



15 Laurel Avenue
Mount Vernon, NY 10552
March 20, 2014

Deputy Chancellor Kathleen Grimm
Emily A. Youssouf, Trustee
Curtis A. Harris, Trustee

New York City School Construction Authority
30-30 Thomson Avenue
Long Island City, NY 11101

Dear Trustees:

I am the owner of the property known as 2392-98 Jerome Avenue, Bronx, which was one of the subject properties acted upon at the January 17, 2014 Board Meeting. Earlier today, I received a letter from a law firm that deals with eminent domain proceedings. The minutes of the meeting were included with the advisement that they had been made public last week.

On February 28th I attended and spoke at a community board meeting held in the cafeteria of P.S. 33. The attached letter to the board is instructive as to the lease renewal process with respect to my building. A quick review of my two page letter will reveal a totally different scenario than that presented to you.

I am writing to you to ask that you reverse the decision made on January 17th. I made every effort since March 16, 2013 to enter into a lease extension. Little effort was made to assist me. A review of the timeline described in my letter to Community Board #5 should prompt many questions on your part. There are numerous issues with Mr. Holden's statements in promoting the concept of eminent domain proceedings to force the sale of my property. He claims that the SCA was negotiating with the landlord and that the "landlord has been unreasonable and has demanded rent far in excess of the market rate for the premises."

My letter of November 5, 2013 in response to the lease proposal was the last communication that I had relative to lease terms. Few people in the real estate business would consider my position to be "unreasonable" or the rent to be "far in excess of the market rate for the premises." Mr. Holden probably has NO direct knowledge of anything that he reported to you. Michael Cona should have been required to respond to your inquiries under oath as he has day-to-day knowledge. This is a very serious matter and probing questions should have been asked.

The statements made in the "Adoption Of Report On A Newly Identified Site Requiring Acquisition: P.S. 33 Annex - Bronx, similarly mixes fact with fiction. The fifth item deals with suitable alternative sites in the immediate vicinity of the site. An attached photo clearly shows a highly visible "For Sale" sign on a building across the street and refers to 2421,23,25,27 and 29 Jerome Avenue. The sign was erected mid-summer of last year. The property is comparable to mine as both measure 100' X 100'. It is under contract at this time with a price of 2.5 million dollars. The cost of demolition will probably be an additional \$300,000. The purchaser has indicated a desire to construct a four-story community facility. This should be a perfect fit for your needs. The question is: How is it that this serious misstatement was made by counsel?

Members of the Board of Trustees, please revisit your decision of January 17th. Public relations are extremely important when eminent domain is at issue. There is absolutely no excuse for this proceeding to continue. As indicated in my letter to the community board, I am willing to renew with three percent annual increases to partially cover the loss of the rent dollar over the next fifteen years. This will not appear to be unreasonable to most people. Thank you.

Yours very truly,

Frank DeLeonardis

Frank DeLeonardis

The next item for consideration was the approval of a newly identified school site requiring acquisition. Ms. Grimm asked Ross J. Holden, SCA Executive Vice President and General Counsel, to explain the item.

Mr. Holden stated that the site is for the construction of an annex to PS 33 which is on Jerome Avenue and East 184th Street in the Bronx. The annex had been leased by the Department of Education (DOE) and houses approximately 220 students even though the space is a bit small for this number of seats. PS 33 is over capacity. Mr. Holden said that the lease terminated in December, 2013, and the SCA has been negotiating with the landlord to extend the lease because the space is desperately needed. However, the landlord has been unreasonable and has demanded rent far in excess of the market rate for the premises. The landlord has also threatened

to file suit to evict the DOE from the building. Trustee Youssouf asked how long the DOE has leased the building as a school and Mr. Holden replied that the long-term lease was for approximately fifteen (15) years.

Mr. Holden said that the landlord has been advised of the SCA's interest in a lease renewal, and has not been willing to discuss the matter except on his own terms. Therefore, the SCA is asking the Trustees to approve acquisition of the property by eminent domain, if necessary. The public Notice of Filing was published yesterday in the *New York Post* and *City Record* and the elected officials of Community Board 5 have been notified. The site plan will be submitted for approval by the Mayor and City Council in late March or early April, 2014.

Mr. Holden said that indoor air quality testing was performed in September, 2011 and no volatile organic compounds were detected. A Phase I environmental assessment was conducted in January, 2012, and a Phase II assessment will be completed if necessary. A brief discussion ensued concerning the potential expansion of the existing Annex as an Addition to PS 33X.

Following the discussion, a motion was duly made and seconded and the following resolution was unanimously adopted:

**01-17-14-03 ADOPTION OF REPORT ON A NEWLY IDENTIFIED SITE
REQUIRING ACQUISITION: P.S. 33 ANNEX – BRONX**

WHEREAS, the Department of Education's P.S. 33X currently occupies a leased school annex located at 2392-98 Jerome Avenue (Block 3188, Lot 8) in the Borough of the Bronx;

WHEREAS, the current lease for the site expired on December 9, 2013 and the Department of Education has continued to occupy the site since the lease's expiration as a month-to-month tenant;

WHEREAS, the cost of renovating the existing building for school use in 1998 was borne completely by the Department of Education and was reimbursed with capital funding from the City of New York;

WHEREAS, the landlord has notified the Department of Education of its intention to terminate the Department of Education's tenancy of the site;

WHEREAS, suitable alternative sites in the immediate vicinity of the site are not available and other existing Department of Education facilities cannot accommodate the students currently accommodated within the annex should the lease be terminated;

WHEREAS, the Board of Trustees has received the Report on A Newly Identified Site Requiring Acquisition, dated January 17, 2014, describing this location and actions necessary to acquire this site;

WHEREAS, it may become necessary to acquire the site by condemnation if negotiations are unsuccessful or clear title is not otherwise obtainable;

WHEREAS, the President is authorized to initiate, plan and carry out the SCA programs and projects in the Department of Education's Five-Year Capital Facilities Plan, including acquisition of title to real property by condemnation; and,

WHEREAS, in accordance with the direction of the Board of Trustees, the President shall make determinations and findings pursuant to the requirements of Section 204 of the Eminent Domain Procedure Law to acquire the site by condemnation if the site has been included in a report on A Newly Identified Site Requiring Acquisition previously approved by the Board;

NOW, THEREFORE, BE IT RESOLVED, the Board of Trustees approves the acquisition of this newly identified site by condemnation, if necessary.

* * *

15 Laurel Avenue
Mount Vernon, NY 10552
February 28, 2014

Bronx Community Board #5
BCC Campus, McCracken Hall, Room 12/13
W. 181st Street at Dr. Martin Luther King, Jr. Blvd.
Bronx, NY 10453

Dear Board Members:

I am the owner of the building known as 2392-98 Jerome Avenue. The proposed acquisition of this property is the subject of today's hearing. It is my position that this building adjacent to the P.S. 33 school yard has been, and will continue to be available for use as a school annex, and therefore, the forced sale through eminent domain proceedings is totally unnecessary and bad public policy.

I have done business within the boundaries of this community board since 1974. I operated retail auto supply stores at 2477-87 Webster Avenue and at 1980-88 Jerome Avenue during the twenty-four year period through October of 1998. I currently own three commercial properties, in addition to the school annex, within the confines of Board #5. Obviously, I am very much a part of this community. What is at issue here is the concept of free enterprise.

The building at issue was acquired in June of 1982. A Labor Department employment facility was the tenant through October of 1995. I actively encouraged the Division of School Facilities to consider leasing this building after it was vacated by the Labor Department. I was authorized to spend approximately \$25.00 per square foot on renovations. Occupancy commenced in December of 1998. The lease ran through December of last year.

On March 16, 2013 I forwarded the attached letter to Patty Persaud. No response was received prompting me to provide formal notice on May 30th. The attached response arrived six days later. On July 21st I was advised by Michael Cona that a market analysis was ordered two weeks before and that he was awaiting the result. On October 9th I was advised by Michael Cona that "The company is very busy, hence the long wait." I inquired about the competency of the appraisal company given the fact that they did not enter the building during the summer since it was closed. I suggested that the custodian was readily available. It appeared to me that Michael Cona was wasting valuable time leading up to the lease termination date so I placed a sign on the building facade in mid-October. There were numerous inquiries which led me to believe that the proposed first year rental of \$32.7173 per foot was appropriate. The attached letter of November 4th appears to be the result of the sign.

I responded immediately upon receipt. On December 5th the attached letter was forwarded since there had been no response after four additional weeks. Eviction proceedings commenced shortly after the lease termination date since it became evident that there was little motivation with respect to executing a lease. Holdover occupancy for an extended period is not a viable option.

We are not dealing with responsible people at the Department of Education. In 1998, 60% of the construction reimbursement was withheld at the direction of Michael Cona. Two years later a court ruled in my favor. On December 7th 2010 a brick was displaced by the vibration from the #4 train line. This brick fell through the dropped ceiling resulting in a thorough examination of the roof support structure. The building was closed from December 8th through January 10, 2011 when, after three Buildings Department inspections, the building was deemed safe and the vacate order was lifted. Seven days later, the building was again used for its intended purpose. Rent and real estate taxes were withheld for December 7th as well as the seven days in January despite the fact that the building was used on December 7th and was available for use for the seven days in January. Again, a legal action was needed. Reference is made to Michael Cona's letter of November 4, 2013. The eminent domain proceeding is all about power and control. I continue to be amazed by the fact that tens of thousands of City employees have been working without an employment contract for more than four years. The parallels are unmistakable. The City is in the driver's seat and will not negotiate in good faith. I have been advised by three realtors that they have clients ready to pay \$35.00 per foot or \$350,000 plus real estate taxes for this building. The uses would be medical or educational. I am asking the SCA for three percent annual increases from the \$317,644 which was paid in the final year of the lease. \$327,173 is less than \$350,000 but it is acceptable to me. The Department of Education is currently paying \$450,000 per annum for 10,000 feet at Fordham Place on Webster Avenue.

Board members, I strongly urge you to take a position with respect to the issue at hand. This building continues to be available for an additional fifteen or more years. Taking my property by eminent domain makes little sense and violates the concept of good public policy. The cost will be in the \$4.5 million range. This money is needed for other school purposes. I have been actively involved in this community for forty years. Your support is needed at this time. Thank you.

Sincerely,

Frank DeLeonardis

Frank DeLeonardis

15 Laurel Avenue
Mt. Vernon, NY 10552
March 16, 2013

Patty Persaud, Liaison
Tenant/Landlord Relations Unit
NYC Department of Education
30-39 Thomson Avenue
Long Island City, NY 11101

Dear Ms. Persaud:

The fifteen year lease covering the Department of Education's occupancy of my 2392 Jerome Avenue building will terminate in nine months. An extension of this lease is possible, but an agreement will have to be in place within the next sixty days. Alternatively, I will seek a different tenant for this 10,000 foot building which serves as the annex for P.S. 33.

The current rent of \$317,644 will increase by three percent per annum. The real estate tax will be paid in full and directly to the Department of Finance. The water bill will also be paid on a direct basis.

Please acknowledge receipt and turn this letter over to the proper officials at this time. Thank you for your assistance in managing our lease agreement.

Sincerely,

Frank DeLeonardis

Frank DeLeonardis

15 Laurel Avenue
Mount Vernon, NY 10552
May 30, 2013

Secretary
Board of Education
110 Livingston Street
Brooklyn, NY 11201

Reference is made to the attached letter of March 16, 2013 addressed to Ms. Patty Persaud. No response has been received as of this late date. I must therefore conclude that the annex to P.S. 33 will no longer be needed. Please advise as to precisely when the premises at 2392-98 Jerome Avenue will be vacated so that I will be able to arrange for a replacement tenant. Thank you.

Sincerely,

Frank DeLeonardis

Frank DeLeonardis

certified mail



November 4, 2013



Frank DeLeonardis
15 Laurel Avenue
Mt. Vernon, NY 10552

Re: Proposed Lease Renewal @ (X939)
2392 Jerome Avenue
Bronx, NY 10468

Dear Mr. DeLeonardis:

Attached hereto are two (2) copies of a summary of key terms for a proposed lease renewal at the above referenced premises. These terms are set forth in a standardized format for consideration by the Department of Education.

In addition, as a condition of the proposed lease renewal you will withdraw your current litigation against the Department of Education and will not initiate any legal action against the Department arising from any and all disputes during the initial lease term.

If you find the proposed terms herein acceptable, please sign and date the term sheet and mail me an original.

If there are any questions, call me at (718) 472-8985.

Very truly yours,


Michael Cona
Lease Management

MC;mc
Attachments

c: A. D'Angelo
K. Ou
File

15 Laurel Avenue
Mount Vernon, NY 10552
November 5, 2013

Mr. Michael Cona
Lease Management
NYC Department of Education
School Construction Authority
30-30 Thompson Avenue
Long Island City, NY 11101

Dear Michael:

I am responding to your lease proposal covering my 2392 Jerome Avenue building which adjoins the P.S. 33 school property. There are significant differences from the requirements set forth in my letter of June 11, 2013.

My current lease provides for three percent annual increases to cover the effects of inflation. Fortunately, this number was adequate for the fifteen year period of our current lease which terminates in about five weeks. We can both recall the eight to twelve percent inflation levels of thirty to thirty-five years ago. I will require the numbers set forth in my June 11th letter as we have no way of determining the loss of value of the rent dollar through 2029.

With respect to real estate taxes, I will require that they be paid in their entirety and directly by my tenant, whoever that tenant might be.

The cancellation clause must conform to that stated in my letter. It is very difficult to mortgage a property otherwise. I believe that this will provide you with sufficient flexibility and will allow me sufficient time to secure a replacement tenant in the unlikely event that the space is no longer needed by your agency.

With respect to withdrawing my current legal action, I can live with that as the amount in question is insignificant. It would be unrealistic to expect me to sign off on litigation covering the fifteen year period that is about to terminate as there could be an action by a third party that might necessitate an action against my tenant. At present, I have no knowledge of such a situation.

It is of the utmost importance that we conclude our agreement, if there is to be an agreement, by December 14th as I am not willing to allow for a holdover occupancy for more than the month needed to conclude the current school term. It is nearly eight months since I inquired as to whether the Department of Education will be in need of my space beyond December 14, 2013. I am optimistic at this time. Thank you for your assistance in dealing with this matter.

Sincerely,

Frank

Frank DeLeonardis

15 Laurel Avenue
Mount Vernon, NY 10552
December 5, 2013

Secretary
Board of Education
110 Livingston Street
Brooklyn, NY 11201

Reference is made to the attached letter of May 30, 2013 addressed to your office. My lease terminates in less than ten days. There are nearly three-hundred children in this annex who will have to be moved to other facilities as I am not willing to accept a holdover occupancy of more than a month to allow for the completion of the current term.

My letter of March 16, 2013 to Ms. Patty Persaud did not elicit a response. Six additional months have passed since my letter of May 30, 2013 and nothing has been accomplished. I am currently dealing with a medical provider who finds 2392 Jerome Avenue to be a good fit for his business. Eviction proceedings will commence upon lease termination. Thank you.

Yours very truly,

Frank DeLeonardis

Frank DeLeonardis



SITE PLAN FOR PUBLIC SCHOOL 33 ANNEX, BRONX
Bronx Block 3188, Lot 8
Community School District No. 10



NOTICE OF FILING

NEW YORK CITY SCHOOL CONSTRUCTION AUTHORITY

Pursuant to §1731 of the New York City School Construction Authority Act, notice has been filed for the proposed acquisition of Block 3188, Lot 8, located in the Borough of the Bronx, for continued use as an approximately 177-seat annex for P.S. 33 in Community School District No. 10.

The site contains approximately 10,000 square feet of lot area and is located on ~~the east side of Jerome Avenue between East 184th Street and East Fordham Road.~~ The site is privately-owned and improved with a one-story building which contains approximately 10,000 gross square feet. The entire building is currently and has been occupied by the New York City Department of Education as an annex to P.S. 33 under a lease since 1998. Site plans and a summary thereof for the proposed action are available at:

New York City School Construction Authority
30-30 Thomson Avenue
Long Island City, New York 11101

Attention: Ross J. Holden

Comments on the proposed actions are to be sent to the New York City School Construction Authority at the above address and will be accepted until March 2, 2014.

For publication in the New York Post (5 Borough Edition) and the City Record on Thursday, January 16, 2014.

ALTERNATE SITES ANALYSES

**P.S. 33 Annex
2392-98 Jerome Avenue, Bronx
Block 3188, Lot 8**

Community School District No. 10, Bronx

The New York City School Construction Authority (SCA) proposes to acquire the site of a school facility currently occupied as an annex by the Department of Education's P.S. 33, Bronx. The facility is located at 2392-98 Jerome Avenue in the Borough of the Bronx. This facility consists of a one-story building containing a total of approximately 10,000 square feet on an approximately 10,000 square foot lot that adjoins the main P.S. 33 facility, which is located at 2424 Jerome Avenue. The Department of Education is currently occupying the facility as a month-to-month tenant under a lease that expired in December, 2013.

During the 2012-2013 school year, the facility had a target capacity of 177 seats. The premises served 212 students during this period, and operated at a target utilization rate of 120 percent. During the same period, P.S. 33's main building, had a target capacity of 623 seats and was also overutilized and operated at 135 percent of its capacity. If this lease is terminated, the facility would be closed and the current student population would be severely disrupted. The students currently accommodated at the facility cannot be accommodated in P.S. 33's existing main building. Suitable alternative sites are not available in the immediate vicinity and the student population could not be accommodated within other existing Department of Education facilities. Existing primary school facilities in District No. 10 collectively operated at an overall 107 percent target utilization rate during the 2012-2013 school year.

Acquisition of this property by the SCA represents a unique opportunity to incorporate this facility into the Department of Education's portfolio of permanent public school facilities. Therefore, alternate sites are not being considered.



THE CITY OF NEW YORK

BOROUGH OF THE BRONX

COMMUNITY BOARD #5

Honorable Habelo Diaz, Jr., Bronx Borough President

Chairperson
Mr. Hafa Omotosho

District Manager
Xavier Rodriguez

Community Board #5

Public Hearing

On

Annex to P.S. 33

Bronx Community School District #10

Dear Parents and Neighbors:

The School Construction Authority is proposing the acquisition of Block 3188, Lot 8 located at 2392-98 Jerome Avenue, Borough of the Bronx, for continued use as an approximately 177 seat primary school facility (currently used as an annex for P. S. 33) in Community School District #10.

Please come out and share with Community Board #5 Education Committee your thoughts / concerns regarding this project.

Location: P.S 33 Timothy Dwight

2424 Jerome Avenue Bronx, New York 10468

Date: Friday, February 28, 2014

Time: 3:30pm

If you have any questions please email the Community Board at bx05@cb.nyc.gov or call the office at 718-364-2030.



By U.S. Mail and Certified Mail
(7012-1640-0001-9747-0481)

January 16, 2014



Mr. Frank DeLeonardis
15 Laurel Avenue
Mount Vernon, New York 10552

**Re: Property Located at 2392-98 Jerome Avenue, Bronx
Block 3188, Lot 8**

Dear Mr. DeLeonardis:

This is formal notification that the New York City School Construction Authority (SCA) has initiated the public approval process for the proposed acquisition of your above-mentioned property which is currently occupied by the New York City Department of Education (DOE) as a month-to-month tenant under a lease that expired last month. The SCA is proposing the acquisition of this property for continued public school use and occupancy. As part of this process, the SCA has requested that Bronx Community Board No. 5 hold a public hearing on the enclosed Site Plan, and we have also requested comments from the City Planning Commission.

The SCA is a public benefit corporation established by New York State law to acquire property and construct schools on behalf of the New York City Department of Education (DOE). The SCA is authorized by law to acquire real property by negotiated purchase or eminent domain for the purpose of providing educational facilities for the DOE.

Enclosed for your reference are copies of the notifications sent to the above-mentioned parties and the Notice of Filing published in the New York Post on January 16, 2014. The SCA will continue to accept public comments until March 2, 2014. I may be reached at (718) 472-8307 should you have any questions regarding this matter or would like to discuss the proposed acquisition further.

Sincerely,

A handwritten signature in black ink, appearing to read "Jensen Ambachen", written over a circular scribble.

Jensen Ambachen
Senior Attorney

c: Robin Green, NYC Law Department
Lisa Bova-Hiatt, NYC Law Department



January 16, 2014



Mr. Bola Omotosho
Chairperson
Bronx Community Board No. 5
BCC Campus, McCracken Hall, Room 12/13
W. 181st Street at Dr. Martin Luther King, Jr. Blvd.
Bronx, New York 10453

**Re: Annex to P.S. 33, Bronx
2392-98 Jerome Avenue, Bronx
Community School District No. 10**

Dear Mr. Omotosho:

Pursuant to §1731 of the New York City School Construction Authority Act, notice is hereby given of the proposed acquisition of Block 3188, Lot 8, located at 2392-98 Jerome Avenue in the Borough of the Bronx, for continued use as an approximately 177-seat primary school facility (currently utilized as an annex for P.S. 33) in Community School District No. 10.

Section 1731.2 states that within thirty (30) days of this notice, a public hearing with sufficient public notice shall be held by each affected community board on any or all aspects of the Site Plan. You may request the attendance of representatives of the Authority or Department of Education at this hearing.

In addition, §1731.3 states that within forty-five (45) days of this notice, each affected community board shall prepare and submit to the Authority written comments on the Site Plan. Attached please find copies of the Notice of Filing, Site Plan, and the Alternate Sites Analyses for this proposed action. The Authority will accept public comments on this proposed Site Plan until March 2, 2014. All comments will be taken into consideration in the Authority's final decision regarding this matter.

If you require any additional information, please contact Ross J. Holden, Executive Vice President and General Counsel, at (718) 472-8220.

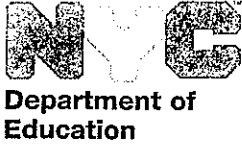
Sincerely,


Lorraine Grillo
President & CEO

c: Kathleen Grimm, Deputy Chancellor for Operations
Xavier Rodriguez, District Manager, Bronx Community Board No. 5



May 1, 2014



The Honorable Melissa Mark-Viverito
Speaker of the Council
City Hall
New York, New York 10007

Dear Speaker Mark-Viverito:

The New York City School Construction Authority (SCA) has undertaken its site acquisition process for the following site:

- P.S. 33 Annex, Bronx
- Block 3188, Lot 8
- East side of Jerome Avenue between East 184th Street and East Fordham Road
- Community School District No. 10
- Bronx Community Board No. 5

The site contains approximately 10,000 square feet of lot area and is located on the east side of Jerome Avenue between East 184th Street and East Fordham Road in the Borough of the Bronx. The site is privately-owned and improved with a one-story building that contains approximately 10,000 gross square feet. The entire building is currently occupied as an annex by the New York City Department of Education's P.S. 33 under a lease that expired in December, 2013. Under the proposed project, the SCA would acquire the site from its current owner for continued long-term use and occupancy by the DOE.

The Notice of Filing of the Site Plan was published in the New York Post and the City Record on January 16, 2014. Bronx Community Board No. 5 was notified on January 16, 2014, and was asked to hold a public hearing on the proposed Site Plan. Bronx Community Board No. 5 held a public hearing on February 27, 2014 and subsequently submitted written comments in support of the proposed acquisition of the site. The City Planning Commission was also notified on January 16, 2014, and also recommended in favor of the proposed acquisition of the site.



The SCA has considered all comments received on the proposed project and affirms the Site Plan pursuant to §1731.4 of the Public Authorities Law. In accordance with §1732 of the Public Authorities Law, the SCA is submitting the enclosed Site Plan to the Mayor and the Council for consideration. The SCA has determined that the proposed acquisition qualifies as a Type II action under the State Environmental Quality Review Act for which no further environmental review is required.

The SCA looks forward to the Council's favorable consideration of the proposed Site Plan. If you have any questions regarding this Site Plan or would like further information, please contact me at (718) 472-8001 at your convenience.

Thank you for your attention to this matter.

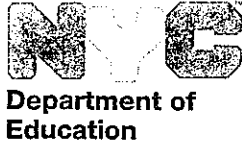
Sincerely,

A handwritten signature in cursive script, which appears to read "Lorraine Grillo".

Lorraine Grillo
President & CEO

Encl.

- c. Hon. Bill de Blasio (w/o attachments)
Hon. David G. Greenfield, Land Use Committee
Hon. Peter Koo, Subcommittee on Landmarks,
Public Siting and Maritime Uses
Hon. Fernando Cabrera, District Councilmember
Kathleen Grimm, Deputy Chancellor for Operations



May 1, 2014

The Honorable Bill de Blasio
Mayor
City Hall
New York, New York 10007

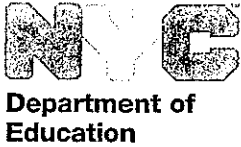
Dear Mayor de Blasio:

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- P.S. 33 Annex, Bronx
- Block 3188, Lot 8
- East side of Jerome Avenue between East 184th Street and East Fordham Road
- Community School District No. 10
- Bronx Community Board No. 5

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The SCA looks forward to your favorable consideration of the proposed Site Plan. If you have any questions regarding this Site Plan or would like further information, please contact me at (718) 472-8001 at your convenience.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lorraine Grillo".

Lorraine Grillo
President & CEO

Encl.

- c. Hon. Melissa Mark-Viverito (w/o attachments)
Kathleen Grimm, Deputy Chancellor for Operations

NOTICE OF FILING

NEW YORK CITY SCHOOL CONSTRUCTION AUTHORITY

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New York City School Construction Authority
30-30 Thomson Avenue
Long Island City, New York 11101

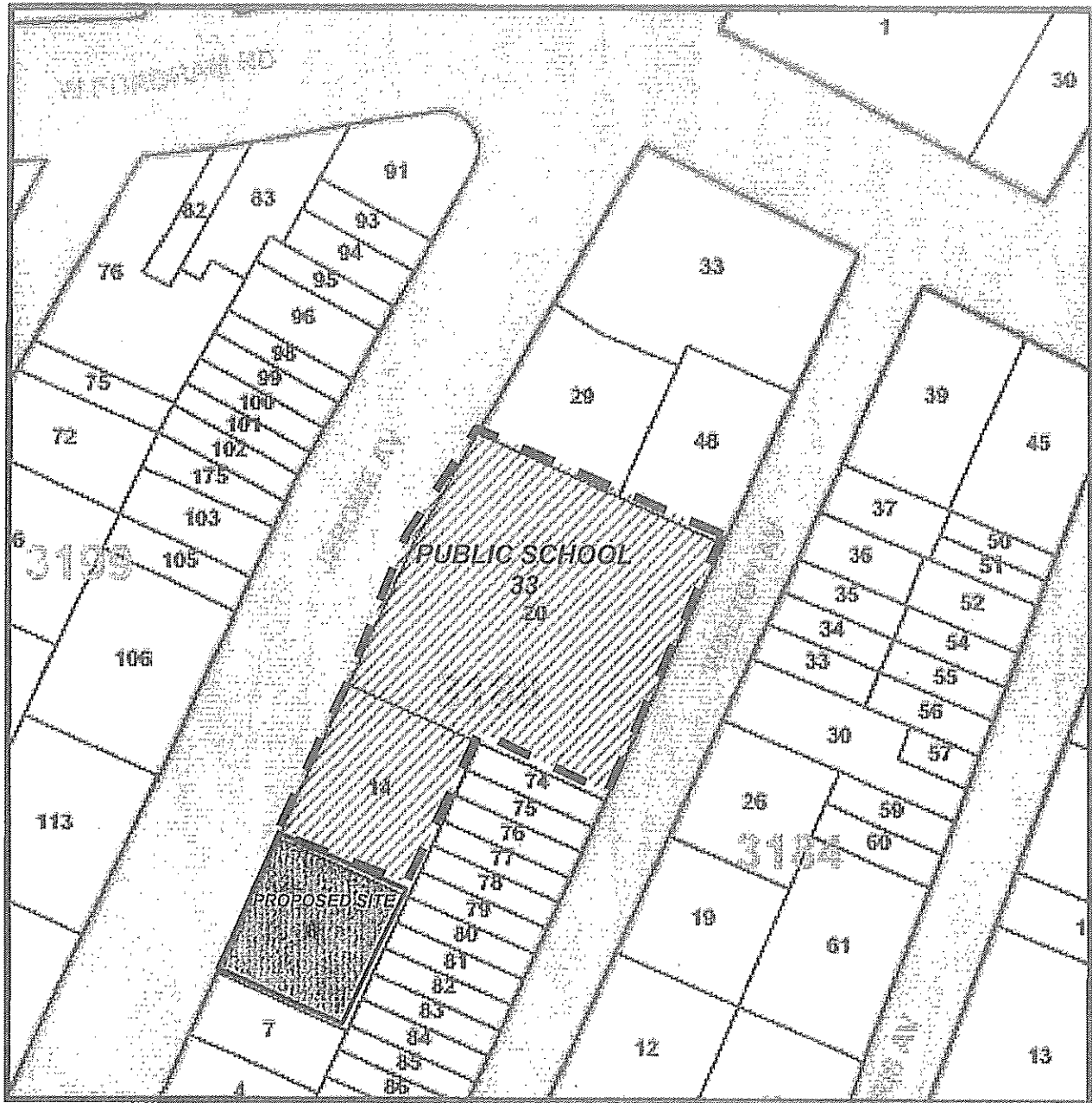
Attention: Ross J. Holden

Comments on the proposed actions are to be sent to the New York City School Construction Authority at the above address and will be accepted until March 2, 2014.

For publication in the New York Post (5 Borough Edition) and the City Record on Thursday, January 16, 2014.



SITE PLAN FOR PUBLIC SCHOOL 33 ANNEX, BRONX
Bronx Block 3188, Lot 8
Community School District No. 10



ALTERNATE SITES ANALYSES

**P.S. 33 Annex
2392-98 Jerome Avenue, Bronx
Block 3188, Lot 8**

Community School District No. 10, Bronx

The New York City School Construction Authority (SCA) proposes to acquire the site of a school facility currently occupied as an annex by the Department of Education's P.S. 33, Bronx. The facility is located at 2392-98 Jerome Avenue in the Borough of the Bronx. This facility consists of a one-story building containing a total of approximately 10,000 square feet on an approximately 10,000 square foot lot that adjoins the main P.S. 33 facility, which is located at 2424 Jerome Avenue. The Department of Education is currently occupying the facility as a month-to-month tenant under a lease that expired in December, 2013.

During the 2012-2013 school year, the facility had a target capacity of 177 seats. The premises served 212 students during this period, and operated at a target utilization rate of 120 percent. During the same period, P.S. 33's main building, had a target capacity of 623 seats and was also overutilized and operated at 135 percent of its capacity. If this lease is terminated, the facility would be closed and the current student population would be severely disrupted. The students currently accommodated at the facility cannot be accommodated in P.S. 33's existing main building. Suitable alternative sites are not available in the immediate vicinity and the student population could not be accommodated within other existing Department of Education facilities. Existing primary school facilities in District No. 10 collectively operated at an overall 107 percent target utilization rate during the 2012-2013 school year.

Acquisition of this property by the SCA represents a unique opportunity to incorporate this facility into the Department of Education's portfolio of permanent public school facilities. Therefore, alternate sites are not being considered.



THE CITY OF NEW YORK **BOROUGH OF THE BRONX**
COMMUNITY BOARD 5
Honorable Ruben Diaz, Jr., *Bronx Borough President*

Chairperson
Dr. Bala Omotosho

District Manager
Xavier Rodriguez

April 7, 2014

Lorraine Grillo
President & CEO
School Construction Authority
New York City Department of Education
30-30 Thomson Long Island City, NY11101

Re: Acquisition of Annex to P.S. 33, Bronx, 2392-98 Jerome Avenue, Bronx
Community School District No. 10

Dear Ms. Grillo:

Bronx Community Board #5, writes you to comment on the propose acquisition of Block 3188, Lot 8; located at 2392-98 Jerome Avenue in the Borough of the Bronx. This proposal will allow the continued use as an approximately 212-seat Annex for P.S. 33 in School District No. 10.

On Friday, February 27, 2014 Community Board #5, a held public hearing at P.S. 33, Parents, Principal Lynette Santo, and local Elected Officials, Councilmember Fernando Cabrera and Assembly member Victor Pichardo all supported the proposed acquisition of the P.S.33 Annex.

BCC Campus • McCracken Hall, Rms. 12 & 13 • W. 181st Street & Dr. Martin Luther King, Jr. Blvd. • Bronx, New York 10453
Telephone (718) 364-2030 • Facsimile (718) 220-1767 • Facsimile (718) 220-8426 • brxeb5@optonline.net • bx05@cb.nyc.gov

Serving these Neighborhoods:
Fordham, Morris Heights, Mount Hope, University Heights

Page 2 P.S.33

At our Wednesday, March 26, 2014 General Board meeting Community Board No. 5 unanimously voted to support the acquisition of the P.S. 33 Annex. It was the consensus of the board that the closing of this facility would disrupt and severely impact student education at P.S. 33. Ultimately, adding to the shortage of school seats within the school district.

In most cases, Community Board #5 does not support eminent domain unless government can demonstrate strong public benefit for the affected community; we believe it is bad public policy. Although, after careful consideration in this case we support the City Department of Education School Construction Authority decision to preserve the educational needs of the students in the School District No.10.

Sincerely,



Dr. Bola Omotosho, Chairperson

C: c Kathleen Grimm, Deputy Chancellor for Operations
Thomasina Bushy, Education Committee, CB. No.5
Xavier Rodriguez, District Manager, CB. No. 5



CITY PLANNING COMMISSION
CITY OF NEW YORK

February 19, 2014

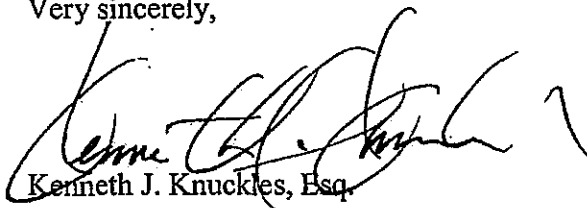
Lorraine Grillo
President and CEO
New York City School Construction Authority
30-30 Thomson Avenue
Long Island City, NY 11101-3045

Dear Ms. Grillo,

This is in response to your letter of January 16, 2014 in which notice was given to the City Planning Commission of the proposed acquisition of Block 3188, Lot 8, in the borough of the Bronx (Community District 5) for the acquisition of the Annex at P.S. 33 for Community School District 10.

In view of the need for additional primary school capacity in this school district, the City Planning Commission recommends in favor of the proposed acquisition of the annex for its continued use as the Annex to the P.S. 33 in CSD 10.

Very sincerely,

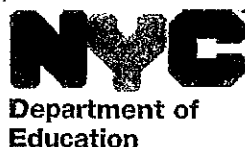


Kenneth J. Knuckles, Esq.
Vice Chairman

C: Kathleen Grimm
Ross Holden
Carol Samol
Sarah J. Goldwyn



January 16, 2014



Kathleen Grimm
Deputy Chancellor for Operations
NYC Department of Education
52 Chambers Street
New York, New York 10007

**Re: Annex to P.S. 33, Bronx
2392-98 Jerome Avenue, Bronx
Community School District No. 10**

Dear Kathleen:

Pursuant to §1731 of the New York City School Construction Authority Act, notice is hereby given of the proposed acquisition of Block 3188, Lot 8, located in the Borough of the Bronx, for continued use as an approximately 177-seat primary school facility (currently utilized as an annex for P.S. 33) in Community School District No. 10.

By statute, the SCA is required to complete the site selection process before acquiring real property or starting construction of new schools. This process begins with formal notifications to the Department of Education, City Planning Commission, and the affected Community Board. The notification initiates a thirty (30) day period within which the Community Board is required to hold a public hearing, after which it has an additional fifteen (15) days to submit written comments. Following completion of this 45-day period, the SCA can submit the proposed site for approval by the City Council and Mayor. Only after the City Council and Mayor approve the site can the SCA acquire the site.

Attached are copies of the Notice of Filing, the Site Plan, and the Alternate Sites Analyses for the proposed action. The SCA will accept public comments on this proposed action until March 2, 2014. All comments will be taken into consideration in the SCA's final decision regarding this matter. If you require any additional information, please do not hesitate to contact Ross at (718) 472-8220.

Sincerely,

A handwritten signature in cursive script that reads "Lorraine Grillo".

Lorraine Grillo
President & CEO



January 16, 2014



Mr. Bola Omotosho
Chairperson
Bronx Community Board No. 5
BCC Campus, McCracken Hall, Room 12/13
W. 181st Street at Dr. Martin Luther King, Jr. Blvd.
Bronx, New York 10453

**Re: Annex to P.S. 33, Bronx
2392-98 Jerome Avenue, Bronx
Community School District No. 10**

Dear Mr. Omotosho:

Pursuant to §1731 of the New York City School Construction Authority Act, notice is hereby given of the proposed acquisition of Block 3188, Lot 8, located at 2392-98 Jerome Avenue in the Borough of the Bronx, for continued use as an approximately 177-seat primary school facility (currently utilized as an annex for P.S. 33) in Community School District No. 10.

Section 1731.2 states that within thirty (30) days of this notice, a public hearing with sufficient public notice shall be held by each affected community board on any or all aspects of the Site Plan. You may request the attendance of representatives of the Authority or Department of Education at this hearing.

In addition, §1731.3 states that within forty-five (45) days of this notice, each affected community board shall prepare and submit to the Authority written comments on the Site Plan. Attached please find copies of the Notice of Filing, Site Plan, and the Alternate Sites Analyses for this proposed action. The Authority will accept public comments on this proposed Site Plan until March 2, 2014. All comments will be taken into consideration in the Authority's final decision regarding this matter.

If you require any additional information, please contact Ross J. Holden, Executive Vice President and General Counsel, at (718) 472-8220.

Sincerely,


Lorraine Grillo
President & CEO

c: Kathleen Grimm, Deputy Chancellor for Operations
Xavier Rodriguez, District Manager, Bronx Community Board No. 5



January 16, 2014



Kenneth J. Knuckles, Esq.
Vice Chairman
City Planning Commission
22 Reade Street
New York, New York 10007

**Re: Annex to P.S. 33, Bronx
2392-98 Jerome Avenue, Bronx
Community School District No. 10**

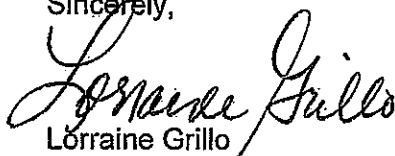
Dear Vice Chairman Knuckles:

Pursuant to §1731 of the New York City School Construction Authority Act, notice is hereby given of the proposed acquisition of Block 3188, Lot 8, located at 2392-98 Jerome Avenue in the Borough of the Bronx, for continued use as an approximately 177-seat primary school facility (currently utilized as an annex for P.S. 33) in Community School District No. 10.

Attached please find copies of the Notice of Filing, Site Plan, and Alternate Sites Analyses for this proposed action. The Authority will accept public comments on this Site Plan until March 2, 2014. All comments will be taken into consideration in the Authority's final decision regarding this matter.

If you require any additional information, please do not hesitate to contact Ross J. Holden, Executive Vice President and General Counsel, at (718) 472-8220.

Sincerely,

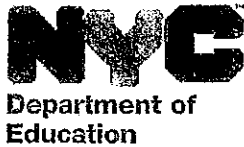

Lorraine Grillo
President & CEO

Attachments

c: Kathleen Grimm, Deputy Chancellor for Operations
Sarah Goldwyn, NYC Department of City Planning



January 16, 2014



The Honorable Ruben Diaz Jr.
President, Borough of the Bronx
851 Grand Concourse, 3rd Floor
Bronx, New York 10451

**Re: Annex to P.S. 33, Bronx
2392-98 Jerome Avenue, Bronx
Community School District No. 10**

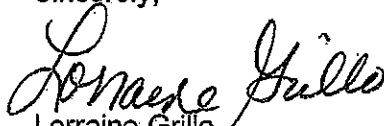
Dear Borough President Diaz:

Pursuant to §1731 of the New York City School Construction Authority Act, notice is hereby given of the proposed acquisition of Block 3188, Lot 8, located at 2392-98 Jerome Avenue in the Borough of the Bronx, for continued use as an approximately 177-seat primary school facility (currently utilized as an annex for P.S. 33) in Community School District No. 10.

This notification was sent to Bronx Community Board No. 5 and the City Planning Commission. The Notice of Filing for this site selection will be published in the New York Post and City Record on January 16, 2014, and the SCA will continue to accept public comments until March 2, 2014.

I have also attached the Site Plan and Alternate Sites Analyses for your review. If you require any additional information, please do not hesitate to contact Ross J. Holden, Executive Vice President and General Counsel, at (718) 472-8220.

Sincerely,


Lorraine Grillo
President & CEO

Attachments

c: Kathleen Grimm, Deputy Chancellor for Operations



January 16, 2014



The Honorable Melissa Mark-Viverito
Speaker of the City Council
City Hall
New York, New York 10007

**Re: Annex to P.S. 33, Bronx
2392-98 Jerome Avenue, Bronx
Community School District No. 10**

Dear Speaker Mark-Viverito:

Pursuant to §1731 of the New York City School Construction Authority Act, notice is hereby given of the proposed acquisition of Block 3188, Lot 8, located at 2392-98 Jerome Avenue in the Borough of the Bronx, for continued use as an approximately 177-seat primary school facility (currently utilized as an annex for P.S. 33) in Community School District No. 10.

This notification was sent to Bronx Community Board No. 5 and the City Planning Commission. The Notice of Filing for this site selection will be published in the New York Post and City Record on January 16, 2014, and the SCA will continue to accept public comments until March 2, 2014.

I have also attached the Site Plan and Alternate Sites Analyses for your review. If you require any additional information, please do not hesitate to contact Ross J. Holden, Executive Vice President and General Counsel, at (718) 472-8220.

Sincerely,

A handwritten signature in cursive script that reads "Lorraine Grillo".

Lorraine Grillo
President & CEO

Attachments

c: Kathleen Grimm, Deputy Chancellor for Operations
Chairperson, Land Use Committee
Chairperson, Subcommittee on Landmarks, Public Siting & Maritime Uses
Hon. Fernando Cabrera, District Councilmember
Gail Benjamin, Director, Land Use Division
Alonzo Carr, Land Use Division



January 16, 2014



The Honorable Gustavo Rivera
New York State Senate, 33rd District
District Office
2432 Grand Concourse, Suite 506
Bronx, New York 10458

Re: **Annex to P.S. 33, Bronx**
2392-98 Jerome Avenue, Bronx
Community School District No. 10

Dear State Senator Rivera:

Pursuant to §1731 of the New York City School Construction Authority Act, notice is hereby given of the proposed acquisition of Block 3188, Lot 8, located at 2392-98 Jerome Avenue in the Borough of the Bronx, for continued use as an approximately 177-seat primary school facility (currently utilized as an annex for P.S. 33) in Community School District No. 10.

This notification was sent to Bronx Community Board No. 5 and the City Planning Commission. The Notice of Filing for this site selection will be published in the New York Post and City Record on January 16, 2014, and the SCA will continue to accept public comments until March 2, 2014.

I have also attached the Site Plan and Alternate Sites Analyses for your review. If you require any additional information, please do not hesitate to contact Ross J. Holden, Executive Vice President and General Counsel, at (718) 472-8220.

Sincerely,


Lorraine Grillo
President & CEO

Attachments

c: Kathleen Grimm, Deputy Chancellor for Operations



January 16, 2014



The Honorable Victor M. Pichardo
New York State Assembly, 86th District
District Office
2175C Jerome Avenue
Bronx, New York 10452

**Re: Annex to P.S. 33, Bronx
2392-98 Jerome Avenue, Bronx
Community School District No. 10**

Dear Assembly Member Pichardo:

Pursuant to §1731 of the New York City School Construction Authority Act, notice is hereby given of the proposed acquisition of Block 3188, Lot 8, located at 2392-98 Jerome Avenue in the Borough of the Bronx, for continued use as an approximately 177-seat primary school facility (currently utilized as an annex for P.S. 33) in Community School District No. 10.

This notification was sent to Bronx Community Board No. 5 and the City Planning Commission. The Notice of Filing for this site selection will be published in the New York Post and City Record on January 16, 2014 and the SCA will continue to accept public comments until March 2, 2014.

I have also attached the Site Plan and Alternate Sites Analyses for your review. If you require any additional information, please do not hesitate to contact Ross J. Holden, Executive Vice President and General Counsel, at (718) 472-8220.

Sincerely,


Lorraine Grillo
President & CEO

Attachments

c: Kathleen Grimm, Deputy Chancellor for Operations



January 16, 2014



Mr. Marvin Shelton
President
Community Education Council No. 10
One Fordham Plaza, 8th Floor
Bronx, New York 10458

**Re: Annex to P.S. 33, Bronx
2392-98 Jerome Avenue, Bronx
Community School District No. 10**

Dear Assembly Member Pichardo:

Pursuant to §1731 of the New York City School Construction Authority Act, notice is hereby given of the proposed acquisition of Block 3188, Lot 8, located at 2392-98 Jerome Avenue in the Borough of the Bronx, for continued use as an approximately 177-seat primary school facility (currently utilized as an annex for P.S. 33) in Community School District No. 10.

This notification was sent to Bronx Community Board No. 5 and the City Planning Commission. We have requested that Bronx Community Board No. 5 hold a public hearing on this proposed action within thirty (30) days of this notice, and the SCA will continue to accept public comments until March 2, 2014.

I have also attached the Site Plan and Alternate Sites Analyses for your review. If you require any additional information, please do not hesitate to contact Ross J. Holden, Executive Vice President and General Counsel, at (718) 472-8220.

Sincerely,

A handwritten signature in black ink that reads "Lorraine Grillo". The signature is written in a cursive style.

Lorraine Grillo
President & CEO

Attachments

c: Kathleen Grimm, Deputy Chancellor for Operations

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 5/6/14

(PLEASE PRINT)

Name: JENSEN AMBACHEN

Address: 30-30 THOMSON AVE, LIC, NY

I represent: SCA

Address: same as above

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 5/6/14

(PLEASE PRINT)

Name: FRANK DeLeonardis

Address: 15 Laurel Avenue

I represent: PROPERTY OWNER

Address: 2392 Jerome Ave (Bx)

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 5/6/14

(PLEASE PRINT)

Name: KENRICK ON

Address: 30-30 THOMSON AVE

I represent: NYC School Construction Authority

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 5/6/14

(PLEASE PRINT)

Name: Anthony D'Angelo

Address: 30-30 Thomson Ave LIC NY

I represent: The New York City School Construction

Address: 30-30 Thomson Ave Authority

Please complete this card and return to the Sergeant-at-Arms