space,
25 which will be the outdoor, a minimum one year, but

2 well in advance of that we would hope to have
3 continued dialogue and see phasing plans and
4 construction plans so that DOE and SCA could make an
5 informed decision about continuing the operations and
6 the anterior space, and base on the construction plan
7 what kind of construction barrier and berm may be
8 considered. All of these things would go into the
9 decision that DOE and SCA makes.

10 COUNCIL MEMBER MENCHACA: And—and—and I
11 totally appreciate that. I know that DOE isn't here
12 right now, but we'll definitely follow up with all of
13 DOE related questions, and the last two questions I
14 have are really around trying to figure out what
15 other sites are—are in this space and—or in the—in
16 the trajectory for—for something like this, a renewal
17 of the development site. Is that something you have
18 to share with Council in general?

19 DALE ANDERSON: We'll have to get back to
20 you, but there should be some kind of list. I'm not
21 sure how much information we have because it's always
22 moving targets in terms of negotiations, of course.

23 COUNCIL MEMBER MENCHACA: Right, right,
24 but it would be really helpful for us to know in
25 advance because I think what I'm hearing here and I'm

2 going to have to end where I—where I began. We are—
3 we are aligned. We want this to happen. We're just
4 trying to figure out how we—how we can help you get
5 what you need, and us what we need as far as
6 information to ensure that we have a good
7 negotiation, the best kind of negotiation, and arm
8 you with that.

9 ALLISON GRANT: We greatly appreciate
10 your support. Thank you.

11 COUNCIL MEMBER MENCHACA: Absolutely.
12 Okay, well, thank you so much and thanks to my
13 colleagues for indulging me in these questions today.

14 ALLISON GRANT: Thank you.

15 CHAIRPERSON ADAMS: Thank you, Council
16 Member Menchaca. I just want to echo the sentiments
17 of my colleague that there is a—a definite need to
18 prioritize space for our day care centers across the
19 city especially the Mayor's newest 3-K Initiative,
20 which is very, very important to the City of New York
21 as was pre-K. So, speaking as one who is hearing it
22 now, in my own Borough of Queens people are really
23 looking for space for—for 3-K right now, and space is
24 very tough. It's difficult to come by. So, to hear
25 that there is a possibility of perhaps losing the

2 flexibility of your space, it's very concerning to us
3 on the Council, and you do have our support. Are
4 there any questions from the Committee at this time?

5 COUNCIL MEMBER KOO: [off mic] I have a
6 question.

7 DALE ANDERSON: Council Member Koo.

8 COUNCIL MEMBER KOO: So, what kind of
9 lease you are signing with the landlord here? Is
10 this a 10-year lease or, you know, year by year.

11 ALLISON GRANT: No. Proposed right now
12 will be a very short term of a maximum five years,
13 and that's simply due to the correlation of his
14 development time line. However, with that
15 correlation, they expect that they would like to be
16 under development in approximately three years, four
17 years. So, it may very well be. It's a five-year
18 lease, but with a portion of the space meaning
19 outdoor space lost after year 2, and this would be
20 form execution so-

21 COUNCIL MEMBER KOO: And how many like
22 day care centers ACS operates in the city?

23 ALLISON GRANT: Yeah, we operate the 365
24 currently operating day care centers that are part of
25 the Early Learn contracted system, and about a

1 quarter of those are leased and an additional
2 approximately dozen are owned to our city.

3
4 COUNCIL MEMBER KOO: So, so, can you tell
5 me the difference between your day care and any other
6 like private day care centers?

7 ALLISON GRANT: Sure. So, the Department
8 of Health and Mental Hygiene's Bureau of Child Care
9 licenses day care centers for the city, and there's
10 approximately 2,000 child care centers that they
11 license. They also have an agreement with the state
12 to which MH and OCFS, Office of Children and Family
13 Services to monitor the family day care and group
14 family day care that the state registers versus what
15 the city licenses. So, of the 2,000 licensed day
16 care centers that DOH oversees, approximately a
17 quarter are Early Learn. Others are privately
18 operated. Other beyond what are obviously are DOE,
19 Pre-K and the new 3-K programs that the Chair
20 mentioned, and there are, as I said, group families
21 and home-based, center-based. So, really, if you
22 walked down the street in your district, you'll see
23 some that might be ACS contracted, some that are DOE
24 contracted and some that are private, and some of
25 them accept vouchers and some do not.

2 COUNCIL MEMBER KOO: That's incurred
3 (sic) because I mean it's the same, right?

4 ALLISON GRANT: ACS only oversees the
5 Early Learn curriculum, and almost all of our
6 congregate programs use the creative curriculum. We
7 state that all of them should be using one that's
8 based in the strict—the most stringent regards to
9 early childhood development, and DOE and ACS do work
10 together. And most of our programs do have the same
11 curriculums in place in addition to their having Pre-
12 K and 3-K, additional services, but in terms of the
13 private day cares, we don't monitor or oversee them.
14 We don't what curriculums they have. We don't
15 oversee their hours or their regulations in terms of
16 their staff. So, I can't really speak to that.

17 COUNCIL MEMBER KOO: What about when—when
18 they finish your daycare center, do they—do you
19 encourage them to take the Gifted and Talented
20 Programs tests?

21 ALLISON GRANT: We share all information
22 in terms of moving—when there are two because you
23 know Early Learn Centers are from six weeks through
24 four years of age, right?

25 COUNCIL MEMBER KOO: Uh-hm.

2 ALLISON GRANT: So, when they're two we
3 recommend if they're in a community with 3-K they can
4 continue 3-K at an Early Learn Center or they can
5 apply for DOE 3-K. When they are turning four, we
6 again recommend staying at Early Learn Pre-K or a
7 separate DOE Pre-K, and when they're going, turning
8 five, and they're going to move onto kindergarten
9 from our programs, we provide all the information or
10 they will apply for kindergarten through the DOE as
11 well as the Gifted and Talented application, and we
12 encourage the staff at our programs to ensure that
13 all families and guardians are aware of these
14 opportunities because we want to make sure that the
15 low-income children in our system have those
16 opportunities as do all of their children across the
17 city.

18 COUNCIL MEMBER KOO: So, do you have like
19 statistics. Like, I mean what's the percentage of-of
20 your graduates coming in through the Gifted and
21 Talented Program?

22 ALLISON GRANT: That's a really great
23 question. I don't believe—I—I definitely don't have
24 that today with me. I'll see if we have it available.
25 It might take some data crunching--

2 COUNCIL MEMBER KOO: [interposing] yeah.

3 ALLISON GRANT: It might take a little
4 bit to get that back to you, but I can see what we
5 have.

6 COUNCIL MEMBER KOO: Thank you.

7 ALLISON GRANT: Yes, thank you, Council
8 Member.

9 CHAIRPERSON ADAMS: Thank you. Council
10 Member Barron.

11 COUNCIL MEMBER BARRON: [off mic] No.

12 CHAIRPERSON ADAMS: Council Member
13 Treyger. Okay, thank you very much for your
14 testimony today. You may step down.

15 ALLISON GRANT: Thank you, Chair.

16 CHAIRPERSON ADAMS: Are there any members
17 of the public that wish to testify on this item at
18 this time? Seeing no further witnesses on this item,
19 I will now close the public hearing on LU 63, and I'd
20 like to thank the members of the public and my
21 colleagues, counsel and Land Use Staff for attending
22 today's hearing. This meeting is hereby adjourned.

23 [gavel]

24

25

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 May 9, 2018