

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUB COMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME
USES

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September 16, 2008
Start: 11:35am
Recess: 12:13pm

HELD AT: Committee Room
City Hall

B E F O R E: JESSICA S. LAPPIN
Chairperson

COUNCIL MEMBERS:
Charles Barron
Leroy G. Comrie, Jr.
John C. Liu
Annabel Palma
Maria Del Carmen Arroyo
Rosie Mendez
James S. Oddo

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

Adam Weinberg
Director
The Whitney Museum

Michael Sillerman
Representing The Whitney Museum
Kramer Levin Naftalis & Frankel, LLP

Rebecca Asser
Vice President, Transaction Services Group
New York City Economic Development Corporation

Michael Bradley
High Line Administrator
City of New York Parks and Recreation

David Reck
Board Member
Community Board 2

Jo Hamilton
Board Member
Community Board 2

Peter Mullan
Director of Planning
Friends of the High Line

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

Tami Rachelson
Deputy Director for Real Estate
New York City Department of Education

2 MALE VOICE: Testing, one, two,
3 three. Testing, one, two, three. The
4 Subcommittee of Landmarks, Siting, and Maritime
5 Uses. Today's date is September 16th, 2008 and
6 it's being recorded by Aliberto Coyaso [phonetic].

7 [Break in Audio]

8 CHAIRPERSON LAPPIN: Good morning.
9 It's still morning. Welcome to the Subcommittee
10 on Landmarks, Public Siting and Maritime uses.
11 I'm Jessica Lappin, our Chair; joined today by
12 Councilmember Annabel Palma, Councilmember Maria
13 Arroyo, Councilmember John Liu and Councilmember
14 Charles Barron; to be joined shortly by
15 Councilmember Jimmy Oddo and I see Councilmember
16 Leroy Comrie walking in. We have two items on the
17 agenda today. The first is the Whitney Museum,
18 let's start with that, which is item number
19 080406. There are four related applications.
20 This project is in Speaker Quinn's district. I
21 wanted to ask the first panel to come and speak.
22 We have Adam Weinberg, from the Whitney; Michael
23 Sillerman, representing the Whitney from Kramer
24 Levin; Rebecca Asser, from EDC; and Michael
25 Bradley, from Parks.

2 [Break in Audio]

3 CHAIRPERSON LAPPIN: So I don't
4 know who is going to spearhead your presentation
5 today. Is this the right panel to be-- great. So
6 Rebecca, you can introduce yourself for the record
7 and begin.

8 REBECCA ASSER: Good morning. My
9 name is Rebecca Asser. I'm a Vice President at
10 the New York City Economic Development Corporation
11 in the Transaction Services Group. EDC has been
12 working closely with the Whitney and other City
13 agencies on this plan to develop a new museum on
14 Gansevoort Street between West and Washington
15 Streets. On behalf of EDC I would like to say
16 that we are very excited about this project and
17 its contributions to the neighborhood and to the
18 City. This project will complement the new High
19 Line Park and create a great new public amenity
20 for the community while allowing one of our city's
21 eminent cultural institutions to expand its
22 facilities and programs. In addition, the plan
23 includes the construction of an essential
24 maintenance and operations facility for the High
25 Line Park. I hope that you will join me in

support of The Whitney and its efforts.

ADAM WEINBERG: Good morning, I'm Adam Weinberg, the Director of the Whitney Museum. I'm honored to be here today. I just briefly wanted to address the program of the new building downtown at Gansevoort and Washington Street. I wanted to start first with this over here because the reason we're doing all of this is basically two; one is the art, the Whitney has one of the great collections of American art in the world, some 16,000 objects of which a very small percentage are ever really exhibited in total and the new building will provide us great opportunities to exhibit much more of our art; the second are our audiences. And would you go to the next one? The Whitney Museum, when it first opened uptown in 1966 it had about 293,000 visitors. Today we have 500,000 visitors. We have school groups that come from almost 300 different public schools. We have over 25,000 people partaking in our education programs each year and our primary goal for the new building is to make the Museum and its great riches much more accessible to the larger public. This over here

1 indicates the site for the new building. It's on
2 Gansevoort and Washington Street. What you see in
3 yellow are the High Lines, so we are at the base
4 of the High Line, one of our wonderful partners in
5 this endeavor, and over here the Hudson River
6 Park. I think one of the great things about this
7 project is we are in a neighborhood that is a very
8 outdoor neighborhood that has a lot of public
9 amenities to it with the High Line and the Hudson
10 River Park, and the Whitney will greatly add to
11 that. These are some of the features of the new
12 building. It will give us almost double the
13 current gallery space than we have in the Museum
14 uptown. It gives us outdoor exhibition space,
15 which is wonderful, because this outdoor
16 exhibition space will all be visible from the
17 street and from the High Line itself. It will be
18 actually probably be the largest group of outdoor
19 galleries in the City. It has a ground floor
20 gallery and public space that is a complete free
21 zone that's open to the public that is part of an
22 8,000 square foot open court which is also
23 outdoors and open to the public itself. Our first
24 theatre, the Whitney Museum, has existed for many
25

1 years and we've never had an auditorium or
2 theatre; and we will also have our first dedicated
3 education facilities. The Museum has never had
4 dedicated educational facilities. All of our
5 education activities have taken place not only in
6 the galleries but in our restaurant and our
7 offices and our staff quarters and various places.
8 For the first time we'll have classrooms and other
9 areas for young people. And then obviously the
10 other kinds of amenities that one comes to
11 associate with museums, like restaurants and cafes
12 and stores and that type of thing. And just
13 briefly, this is the model of the new building
14 designed by the architect Renzo Piano. Even
15 though it's shown in wood, we believe it will be
16 stone on the outside. You can see the four
17 outdoor terraces, which lead very gently down to
18 the High Line. The idea was not to create a big
19 massive wall to the High Line, so that it became
20 an extension of the High Line and that public
21 space. This over here is the 8,000 square foot
22 outdoor plaza, which is part of the new museum,
23 which we're building there, and then also the free
24 zone of the gallery and everything on the bottom
25

2 level. And what this will provide us with is
3 gallery space on these floors over here and office
4 space for most of our staff. And I guess the last
5 thing I should point out, which Michael Bradley
6 will be, the M and O space for the High Line. And
7 I think that's it.

8 MICHAEL BRADLEY: Good morning. My
9 name is Michael Bradley. I'm the High Line
10 Administrator for the Parks Department. I have
11 overall responsibility for the design,
12 construction and operation of the High Line Park
13 in the Meat Market and West Chelsea area. I would
14 like to talk to you about the site selection for
15 the maintenance and operations facility, which is
16 part of the series of actions before you.

17 Construction of the first section of the park
18 started in early 2006 and we hope to end-- to open
19 that section between Gansevoort Street where the
20 Whitney Facility and the Maintenance and
21 Operations Facility will be build and 20th street
22 by the end of the year. Construction of the
23 second section between 20th Street and 30th Street
24 is underway. We hope to be able to finish that by
25 the end of 2009. The High Line was built in 1932

1
2 by way of introduction of the need for this
3 facility. It connected with a series of
4 warehouses and factories which had very heavy duty
5 freight elevators, the trains would roll into
6 sidings on these buildings and the freight would
7 go off in to these elevators and down to the
8 street and then be distributed by trucks
9 throughout the city. We don't have that capacity
10 anymore. Most of those elevators are gone.
11 They're all privately owned, anyway. And so to
12 accommodate the need to maintain the park, to
13 build and maintain the park, all the materials
14 that are needed for its construction are being
15 craned up to the line and all the debris-- and
16 then when the park is in operation, the garbage
17 and other materials that need to be removed from
18 the line have to be craned down. When we open the
19 facility we will have a temporary yard actually on
20 the line with a fence around it and office
21 trailers, and we will crane things up and down.
22 That operation will be complicated, difficult,
23 inefficient and expensive. So from the beginning,
24 planning for the High Line has included a separate
25 dedicated Maintenance and Operations facility.

2 The site at Gansevoort Street is the only city
3 owned space either under or adjacent to the High
4 Line other than streets. And so it's been part of
5 the planning from the beginning of the planning
6 for the High Line. We've designed the M and O
7 building to serve both the public and the staff
8 using and maintaining the High Line. The building
9 will have four floors, about 20,000 square feet
10 and it will have service parking on the ground
11 level with access through the Meat Market
12 Courtyard on Washington Street, then storage and
13 maintenance space on the first three levels,
14 access to the High Line, thank you Scott, via a
15 cantilevered driveway over the Meat Market
16 Courtyard on the north side of the facility there.
17 The fourth floor will be administration space and
18 a public meeting space for about 60 people which
19 will be available for community use as well as
20 High Line programming and educational programming.
21 There will be on the High Line level, public
22 restrooms. And the public will also be able to
23 enter both the M and O building and the High Line
24 itself by a glass elevator, which is located on
25 that corner there. Thank you. The M and O

2 building will be built with the Whitney facility
3 using City funding, but in conjunction with the
4 Whitney construction. There will be no access to
5 the Whitney building from the M and O building
6 once it's completed, no from the High Line to the
7 Whitney building, mostly for security reasons. To
8 enter the Whitney from the High Line you'd need to
9 go down to the plaza level to the street and then
10 enter the Museum entrance. We expect to occupy
11 the building mid 2012, which is slightly earlier
12 than the Whitney's occupancy. And I'd be happy to
13 answer questions, too.

14 MICHAEL SILLERMAN: Good morning.

15 I'm Michael Sillerman from Kramer Levin, counsel
16 to the Whitney Museum, and I'm going to describe
17 the public actions, which are before the Committee
18 and which have been unanimously supported by both
19 Community Board 2 and by the City Planning
20 Commission. On the 108,000 square foot full block
21 zoning law, which is shown to my left, the Whitney
22 is proposing to acquire a 40,000 square foot
23 portion. The building, including the Museum and
24 the High Line support facility, will contain up to
25 186,000 square feet of floor area and upon

completion of the project, the relevant zoning lot including those facilities and the existing market building to the north will comprise 267,000 square feet, which is 38% of the community facility and commercial floor area that's permitted on that full block. The portion that's not being acquired by the Whitney will remain in City ownership. It will continue to be designated as an agricultural market and leased to the Gansevoort Meat Market. If a private development is proposed for the remaining parcel at any future time additional action, ULURP by the City approving its disposition, and the removal of its market designation would be required. In addition to the acquisition of the building site, the Whitney is proposing that the City grant several easements over the remaining portions of the zoning lot, shown in the plan to my far left, in order to buffer the new building from any future development immediately to the north, and preserve sightlines to and from the building, particularly along West Street and the High Line. So the actions before your committee are four. The first is a disposition of City property, the disposition

2 of the site from the City to the Whitney Museum by
3 way of EDC and City conveyance of the easements I
4 just described. The second action is a site
5 selection and acquisition of the support facility
6 as a site selection and then the Whitney's
7 conveyance to the City of a condominium interest
8 in that support facility. The third and fourth
9 actions are a special permit by way of a zoning
10 text amendment; one of the interesting quirks,
11 perhaps, of City zoning is that even though this
12 location is really very close to the new heart of
13 the gallery and art market slightly to the north,
14 because it's in an M15 district, this museum
15 community facility use is not permitted as of
16 right, so we need to use an existing special
17 permit to site it there. That special permit does
18 not provide for any height and setback
19 modifications, and because of the envelope of the
20 building and the way Renzo Piano has sculpted it,
21 it has very slight incursions into the height and
22 setback envelopes along the south and the west.
23 So a very targeted text amendment has been added
24 to permit the grant of those height and setback
25 modifications, which are limited to a building

2 containing use group 3A, museum use in an M15
3 district on a zoning lot over which the High Line
4 passes. So those are the two last actions. So
5 you have two real estate actions and two zoning
6 actions, and we respectfully request the support
7 of the Committee and the Council for these
8 actions, which will allow this public/private
9 partnership to be consummated. Thank you.

10 CHAIRPERSON LAPPIN: We're voting
11 on consummation? I think it's a very exciting
12 project. The High Line is going to be absolutely
13 spectacular, but can only remain so if it's
14 maintained property. So we need a facility; this
15 seems like the perfect place and will be-- the
16 Museum in some way will anchor this portion of the
17 High Line and I think they will mutually feed off
18 each other in a very beneficial way and hopefully
19 you'll have people coming in and out of the
20 Museum, approaching from the High Line, leaving
21 the Museum to walk along the High Line. I thin it
22 will be a very nice marriage of the two. And to
23 have the word's preeminent American art museum
24 expand-- I happen to like the design that Renzo
25 Piano did for the Museum. And I think it will be

2 a really wonderful thing for the Neighborhood and
3 for the city. And people will come from all over
4 the world-- and your visitor numbers have
5 certainly gone through the roof since you've
6 opened. I think this will only bring more people
7 to New York to see American art. So that's a
8 wonderful thing. One of you noted the Community
9 Board supported this, I believe it was
10 unanimously, which I think in that Community Board
11 is an extraordinary feat. So congratulations, and
12 certainly this proposal has been received a lot
13 more warmly than the original one, which was on
14 the east side. And you're going to have a lot
15 more space. So in the end I think it's sort of a
16 win-win. You're going to have a great building
17 and more exhibition and storage space in a great
18 neighborhood. So do any of my colleagues have
19 questions? And before I call on Councilmember
20 Barron, I did want to note for my colleagues that
21 in addition to the Community Board and the Borough
22 President, Speaker Quinn is very much in support
23 of this application.

24 CHARLES S. BARRON: Thank you very
25 much, Madam. It's on vacant land? It's not

vacant? What was occupied?

REBECCA ASSER: The land currently has three buildings on it that are City owned and currently one-- it's currently a vacant building that we're actually in the process of demo-ing. There's some refrigeration equipment for the Meat Co-op that the Whitney will relocate. And there's another meat building on the corner of West Street and Gansevoort Street that has one tenant on expired permit that's in the process of vacating the building.

CHARLES S. BARRON: So you have, it's a meat factory or meat refrigerator?

REBECCA ASSER: The meat wholesale use, similar to the co-op, but not part of the meat co-op. They're just individual businesses.

CHARLES S. BARRON: I always ask contextual or content questions about the art itself. You know we've heard about it for a long time, but I always am concerned about the diversity of New York City. Oftentimes museums don't reflect that diversity, African American art, Native American art, art from Latin America, art from Asia, from people of color. So oftentimes

2 in a lot of New York City's cultural institutions,
3 some of these cultures are not represented
4 adequately, even if they have some exhibits from
5 time to time. So just, if you can give me a
6 little bit of information on the diversity of art
7 at the Whitney.

8 ADAM WEINBERG: Sure. For the
9 past, I would say in particular, the past 15 years
10 the Whitney has really made a special commitment
11 to diversity in both its collection and its
12 programs. In fact, Thelma Golden, who was the
13 director of the Studio Museum, who you probably
14 know, Thelma was the probably first senior African
15 American curator in a contemporary museum after
16 Kynaston McShine at the Museum of Modern Art. And
17 Thelma had organized many shows like Bob Thompson,
18 for example, and Black Male. And that has been a
19 tradition that we have continued. We just had a
20 major retrospective, for example, of the artist
21 Carol Walker, this past year, Lorna Simpson, also
22 an African American from Brooklyn, both in this
23 past year. We've been major supporters of a range
24 of artists. And in fact just recently we
25 appointed Fred Wilson, who-- the second artist

2 ever to sit on the Board of Trustees of the
3 Whitney Museum, who is an African American from
4 the Bronx, and who has been very strongly
5 committed to and involved in that. And it's
6 something that we've been championing very much in
7 terms of building our collection and trying to
8 build the diversity of the Board as well.

9 CHARLES S. BARRON: Do they have my
10 picture located anywhere in the museum.

11 [Laughter]

12 CHARLES S. BARRON: Is that it over
13 there?

14 ADAM WEINBERG: We can arrange for
15 it. Send it over.

16 CHARLES S. BARRON: It's a
17 wonderful project and I'm looking forward to
18 seeing it.

19 ADAM WEINBERG: Thank you very
20 much, Councilmember.

21 CHAIRPERSON LAPPIN: Great. Thank
22 you very much. We have one more panel, David
23 Reck-- I'm sorry. Excuse me. I misspoke.
24 Councilmember Comrie.

25 LEROY G. COMRIE, JR.: We were just

1
2 curious about how you felt about being across from
3 the Gansevoort Station and what that impact would
4 be on the facility?

5 ADAM WEINBERG: I'm sorry, I
6 couldn't hear.

7 LEROY G. COMRIE, JR.: The
8 Gansevoort Transfer Station.

9 ADAM WEINBERG: Yes.

10 LEROY G. COMRIE, JR: And how you
11 felt from being across from that facility.

12 ADAM WEINBERG: Well I actually
13 from my sense is that that's something that exists
14 there. It's part of the plan and it's something
15 that we feel comfortable with. We know that it's
16 going to happen and as I understand it part of it
17 is a park and part of it will be the transfer
18 station. And I hope that, you know, the park
19 offers a great amenity and that The Whitney
20 complements it. You know, we don't take a
21 position on it per se, but we recognize that it's
22 now part of the mix there.

23 LEROY G. COMRIE, JR.: Do you have
24 parking on you site?

25 ADAM WEINBERG: We do not have

2 parking on our site. It relies on public
3 transportation--

4 LEROY G. COMRIE, JR.: All on
5 public transportation.

6 ADAM WEINBERG: Yes, that's
7 correct.

8 LEROY G. COMRIE, JR.: And the
9 nearest-- how many employees do you have on site
10 or would be expected to be?

11 ADAM WEINBERG: We will have about
12 240, 230 something in that range. And we have the
13 cross town bus on 14th Street, and we have the 8th
14 Avenue subway two blocks, two and a half blocks
15 away.

16 LEROY G. COMRIE, JR.: And what's
17 the maximum capacity for events per people?

18 ADAM WEINBERG: I don't know that
19 number off the top of my head.

20 LEROY G. COMRIE, JR.: Less than
21 1,000 more than 1,000?

22 ADAM WEINBERG: It's probably more
23 that 1,000 but I don't know the number off the top
24 of my head. Is there somebody among the team that
25 can talk to the audience? Yeah, I mean the

1
2 typical, our typical openings might be about, you
3 know, 500, 800 people for a typical opening at any
4 given time. We have done an audience impact
5 study, but I'm sorry, I don't have those numbers.
6 But we could have them for you.

7 LEROY G. COMRIE, JR.: And what
8 happens to your facility on the east side?

9 ADAM WEINBERG: On the east side?

10 LEROY G. COMRIE, JR.: The original
11 facility.

12 ADAM WEINBERG: Oh, the Breyer
13 Building. Yes, that building will still remain.
14 It will be a museum facility and we're having
15 conversations now with possibly even collaborating
16 with some other arts organizations.

17 LEROY G. COMRIE, JR.: Okay. Thank
18 you.

19 ADAM WEINBERG: Thank you.

20 CHAIRPERSON LAPPIN: David Reck
21 from Community Board 2, Jo Hamilton and Peter
22 Mullan from Friends of the High Line. Push. Yes.

23 DAVID RECK: Good morning. I am
24 David Reck. I chair Board 2's zoning landmarks
25 committee. I'm also a registered architect. I

2 have to tell you, you were right, this is one of
3 the best received projects in Community Board 2,
4 and our Board has always had very contentious land
5 use. This was so well received that even people
6 who normally oppose absolutely everything came out
7 in favor of this project. The Whitney team has
8 been very generous with their time. We had two
9 large public hearings. The first was more of a
10 town hall format and the second was in front of
11 the Zoning Committee where we went into the
12 minutiae of the zoning applications. And we have
13 found this to be a perfectly sited facility, at
14 the end of the High Line-- this is a perfect
15 finish for the High Line. I also don't want to
16 miss the maintenance facility there and public
17 access facility. That's also very well sited and
18 very appropriate for this location. There were a
19 number of issues that did come up, we felt, on the
20 easements that are being planned here, that that
21 is probably one of the best protections for the
22 meat industry that remains there. We do not want
23 to hasten the demise of the meat industry, but
24 there is no doubt it has been retrenching over the
25 years. And the Whitney Museum has reached out to

2 those people and is in the process of helping move
3 a chiller plant. In general the Whitney has been
4 very, very generous about reaching out to everyone
5 in the area and has built a very large number of
6 fans for this museum. So from the Board's point
7 of view, this is very much desired and we support
8 it wholeheartedly.

9 JO HAMILTON: My name is Jo
10 Hamilton. I live two blocks from the proposed
11 Whitney Museum and I've been an activist in this
12 neighborhood since 2000, when I lead the effort to
13 create the Gansevoort Market Historic District,
14 which this body approved in 2003. I want to thank
15 you. The historic district by all measures has
16 been a huge success. I guess I should have
17 coordinated my testimony with David and with
18 Councilmember Lappin, because I'm going to repeat.
19 But for the sake of the neighborhood, I'm going to
20 repeat it anyway. Gansevoort Market neighborhood
21 is like a lot of neighborhoods in New York City, a
22 small close-knit community that cares very much
23 about its future. The Whitney came to us from the
24 very beginning and they've reached out to
25 residents in the surrounding neighborhood,

2 community groups, the Meat Co-op, business leaders
3 and property owners throughout the entire process,
4 and I know that they will continue their
5 engagement. The project that you have seen before
6 you has overwhelming support. My neighbors in the
7 West Village, in Chelsea and everyone in the
8 Market are very proud that The Whitney wants to be
9 a part of our community. We think that the Renzo
10 Piano design is beautiful, sensitive and
11 appropriate and I think will probably become a new
12 landmark-- or I hope it will become a new
13 landmark. And the addition of the Museum along
14 with the opening of the High Line Park, you
15 couldn't ask for better synergy. I think it
16 means, as you said Councilmember, is that the area
17 will continue to be an exciting and vibrant
18 neighborhood and be a great destination for New
19 Yorkers and visitors to the city. I hope you will
20 approve this application.

21 PETER MULLAN: Hi, my name is Peter
22 Mullan. I'm the Director of Planning for friends
23 of the High Line. And I just want to reiterate
24 what everyone has said today. We are absolutely
25 thrilled about this project. Obviously we had

2 some very specific needs that are incorporated
3 into the complex, the Maintenance and Operations
4 facility as well as some of the public facilities,
5 the elevator and bathrooms at High Line level.
6 All of those are absolutely critical to the
7 overall plan for the High Line. We can't operate
8 this part without them, and we've managed to come
9 up with a plan and design that makes it work. So
10 we're very pleased about that. But just as
11 importantly, I think we are going to have a
12 cultural anchor for the High Line, which will help
13 to make the Southern Terminus of the High Line, I
14 think, one of the most excited places in New York.
15 Obviously the art community has been a big
16 supporter of the High Line from the beginning. So
17 this in effect takes that and carries it further.
18 We've already begun to run public programs with
19 The Whitney and I think that will continue into
20 the future when the park is open. So I think just
21 in general it's a fantastic, fantastic addition
22 for the High Line, the City and I couldn't wish
23 for anything more.

24 CHAIRPERSON LAPPIN: Great. Thank
25 you very much. I agree. Any questions from my

2 colleagues? Great. And I'll note that we've been
3 joined by Councilmember Rosie Mendez. Thank you
4 very much. Seeing nobody else signed up to
5 testify, the hearing on this item is closed. And
6 we have one other item on the agenda. I'm going
7 to open the hearing on the school that's in
8 Councilmember Dilan's district, PS 89 in Cypress
9 Hills and ask the SCA, Mr. Shaw, to come and
10 testify. And at the conclusion of this hearing,
11 we will vote on both items.

12 GREGORY SHAW: I'm sorry. Good
13 afternoon Chairperson Lappin and council members.
14 Thank you so much for having us today. My name is
15 Gregory Shaw. I'm principal attorney for the real
16 estate for the New York City School Construction
17 Authority. And to my right is Tami Rachelson,
18 Deputy Director for Real Estate for the Department
19 of Education and the School Construction
20 Authority. The New York City School Construction
21 Authority has undertaken the site selection
22 process for the proposed 430C primary and
23 intermediate school located at the Northeast corner
24 of Atlantic Avenue and Warwick Street the Borough
25 of Brooklyn in tax block 3952, lots 1, 2, 45 and

47. The proposed school is also located in Community School District number 19 and Brooklyn Community Board 5. The proposed site has approximately 16,400 square feet of lot area. Under the original proposal the existing buildings were to be renovated to house PS 89. In the course of renovations it was determined that the buildings had deteriorated to such an extent that it was no longer feasible to make the necessary repairs to the existing structures. Therefore the decision was made to demolish the two existing structures and construct a new facility that will be four stories tall, containing approximately 54,000 square feet of space to house the new school. PS 89 currently shares space with IS 302 in Brooklyn. Approximately 250 students attend PS 89, occupying portions of the IS 302 building as well as TCUs in the schoolyard. The proposed projects would provide approximately 430 seats of permanent capacity in the District. The new school would serve grade levels pre-K through eighth grades and special education students. It will also include a gymnasium, cafeteria, kitchen and assembly space. The notice of filing for the

2 site plan was published in the New York Post and
3 City Record on May 23, 2008. Brooklyn Community
4 Board 5 was also notified of the site plan on that
5 date and was asked to hold public hearings.

6 However, Brooklyn Community Board 5 did not hold a
7 public hearing and did not submit written comments
8 on the site plan. The City Planning Commission
9 was also notified on May 23rd, and it recommended
10 in favor of the site. The SCA has considered all
11 comments received on the proposed site plan and
12 affirms the site plan pursuant to section 1731 of
13 the Public Authorities Law. In accordance with
14 section 1732 of the Public Authorities Law, the
15 SCA submitted the proposed site plan to the Mayor
16 and Council on September 11th, 2008. We look
17 forward to your Subcommittee's favorable
18 consideration of this plan and we are here to
19 answer any questions you might have.

20 CHAIRPERSON LAPPIN: What's the
21 overcrowding like in Community District 19 in
22 Brooklyn? Oh yeah, here I go. That's right,
23 because we've been having discussions about the
24 site selections that keep coming to this Committee
25 that aren't in District 2 in Manhattan. So I'd

2 like to know what the overcrowding is in Community
3 District 19.

4 TAMI RACHELSON: Okay. Well, to
5 start off with, the school that this is currently
6 housed in, combination of the physical school
7 building that this school is in as well as the
8 TCUs it's occupying, part of the grounds of the
9 school, they're operating at over 106%. And
10 overall the north side of school district 19 is
11 operating at close to 100% capacity.

12 CHAIRPERSON LAPPIN: You know the
13 numbers for District 2, right? Because I have
14 schools that are 150% over capacity, 125% over
15 capacity.

16 TAMI RACHELSON: Yes.

17 CHAIRPERSON LAPPIN: You know, this
18 isn't about one neighborhood versus another. All
19 of our kids deserve schools that aren't
20 overcrowded and this is a community that deserves
21 a school. And so that's not what this is about,
22 but I'm, you know, I have no patience left. We
23 are at total crisis mode. The capital plan
24 doesn't add any seats in District 3. I understand
25 that some of these have been in the pipeline for a

2 long time and I want to help my colleagues and I
3 want to help the kids in every district in this
4 city have the facilities that they deserve. But,
5 we're going to have a discussion in this
6 committee, joint with the education committee.
7 We're going to have two hearings in the next
8 months, and those are the kind of questions that
9 you need to be prepared to answer in terms of your
10 site selection and your planning and how you're
11 going to deal with the overcrowding. Because it
12 takes a long time to build a school. I get that.
13 But we're already at crisis mode now and I don't
14 see plans in the works for now, forget where we're
15 going to be five years from now when we're going
16 to be playing catch up. Do my colleagues have any
17 questions?

18 CHARLES S. BARRON: Yes.

19 CHAIRPERSON LAPPIN: Councilmember
20 Barron.

21 CHARLES S. BARRON: This is close
22 to my district. We do have an overcrowding
23 problem. One of the difficult challenges for our
24 district, even though it's Erik Dilan's district,
25 I'm a neighboring district, is that they would

2 consider our superintendent or our entire district
3 as under utilized, but yet you have parts of it
4 that is extremely overcrowded and then others that
5 are not utilized as much. So you don't get the
6 real picture of what's happening in the
7 neighborhood when we request for new schools. But
8 it's definitely needed. It's a problem. If you
9 just came to the neighborhood and you saw the
10 classrooms, it is definitely needed. The numbers
11 are sometimes not as accurate as the overcrowding
12 even looks. And I'm sure they've got to do some
13 updating on that. But this is definitely a school
14 that is needed in this particular district and
15 other parts of our district as well.

16 CHAIRPERSON LAPPIN: And I think
17 you're absolutely right, Councilmember Barron.
18 Looking at the district, the districts are large.
19 And sometimes it would be helpful to look at maybe
20 a Community Board or a more local level to get a
21 more accurate picture. And that's one of the
22 things we're going to be discussing at these
23 oversight hearings, is when you're looking at a
24 big district, is that accurately reflecting what's
25 really happening in certain neighborhoods.

2 TAMI RACHELSON: I just want to
3 mention that my understanding is in the upcoming
4 capital plan that they're working on right now
5 that they're not going to be looking at district
6 overcrowding as a whole, they're going to be
7 looking at pockets of overcrowding.

8 CHARLES S. BARRON: Right.

9 CHAIRPERSON LAPPIN: That would be
10 a really positive change.

11 TAMI RACHELSON: So hopefully that
12 should help--

13 CHAIRPERSON LAPPIN: [Interposing]
14 That's certainly now how it's done now.

15 TAMI RACHELSON: To address some of
16 the overcrowding that you're seeing, as your
17 mentioning. Certain schools and neighborhoods you
18 have overcrowding, but the overall district might
19 not be overcrowded.

20 CHARLES S. BARRON: Exactly.

21 TAMI RICHARDSON: One other thing
22 I'd just like to mention, the design of this
23 school will be a Green school design.

24 CHAIRPERSON LAPPIN: Well, that's
25 mandated by law.

2 TAMI RICHARDSON: Right. But this
3 had started, you know, quite some time ago.

4 CHAIRPERSON LAPPIN: Right. Great.

5 CHARLES S. BARRON: Can I just--

6 CHAIRPERSON LAPPIN: [Interposing]
7 Sure.

8 CHARLES S. BARRON: The other thing
9 we got to look at is in my district we had
10 tremendous growth in housing. So there's a
11 growing population. So even though it looks as
12 though it's not overcrowded in some areas, in a
13 short span of time it will be. Because
14 projecting-- we're one of the few districts that
15 has more land space and affordable housing is
16 coming in almost every other day. And as a matter
17 of fact we have Gateway Estates coming in, which
18 is going to be a whole new community of over 2,300
19 units. And we have to do a school out there. So
20 there are many areas right now, we're concerned
21 that will we have enough space, because what's not
22 reflected is the people that will be coming in in
23 a very short time in our community. So I just
24 want you to bear that in mind, too.

25 CHAIRPERSON LAPPIN: Thank you. I

1
2 don't think there's anybody else signed up to
3 testify on this item. Sorry. I keep overlooking
4 my colleague, Councilmember Comrie.

5 LEROY G. COMRIE, JR: It's okay,
6 Madam Chair. You've been leaning the other way,
7 but that's all right. I just wanted to be clear
8 on what you said about the reassessment for the
9 capital plan, that you're going to focus on
10 pockets of overcrowding. Have you come up with a
11 methodology for that one way or the other? And is
12 there going to be an opportunity for discussion?
13 I won't belabor the fact that I will join my other
14 colleagues that my district is overcrowded and
15 even the problem in my district is that I have a
16 lot of people that move in at the last minute. So
17 principals are never understanding or never able
18 to deal with pure planning, because they wind up
19 with 200 extra kids on the first day of school
20 that come in over the counter, because we have
21 people that are moving into the district over the
22 summer. So have they come up with a methodology
23 or a time frame or an opportunity for comment on
24 what you're planning on doing with the new capital
25 plan?

2 TAMI RACHELSON: Okay. My
3 understanding is our Capital Planning Unit is
4 actually currently working on the draft of the new
5 capital plan. And my understanding is that they
6 will be looking at pockets of overcrowding and the
7 draft will be coming to the Council for review.

8 LEROY G. COMRIE, JR.: But you're
9 not aware of when--

10 TAMI RACHELSON: [Interposing] I
11 don't know. I apologize. I don't know the
12 methodology. We can find out how they're doing
13 that. And I also want to mention, touching on
14 what Councilmember Barron had mentioned, I know
15 that our Capital Planning Unit works very closely
16 with the City Planning Department on housing
17 starts and whatever. So for planning purposes we
18 know where there should be more students coming
19 online.

20 LEROY G. COMRIE, JR.: Okay, but
21 that opens up a whole other set of questions.
22 Because City Planning knew there was expansion in
23 the Rockaways, but they didn't recommend a school.
24 City Planning knows that there's expansion
25 downtown, they haven't recommended a school. So,

2 but I'm not going to open up that whole can of
3 worms.

4 CHAIRPERSON LAPPIN: We are going
5 to have two oversight hearings.

6 LEROY G. COMRIE, JR.: Okay.

7 CHAIRPERSON LAPPIN: Joint with
8 this Committee and the Education Committee. Do we
9 have the dates? I can't remember the dates
10 offhand.

11 LEROY G. COMRIE, JR.: We'll talk
12 about those issues.

13 CHAIRPERSON LAPPIN: You'll be
14 notified and we're going to have, you know, a
15 lengthy discussion about all of these issues
16 because I think we all have questions.

17 LEROY G. COMRIE, JR.: Right.

18 CHAIRPERSON LAPPIN: And before we
19 really approve a new five-year capital plan these
20 are the questions we need to be asking and getting
21 answers to.

22 LEROY G. COMRIE, JR.: Right.

23 CHAIRPERSON LAPPIN: Well, I think
24 the Land Use division will advise you of the
25 dates.

2 LEROY G. COMRIE, JR.: All right.

3 CHAIRPERSON LAPPIN: Or the
4 Education Division.

5 LEROY G. COMRIE, JR.: In that case
6 I won't ask any further questions. I just wanted
7 to add on to the point that we need to really look
8 at restructuring how that's done. Thank you,
9 Madam Chair.

10 CHAIRPERSON LAPPIN: Thank you.
11 With that, I'm going to close the hearing on this
12 item and ask for Counsel to call for a vote. I
13 recommend a favorable vote on both items.

14 FEMALE VOICE: Chair Lappin?

15 CHAIRPERSON LAPPIN: Aye.

16 FEMALE VOICE: Councilmember
17 Barron?

18 CHARLES S. BARRON: Aye.

19 FEMALE VOICE: Councilmember
20 Comrie?

21 LEROY G. COMRIE, JR.: Aye.

22 FEMALE VOICE: Councilmember Palma.

23 ANNABEL PALMA: Aye.

24 FEMALE VOICE: Councilmember
25 Arroyo.

2 MARIA DEL CARMEN ARROYO: Aye.

3 FEMALE VOICE: Councilmember
4 Mendez.

5 ROSIE MENDEZ: Aye.

6 FEMALE VOICE: By a vote of six in
7 the affirmative, none in the negative and no
8 abstentions the aforementioned items are approved
9 and referred to the full Committee.

10 CHAIRPERSON LAPPIN: And we're
11 going to keep the vote open for about 15 minutes.

12 [Break in Audio]

13 FEMALE VOICE: Councilmember Liu?

14 JOHN C. LIU: I vote yes.

15 FEMALE VOICE: The vote stands at
16 seven in the affirmative, none in the negative and
17 no abstentions.

18 [Break in Audio]

19 FEMALE VOICE: Councilmember Oddo.

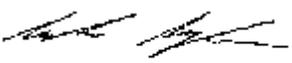
20 JAMES S. ODDO: Yes.

21 FEMALE VOICE: Final vote, eight in
22 the affirmative, none in the negative and no
23 abstentions.

24

C E R T I F I C A T E

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

Signature  _____

Date September 23, 2008