

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON LANDMARKS, SITINGS
AND MARITIME LAW

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April 2, 2009
Start: 10:23 am
Recess: 10:39 am

HELD AT: Council Chambers
City Hall

B E F O R E: LEROY G. COMRIE, JR.
Acting Chairperson

COUNCIL MEMBERS:

- Council Member Maria del Carmen Arroyo
- Council Member Tony Avella
- Council Member Maria Baez
- Council Member Charles Barron
- Council Member Elizabeth Crowley
- Council Member Simcha Felder
- Council Member Daniel R. Garodnick
- Council Member Robert Jackson
- Council Member John C. Liu
- Council Member Rosie Martinez
- Council Member Rosie Mendez
- Council Member Annabel Palma
- Council Member Diana Reyna
- Council Member Helen Sears
- Council Member Albert Vann

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

[Gavel banging]

SERGEANT AT ARMS: Quiet please.

CHAIRPERSON COMRIE: Good morning.

I'm Council Member Leroy Comrie; I'm temporary acting chair of the Subcommittee on Land Marks, Public Siting and Maritime Uses. We are voting today, or moving today to vote on item number LU 1031, a 1,100 seat high school in Queens Community Board 5. Why it on--okay, it's on here twice, okay. Sorry. I'm sorry. And we had a hearing on this two days ago. Today is April 2nd, 2002 (sic). We're joined by the Committee members in the room, Council Member John Liu, Council Member Rosie Mendez, Council Member Charles Barron, Council Member Arroyo, Council Member..

COUNCIL MEMBER PALMA: Annabel Palma.

CHAIRPERSON COMRIE: You're on the Committee--yeah, Annabel Palma--

[Laughing]

CHAIRPERSON COMRIE: --I'm sorry there's some new committee members, no, you're not on the Committee--yeah--

COUNCIL MEMBER PALMA: I, I am.

CHAIRPERSON COMRIE: But you're the new Committee, okay. Annabel Palma, Council Member Liz Crowley. I'm sorry Council Member Palma; I forgot you were on the Committee--

COUNCIL MEMBER PALMA:
[Interposing] That's okay, you even forgot my name--

CHAIRPERSON COMRIE: --we're also joined by--

[Laughter]

CHAIRPERSON COMRIE: --Council Member Diana Reyna, Robert Jackson, Al Vann, Tony Avella and Maria Baez and Dan Garodnick. And Simcha Felder's in the back I hear. We are today moving to, towards a vote on the siting of a school. We had extensive testimony on Tuesday. We heard from many people in the community regarding this school. Would any members like to make a statement before we move towards a vote? Yes. Council Member Crowley.

COUNCIL MEMBER CROWLEY: Good morning. Thank you Chairman. I believe the high school plan that we're voting on today still needs work. As a Council Member it's been difficult

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2 accepting and agreeing with the Department of
3 Education on their policies. I must thank the
4 Speaker for her continued hard work and support
5 that she has given me through these difficult
6 weeks in dealing with the Department of Education.

7 I don't agree with the Department,
8 as I said a number of times, but I do thank Deputy
9 Mayor Dennis Walcott and the Department for the
10 time that they have spent in the past month giving
11 attention to this matter as well. I'd like to
12 thank my colleagues in this body for your
13 continued support. I'm grateful.

14 I'm voting no and let me clear, I
15 want a school in Maspeth but I just do not agree
16 with this plan. In an effort to alleviate the
17 traffic and the transit concerns raised by my
18 community I asked the Department of Education to
19 compromise on the plan to allow this school to
20 better address the needs and concerns of my
21 community.

22 They have given District 24
23 preference but they have not given a small area to
24 guarantee those who live across the street and
25 down the block from the school a seat in the

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2 school. And as the plan stands now, it does not
3 have the approval of the Community Education
4 Council. It does not have the approval of the
5 Community Board. And with that--it does not also
6 have the approval of the local State elected
7 officials and that is why have to vote no.

8 CHAIRPERSON COMRIE: Okay. I just
9 want to make a comment before we proceed with the
10 vote. This has been an interesting hearing. I'm
11 sitting on these Public Siting hearings for
12 schools in, as the--since--to find, to deal with
13 the issues of congestion, to deal with the issues
14 of traffic, to deal with the issues of zoning,
15 have all been issues that have been presented to
16 us before. I can say that as Council Member
17 Arroyo has said, I want to congratulate Council
18 Member Crowley, she really has gotten concessions
19 that no other Council Member has gotten before.

20 To get a zoning preference for the
21 school, any type of zoning preferences is a major
22 opportunity. To get an opportunity to ensure that
23 children from your community get to be in the
24 school is something that's unprecedented. And I
25 have to say as a Queens-wide representative,

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2 something that other parts of Queens will be very
3 upset about. When we have schools that are under-
4 performing, their children would like to be in--
5 and have other options.

6 So I want to congratulate Council
7 Member Crowley. She will also be part of the
8 programming of the school which is unprecedented.
9 I was told to ask you to make the school a LGBT
10 theme school as an April Fool's joke, since I
11 didn't get to do an April Fool's joke yesterday,
12 but back to the issue at hand.

13 We are--we have a real issue with
14 seating of high schools, seating schools in the
15 community. If we delay this school being built it
16 will be delayed for up to two years. While I
17 believe that there are other sites in the Maspeth
18 area that would better warrant a school, I think
19 we could also get those sites now to build
20 additional schools. We need more seats in
21 northern Queens. We need more seats in Queens
22 altogether. To deny the opportunity to have this
23 school being built right now in a critical time
24 when we are--every school in northern Queens is
25 110% capacity I think does the entire Borough a

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2 disservice and especially the residents of
3 northern Queens.

4 With that I'm going to have to
5 respectfully ask the Committee to vote for this
6 project. I think that with the concessions that
7 the community has, they have a real right, a real
8 opportunity to shape the project and actually
9 control the project in an unprecedented way. Well
10 with that I'd ask the Committee to vote aye on
11 this Land Use item 1031. And we can--unless
12 there's some other comments? Council Member
13 Barron?

14 COUNCIL MEMBER BARRON: I would
15 just like to say that we have to watch the
16 precedents that we're setting here. I'm voting
17 for this school but I don't think any school
18 should be given local zoning, not even 250, not 1,
19 not 2, 'cause it doesn't happen in our
20 communities.

21 I think if we have a policy issue,
22 that's separate from a Land Use issue. And some
23 of our children have to take a bus to a train to
24 another bus to get to a high school. And that's
25 why we have a Citywide zoning policy for high

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2 schools, so students who get a chance to go to
3 these theme high schools, if you have a high
4 school of performing arts in one community and you
5 don't want other people from the other community
6 coming to that, then that person can't get into
7 performing arts. Or if it's a high school on
8 electronics, Westinghouse and just the west in the
9 Westinghouse community, you know, want just their
10 children going to that school, then children from
11 other Boroughs. And it breaks up the segregation
12 of schools. It gets more into integrated,
13 diversity.

14 So I think that I'm voting for this
15 school but even that which was given in, I think
16 is setting a dangerous precedence because then
17 when we go to other schools and they too want to
18 make sure that some of their kids don't have to
19 get on a train or a bus, then we're going to have
20 problems down the road. There's a wise purpose
21 for Citywide zoning of a high school so that every
22 child in the City has an opportunity to go to any
23 high school in the City. So I'm going to vote yes
24 for this one but I'm concerned about the
25 precedence we're setting here.

CHAIRPERSON COMRIE: Seeing no other requests for comments, we'll move to a vote. Oh Council Member Martinez? We've been joined, do you want to speak? Council Member Sears?

COUNCIL MEMBER SEARS: Um-hum.

CHAIRPERSON COMRIE: Go ahead. You didn't say yes or no, you just...

COUNCIL MEMBER SEARS: Do you want to go first?

COUNCIL MEMBER MARTINEZ: No.

COUNCIL MEMBER SEARS: --I'll yield to - -

[Crosstalk]

COUNCIL MEMBER MARTINEZ: Are we voting?

COUNCIL MEMBER SEARS: Oh.

CHAIRPERSON COMRIE: Yes we're moving to a vote.

COUNCIL MEMBER SEARS: Yeah but I'm--

COUNCIL MEMBER MARTINEZ: Oh I just walked in and you called me.

COUNCIL MEMBER SEARS: Oh, okay.

CHAIRPERSON COMRIE: Okay, sorry.

2 COUNCIL MEMBER SEARS: So I have a
3 comment before we vote. I'm voting yes for this
4 project but I think I would be amiss if I didn't
5 make a very comment. I have three schools in my
6 District that are in--

7 CHAIRPERSON COMRIE: [Interposing]
8 We're doing Subcommittee now. This is--

9 COUNCIL MEMBER SEARS:
10 [Interposing] You're doing what?

11 CHAIRPERSON COMRIE: --the
12 Subcommittee, not full Land Use--

13 COUNCIL MEMBER SEARS:
14 [Interposing] Oh I--well can I speak? Is it on
15 the schools?

16 CHAIRPERSON COMRIE: Yes.

17 COUNCIL MEMBER SEARS: Okay.

18 CHAIRPERSON COMRIE: [Interposing]
19 Yes. You can--

20 COUNCIL MEMBER SEARS: --can I make
21 a--?

22 CHAIRPERSON COMRIE: --you can
23 speak on the Subcommittee issues--

24 COUNCIL MEMBER SEARS:
25 [Interposing] Right. I can, thank you. I can

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speak on the Subcommittee--

CHAIRPERSON COMRIE: [Interposing]
Right.

COUNCIL MEMBER SEARS: --even
though I'm not on this Committee, may I speak?

CHAIRPERSON COMRIE: Yes.

COUNCIL MEMBER SEARS: Okay thank
you. I wanted to say that I have three schools in
my District that are in the heart of commercial
areas. And they were very much needed. It is a
mistake to put schools in a very heavy commercial
area.

It does two things. It darkens the
area where you have that commercial area, on
holidays, on weekends, and it really creates not a
very good environment. At the same time I
recognize that we need the schools and that's why
I'm voting for it. But I would suggest, before
the Committee, that if other schools come up and
the sitings are in very strong commercial areas,
that we need to look at that because it does hurt
the community by the fact that it's closed on the
summer, it's closed at holidays when those
communities, those commercial areas need that.

2 And we should look in greater depth
3 at where we put them. That is what I wanted to
4 say because I think that while we're looking to
5 boost our economy and we need to build up our
6 businesses that it creates another problem. So
7 you solve one but you create another one when they
8 are in the very heart, the very core of a
9 commercial area. So thank you for letting me say
10 that.

11 CHAIRPERSON COMRIE: Council Member
12 Martinez, did you want to make a comment?

13 COUNCIL MEMBER MARTINEZ: You want
14 me to say something--

15 CHAIRPERSON COMRIE: [Interposing]
16 No I, no I don't--

17 [Audience laughing]

18 CHAIRPERSON COMRIE: --I--we need
19 to move--

20 COUNCIL MEMBER MARTINEZ:
21 [Interposing] [Laughing]

22 CHAIRPERSON COMRIE: --the meeting
23 because we have other people here. I was just
24 being respectful of my colleague that's all. But
25 Council Member Baez is chomping at the bit to

1
2 start her meeting, so. And we're--this is the
3 only meeting place here, so with that,
4 respectfully I'd like to move to a vote.

5 COMMITTEE CLERK: Chair Comrie.

6 CHAIRPERSON COMRIE: Aye.

7 COMMITTEE CLERK: Council Member
8 Barron.

9 COUNCIL MEMBER BARRON: Aye.

10 COMMITTEE CLERK: Council Member
11 Liu.

12 COUNCIL MEMBER LIU: Mr. Chairman
13 can I briefly explain my vote?

14 CHAIRPERSON COMRIE: Yes.

15 COUNCIL MEMBER LIU: I will vote in
16 favor of this proposal but I will first thank
17 Council Member Crowley for her steadfast advocacy
18 for her community to do what's right for her
19 constituents. And there are a number of issues
20 that are not as clear, not as day and night as the
21 Department of Education would have us believe.
22 And some of the ugliness in the arguments has been
23 a product of the Department of Education's
24 divisive tactic here.

25 I would also say that once the

1
2 Department of Education gets the approval for this
3 school that this school is not in itself
4 sufficient to satisfy the needs of Queens,
5 specifically northeast Queens and northern Queens
6 in the high school grades. They will still be
7 thousands of seats short.

8 And in the siting process, they
9 have not taken the most optimal sites in the
10 creation of these school seats. My worst fear is
11 that once they proceed with this high school, that
12 that will be in some ways the short term
13 alleviation of their responsibility.

14 We cannot allow that to happen. I
15 will do everything I can to keep the pressure on
16 the Department of Education to create the high
17 school seats necessary, specifically in northern
18 Queens because according to their own testimony, 8
19 high schools are severely overcrowded, over 150%
20 at capacity. And so let's keep the pressure on
21 the Department of Education. They have to do the
22 right thing. They can't just keep coming up with
23 these half-baked plans. Thank you.

24 CHAIRPERSON COMRIE: I want to
25 remind everyone. I have a head cold and I'm

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2 trying to rush 'cause I promised Council Member
3 Baez, but the Queens delegation will be doing a
4 letter today. I'm going to ask all Queens members
5 to sign it to deal with that point. We brought it
6 up at the hearing.

7 The DOE's estimates for seating in
8 Queens is totally underestimated for northern
9 Queens and southern Queens. And we need to send a
10 letter to the Board of Education before they
11 implement their next capital plan 'cause they're
12 only talking about building 1,400 more seats in
13 the next 4-year Capital Plan which is totally
14 ridiculous. And I want to agree with Council
15 Member Liu that there are some major sites that
16 are available that DOE needs to buy now and not
17 wait for. I'm sorry. Next person.

18 COMMITTEE CLERK: Council Member
19 Martinez.

20 COUNCIL MEMBER MARTINEZ: May I be
21 excused to explain my vote?

22 CHAIRPERSON COMRIE: Yes.

23 COUNCIL MEMBER MARTINEZ: Now I
24 want to say something. I'm going to be voting
25 aye. I just want to commend Council Member

1 Crowley for her work on behalf of our community.

2 I know it is a difficult situation which I believe
3 none of us have to be in, in terms of deciding the
4 best schools and sites for our Districts.
5

6 I think the Board of Ed needs to do
7 more work in consulting with us, particularly when
8 siting schools which has become a major issue and
9 a major debate on the Mayoral control of schools.
10 Siting schools in our community has become a
11 problem. Sometimes we find out about it when they
12 kind of have a mind frame of what they want to do
13 already without consulting with local community,
14 parent advocates and even the electeds.

15 Having said that, I know it is a
16 difficult situation for all of us, particularly
17 when we're dealing with high schools and we all
18 have high schools where--in our District
19 particularly where we have high schools where we
20 have kids that come from all over the City,
21 particularly. It's a difficult situation.

22 Having said that and understanding
23 the issues and the negotiations that have taken
24 place, I'll be voting aye on all, on the issue.

25 Is that good Mr. Chair?

CHAIRPERSON COMRIE: Great, thank
you.

COUNCIL MEMBER MARTINEZ: Okay.

COMMITTEE CLERK: Council Member
Palma.

COUNCIL MEMBER PALMA: Aye.

COMMITTEE CLERK: Council Member
Arroyo.

COUNCIL MEMBER ARROYO: Aye.

COMMITTEE CLERK: Council Member
Mendez.

COUNCIL MEMBER MENDEZ: Aye.

COMMITTEE CLERK: Council Member
Crowley.

COUNCIL MEMBER CROWLEY: No.

COMMITTEE CLERK: By a vote of 7 in
the affirmative, 1 in the negative and no
abstentions, LU 1031 is approved and referred to
the full Land Use Committee.

CHAIRPERSON COMRIE: The entire
Committee's here so we don't have to hold the vote
open. I want to thank all of the Committee
Members for attending the hearing. I want to
thank Council Member Crowley for her active--her

steadfast activism on behalf of the school and for opening up a can of worms that's going to be with us for a long while. So with that I would declare the meeting adjourned--

COUNCIL MEMBER MARTINEZ:

[Interposing] Mr. Chair.

CHAIRPERSON COMRIE: Yes.

COUNCIL MEMBER MARTINEZ: When do we convene the full Land Use Committee or do we doing that today?

CHAIRPERSON COMRIE: Everything is being done here. The next meeting is Council Member Baez meeting on State and Federal Legislation followed by I think the Zoning, followed by full Land Use, followed by Finance, followed by Rules. So members need to hang out in the area. And with that I declare the meeting closed. Thank you very much.

[Gavel banging]

[END TAPE 1002]

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 April 13, 2009