

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

LAND USE SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND
MARITIME USES

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February 23, 2009
Start: 11:24 am
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HELD AT: Council Chambers
City Hall

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

COUNCIL MEMBERS:
Maria del Carmen Arroyo
Charles Barron
Elizabeth Crowley
James F. Gennaro
Melinda R. Katz
John C. Liu
Miguel Martinez
Rosie Mendez
James S. Oddo
Annabel Palma
James Vacca

A P P E A R A N C E S [CONTINUED]

Gregory Shaw (1st Appearance, LU 995)
Principal Attorney
New York School Construction Authority

Kendrick Ou (1st Appearance, LU 995)
Director of Real Estate
New York School Construction Authority

Elizabeth Crowley
New York City Council Member

Marge Cole
Parent

Joanne Berger
Parent

Aurora Golden
Parent

Gary Giordano
Manager
Community Board 5

Pat Grayson
Education Committee
Community Board 5

Bob Holden
Juniper Park Civic Association

Manny Carawana
Executive Board Member
Community Board 5

Bob Dousey
Juniper Park Civic Association

Tony Nunziata
Juniper Park Civic Association

A P P E A R A N C E S [CONTINUED]

Melinda Katz
Chair, Land Use Committee
New York City Council

Christian Elton
Counsel
Subcommittee on Landmarks, Public Siting
and Maritime Law

John C. Liu
Chair, Transportation Committee
New York City Council

James Vacca
New York City Council

David Burney
Commissioner
New York Department of Design and Construction

Robin Burns
New York Department of Design and Construction

Anthony Tria
Inspector
New York Police Department

Joseph Mastropietrio
Assistant Fire Commissioner
Facility Management
Fire Department of New York

Eugene Berardi
Emergency Public Communications Manager
Mayor's Office

Marvin Mintzner
Land Use Attorney
Hutch Metro Center

Gregory Shaw (2nd Appearance, LU 996)
Principal Attorney

New York School Construction Authority

Kendrick Ou (2nd Appearance, LU 996)

Director of Real Estate

New York School Construction Authority

Council Member Gennaro

New York City Council

2 CHAIRPERSON LAPPIN: Good morning.
3 Welcome to the--let me start that again.

4 [Gavel banging]

5 CHAIRPERSON LAPPIN: Good morning.
6 Welcome to the Land Use Subcommittee on Landmarks,
7 Public Siting and Maritime Uses. I'm the Chair,
8 Jessica Lappin, joined today by Councilwoman Rosie
9 Mendez of Manhattan, our Minority Leader Jimmy
10 Oddo of Staten Island, Councilwoman Elizabeth
11 Crowley from Queens, Councilwoman Annabel Palma
12 from the Bronx, Council Member Jimmy Vacca from
13 the Bronx, Council Member Miguel Martinez from
14 Manhattan, and I saw somebody else pop in or out,
15 Council Member Arroyo I know is just across the
16 hall.

17 Okay. We have three items on the
18 agenda today. One is going to be a Motion for
19 Withdrawal of the school in Maspeth which is the
20 item that we are going to discuss first. LU 995,
21 the 1100 seat high school. And do we have--

22 [Pause]

23 CHAIRPERSON LAPPIN: Gail, do you
24 have the letter?

25 [Pause]

2 CHAIRPERSON LAPPIN: Okay, great.
3 So Mr. Shaw and Mr. Ou, if you'd like to come and
4 speak to the withdrawal of this application. I
5 wanted to note that we do have people here from
6 the community who had signed up to testify.
7 Because this item is going to be withdrawn there
8 is not going to be a hearing. So you can't
9 testify today although we're very happy that you
10 came.

11 And there will be a hearing when
12 this item is resubmitted which we anticipate will
13 be in 30 days, is that correct Gail? In 30 days.
14 But after we hear from the Administration I wanted
15 to give Council Woman Crowley the opportunity to
16 say a few words. Mr. Shaw?

17 [Pause]

18 MR. GREGORY SHAW: Yeah. Good
19 morning Chairperson Lappin. And I'm going to turn
20 this matter, the withdrawal over to Kendrick Ou,
21 the Director for Real Estate. Thank you.

22 MR. KENDRICK OU: Thank you
23 Chairperson Lappin, and also thank you Council
24 Member Crowley. The School Construction Authority
25 is hereby withdrawing from consideration the

2 proposed approximately 1,100 seat high school in
3 Maspeth, Queens. The letter, as we mentioned, is
4 being faxed over to the Council as we speak. And
5 we want to recognize that there are a number of
6 concerns that have been raised both from the
7 community and also from Council Member Crowley.
8 And we hope that the additional time will allow us
9 to work through those issues.

10 CHAIRPERSON LAPPIN: Council Woman
11 Crowley.

12 COUNCIL MEMBER CROWLEY: Thank you
13 Madam Chair. And thank you DOE for withdrawing
14 this proposal for today's hearing. I'd like to
15 mention that we are joined by many community
16 leaders and parents from my community, the 30th
17 Council District, mostly, primarily where this
18 school is proposed in Maspeth and surrounding
19 areas of Middle Village.

20 I'd like to just identify three of
21 the parents here today, Marge Cole, Joanne Berger
22 and Aurora Golden. If you could just say hello.
23 And from the Community Board 5 we have Gary
24 Giordano, who is the Community Board Manager. We
25 also have Pat Grayson who is the head of

2 education. And we also have a few members here
3 from the Juniper Park Civic Association, Bob
4 Holden, Manny Carawana [phonetic] who is also a
5 member and on the Executive Board at CB5, Bob
6 Dousey [phonetic] and did I--I think I pretty much
7 captured--and Tony Nunziata [phonetic] also a
8 resident of Maspeth, business owner and part of
9 the Juniper Park Civic.

10 I thank you all for coming down
11 today. And the DOE again, for withdrawing the
12 proposal. There are many issues that need to be
13 addressed. First and foremost there is the need
14 for more high school seats in the Maspeth, Middle
15 Village area. That we're not going to deny.
16 However this area is congested and it needs a real
17 plan and that's what we're going to do in the next
18 30 days to make sure that we could serve the
19 community, the needs, as it relates to education
20 and high school seats and also make sure that the
21 community civic organizations are pleased with the
22 plan.

23 So we're going to work together and
24 I look forward to a good resolution. And the
25 hearing where we'll have this in the next 30 days.

2 CHAIRPERSON LAPPIN: Before, I want
3 to note that we've been joined by Chair Delaney's
4 Committee, Councilwoman Katz. And before I turn
5 it over to her, I wanted to thank you and to thank
6 Mike Glasser [phonetic]; I don't know if he's
7 here. I've seen him in the corner, for
8 withdrawing this today. I think it is a very good
9 faith effort to work with the Councilwoman to try
10 and resolve the issues that she just enumerated
11 and to get to a place where we can approve a
12 school in an area that desperately needs seats.
13 Chair Katz?

14 CHAIRPERSON KATZ: Yeah. I would
15 also just like to--first of all congratulate
16 Councilwoman Crowley, who has been in constant
17 communication over the last, God knows how long,
18 on this issue. But second also just to send a
19 message to the Department of Education. We have
20 schools like--that are like this that are getting
21 popped up and we all believe in building schools.
22 Building schools is a great thing in our City.

23 But I will tell you that as Chair
24 of the Land Use Committee, I have been less than
25 impressed with the system on how this works as

2 we've gone through other schools. And so this I
3 think today is a clear message that the Council
4 are partners with the Department of Education and
5 with the Administration as we site these schools.
6 It is important to us where the schools go. It is
7 important to us who goes to those schools. It is
8 important to us that we work with the communities
9 in which these schools are going to go into.

10 So I look forward to the next 30
11 days as well working with the Councilwoman and
12 also just to really put the DOE on notice that we
13 are paying attention to this as we have for the
14 last seven years. But we would like the process
15 to be a little more inclusive. So we appreciate
16 you withdrawing it today. We look forward to the
17 next 30 days.

18 CHAIRPERSON LAPPIN: With that I'd
19 like to ask for the Council to call for a vote on
20 the Motion to withdraw.

21 MR. CHRISTIAN ELTON: Christian
22 Elton, counsel to the Committee. Chair Lappin.

23 CHAIRPERSON LAPPIN: Aye.

24 MR. ELTON: Council Member Barron.

25 COUNCIL MEMBER BARRON: Aye.

2 MR. ELTON: Council Member Liu.

3 COUNCIL MEMBER LIU: Yes.

4 MR. ELTON: Council Member

5 Martinez.

6 COUNCIL MEMBER MARTINEZ: Yes.

7 MR. ELTON: Council Member Palma.

8 COUNCIL MEMBER PALMA: Yes.

9 MR. ELTON: Council Member Arroyo.

10 COUNCIL MEMBER ARROYO: Yes.

11 MR. ELTON: Council Member Mendez.

12 COUNCIL MEMBER MENDEZ: [Off mic]

13 MR. ELTON: Council Member Oddo.

14 COUNCIL MEMBER ODDO: Yes.

15 MR. ELTON: By a vote of seven in

16 the affirmative, none in the negative, no

17 abstentions, the motion to withdraw is approved.

18 [Gavel banging]

19 CHAIRPERSON LAPPIN: We'll leave

20 the vote open for the duration of the Subcommittee

21 Hearing, and congratulations Councilwoman Crowley.

22 COUNCIL MEMBER CROWLEY: I'd just

23 like to thank you--

24 [Pause]

25 CHAIRPERSON LAPPIN: There we go.

2 [Crosstalk]

3 CHAIRPERSON LAPPIN: We had to
4 preserve that for posterity--

5 COUNCIL MEMBER CROWLEY:

6 [Interposing] Once again I want to thank Chair
7 Melinda Katz and Chair Jessica Lappin for their
8 help and assistance on this issue. It was a very
9 stressful one, having the DOE just throwing it
10 upon my office's responsibility only last week.
11 And we didn't have much time to pull together the
12 effort that we had in putting our proposal forth.
13 So thank you once again and thank you community
14 leaders for being here today.

15 CHAIRPERSON LAPPIN: And Council
16 Member Liu?

17 COUNCIL MEMBER LIU: Thank you
18 Madam Chair. I do also want to just remind our
19 friends at the School Construction Authority that
20 at last year's budget hearings, and also hearings
21 when we talked about school siting, I specifically
22 asked officials of the School Construction
23 Authority if they were entertaining any
24 proceedings that required the use of eminent
25 domain in Queens. And the answer was a flat-out

2 no. There was no proceeding that was involving
3 any aspect of eminent domain.

4 So I think that there's some
5 contradiction going on here. And it also had to,
6 it also pertained to the deliberations that this
7 Council and the Body were entertaining about
8 Willets Point. But Madam Chairperson I just want
9 to put for, on the record, that there seems to
10 have been some contradictory testimony on the part
11 of the School Construction Authority before
12 Council Committees. Thank you.

13 CHAIRPERSON LAPPIN: Thank you.
14 Okay. We're going to move onto the next item on
15 the agenda which is the new 911 Call Center in
16 Council Member Jimmy Vacca's District. Items,
17 related items numbered 993 and 994.

18 [Pause]

19 CHAIRPERSON LAPPIN: We're going
20 to--no we're going to do the Call Center next.

21 [Pause]

22 CHAIRPERSON LAPPIN: Public Safety
23 Answering Center.

24 [Pause]

25 CHAIRPERSON LAPPIN: And thank you

2 very much, Commissioner Burney, for joining us
3 today. I wanted to also welcome--

4 [Off mic]

5 CHAIRPERSON LAPPIN: --is Anthony?
6 Anthony Tria, Robin Burns, Joseph Mastropietrio,
7 and Eugene Berardi, good morning. Okay. And is
8 Carol going to join you as well? No. Okay. So
9 just before each of you speaks please identify
10 yourself for the transcript, and Commissioner
11 begin.

12 COMMISSIONER DAVID BURNEY: Thank
13 you Chairperson. My name is David Burney. I'm
14 the Commissioner of the New York City Department
15 of Design and Construction. We're managing the
16 design and construction of the new public service-
17 -Public Safety Answering Center also known as PSAC
18 II for our clients the Police Department and the
19 Fire Department and the City Department of
20 Information.

21 There are actually two ULERP
22 actions that we're speaking in favor of today.
23 One is the site selection for this project. And
24 the second is the mapping of a road that will go
25 to serve the site that we hope to acquire.

2 Inspector Tria, on my left from NYPD will talk
3 about the site selection and some of the history
4 in a few minutes. Assistant Commissioner
5 Mastropietrio from the Fire Department will give
6 you some information about the functioning of the
7 911, the need for the 911 site and Eugene Berardi
8 from the Mayor's staff will discuss the broader
9 Emergency Communication Transformation Project of
10 which this is one component. And Robin Burns of
11 my staff will give you some more detail on the
12 road.

13 I'd like to--

14 CHAIRPERSON LAPPIN: [Interposing]

15 Can we do something to fix that mic?

16 [Off mic]

17 CHAIRPERSON LAPPIN: Okay. Thanks.

18 In the interim maybe let's try, if you don't mind-

19 -

20 MR. BURNEY: [Interposing] This

21 one's not working?

22 CHAIRPERSON LAPPIN: It's giving us

23 a lot of feedback.

24 [Pause]

25 MR. BURNEY: Is that better?

2 CHAIRPERSON LAPPIN: Much better.

3 MR. BURNEY: Terrific. Thank you.

4 So I'd like to draw your attention to the screen
5 on my right. And I'm just going to run through a
6 few slides to give you an overview of the project.

7 As I mentioned earlier it's part of
8 a wider project called ECTP, the Emergency
9 Communications Transformation Project. Eugene
10 Berardi will give you more information on that
11 presently. You're moving my screen Gail.

12 [Laughter]

13 MR. BURNEY: Come back. Okay.

14 Huh. We--it's--now it's a little distorted but
15 it's... let me just see.

16 [Off mic]

17 [Pause]

18 MR. BURNEY: The site, the proposed
19 site is in the Bronx at the conjunction of the
20 Hutchison River Parkway and the Pelham Parkway on
21 a site that's presently owned a part of an
22 industrial state that we're hoping to acquire.
23 We're in the acquisition process presently.
24 Here's some views of the site. The Hutch--to the
25 north if you look in the right-hand corner, and

2 the Parkway to the north, the Hutchison, just to
3 the right.

4 Some more aerial shots of the site.
5 The Hutchinson Tech Center is in the foregoing on
6 the top right. And this is the portion of the
7 site that we're to acquire. Partly, an existing
8 parking lot used by the Hutch Center and partly
9 unused land right at the tip of the site.

10 And in order to get to the site
11 we're proposing a new road, a new public street
12 called Marconi Street that will come in from the
13 rear, cross the Hutchinson Tech site and serve the
14 new site at the end of the road.

15 We've been working with Skid,
16 Marones and Merrill, architectural design team on
17 the project. And it's a fairly unique building.
18 And these are some of the goals that we had in
19 developing the design. We wanted it to be a
20 simple, clear building, a fairly light esthetic
21 and of course the main function of the building
22 being this major call center where the 911
23 dispatchers work.

24 The building has a very heavy
25 requirement for redundancy, for safety, for

2 reliability of the 911 [silence], so it's a very
3 sort of tech-heavy project. And of course we're
4 cognizant of the fact that we need to produce a
5 neighbor-friendly building. There's abundant
6 landscaping adjacent to Pelham Parkway and
7 Hutchinson River and we want to encourage and
8 improve the existing bicycle and pedestrian paths
9 that are near the site.

10 It's going to be a LEED rated
11 [silence] silver, consistent with Local Law 86.
12 And as part of that there's extensive landscaping,
13 green roofs and high quality indoor environment
14 including day lighting.

15 This slide, just to give you some
16 sense of this building, and I mentioned it's very
17 tech heavy. If you look at the diagram on the
18 right, that is a drawing representing all the
19 mechanical and electrical systems in the building.
20 And as you can see on the one hand the data, the
21 IT equipment in the building--

22 [Mic went out]

23 CHAIRPERSON LAPPIN: Oh.

24 [Off mic, pause]

25 CHAIRPERSON LAPPIN: Can you talk

2 into the mic--

3 MR. BURNEY: [Interposing] Is it
4 back?

5 CHAIRPERSON LAPPIN: There we--

6 MR. BURNEY: [Interposing] It's
7 back. Okay. Rather like a call center in a
8 trading floor [silence] it's very data heavy. It
9 generates a lot of heat so a lot of mechanical
10 equipment is [silence] for the data operation.
11 And then the building has to be blast resistant.
12 It also has to survive [silence]. It's going on
13 and off for some reason. So there's a significant
14 amount of redundancy, 100% redundancies. If one
15 set of systems goes down then the second backup
16 comes in to keep the center operating in the time
17 of an event or an emergency of some kind.

18 So this is the project that our
19 original design solution that came from Skid,
20 Marones and Merrill [phonetic], a 350 foot tall
21 building, kind of a slender tapering building, set
22 back from the access roads to give it blast
23 resistance, a very light façade, to sort of reduce
24 the bulk of the building. And this is the view of
25 that building from the Hutch.

2 Now there were significant
3 community concerns about this. Although the
4 building isn't strictly adjacent to any
5 residential buildings, it is one of the tallest
6 buildings in the neighborhood [silence], probably
7 the tallest building until you get to Co Op City,
8 although there are some taller buildings proposed
9 on the Hutch site, it's far and away the tallest
10 building. And we were asked to look at ways of
11 reducing the [silence], reducing the impact on the
12 surrounding neighborhood.

13 And we looked at it. When you look
14 at this section of the building, the two wider
15 floors there are the Call Center itself on the
16 lower floor we had proposed an Operational Command
17 Center so that in the event of a major emergency
18 the City could set up a Command Center here. And
19 that was to be [silence] shelled space but not an
20 essential part of the project. But it was a
21 significant height to the building. And then the
22 rest of the building essentially was mechanical
23 space.

24 So when we started looking at ways
25 to reduce the size, we looked at those two things.

2 And we came up with this revised scheme in which
3 we've essentially eliminated the Operation Center
4 [silence]. It would have been something that
5 would have been beneficial to the project but it
6 wasn't essential to the prime mission of keeping
7 the 911 system operational. [silence] felt that
8 that could be, could be eliminated. And we also
9 reduced a significant amount of the mechanical
10 equipment to eliminate another floor that way. So
11 the building went from being 350 feet tall to now
12 250 feet above the adjacent entry lobby.

13 And this is how the new building
14 lines up on the site. It's now more or less a
15 cube in shape. It's set back from the access
16 roads to give it the blast resistance. There will
17 be significant landscaping between the building
18 and the adjacent highways, adjacent parkways.

19 And this now is the sort of lower
20 profile. The purple band is the functional part
21 of the building, the Call Center. The two layers
22 below that are labeled support; they are the data
23 floors that carry all the equipment that feeds the
24 Call Center floor [silence] 911 workers work.
25 Above that is all the mechanical equipment that

2 supports the operation. And in yellow on the
3 ground floor, the lobby space.

4 So we feel that we've tightened the
5 building down to sort of the bare essentials that
6 are required to make the facility function as it
7 needs to.

8 This slide which might be a little
9 faint from where you're sitting is just a
10 comparison. On the left is the Hutch Center, a
11 new building proposed there that you no doubt will
12 see at some point, and as an as of right
13 structure. But our, on the right you will see the
14 top profile is the original outline of the
15 building. There's then a second profile which is
16 our sort of first attempt at reducing the bulk.
17 And then finally the final bulk of the building as
18 we now propose.

19 We're currently working on façade
20 treatments for the building. We haven't gotten
21 that far yet [silence] still in the massing
22 stages. And this is the scheme that's been
23 submitted to the ULERP process for approval.

24 I want to just spend a couple of
25 minutes, I going to ask Robin Burns to speak for a

2 couple of minutes on the roads, since this is the
3 first part of the ULERP application. So I'm going
4 to hand over to Robin Burns.

5 [Pause]

6 MR. ROBIN BURNS: My name is Robin
7 Burns. I am with the Department of Design and
8 Construction. The ULERP applications for the
9 mapping of a street which is, we are calling
10 Marconi Street, it exists now as a private street
11 that was built as part of the development of the
12 entire site by the State for the Bronx Psychiatric
13 Center.

14 As you can tell from the site, this
15 site plan, the site, the proposed PSAC site right
16 now has access, really only from Pelham Parkway
17 and that's slightly indirect. It doesn't front on
18 any other public street. So the purpose of the
19 mapping is to turn the private street into a
20 public street which provides the sort of access
21 that we need, allows for the installation of
22 utilities because right now there are no utility
23 connections of any significance to the site
24 itself.

25 The shape of the site essentially

2 follows the existing street, as built. The
3 turnaround or the enlargement at the end closest
4 to the PSAC site is a turnaround required both by
5 the Fire Department for its purposes. And also it
6 is large enough that it will allow us, if the MTA,
7 if we can convince the MTA that this is a good
8 thing to do as we hope to, we'll be able to run a
9 public bus up the street and the bus will be able
10 to turn around at that end as well.

11 The other thing to talk about
12 related to this application is the fact that we
13 are asking the Council to make a modification to
14 the map. And then I'm not sure if it's the next
15 slide. It shows that--yes. After the map was
16 initially prepared and submitted to City Planning,
17 we discovered that a portion of the area that we
18 proposed to map is--which is privately owned by
19 the way, it's--we are acquiring it in connection
20 with the acquisition of the site itself, that the
21 Hutchinson Metro Center developers who were in the
22 process of building an office tower adjacent to
23 the street, had a plan to locate the electrical
24 transformer vaults for that building on what was
25 at that time the sidewalk of this private street.

2 They had to do this, I guess, because of the
3 limitations of the building itself and the vaults
4 have to be above grade in order to satisfy Con
5 Edison's requirements for a minimum height above
6 flood plain.

7 So we are asking the modification
8 to eliminate from the map the area where those
9 vaults are located which we do not intend to
10 acquire, which we don't need to acquire, but we do
11 need to make the map, or we should make the map
12 conform to the taking. We have talked to DOT and
13 to the Fire Department, the two agencies that are
14 concerned about the design of the street, and it's
15 with--they're both satisfied that the revised map
16 will work from a physical design point of view and
17 DDC's infrastructure division engineers are
18 actually responsible for this street design.

19 So this is a--it's not a major
20 thing but we do want to, obviously, make the
21 taking and the street map conform.

22 [Pause]

23 INSPECTOR ANTHONY TRIA: Good
24 morning Madam Chair, members of the Committee. My
25 name is Inspector Anthony Tria with the New York

2 City Police Department and I'm here to testify in
3 favor of the project.

4 Each day the City's 911 system
5 fields an average of 33,000 emergency calls or a
6 total of more than 12,000,000 emergency calls per
7 year. PSAC I is a stand-alone facility that is
8 responsible for the call transfer and dispatch of
9 all emergency services in the 5 Boroughs. As a
10 single facility with limited backup operations,
11 PSAC I will handle emergency call taking and
12 dispatch operations for all the City's first
13 responders including the NYPD, the FDNY and EMS.
14 The proposed development would function as a
15 parallel operation to PSAC I. That would back up
16 existing service and alleviate pressure on PSAC I
17 by sharing the volume of emergency calls in the
18 City.

19 It would enhance the City's
20 emergency communication system and infrastructure
21 by providing a second load balanced 911 center
22 that would work in conjunction with the existing
23 PSAC I. The proposed development is also expected
24 to improve voice and data communication
25 infrastructures in the City and therefore public

2 safety by heightening emergency responsibility and
3 disaster recovery capacity in the City using two
4 load balanced facilities, PSAC I and PSAC II.

5 Additionally it is also expected to
6 strengthen the City's ability to maintain
7 communication in the event of an emergency such as
8 a natural disaster or terrorist attack. The
9 proposed development would be designed to operate
10 without interruption under extreme adverse
11 conditions with redundant mechanical systems and
12 multiple generators.

13 Now I've been involved in the PSAC
14 II facility for going on close to 15 years. The
15 building was originally in design prior to 9/11.
16 It was going to be sited right next to One Police
17 Plaza. After 9/11, the project was cancelled and
18 we were looking for a secondary site.

19 As part of the ECTP project, the
20 Mayor basically made the project more robust by
21 combining the FD and PD in a single facility.
22 Right now PSAC I is being transformed to combine
23 all the emergency response and PSAC II is going to
24 add redundancy to that.

25 The siting is something that we

2 took on, basically looked at the entire City:
3 Staten Island, Queens, Brooklyn, the Bronx,
4 Manhattan. There's a lot of little things that
5 play into how we sited this facility.

6 The majority being access to Con
7 Ed, to grids, communication, Verizon switches, the
8 idea is not to put it where you had a single
9 failure, point of failure. The idea was to add
10 redundancy. So when you look at this site, the
11 idea here was we looked at the entire City for
12 different locations.

13 One is the size of the property
14 mattered for stand off distance and second was the
15 adjacency to the things that actually support the
16 operation, that being communication, of course,
17 line of site to an existing 9/11 network, and the
18 Verizon switches which we use to broadcast
19 signals. So there's a lot that went into this,
20 siting this facility. Thank you.

21 MR. JOSEPH MASTROPIETRIO: Morning
22 Madam Chair, members of the City Council, Land Use
23 Committee, Subcommittee. My name is Joseph
24 Mastropietrio; I am the Assistant Fire
25 Commissioner for FDNY Facility Management. I also

2 serve as the Fire Department's project lead for
3 this venture. Together with Inspector Tria of the
4 Police Department and my staff, and the Department
5 of Design and Construction, I am here today to
6 voice my support for this vital public safety
7 project.

8 Since 9/11 the Fire Department has
9 vigorously upgraded our emergency operations
10 capabilities and situational awareness programs.
11 The development and building of PSAC II is an
12 essential component to support these operational
13 incentives and planned goals. As part of the
14 City's Emergency Communication Transformation
15 Program, the Fire Department will be relocating
16 FDNY dispatch operations from our current
17 facilities, one in each of the five Boroughs and
18 our Emergency Medical Dispatch Operation to PSAC I
19 and PSAC II, two state of the art integrated call-
20 taking and Fire, EMD Dispatch Centers.

21 As PSAC I construction is complete
22 and the technology components nearly finished, our
23 attention is now concentrated on PSAC II. PSAC II
24 is to function as a 24/7 parallel operation to
25 PSAC I, augmenting and providing redundancy to our

2 911 service. The center will incorporate the most
3 robust computer technologies available including
4 improvements to our voice and data infrastructures
5 allowing for unified call taking of fire, medical
6 and police emergencies. Along with providing the
7 City with improved computer aided dispatch
8 systems, this streamline approach will enheighten
9 emergency responsibility for emergency call taking
10 and dispatch functions and ultimately for the
11 City's first responders.

12 The building is designed to operate
13 under extreme adverse conditions, uninterrupted
14 with redundant mechanical systems and multiple
15 generators to maintain essential communications.
16 This building and the enhanced systems noted are
17 critical to our mission. In last year alone fire
18 fighters made more than 1,000,000 emergency
19 responses to approximately 500,000 incidents.
20 FDNY extinguished nearly 50,000 fires. FDNY's
21 Bureau of Emergency Medical Services made more
22 than 1,300,000 emergency runs with 1,200,000
23 incidents during the same period. PSAC I and PSAC
24 II will provide our 911 system with greater
25 operational efficiencies, superior reliability and

2 give redundancy assurance required in a post-911
3 world.

4 The Bronx Waters Place site
5 selection was made after an exhaustive search
6 which was jointly conducted with the Mayor's
7 Office, the Department of Citywide Administration
8 Services, DOITT, Police and Fire Department. We
9 believe this location best suits this program,
10 requirements for the City, and offers the finest
11 advantages in terms of land mass, access to
12 multiple major thoroughfares, security, site
13 distance from PSAC I and this is just to name a
14 few.

15 From a construction, technology
16 point of view, this is a very complex and
17 challenging project. The Fire Department believes
18 this crucial, it is critical in meeting the City's
19 Emergency Dispatch needs, both now and in the
20 future. We are privileged to be working with our
21 colleagues in the Mayor's Office, Police
22 Department, DOITT, DCAS and DDC on this project.
23 Very eager to move forward, we sincerely hope that
24 the Land Use Subcommittee will support this action
25 for an overall public safety of the citizens of

2 the City of New York. Thank you.

3 CHAIRPERSON LAPPIN: Thank you. I
4 have some questions. I know my colleagues do to.
5 And before I turn it over first to Council Member
6 Vacca, I just wanted to ask about access to the
7 site, if I may because I know there has been a lot
8 of discussion.

9 MR. EUGENE BERARDI: Chairwoman, I
10 have some brief comments that include access to
11 transportation infrastructure--

12 CHAIRPERSON LAPPIN: [Interposing]
13 Okay. Good.

14 MR. BERARDI: --would it be fair to
15 comment quickly?

16 CHAIRPERSON LAPPIN: Brief.

17 MR. BERARDI: Okay.

18 CHAIRPERSON LAPPIN: But hopefully
19 they'll provide some answers.

20 MR. BERARDI: Sure. Thank you
21 Chairwoman and Members of the Committee. My name
22 is Eugene Berardi, and I'm Emergency Public
23 Communications Manager for the Mayor's Office.

24 As you've heard from the members of
25 the Police and Fire Departments, this land use

2 review process is connected with some very
3 specific public safety initiatives. The
4 implementation of these goals will greatly enhance
5 911 emergency response for all New Yorkers and its
6 strategic and far reaching nature of ECTP has made
7 it the most important public safety technology
8 initiative of Mayor Bloomberg's Administration.

9 Our job now is to deliver the final
10 component of that plan, a backup call center that
11 the City of New York badly needs. A facility
12 commonly known as PSAC II. Throughout this
13 process, representatives from the Department of
14 Design and Construction, the Police Department,
15 the Fire Department and the Mayor's Office have
16 had regular contact with members of Bronx
17 Community Board 11 and with City Council Member
18 James Vacca. Good morning.

19 With their help we have developed a
20 project plan that we believe is responsive to both
21 the facility's design requirements and the
22 interests of the community. The original building
23 design has been reduced by approximately 100 feet
24 in height and 30% in overall square footage. The
25 building's exterior facade is also being

2 redesigned right now to reflect feedback from the
3 community. And we expect the facility will
4 ultimately receive the highest LEED rating for
5 sustainability and environmentally friendly
6 construction.

7 To address transportation and
8 access concerns, plans for the site including
9 mapping a private street, as the Commissioner
10 noted, Industrial Way, which is currently the
11 primary access point from Waters Place to the
12 Hutch Metro Center. The new public street,
13 Marconi Street, will improve access for all
14 tenants and visitors to the Hutch campus and
15 include a turnaround for public busses at the
16 entrance to PSAC II. On the diagram, Commissioner
17 if you wouldn't mind, the bus turnaround is
18 located to the far right or north end of the
19 property.

20 At the request of community leaders
21 and local elected official, we are already working
22 with the MTA to expand bus service along this
23 route when the road has been mapped. We've also
24 contacted the State Department of Transportation
25 about adding direct on and off ramps from the

2 Hutch Parkway, southbound, to the Hutch Metro
3 Center. The City suggests this because together
4 with improved access to public transportation,
5 these infrastructure enhancements will ease
6 congestion on local roads and support the
7 community's ongoing concerns about air pollution.

8 Once construction is complete the
9 Department of Design and Construction will work
10 with the City's Parks Department to enhance the
11 grounds of the site. The introduction of mature
12 tree plantings and landscaping will quickly
13 restore, and we think in many ways, improve upon
14 the current condition of the property.

15 These measures and our commitment
16 to regular meetings with Council Member Vacca will
17 help ensure that the PSAC II project balances the
18 public safety needs of all New Yorkers with the
19 interests of this community. Chairwoman Lappin,
20 members of the committee, thank you again for
21 giving me an opportunity to brief you on the
22 community aspect of this project. And my
23 colleagues and I will be happy to answer any
24 questions that you might have--

25 CHAIRPERSON LAPPIN: [Interposing]

2 Great. Thank you. And you know what? I am going
3 to turn it over first to Council Member Vacca
4 'cause he's really been so on top of this and
5 certainly taking a very proactive leadership role
6 in representing the community on this item. So
7 Council Member Vacca.

8 COUNCIL MEMBER VACCA: Thank you
9 Jessica Lappin. And thank you for your help and
10 your interest in this matter. The main issues
11 that I have outlined to the Mayor's Office, and I
12 continue to outline, is that we need a commitment
13 relative to the on and off ramp from the Hutch.
14 This process, the way it was described today, and
15 the way it's been described to me previously, has
16 been a year or two process. And during that
17 entire process, which may even be longer than
18 that, we--the letter from the Department of
19 Transportation that you referred to I think just
20 went out last week.

21 This has not been an indication of
22 long term or good planning. Because how could we
23 plan a building like this in a vacuum and now say
24 that we're asking the State to do the exit and
25 entrance? I state that to you because first of

2 all there have been plans on record with the State
3 of New York, Phillip Habib and Associates have
4 done a design, years ago, for exactly what we're
5 looking for.

6 And this project, costing
7 \$750,000,000, in my opinion, should indicate that
8 whatever cost is needed to construct that
9 entrance/exit, has to be borne if not by the
10 State, if not by the stimulus money which I'm sure
11 it qualifies for since this is a ready-to-go
12 project that's been designed years ago, then the
13 City of New York has to step up to the plate. We
14 can't be building such a major facility that has
15 such citywide impact and saying the traffic is
16 going to go through local streets. That's an
17 indication of not planning properly.

18 And I would expect that the City
19 would be in touch with the Governor if need be,
20 but certainly, if that's not the case, we've got
21 to get the plans and we've got to make the
22 commitment. So that's my major concern, is
23 entrance/exit to make sure that the local
24 community is not further inundated with traffic.

25 And I say further because if you go

2 to Waters Place on any given rush hour it is
3 backed up. We are bordering Einstein Hospital,
4 Calvary Hospital, the links to highways and busses
5 and trains. So that's my first priority. That's
6 not been resolved right now. And I want that
7 addressed.

8 Second concern, that I voiced as
9 recently as today, is cost overruns. This is a
10 \$750,000,000 project. And certainly people in the
11 Bronx are aware, from our history with the Van
12 Cortland Filtration Plant, from our history with
13 Yankee Stadium, that these cost overruns for these
14 mega-mega capital projects just seem to be out,
15 out, far out there. So my concern, as a taxpayer,
16 and as someone who realizes we're in a fiscal
17 crisis, but more so as someone who's going to be
18 having this facility possibly in my District, is
19 that we have safeguards in place to make sure that
20 this does not become a runaway train.

21 I don't see those safeguards yet.
22 We need to know specifically and we need to show
23 that we've learned from history in this City.
24 That our capital budget is not just expendable,
25 but that what we do spend means something to us

2 and we're going to protect the taxpayer and not
3 let contracts soar after they're approved between
4 the one or two year period between approval and
5 the shovel in the ground.

6 You mentioned the 250 square feet--
7 or 250 feet height of the building. And I do know
8 that you have plans for antennae or antennas, and
9 you also have plans for the storage facility for
10 those antennas. I need to know how tall those
11 antennas are going to be, how many, for what
12 reason, what equipment will be up there beyond the
13 250 square feet. I do not have answers to those
14 questions.

15 And lastly, and I think that the
16 representative from the Mayor's Office alluded to
17 that, is that I need to know what the building is
18 going to look like. I need to know esthetically
19 what it's going to look like, that's important to
20 my community. I need to know what are we facing
21 in so much as the appearance. Where will this
22 building fit in, in regard to other structures we
23 have in the community?

24 You want to be a good neighbor and
25 being a good neighbor means that you recognize

2 that we want you to be prepared to address all the
3 issues that I've mentioned today. The access
4 issue, Madam Chair, is the most important. And
5 with all the employees that are going to be
6 brought into this building 24/7, I think that we
7 cannot ignore the fact that access right now is
8 not adequate and certainly when you assessed this
9 site and you felt it was acceptable, you had to
10 realize that basically the only way in and out is
11 on Waters Place.

12 That is a negative for my
13 community. The bus service, I'm glad. I hope we
14 get bus service. I expect that letter from the
15 MTA. We should have had bus service into this
16 facility all along. But most of your employees I
17 would think would come by car. And if they're
18 coming by car, something has to be done to address
19 that. And we have to have a plan in place before
20 the ULERP clock runs out.

21 CHAIRPERSON LAPPIN: So if you
22 could speak to that, particularly with the
23 exactly--

24 MR. BURNEY: [Interposing] Yes.

25 CHAIRPERSON LAPPIN: --how we're

2 going to get entrances on and off the Hutch.

3 MR. BURNEY: Yes. Okay. Let me
4 say first of all of the four things that
5 Councilman Vacca mentioned, we're broadly in
6 agreement with all of his points. I mean I think
7 they are absolutely legitimate concerns. We, on
8 the first issue that he raised, the question of
9 the on and off ramps on the Hutch, we support that
10 proposal. We have in fact; we're in the process
11 of lobbying with the State to get approval to do
12 that. The issue of how it would be funded hasn't
13 been resolved yet.

14 I would point out however that the
15 traffic study that you mentioned by Phillip Habib
16 does demonstrate that the traffic patterns are
17 adequate with the--without those on and off ramps.
18 This isn't a heavily populated building. Each
19 shift contains how many?

20 MR. BERARDI: 315.

21 MR. BURNEY: About 315 people on
22 each shift. So it's not...

23 MR. BERARDI: And the shifts are
24 staggered.

25 MR. BURNEY: And the shifts are

2 staggered. So if you think about 315 people on
3 staggered shifts, many of them coming by public
4 transportation, the Habib study does not indicate
5 significant traffic implications of this project.
6 So--but nonetheless we do support and we are
7 lobbying hard to work on the on/off ramp
8 situation.

9 CHAIRPERSON LAPPIN: So can I stop
10 you there? So what does that mean? I mean how--

11 MR. BURNEY: [Interposing] Well.

12 CHAIRPERSON LAPPIN: --do we get in
13 the next few days to a place where we're more than
14 working on it?

15 MR. BURNEY: Jeanette Sadik-Khan,
16 Commissioner of the Department of Transportation
17 wrote to the State Transportation Commissioner,
18 we'll be following up with a phone call to see
19 what the State's position is. We will be coming
20 back to Councilman Vacca with that information as
21 soon as we hear what their position is.

22 But we do not believe that that
23 proposal and that project, as desirable it is, is
24 contingent on building this facility. We believe
25 this facility can go ahead and can operate and

2 will not cause significant additional congestion,
3 even without that. So we see the things happening
4 in parallel, not consecutively, necessarily.

5 It will take--even if we get
6 approval from the State, it will take us a
7 significant amount of time to build those on and
8 off ramps and the City cannot afford to wait until
9 that's completed in order to establish a 911 call
10 center. The urgency for the center is
11 significant.

12 COUNCIL MEMBER VACCA: What is your
13 timetable for the building?

14 MR. BURNEY: We hope to start
15 construction later this year in terms of the
16 actual building itself, assuming we get the
17 approvals.

18 COUNCIL MEMBER VACCA: You intend
19 to start construction later this year.

20 MR. BURNEY: That was our
21 intention, yes Sir.

22 COUNCIL MEMBER VACCA: I've never
23 seen the City move so fast on a capital project in
24 my entire life.

25 [Off mic] I have.

2 COUNCIL MEMBER VACCA: You have?
3 When there's a will.

4 MR. BURNEY: Hey, we're the
5 Department of Design and Construction.

6 COUNCIL MEMBER VACCA: Yeah, you've
7 got sewer projects--

8 MR. BURNEY: [Interposing] That's
9 who--

10 COUNCIL MEMBER VACCA: --in my
11 District sitting there on paper for years. I tell
12 you, where there's a will, there's a way because
13 I've never seen something move so fast. I, I
14 commend you and I envy you because we sit here at
15 the Council and we fund capital projects and
16 getting the shovel in the ground makes for years
17 of waiting.

18 MR. BURNEY: Yeah.

19 COUNCIL MEMBER VACCA: And they're
20 much simpler than what you're proposing. Let me
21 come back to the Hutch situation. This goes back
22 to the vote of the Community Board. It was one of
23 the reasons why the Community Board voted no on
24 this project. This is something that's been known
25 to the City for some time, for some time as a

2 community request, and the letter just went out
3 from the DOT Commissioner last week.

4 I don't know the reason for that.
5 And just sending a letter in so much as this
6 application is concerned is not acceptable to me.
7 It does not show that we're serious. We may be
8 serious now but we should have been serious then.
9 Why all this delay in requesting the exit and
10 entrance? Why was this not done at minimum in
11 November of 2008 when the Community Board
12 requested it in their resolution and when the
13 Borough President requested in November 25th of
14 2008 in his recommendation?

15 MR. BERARDI: Council Member, like
16 all other parts of this process, there's been an
17 escalation. And certainly staff level discussions
18 about the on ramp and off ramp possibilities
19 started I believe the last week of August of 2008.
20 Again with the DOT Borough Commissioner and staff
21 and the State Department of Transportation that
22 focus on these City highways or the State highways
23 that are within the City, we certainly, over the
24 course of the fall have had a lot of other moving
25 and ongoing discussions, dynamic discussions with

2 the community about everything from façade to
3 building height.

4 And sequencing these different
5 discussions and the follow-up isn't always the
6 easiest thing. I know that the design that took
7 place, the redesign that took place to get
8 building height down 100 feet was a very intensive
9 effort by everybody from City Hall down to the
10 agencies and the private sector consultants who
11 were working on this project for design and
12 architecture.

13 There was a consistent interest in
14 following up on that. And I think that we have
15 done the escalation in a very effective way. The
16 fact that it was only last week that we sent a
17 letter doesn't mean that other parts of that
18 process hadn't been moving.

19 But again, to cement our position,
20 having that letter on record with the State was an
21 important move to make. It will be followed up by
22 a phone call and we expect a meeting between the
23 City and State DOT Commissioners very shortly.
24 And we hope to have feedback for you soon.

25 COUNCIL MEMBER VACCA: And in that

2 regard I want you to know that I had mentioned
3 before that this should be looked into as a
4 stimulus package proposal.

5 MR. BERARDI: Yes.

6 COUNCIL MEMBER VACCA: I'm sure
7 that the City and the State are both getting
8 stimulus money. And that just happened last week.
9 So we may be in a situation where we can apply and
10 include this project. It is job producing, of
11 course. That's the objective. It's going to
12 produce a lot of construction jobs. And your
13 building may be starting at the end of the year
14 but how long will construction take?

15 MR. BURNEY: Two to three years I
16 would imagine?

17 COUNCIL MEMBER VACCA: Two to three
18 years?

19 MR. BURNEY: Um-hum.

20 COUNCIL MEMBER VACCA: I think that
21 this can be done in tandem, if there's a will,
22 there's a way, again. And I would expect you to
23 apply that same energy to the Hutch situation as
24 you seem to have moved to getting this building in
25 the ground so quickly.

2 MR. BERARDI: There are some very
3 specific stipulations that go along with the
4 stimulus money but I can tell you that as of this
5 morning, our discussion earlier today, we are
6 already looking into evaluating that possibility.

7 MR. BURNEY: Can I address the
8 other?

9 CHAIRPERSON LAPPIN: Yes please.

10 MR. BURNEY: Points that you
11 raised, yes. On the issue of the costs, potential
12 cost overruns that you mentioned, as I think you
13 know, we've done a couple of significant steps on
14 this project. We've had Gardner and Theobald,
15 cost consultants as a member of the design team
16 from the start. We've also had OMB do a
17 completely independent value engineering exercise
18 and in fact because of the various fiscal issues
19 with the City, the original budget that we were
20 allocated was around \$950,000,000. We're now
21 running at a budget of \$550,000,000. And we have
22 cut back the cost of the project to meet that
23 budget.

24 And we will manage the project to
25 that budget with the contingency, obviously, for

2 unforeseen ground conditions and so on. But, you
3 know, I have to say the Department of Design and
4 Construction has a pretty strong record of
5 managing to the budget once there's a budget sort
6 of established. So we're pretty confident that
7 you will not see significant overruns on this
8 project.

9 We've also done extensive ground
10 analysis, geotechnical research, so we have a good
11 understanding of the foundation conditions which
12 helps to limit the sort of unforeseen
13 circumstances. So I'm, right now, feeling pretty
14 comfortable about the cost management of the
15 project.

16 On the issue of the antenna, my
17 most direct experience of this is that DDC
18 completed a couple of years ago, the new
19 headquarters for the Office of Emergency
20 Management. And if you look at the antenna arrays
21 on that building which is in Brooklyn just off the
22 Brooklyn Bridge on the Brooklyn side, you will see
23 some of the equipment. And it's relatively low.

24 We have one exception here which is
25 the emergency communications system which has to

2 be 300 feet height, I believe, in order to get
3 site line, but that's one element of the array.
4 So there will be one, at least one tall antenna.
5 We anticipate the others to be fairly low and
6 probably spread out because they don't all like to
7 be close together.

8 There won't be any storage on the
9 roof. There won't be any additional building on
10 the roof. It will be antenna like arrays. So--
11 but quite frankly, until we get a little bit
12 further into the detail design of the
13 telecommunication equipment, we won't know exactly
14 what it looks like. But we'll be happy to share
15 that with you once we, once we have it--

16 COUNCIL MEMBER VACCA:

17 [Interposing] Well I, I respect what you're
18 saying, but that has to be, that has to be
19 indicated to this Committee in writing. Antennas
20 are one thing but storage, you said no to. I'd
21 like to have that in writing as part of your
22 response. Because that's important for me to
23 know.

24 MR. BURNEY: Very well.

25 MR. BERARDI: And just to add to

2 the Commissioner's comments, we've asked the
3 Department of Information Technology and
4 Telecommunications to expedite an RF study that
5 will let us determine the exact placement, size
6 and structures necessary to support the
7 telecommunications equipment up on the roof. But
8 as the commissioner indicated, we're looking at an
9 antenna, not a structure per se.

10 And we're doing everything we can
11 to mitigate that antenna and everything else as
12 well, whether it's with retractable equipment or
13 the ability to shield or otherwise hide anything
14 on the roof that would be unesthetically pleasing.

15 COUNCIL MEMBER VACCA: What do you
16 estimate the cost to be of the Hutch entrance and
17 exit?

18 MR. BERARDI: We do not have an
19 estimate for construction for that.

20 MR. BURNEY: I have your estimate,
21 \$10,000,000 to \$20,000,000, is probably the best--

22 COUNCIL MEMBER VACCA:
23 [Interposing] \$10,000,000 to \$20,000,000.

24 MR. BURNEY: --number we have.

25 COUNCIL MEMBER VACCA: So are you

2 telling me--

3 MR. BURNEY: [Interposing] We
4 really don't know.

5 COUNCIL MEMBER VACCA: --that if
6 this requires \$10,000,000 to \$20,000,000 and your
7 budget is \$750,000,000 that we don't have the
8 wherewithal to finance this.

9 MR. BURNEY: Well I think one step
10 at a time. I think we need to talk to the State
11 about approvals--

12 COUNCIL MEMBER VACCA:
13 [Interposing] I understand.

14 MR. BURNEY: --if we get stimulus
15 money, obviously--

16 COUNCIL MEMBER VACCA:
17 [Interposing] I understand.

18 MR. BURNEY: --we're there, so.

19 COUNCIL MEMBER VACCA: Understand
20 my perspective.

21 MR. BURNEY: I, I absolutely do.

22 COUNCIL MEMBER VACCA: That when I
23 hear a price tag like \$750,000,000 and I'm being
24 told that \$10,000,000 to \$15,000,000 is not
25 possible, then my community is going to think what

2 we want is not possible but what the City wants is
3 possible--

4 MR. BURNEY: [Interposing] I
5 understand.

6 COUNCIL MEMBER VACCA: --you have
7 deep pockets for what the City wants but meanwhile
8 there's no community amenity that costs a relative
9 pittance, that's a relative pittance, and for--and
10 for the impact that it's going to have on my
11 community, that's the minimum you can do. And you
12 can do it.

13 I do agree with you, let's wait for
14 the State, let's work with them. Let's look at
15 the stimulus package. But bottom line, this is a
16 facility of citywide important. This is not a
17 facility for my District or for Annabel's
18 District. This is a citywide project of
19 significance to our City. You've detailed the
20 importance of it.

21 Now if that's what we're saying and
22 I believe you when you say that, I do, I do
23 understand that you have needs for a callback
24 center backup, 911 call back center backup. But
25 there's no way that the average person would think

2 the City could not provide for this highway access
3 when you have such a big ticket item like this
4 taking place. Defies imagination.

5 MR. BURNEY: Yes--

6 MR. BERARDI: [Interposing] You
7 know, Councilman, that's fair. I would just like
8 to note though that had this site moved forward,
9 again we are here talking about land use today.
10 Had the site moved forward under private
11 development specs, it's very likely that the
12 envelope for building size would have been much
13 larger than the building that we're intending to
14 put there.

15 I know that the allowance for
16 height and for square footage based on the zoning
17 that's in place today would have allowed the
18 current owners to develop into a much different
19 kind of structure, a structure that would not have
20 come with a mapped street, a commitment to getting
21 MTA bus service, a commitment to getting on an
22 doff ramps from the Hutch, or any of the other
23 community, you know, relationship components that
24 we're working through and talking about now and we
25 have talked about and will continue to talk about.

2 So what we're bringing to this area
3 and to this community is, as you said,
4 \$750,000,000 of development money in a time when
5 development is slowing down across the City, and a
6 commitment to bring forward a project that
7 reflects the interests of the community and the
8 public safety needs of the City. It's always
9 going to be a balance.

10 CHAIRPERSON LAPPIN: I want to give
11 Councilwoman Arroyo an opportunity to... do?

12 [Pause]

13 COUNCIL MEMBER ARROYO: Thank you
14 Madam Chair. You can tell I'm jumping out of my
15 seat, right? I've been serving as a member of
16 this Committee now, hum, three plus years. I've
17 seen a lot of stuff come through here. I have
18 also seen how creative the City can be when
19 there's a project of this importance.

20 And this by far is probably the
21 most important project I've seen before this
22 Committee yet. And I don't pit schools against
23 public safety projects but I think in my
24 experience with this Committee, this is by far the
25 most significant project that we've seen, given

2 the nature of the work that this facility would
3 deal with.

4 And I'm having a really difficult
5 time understanding why, when we approve a sewer
6 treatment plant in my District, and the City can
7 come up with a give-back to the community because
8 of the impact that was anticipated that the
9 Administration is not willing to do the same with
10 this project. I'm having a really hard time
11 understanding that.

12 So you might want to think about
13 your sister agencies, DEP, talk to the folks in
14 Parks and Recreation and get some sense of what
15 the City has come to the table with, with regards
16 to projects of significance. And again I say in
17 the three plus years that I've been serving on
18 this Committee, I consider this by far the most
19 significant, given the nature of the work that
20 it's intended to fulfill.

21 And I will support my colleague
22 Council Member Vacca in his position and will
23 encourage him not to give away the store. Only
24 because I know that the City can be very creative
25 when the project is important to the City.

2 Where is the Public Safety
3 Answering Center One located? This is Two,
4 there's another?

5 MR. BURNS: It's in the Metro Tech
6 in Brooklyn, 11 Metro Tech, right off of Flatbush
7 Avenue in downtown Brooklyn.

8 COUNCIL MEMBER ARROYO: In
9 comparison, what are we looking at in terms of
10 size? Is it equal? Is it smaller? Is it larger?

11 MR. BERARDI: PSAC II is larger
12 than PSAC I. PSAC I was back in '94 when it was
13 put into service was an existing structure that
14 the Police Department at that time was basically
15 kind of, well I'm not going to say shoehorned in,
16 but made to fit an existing floor plate. PSAC II
17 is righting that wrong and expanding to take into
18 account all of FDNY's needs for the call taking
19 and dispatch operation. Plus in size, PSAC II is
20 a lot more redundant and robust when it comes down
21 to being able to continue its operation under
22 duress.

23 COUNCIL MEMBER ARROYO: So in
24 square footage-wise, what's the difference?

25 MR. BERARDI: Whoo. I, I'd like to

2 say I believe PSAC I is in the realm of about
3 350,000 square feet, somewhere in there. PSAC II,
4 I believe right now, is around 500,000--

5 MR. BURNEY: [Interposing] 500,000
6 or somewhere around that, yeah.

7 MR. BERARDI: 500,000 and change,
8 square feet of...

9 MR. BURNEY: Bear in mind most of
10 that, that includes mechanical space. So the
11 actual call center floor--

12 COUNCIL MEMBER ARROYO:
13 [Interposing] So it's almost twice the size of the
14 existing center--

15 MR. BERARDI: [Interposing] Well a
16 little less than twice the size, yes.

17 COUNCIL MEMBER ARROYO: Okay. So
18 you mentioned that there's 315 employees per shift
19 I would imagine--

20 MR. BERARDI: [Interposing] Yes.

21 COUNCIL MEMBER ARROYO: --we run 3
22 shift operations as a norm. So we're talking
23 about somewhere in the neighborhood of 900 plus
24 employees in and out of the facility at any given-

25 -

2 MR. BERARDI: [Interposing] Per
3 day.

4 COUNCIL MEMBER ARROYO: --on any
5 given 24 hour period.

6 MR. BERARDI: Yes.

7 COUNCIL MEMBER ARROYO: And the
8 assumption is that those folks are coming in on
9 public transportation.

10 MR. BURNEY: Not all of them. Some
11 of the--the EIS traffic study actually gives
12 details of how--

13 COUNCIL MEMBER ARROYO:
14 [Interposing] Okay. So I don't have the EIS in
15 front of me--

16 MR. BURNEY: --those--we can share--

17 COUNCIL MEMBER ARROYO: --I was
18 saying to our staff here, I actually read those
19 things because they contain a lot of information
20 but the information that I have been able to get
21 out of the documents in front of us today is that
22 the project was given a positive declaration
23 because there is significant adverse impact
24 expected in at least 20 areas. And the Borough
25 President approved with recommendations, and there

2 were about 10 recommendations. And you've only
3 mentioned 2 or 3 of the recommendations that were
4 put out by the Borough President.

5 So I don't know how much time we
6 have to have this conversation but I'd like to
7 know how the 20 areas of impact are going to be
8 mitigated. And I'm not sure that we have enough
9 time to come to a place where we feel comfortable-
10 -certainly I don't feel comfortable with this
11 project.

12 And I will consult with my
13 colleague and will tend to be supportive of my
14 colleague's position. But given what I know,
15 having participated in this Committee for three
16 plus years, is that when there's a will, there's a
17 way. And I hope that you find the will to satisfy
18 the issues and concerns that my colleague has
19 raised or I'm not sure that I can vote in favor of
20 this project, no matter what he says. Okay.
21 Thank you.

22 MR. BURNEY: I'd just like to point
23 out one thing. And we will endeavor to get
24 answers to those questions including the areas of
25 impact, but bear in mind as Jim Berardi mentioned,

2 notwithstanding the site selection process and the
3 mapping of the street, in all other respects this
4 is an as of right building, that is smaller than a
5 building than could be built, allowably by a
6 private developer under the zoning. So whatever
7 our impact, it's somewhat less than could be done
8 otherwise. So it's not something that's in excess
9 of what the City Planning Resolution has already
10 envisioned for this development site.

11 COUNCIL MEMBER ARROYO: I
12 appreciate that but I know that the Administration
13 and the agencies usually come to us, in practice,
14 a real strong good will approach with us. All of
15 the projects that have been approved in my
16 District, that have been controversial and have
17 created concern regarding their impact on
18 community have also been as of right developments.

19 And despite that, the
20 Administration and the agency or agencies involved
21 in those projects were understanding and
22 accommodating to ensure that the community can
23 benefit in a way to have to deal with the adverse
24 impacts that sometimes cannot be mitigated, just
25 by the nature of the project.

2 So I appreciate your statement.
3 But having had the experience in this Committee
4 and in my District, despite the fact that they've
5 been as of right developments, the Administration
6 and the agencies have come to the table and worked
7 with us in some incredible good will. And we've
8 been able to get a lot of really positive things
9 into my community as a result. So I implore you
10 to practice that same approach in this project.

11 CHAIRPERSON LAPPIN: Thank you. I
12 think we do need to move onto the other item
13 that's on the agenda today unless there's any
14 more--oh excuse me. We have somebody else who's
15 signed up to testify. Of course. So with that,
16 thank you very much. We don't have that much
17 time. So I would urge you to continue to work as
18 hard as you have been to move from where we are to
19 a place where Council Member Vacca feels that he
20 could support this project. And we look forward
21 to continuing those discussions. Thank you.

22 MR. BURNEY: Thank you.

23 CHAIRPERSON LAPPIN: Mr. Mintzner
24 [phonetic] who is representing the Hutch Metro
25 Center.

2 [Pause]

3 MR. MINTZNER: Good afternoon.
4 How's that. Okay. Good afternoon Madam Chair and
5 members of the Committee. My name is Marvin
6 Mintzner. I am the land use attorney for Hutch
7 Metro Center and the owner of the property upon
8 which the City intends to build the PSAC II
9 center.

10 While we generally support the
11 actions before the Committee, albeit in
12 consideration of some of the comments made by
13 Council Member Vacca regarding access to the site,
14 we wish to address one consequence of the mapping
15 of the street, Marconi Street, which we believe
16 will detrimentally affect the Hutch Metro Center
17 and which we ask the Council to remedy.

18 Hutch Metro Center is in the
19 process of developing a parking garage structure
20 which is essential to its operations. This is
21 particularly true in view of the City's
22 prospective acquisition of a large portion of our
23 site upon which now there is a parking facility or
24 parking lot.

25 As presently filed with the

2 Department of Buildings, the garage's height is
3 determined by its distance from Waters Place which
4 is the nearest mapped street currently. The
5 proposed mapping of Marconi Street would place the
6 new street at a lower elevation which in turn
7 would create a lower base from which the maximum
8 height of the garage building would be measured.

9 Additionally this would, actually
10 this would effectively reduce the square footage
11 that could be included in the garage building as
12 well as its height. Since space that was
13 previously below grade and would not count as
14 floor area would not be above grade and count as
15 floor area. The consequence of the mapping of the
16 street would reduce the prospective garage by half
17 which would be a significant impact upon the
18 ability of the Hutch Metro Center occupants
19 finding sufficient parking spaces.

20 In order to remedy this inequity we
21 would ask that the filing of the map for the new
22 street be delayed until the City commences
23 construction of the PSAC II facility and at such
24 time as it actually needs to have the street map
25 filed for it to continue, for it to occupy its

2 facility.

3 We expect the garage building to be
4 complete within one year which would be well in
5 advance of the City's need to rely upon Marconi
6 Street being officially mapped. As you know it is
7 a private street right now but it is developed and
8 built. And so we would want to work with the City
9 to assure that the filing of the map not go
10 forward until such time as in fact the City must
11 have that converted from a private street to a
12 public street.

13 CHAIRPERSON LAPPIN: How far along
14 are--so have you started to construct this garage?
15 Have you started the approval process for the
16 garage? Where are you with respect to the garage?

17 MR. MINTZNER: We filed plans with
18 the Building Department. They're currently under
19 review, under the Plan Examination Procedures of
20 the Buildings Department. And as I say we expect
21 that we will be completed, complete construction,
22 permitted and completed within about one year.
23 And if you--

24 CHAIRPERSON LAPPIN: [Interposing]
25 So you haven't received the permits yet, that's

2 the problem--

3 MR. MINTZNER: [Interposing] No we
4 have not. That's the problem.

5 CHAIRPERSON LAPPIN: Well once you
6 received the permits it wouldn't matter if the
7 street were mapped.

8 MR. MINTZNER: Once we receive the
9 permits on a substantially complete on the
10 foundations and part of the structure then it
11 wouldn't matter.

12 CHAIRPERSON LAPPIN: And that would
13 take a year you said?

14 MR. MINTZNER: Yes, one year.

15 CHAIRPERSON LAPPIN: And how long
16 does it normally take to have City Planning
17 approve the remapping of the street?

18 CHAIRPERSON LAPPIN: Well this is
19 separate and apart from the mapping. The mapping
20 action can go forward and the street can be mapped
21 but as long as the map is not filed then it's not
22 officially a street for purposes of determining
23 the zoning criteria of the new building.

24 CHAIRPERSON LAPPIN: And have you
25 had any discussions with the City about this

2 possibility?

3 MR. MINTZNER: I've had discussions
4 with City Planning and we have had some
5 discussions with the City, DDC and others about
6 working out an arrangement where we can have the
7 filing of this map delayed until the latest
8 possible time.

9 CHAIRPERSON LAPPIN: And have they
10 been open to doing that?

11 MR. MINTZNER: We're still engaged
12 in those discussions. They've raised some
13 concerns about the ability to have the utility
14 companies come in and service the PSAC II facility
15 along a private street rather than a public
16 street. But I believe those issues can be
17 overcome. We could work out either an easement
18 arrangement, some other arrangement to deal with
19 the utilities so that there's no delay in bringing
20 utility services to the prospective new facility.

21 CHAIRPERSON LAPPIN: Okay. Thank
22 you. Do you have any questions from my
23 colleagues? Would you like to say something on
24 the record Council Member?

25 COUNCIL MEMBER VACCA: Well I hope

2 that these negotiations between you and the City
3 work out. I'd like you to keep the Committee in
4 touch, but it certainly makes sense for them. I
5 don't think that this is endangering the project I
6 just think that they'll be enhanced by the
7 development you propose.

8 MR. MINTZNER: Thank you.

9 CHAIRPERSON LAPPIN: It seems to
10 make sense. It would be nice if the City could
11 help make this a smoother--and I see the
12 Commissioner shaking his head, so that would be
13 great. Thank you very much.

14 MR. MINTZNER: Thank you.

15 CHAIRPERSON LAPPIN: Seeing no one
16 else signed up to testify, we're going to close
17 the hearing on this item. And I see we've been
18 joined by our colleague Council Member Jim
19 Gennaro. And we're going to open the hearing on
20 the school that's in his District which is Item
21 number 996, PS IS 277--actually. I think--

22 [Pause]

23 CHAIRPERSON LAPPIN: No. We're not
24 going to vote on the PSAC today. But we--

25 [Pause]

2 CHAIRPERSON LAPPIN: So to my other
3 colleagues, who are here, please don't leave.
4 And, and I also believe we're going to come back
5 on Thursday morning at 9:45 to discuss this item
6 again.

7 [Pause]

8 CHAIRPERSON LAPPIN: So, Mr. Ou,
9 Mr. Shaw, please come back.

10 [Pause]

11 MR. SHAW: Good afternoon. My name
12 is Gregory Shaw. I am principal attorney for Real
13 Estate for the New York School Construction
14 Authority and to my immediate right is Kendrick
15 Ou, Director of Real Estate for the School
16 Construction Authority.

17 Thanks very much for Chairperson
18 Lappin hosting us today, and to the other Council
19 Members. I appreciate it.

20 The New York City School
21 Construction Authority has undertaken a site
22 selection process for the proposed 665 seat
23 primary and intermediate school facility on a
24 block bounded in the Borough of Queens by Hillside
25 Avenue, 88th Avenue, Parsons Boulevard and 153rd

2 Street, in the Jamaica Section of Queens in Tax
3 Block 976, Lots 23, 25, 26, 47 and 51. The
4 proposed school is also located in Community
5 School District number 28 and Queens Community
6 Board number 12.

7 The proposed site is an assemblage
8 of five privately owned properties containing a
9 vacant, one-story and two-story buildings,
10 formerly used for automobile sales and storage as
11 well as an open parking lot areas. The plan for
12 the proposed project calls for the SCA to acquire
13 these lots, demolish the exiting structures and
14 construct a new 665 seat public school facility.

15 The notice of the filing for the
16 site plan was published in The New York Post in
17 City Record on February 22nd, 2008. Queens
18 Community Board number 12 was also notified of the
19 site plan on that date and was asked to hold a
20 public hearing. The Community Board held its
21 public hearing on April 16th, 2008 but did not
22 submit any written comments concerning the site
23 plan. The City Planning Commission was also
24 notified of the site plan on February 22nd and it
25 recommended in favor of the proposed site.

2 The SCA has considered all comments
3 received on the proposed site plan and affirms it
4 pursuant to Section 1731 of the Public Authorities
5 Law. The SCA has, in accordance with Section 1732
6 of the Public Authorities Law; the SCA submitted
7 the proposed site plan to the Mayor and Council on
8 February 18th, 2009.

9 We look forward to your Committee's
10 favorable consideration of the proposed site plan
11 and we'll take any questions you might have.

12 Thank you--

13 CHAIRPERSON LAPPIN: [Interposing]
14 I'm going to turn it over to Council Member
15 Gennaro who's been very active on this issue--

16 COUNCIL MEMBER GENNARO:
17 [Interposing] Sure. Thank you. Thank you Madam
18 Chair and thank you for the access that you've
19 given me and the conversations that we've had on
20 this. I certainly appreciate your willingness to
21 be in support of the concern that I brought
22 forward which I guess we'll talk about now. We've
23 had some conversations on an issue that I'm going
24 to talk about and I think we've reached a point
25 where we can figure out a way to go forward.

2 When this site was first brought
3 forward, I guess a year or so ago, we did a site
4 visit. And we saw that the street on which the
5 school would front, which would be 88th Avenue, was
6 a one-way street, one-way street going eastbound
7 that would require the busses to drop the school
8 children off in the morning and pick them up in
9 the afternoon on the wrong side of the street
10 which would be the south side of the street. The
11 students would have to be crossed. This is also a
12 street which is like a layover area for six MTA
13 bus lines. And we indicated that it would be an
14 unsafe, we thought, situation to have the kids
15 getting, going to and from school on the wrong
16 side of the street.

17 Back when we first had this
18 discussion it was known that it would be, you
19 know, difficult for the parties involved, the
20 School Construction Authority the DOE and the DOT
21 and the MTA to have, you know, real serious
22 discussions about changing the direction of the
23 street because at that time the SCA had not come
24 to closure with the owner on the site. And those
25 kinds of talks could only commence in earnest once

2 we sort of like had a deal with the site, which we
3 now do.

4 And so the question is, since the
5 application or whatever was formally filed and was
6 going to go through the final process here, we've
7 been trying to work on how we deal with this
8 situation. And Madam Chair it's been good to work
9 with Mr. Ou and Mr. Shaw and their people, who
10 have looked upon this safety issue and have tried
11 to work on it in a very earnest way and in good
12 faith. And I certainly appreciate that
13 partnership.

14 And where we are, and we just had a
15 final conversation about this in another part of
16 the City Hall here, with representatives of the
17 Department of Ed and a representative of Deputy
18 Mayor Skyler's office, and what we would like to
19 do, Madam Chair, is for the DOE or SCA or,
20 Kendrick can help me out a little bit in a minute,
21 that the City whomever would write an instrument
22 if you will, you know, a commitment that before
23 the school opens there will be devised a mechanism
24 for either, you know, changing the direction of
25 the street which I understand is a big deal 'cause

2 it would involve the MTA and the whole bus layover
3 situation and the whole greater Jamaica plan which
4 is in flux.

5 But changing the direction of the
6 street would allow the children to be dropped off
7 and picked up in safety on the north side of the
8 street right in front of the front door of the
9 school. And barring that, this letter, this
10 instrument will say that if that, for some reason
11 cannot happen, that some method will be devised to
12 drop the school children off in safety and that
13 will be, that will be some method that will be,
14 you know, presented to me for my approval.

15 We think that realistically this
16 would--that the best way to do it certainly would
17 be to change the direction of the street. Other
18 options that could possibly be entertained would
19 be contracting with bus companies that would only
20 have--that would have a door that would open on
21 the, you know, driver's side of the bus that would
22 allow the kids to be dropped off on the north side
23 of the street. But that is the type of thing that
24 is not my first preference but they have
25 graciously indicated that in the absence of

2 getting the direction of the street changed they
3 would put forward something for my approval. I'd
4 be happy, you know, to consider that.

5 And I will say just, this is not
6 the first time I've dealt with issues relating to
7 the siting of schools. We had a very contentious
8 situation with the Gateway School but by working
9 with the people from the DOE and the SCA in, you
10 know, good faith, we were able to come to a very
11 satisfactory conclusion to that process. I have
12 no doubt, Madam Chair, that we'll be able to do
13 the same here. And the game plan as I understand
14 it, is for the SCA to draft up this letter, this
15 commitment, this--and present it to the Council in
16 advance of tomorrow's meeting--

17 CHAIRPERSON LAPPIN: [Interposing]
18 Great. Can I, can I--

19 COUNCIL MEMBER GENNARO: --and so
20 I--that's my understanding of what would happen
21 and, and...

22 CHAIRPERSON LAPPIN: [Interposing]
23 Can we hear from--

24 COUNCIL MEMBER GENNARO:
25 [Interposing] Sure.

2 CHAIRPERSON LAPPIN: --Mr. Ou?

3 MR. OU: Yes. Thank you
4 Chairperson Lappin. As the Council Member said,
5 probably late--as soon as I get back to the office
6 later today, we will prepare and send over to you,
7 the Subcommittee and also to the Council Member, a
8 letter clearly explaining the areas where we
9 agree.

10 We certainly share the Council
11 Member's concerns on the--in ensuring student
12 safety. And I think our collective first goal
13 would be a street reversal but that is, you know,
14 something that if, for whatever reason, given the
15 larger context within which this site is located.
16 This is, I think the Council Member mentioned,
17 located in the Jamaica plan rezoning area. That
18 we would, before the school opens, work with the
19 Council Member and obtain and create the mechanism
20 to avoid this concern.

21 So our first stop really is to work
22 with DOT and to push with the City the--whether it
23 is a full one-way reversal or converting the
24 street to two-way, a mechanism that will allow the
25 existing school busses to drop off on the north

2 side of the street.

3 CHAIRPERSON LAPPIN: All right.

4 And based on that Council Member Gennaro, you're
5 approve it--you're supporting it--

6 COUNCIL MEMBER GENNARO:

7 [Interposing] I.

8 CHAIRPERSON LAPPIN: --the project.

9 COUNCIL MEMBER GENNARO: Yes. Let
10 me just, let me just state clearly that--and that
11 there would be no acceptable outcome, that any
12 outcome would have to provide for the children to
13 be dropped off on the north side of 88th Avenue,
14 and that is something which is understood. And I
15 just wanted to make sure that I did--said that
16 again just to be clear about that.

17 And also just for the sake of
18 everyone's understanding and for the record, to
19 state that any kind of option that would have the
20 school children be dropped off on the south side
21 of 88th Avenue, I just want to, you know, reinforce
22 that this currently is a bus layover area and
23 that, you know, confluence of busses laying over
24 and, you know, children being dropped off on the
25 wrong side of the street, having them be crossed

2 would, you know, result over the decades in
3 millions and millions of, you know, individual,
4 you know, people crossings and I feel would
5 certainly lead to, you know some kind of tragedy
6 at some point. That's what we're trying to
7 prevent---

8 CHAIRPERSON LAPPIN: [Interposing]
9 I think--

10 COUNCIL MEMBER GENNARO: --this is-
11 -

12 CHAIRPERSON LAPPIN: --we're all in
13 agreement.

14 COUNCIL MEMBER GENNARO: And so I
15 just wanted to be firm that there is, you know, no
16 outcome that would be acceptable that would not
17 provide for the students being dropped off on the
18 north side of 88th Avenue.

19 Again, this is something that I
20 know is understood by the Administration. And
21 they are committed to creating a safe situation
22 and I stand ready to work with them and with that,
23 with that caveat, I'd be, I would stand n support
24 of this overall good and very needed project.

25 CHAIRPERSON LAPPIN: Great. Thank

2 you. So with that, there's nobody else signed up
3 to testify. I'm going to close the hearing on
4 this item and ask for the council to call for a
5 vote and I would recommend a favorable vote.

6 [Gavel banging]

7 MR. ELTON: Chair Lappin.

8 CHAIRPERSON LAPPIN: Aye.

9 MR. ELTON: Council Member Barron.

10 COUNCIL MEMBER BARRON: Aye.

11 MR. ELTON: Council Member Palma.

12 COUNCIL MEMBER PALMA: Aye.

13 MR. ELTON: Council Member Arroyo.

14 COUNCIL MEMBER ARROYO: Aye.

15 MR. ELTON: Council Member Oddo.

16 COUNCIL MEMBER ODDO: Yes.

17 MR. ELTON: By a vote of five in
18 the affirmative, none in the negative, no
19 abstentions, LU 996 is approved and referred to
20 the full Land Use Committee.

21 CHAIRPERSON LAPPIN: We are going
22 to recess this meeting until Thursday at 9:45. Is
23 that correct?

24 MR. ELTON: Is this something that
25 members didn't know we were going to be voting - -

2 so perhaps...

3 [Gavel Banging]

4 CHAIRPERSON LAPPIN: Reopen the
5 meeting and give Council Member Liu the
6 opportunity to vote.

7 COUNCIL MEMBER LIU: Madam
8 Chairman, I vote yes.

9 MR. ELTON: By a vote of six in the
10 affirmative, none in the negative, no abstentions,
11 LU 996 is approved and referred to the full Land
12 Use Committee.

13 [END TAPE 1004]

14

15

C E R T I F I C A T E

I, Laura L. Springate 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.

A handwritten signature in cursive script that reads "Laura L. Springate". The signature is written in black ink on a light-colored background.

Signature Laura L. Springate

Date March 2, 2009