

SUBCOMMITTEE ON LANDMARKS, PUBLIC SITINGS

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AND DISPOSITIONS

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CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON LANDMARKS, PUBLIC SITINGS AND
DISPOSITIONS

January 30, 2020
Start: 1:17 p.m.
Recess: 1:35 p.m.

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

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

COUNCIL MEMBERS:
INEZ D. BARRON
PETER A. KOO
I. DANEEK MILLER
MARK TREYGER

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

Kelly Murphy
Director of Real Estate for the New York City
School Construction Authority

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[gavel]

CHAIRPERSON ADAMS: Good afternoon, I'm Council Member Adrienne Adams, welcome to this meeting of the Subcommittee on Landmarks, Public Siting and Dispositions. I'm joined today by Council Members Treyger and Koo. Today we will hold a public hearing on a proposed school site selection. We will also vote on that site selection as well as the five landmark designations we heard at our last meeting. Application number 20205259 SCQ was submitted pursuant to section 1732 of the New York School Construction Authority Act, it concerns a proposed site selection for a new approximately 476 seat primary school facility Q340 located at 69-02 Queens Boulevard in Queens within community school district 24, community district two, council district 30. I now open the public hearing on this application which we are hearing preconsidered. We're joined today by a representative of the School Construction Authority and her name is Kelly Murphy. Miss Murphy you can step up and before you begin the Counsel will swear you in.

COMMITTEE CLERK: Please raise your right hand and state your name?

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KELLY MURPHY: Kelly Murphy.

COMMITTEE CLERK: Do you affirm to tell the truth, the whole truth and nothing but the truth in your testimony before this Subcommittee and in answer to all Council Member questions?

KELLY MURPHY: I do.

CHAIRPERSON ADAMS: Thank you, you may begin.

KELLY MURPHY: Good afternoon Chairperson Adams and members of the Committee. As I said my name is Kelly Murphy, I'm the Director of Real Estate for the New York City School Construction Authority. The New York City School Construction Authority has undertaken the site selection process for a new approximately 476 primary school facility that will be located within a mixed use development located on block 2432, lots 41, 44 and a portion of lot 50 within the Woodside neighborhood in the borough of Queens. The site consists of approximately 78,000 square feet within a four story with cellar condominium within this larger residential development. The site is located with, within Queens community district two and community education council 24. Under the proposed project the SCA will

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acquire an approximately 78,000 square foot white box
condominium unit from the developer of this site. I'm
going to flip through the... so this is kind of... not
the greatest but the... gives you the context of where
the, the site is located, you see the BQE and the
railroad tracks these are just the lots, are part of
a larger development along Queens Boulevard, 47th
and... excuse me, 47 70th Street, I had a brain freeze,
so, this is closer up of the site. So, the, the
project actually runs on both sides and where it's
kindly lightly outlined in red is the residential
building where the condominium for the school will be
located so its at 47th and 70th. These are some photos
of the site conditions, the developer is already
doing some demolition of the site so this is some
views looking south from Queens Boulevard and this is
actually the corner, 70th and 47th where the school
will be located. Not much there now as you can see,
and this is just another one on 70th Street. So, the
school will occupy the first four floors in the
cellar of the mixed-use development and house
approximately 476 seats for grades pre-kindergarten
through grades five. The notice of filing for the
site plan for this was published in the New York Post

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in the city record on May 14th, 2019 at which time Queens... to community educational 24 and the city planning commission were also notified of the site plan. On June 6th, 2019 Queens community board number two held a public hearing and voted to issue a letter in support of the site plan. On June 18th, 2019 community education council 24 held a hearing on the site plan and issued a resolution of support. The SCA has considered all comments received on the proposed site plan and affirms the site plan pursuant to 1731 of the public authority's law and in accordance with section 1732 of the PAL the SCA submitted the proposed site plan to the Mayor and City Council on a letter dated January 28th, 2020. With that I look forward to your comments and questions.

CHAIRPERSON ADAMS: Thank you very much

Miss Murphy, as a member of Queens I do frequent the area and I'm, very well acquainted with this site and I'm really, really happy, always happy when SCA comes before us with a plan for a new school, that's a great thing. So, this school is going to be located within the confounds of a condo, correct? How many units at, at the condo?

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KELLY MURPHY: Its... basically the condo was created to... because we like to own property when we're making a very major investment of public dollars so the condo was created basically for us to have an ownership model and not do a rental situation... [cross-talk]

CHAIRPERSON ADAMS: I see... [cross-talk]

KELLY MURPHY: ...so the rest of the... I believe, I don't like to speak for the developer, but I believe they're rentals for the rest of the development.

CHAIRPERSON ADAMS: Okay, who's the developer?

KELLY MURPHY: Madison Realty Capital.

CHAIRPERSON ADAMS: Okay. Okay, thank you, do my colleagues have questions? Council Member Koo?

COUNCIL MEMBER KOO: Thank you, yeah. So, how does it work, I mean the, the school only occupies a few floors, right, four floors?

KELLY MURPHY: The cellar and four floors of one of the buildings.

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COUNCIL MEMBER KOO: So, the, the SCA will rent the building, rent a place or they, they purchased this?

KELLY MURPHY: We purchased the condo, we'll have our own separate entrance, separate, you know for garbage and everything else, it basically operates on its own although our systems for like shafts for power and stuff will go through the residential building to the roof for our mechanicals.

COUNCIL MEMBER KOO: You're purchasing the, the, the condo?

KELLY MURPHY: Correct.

COUNCIL MEMBER KOO: The whole condor or just... [cross-talk]

KELLY MURPHY: The condo for our four floors and the cellar.

COUNCIL MEMBER KOO: Okay...

KELLY MURPHY: And like I was saying that was created to allow the SCA to purchase the school where the rest of the development will be my understanding is rental apartments.

COUNCIL MEMBER KOO: So, you have to pay condominium fees or things like that?

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KELLY MURPHY: Yes, that's part of a typical condo like you know shared sidewalks, no removal, things like that but basically, we pretty much operate independently.

COUNCIL MEMBER KOO: So... but the entrance is different, right?

KELLY MURPHY: Separate entrance.

COUNCIL MEMBER KOO: Separate entry, you have your own parking?

KELLY MURPHY: We don't do... generally do parking for our facilities but there's parking in the residential component.

COUNCIL MEMBER KOO: Okay, what about a... the, the gyms, where do you put the... [cross-talk]

KELLY MURPHY: It's a fully... it's a full SCA school with a gymnasium, art room, music room, pre-kindergarten through grade five, it's... we didn't have to skimp on it, I think the best part when you do these developer projects is getting in early so we can actually work together collaboratively to make the schools function appropriately that we want and expect for the kids.

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COUNCIL MEMBER KOO: So, in the future

maybe more of these school can be put into the buildings, right?

KELLY MURPHY: I think we've been doing...

[cross-talk]

COUNCIL MEMBER KOO: It's easier to do it

that way.

KELLY MURPHY: It's not necessarily easy,

we like our own dirt when possible but it's getting harder to find that and we've... I think we're getting better and better at doing these and like I said earlier in the process, you know if the developers design things its harder to retrofit a school in...

[cross-talk]

COUNCIL MEMBER KOO: Yeah... [cross-talk]

KELLY MURPHY: ...but with this we were

very early and we could talk about column placement and did you know we need column free space for gyms so when you're there early we can work with... their structural and our structural people work together to accommodate both needs of the... of the development.

COUNCIL MEMBER KOO: I, I would... how much

you had to pay, you pay the same price as the other condominium homes?

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KELLY MURPHY: That's all being

finalized, its market of what a market condition is for delivery of a white box, we still build out the school, they will give us a basic white, white...

[cross-talk]

COUNCIL MEMBER KOO: You get... [cross-

talk]

KELLY MURPHY: ...box... [cross-talk]

COUNCIL MEMBER KOO: ...you get the space,

yeah... [cross-talk]

KELLY MURPHY: ...but we will do our own

construction of the school facility itself.

COUNCIL MEMBER KOO: Okay, very good,

thanks.

KELLY MURPHY: Thank you.

COUNCIL MEMBER TREYGER: Chair?

CHAIRPERSON ADAMS: Council Member

Treyger.

COUNCIL MEMBER TREYGER: Thank you Chair

and look I, I, I commend the SCA here because, you know Queens is a, a borough that is in great need to increase seats and there are parts of southern Brooklyn that face the same challenge and space has always become the major issue so this is sort of an

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2 innovative approach on how to really address a severe
3 overcrowding challenge in the city so I do commend
4 you on that. I, I, I have a quick question on just
5 making sure that the site is fully accessible to, to
6 all children and to all staff in terms of being ADA
7 compliant, making sure that all kids can have access
8 to the fullness of the school. Can you speak to the
9 accessibility of, of the school?

10 KELLY MURPHY: The challenge is
11 retrofitting existing schools but with new schools we
12 have to build them so they're all... always accessible
13 to everyone, that's in, integrated in our design for
14 new schools... [cross-talk]

15 COUNCIL MEMBER TREYGER: Right... [cross-
16 talk]

17 KELLY MURPHY: ...and we're trying to go
18 backwards on existing facilities to... [cross-talk]

19 COUNCIL MEMBER TREYGER: Right... [cross-
20 talk]

21 KELLY MURPHY: ...retrofit them for
22 accessibility.

23 COUNCIL MEMBER TREYGER: But does that
24 mean full accessibility not partial but... [cross-talk]

25 KELLY MURPHY: No... [cross-talk]

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COUNCIL MEMBER TREYGER: ...full and that...

[cross-talk]

KELLY MURPHY: ...full... [cross-talk]

COUNCIL MEMBER TREYGER: ...means entrance,
bathrooms, classrooms... [cross-talk]

KELLY MURPHY: All the unique spaces;
classrooms... correct, with new buildings that is
always part of a new building design, we couldn't
actually get approved without, its... the challenge is
that the existing like, you know especially pre-war
buildings to try to retrofit that and we're working
on that slowly.

COUNCIL MEMBER TREYGER: Okay... [cross-
talk]

KELLY MURPHY: But even when we do
additions as well, that ended up... we'll end up doing
elevators that connect to the old and then the
existing building becomes ADA compliant as well.

COUNCIL MEMBER TREYGER: So, that's,
that's very important to note and I... and I appreciate
hearing that. Can you speak to... since you're in a
shared space, right, what does... how is responsibility
and liability divided in terms of if there's a leaky
roof, tell me how that works as far as is it the

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condo owner's responsibility, is it the school's because if there's a leak from the roof it impacts the classroom, who is responsible, how does that work?

KELLY MURPHY: In this, this case if there was a leaky roof it would have to go several floors of residential before it would reach our building...

COUNCIL MEMBER TREYGER: Oh, it happens in NYCHA frequently so that's why... [cross-talk]

KELLY MURPHY: Yeah, I mean there's... I mean there's a, a condo operating agreement that... it's not executed yet but that will be... that will spell all that out and then there's common charges that go into a condo as well so... but I think generally the, the way this works here there's less... you know we're kind of very independent of that and anything with roof and structures as I said is pretty... I think there's like eight or nine stories above our building... [cross-talk]

COUNCIL MEMBER TREYGER: Right... [cross-talk]

KELLY MURPHY: ...the only kind of way I think to address your issue is the third floor has

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rooftop play so there is some roof there that would
be above part of our school facility.. [cross-talk]

COUNCIL MEMBER TREYGER: Right.. [cross-
talk]

KELLY MURPHY: ...so that... you know those
kinds of things are built into the agreement of, of,
you know insurance and who's responsible.. [cross-
talk]

COUNCIL MEMBER TREYGER: Right.. [cross-
talk]

KELLY MURPHY: ...but basically in these..
it's like a condo, right, you know in... right, you
know the structure.. [cross-talk]

COUNCIL MEMBER TREYGER: Right, I guess..
[cross-talk]

KELLY MURPHY: ...you... the.. [cross-talk]

COUNCIL MEMBER TREYGER: ...my.. [cross-
talk]

KELLY MURPHY: ...it's the same kind of..
[cross-talk]

COUNCIL MEMBER TREYGER: Right.. [cross-
talk]

KELLY MURPHY: ...theory of condominiums.

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COUNCIL MEMBER TREYGER: My point is that I don't want children and staff to be at the mercy of a private landlord in terms of safety and construction and work so if there's like a leak or damaged roof of the building that is... and the way leaks work is that they make their way to the... to the lower floors, that's inevitable the way... the way they work, if it reaches the lower floors the school is going to turn to the DOE, it's going to turn to you to say who's going to fix it because if, if the landlord is not going to take responsibility someone has to take responsibility so make sure that that is not a grey area and that they're clearly responsible to fix their infrastructure so it doesn't negatively impact the children and staff.

KELLY MURPHY: Absolutely, when we do lease spaces or with a condo agreement if the... and there's provisions on what the level of issue, its like a leak would be an emergency... [cross-talk]

COUNCIL MEMBER TREYGER: Right... [cross-talk]

KELLY MURPHY: ...they have to address, its only hours and if they're not we always have the

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ability to fix and then come back later and get the money back.

COUNCIL MEMBER TREYGER: Okay..

KELLY MURPHY: So, we always.. you know so you do notify people, they have x number of hours.. you know 24, 48 hours or whatever if it's a real emergency versus maybe something that could wait a week and then if they do not we always have the ability to cure and then go back to get the money from rent or condo fees or whatever.. what have you.

COUNCIL MEMBER TREYGER: I would just recommend that, you know when there are shared spaces in a public school they create building council meetings between the principals and leaders that when this structure is built that the principal of the school has access to information both in terms of SCA and whoever is the property manager of the condo so there is no confusion and there's no, you know ambiguity about this issue. The principal's job is to worry about instruction in the building.. [cross-talk]

KELLY MURPHY: Right.. [cross-talk]

COUNCIL MEMBER TREYGER: ...not about who's responsible to fix a damaged roof or infrastructure issues so.. [cross-talk]

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2 KELLY MURPHY: Well we have a seat on the
3 board, on the condo board.

4 COUNCIL MEMBER TREYGER: Fantastic, oh,
5 so there you go.

6 KELLY MURPHY: Yeah.

7 COUNCIL MEMBER TREYGER: I think that,
8 that's the type of collaboration... [cross-talk]

9 KELLY MURPHY: Yeah... [cross-talk]

10 COUNCIL MEMBER TREYGER: ...you like...
11 [cross-talk]

12 KELLY MURPHY: Absolutely... [cross-talk]

13 COUNCIL MEMBER TREYGER: ...with that I, I
14 proudly am in support, thank you Chair.

15 CHAIRPERSON ADAMS: Thank you Council
16 Member Treyger, we've been joined by Council, Council
17 Members Barron and Miller, that was excellent because
18 I was actually going there and, and if we could have
19 just gotten to that member on the board immediately
20 that would of just answered all of Council Member
21 Treyger's concerns right there because that's what...
22 that's the goal right there. I was going to ask also
23 whether or not there was a playground on the
24 parameter, but you did... just mentioned rooftop...
25 [cross-talk]

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KELLY MURPHY: Uh-huh... [cross-talk]

CHAIRPERSON ADAMS: ...playground so how much space on the roof, rooftop for that playground?

KELLY MURPHY: Things are still being finalized, we're still in design but we're looking at like 96, 9,800 square feet.

CHAIRPERSON ADAMS: Okay, you know again I, I think that, that all of us have been tasked with trying to find space for our schools and this really is such a creative way to place schools particularly for Queens and as Council Member Treyger said, in Brooklyn where space is so scarce right now and we're... we've all been looking for spaces and this is just very creative, I really, really hope that we can do this, you know elsewhere and often. Are there questions from Council Member Barron?

KELLY MURPHY: Thank you.

COUNCIL MEMBER BARRON: Thank you Madame Chair, I do apologize both Council Member Miller and I just ended our hearing. I just have one question, how large is this... well, two part, how large is this school and does the school have a dedicated gymnasium?

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KELLY MURPHY: Its about 78,000 square feet, its not finalized yet because we're still in design but around 78, 80, 800,000 square feet, it has a full gymnatorium as I mentioned previously, all the, you know normal, typical spaces we like to have in a... in a primary school so it's got the music room and the art room and cafeteria, kitchen, the full gamut of what a... [cross-talk]

COUNCIL MEMBER BARRON: So, it's not a dedicated gym, it's a gymnatorium?

KELLY MURPHY: Gymnatorium, that's pretty much what we do nowadays...

COUNCIL MEMBER BARRON: Yeah, which means you limit your scheduling when you have a gym... full gym program and its time for an assembly program.

KELLY MURPHY: It's a smaller school too so there's less... like classes, its 476 seats, its... I mean I think that's more challenging than larger schools but that's more of a department of education... [cross-talk]

COUNCIL MEMBER BARRON: Yes, it is, okay... [cross-talk]

KELLY MURPHY: ...a programmatic... so... I'm, I'm sorry I can't be more... [cross-talk]

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COUNCIL MEMBER BARRON: Okay... [cross-talk]

KELLY MURPHY: ...helpful on that.

COUNCIL MEMBER BARRON: Thank you, thank you Madame Chair.

CHAIRPERSON ADAMS: Thank you Council Member Barron, Council Member Miller questions? Okay. Okay, thank you so much Miss Murphy for your testimony today... [cross-talk]

KELLY MURPHY: Thank you all... [cross-talk]

CHAIRPERSON ADAMS: ...we, we're really happy with the project, thank you so much. Are there any more members of the public who wish to testify on today's item? Seeing none I now close today's hearing and we'll move on to our vote with the support of the local Council Members we will now vote to approve the preconsidered LU related to application 20205259SCQ and the designations of five landmarks located in Brooklyn community district six. LU 597, the landmark designation of the Somers Brothers Tinware Factory later known as the American Can Company located at 361-363 3rd Avenue block 980, part of lot number eight; LU 598, the landmark designation of the

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Brooklyn Rapid Transit Company Central Power Station
Engine House located at 152 2nd Street block 967,
part of lot one; LU 599, the landmark designation of
the Montauk Paint Manufacturing Company building
located at 172nd Avenue block 1025, lot 49; LU 600,
the landmark designation of the Gowanus Flushing
Tunnel Pumping Station and Gate House located at 201
Douglass Street block 411, lot 14 and finally LU 601,
the landmark designation of the American Society for
the Prevention of Cruelty to Animals Brooklyn office
shelter and garage building located at 233 Butler
Street block 405, part of lot 51 including a portion
of the sidewalk in front of lot 51. Counsel please
call the roll.

COMMITTEE CLERK: Adams?

CHAIRPERSON ADAMS: I vote aye.

COMMITTEE CLERK: Barron?

COUNCIL MEMBER BARRON: I vote aye.

COMMITTEE CLERK: Koo?

COUNCIL MEMBER KOO: Aye.

COMMITTEE CLERK: Miller?

COUNCIL MEMBER MILLER: Aye.

COMMITTEE CLERK: Treyger?

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COUNCIL MEMBER TREYGER: If I could vote twice I, I would, I vote aye, yes.

COMMITTEE CLERK: By a vote of five in the affirmative with zero in the negative and zero abstentions the items are recommended for approval to the full Land Use Committee.

CHAIRPERSON ADAMS: And with that I'd like to thank the members of the public, certainly my colleagues, council and land use staff for attending today's hearing. The meeting is hereby adjourned.

[gavel]

C E R T I F I C A T E

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



Date

February 20, 2020