

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON LANDMARKS, PUBLIC SITING
& MARITIME USES

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November 12, 2013
Start: 11:45 p.m.
Recess: 12:27 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E: BRAD LANDER
Chairperson

COUNCIL MEMBERS:
Annabel Palma
Jumaane Williams
Mark Weprin

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

Kenrick Ou
Senior Director, Real Estate Services
NYC School Construction Authority

Jensen Ambachen
Senior Attorney for Real Estate
NYC School Construction Authority

Sari Latto
Principal
NYC PS 41

Joan Casale
Principal
NYC PS 162

Dawa Jung
Deputy Legislative Counsel
Senator Tony Avella

Henry Euler
First Vice President
Auburndale Improvement Association

2 CHAIRPERSON LANDER: [gavel] Good
3 morning. I am New York City Council Member Brad
4 Lander, chair of the City Council's Land Use
5 Subcommittee on Landmarks, Public Siting and
6 Maritime Uses; happy to be joined this morning by
7 Council Member Annabel Palma from the Bronx and
8 Jumaane Williams of Brooklyn. We have two items on
9 our calendar this morning. We will hear... both of
10 them schools, so we're functioning on our public
11 sitings capacity, and we'll hear from the School
12 Construction Authority both about Application
13 Number 20135772 at PS 317 in Council Member Palma's
14 district, and we'll do that one first, and I think
15 it's possible after that that we'll pause and vote
16 on that item. And then we will hear Item 20145162,
17 a 456 seat primary school proposed for Bayside
18 Queens in Council Member Halloran's district. So
19 let me invite the School Construction Authority up
20 to present, and I guess Kenrick Ou will represent
21 the School Construction Authority on this item.

22 [Pause]

23 CHAIRPERSON LANDER: Good morning.
24 Thank you very much for being here and the floor is
25 yours.

2 KENRICK OU: Good morning Chairperson
3 Lander and Council Member Palma and Council Member
4 Williams. My name is Kenrick Oh and I'm Senior
5 Director for Real Estate Services for the New York
6 City School Construction Authority. I'm joined by
7 Jensen Ambachen, the SCA Senior Attorney for Real
8 Estate to my right. The New York City School
9 Construction Authority has undertaken its site
10 selection process for a new public primary school
11 facility on a site consisting of Lots 5, 7 and 9 on
12 Block 3733 in the borough of the Bronx. The site
13 assemblage is located on the east side of White
14 Plains Road between Watson Avenue and Bruckner
15 Boulevard within the boundaries of Bronx Community
16 District Number 9 and Community School District
17 Number 8. The proposed site consists of a total of
18 approximately 22,000 square feet of vacant land.
19 Under the proposed plan, the SCA would acquire the
20 site assemblage and construct a new public primary
21 school facility containing approximately 379 seats.
22 The SCA has negotiated and executed a contract of
23 sale for the purchase of the site assemblage from
24 its current owners and the purchase is contingent
25 upon final approval of the site by the Mayor and

2 the City Council. A Phase I Environmental Site
3 Assessment and Phase II Environmental Site
4 Investigation were completed for the site
5 assemblage and did not identify significant
6 environmental concerns. As a precautionary
7 measure, however, a soil vapor barrier and sub-slab
8 depressurization system will be installed in the
9 new school building and two foot layer of
10 environmentally clean fill will be installed in
11 areas where the soils would remain exposed on the
12 site.

13 The Notice of Filing of the site plan
14 was published in The New York Post and City Record
15 on June 5th, 2013. Bronx Community Board Number 9
16 was notified of the site plan on June 5th, 2013,
17 and was asked to hold a public hearing on this
18 proposed site plan. The Community Board did not
19 hold a public hearing or submit written comments
20 regarding the proposed school site. The City
21 Planning Commission was also notified of the site
22 plan on June 5th, 2013, and it recommended in favor
23 of the proposed site. The SCA has considered all
24 comments received on the proposed site plan, and
25 affirms the site plan pursuant to Section 1731 of

1 the Public Authority's Law. In accordance with
2 Section 1732 of the Public Authority's Law, the SCA
3 submitted the proposed site plan to the Mayor and
4 the City Council for consideration on November 6th,
5 2013. We look forward to your subcommittee's
6 favorable consideration of the proposed site plan
7 and are prepared to answer any questions you may
8 have. Thank you.

10 CHAIRPERSON LANDER: Thank you very
11 much. Council Member Palma, do you have questions
12 or comments?

13 COUNCIL MEMBER PALMA: Sure. I just...
14 I am excited about the proposed project and I am
15 just saddened that the Community Board didn't get
16 to you know, hold a public hearing as they should
17 have, but nonetheless, we are excited to be getting
18 a new school facility in the district and it's much
19 needed. You know, we've heard concerns about
20 overcrowding in the neighborhood schools, and so
21 I'm glad that School Construction Authority brought
22 forth the project. There were only two concerns
23 while we were meeting in preparation for today's
24 vote and it was around the MTA and DOT; the bus
25 stop that's directly in front of what would be the

2 entrance of the school and in terms of the traffic
3 because of the White Plains area and access of the
4 Bruckner being right near the vicinity of the
5 school. I just wanted to get more information on
6 those two concerns.

7 KENRICK OU: And so, both location and
8 the concerns regarding the existing bus stop and
9 pedestrian safety, as well as traffic concerns, we
10 have reached out already to the Department of
11 Transportation, the Borough Commissioner as well as
12 the Office of School Safety Engineering. As the
13 design process for this project, which is scheduled
14 to conclude in spring of 2014, continues we will
15 have further meetings with MTA and DOT to finalize
16 the plans to address those concerns.

17 COUNCIL MEMBER PALMA: And so I just
18 you know, respectfully request that my office
19 continues to remain you know, involved in those
20 discussions and I will continue to be as helpful as
21 I can in anything that needs to you know, be
22 discussed or about the school on moving forward.
23 Again, I'm you know, grateful on the proactive act
24 from SCA about the project and allowing for
25 discussions prior to the vote around the school and

2 the project that's coming along. So I thank you so
3 much for reaching out and I will continue to be a
4 partner to make sure this project will work.

5 KENRICK OU: Council Member...

6 [crosstalk]

7 COUNCIL MEMBER PALMA: And will go...

8 [crosstalk]

9 KENRICK OU: Thank you so... I want to
10 thank you for your support and we will continue to
11 work with you and your staff as the design process
12 moves forward. I do... and I have to apologize for
13 the record; I did want to acknowledge that this
14 site was actually brought to our attention by our
15 District 8 superintendent, Tim Behr, as well as the
16 District Family Advocate, Jean Depesa. So the
17 local eyes in the neighborhood have helped us
18 identify this site.

19 COUNCIL MEMBER PALMA: Thank you, Mr.
20 Chair.

21 CHAIRPERSON LANDER: Thank you and
22 congratulations on your good work here and thank
23 you for your answers to those questions. So we are
24 going to go ahead and vote on this item before we
25 hear the next item, and we've been briefly joined

2 by Council Member Mark Weprin from Queens.

3 Alright, but we're going to go ahead and vote on
4 20135772 SCA PS 317, and I'll ask the Counsel to
5 call the role.

6 LEGAL COUNSEL: Chair Lander.

7 CHAIRPERSON LANDER: Aye.

8 LEGAL COUNSEL: Council Member Palma.

9 COUNCIL MEMBER PALMA: Again, thank you
10 to the School Construction Authority under
11 Superintendent Tim Behr and the local leaders who
12 helped identify this site and this project, and I
13 vote aye.

14 LEGAL COUNSEL: Council Member
15 Williams.

16 COUNCIL MEMBER WILLIAMS: Aye.

17 LEGAL COUNSEL: In a vote of three in
18 the affirmative, zero in negative and zero
19 abstentions, Preconsidered Item Number T20137108 is
20 hereby adopted.

21 CHAIRPERSON LANDER: Thank you very
22 much and we'll now move onto the second item on
23 today's calendar and I just want to let folks know
24 in advance, we're not going to vote on this item
25 today. We are laying it over and we will vote

1 tomorrow before the full Land Use Committee meets.
2 This is in a district that is in council member
3 transition, so currently it's in Council Member
4 Halloran's district, but we have Council Member-
5 elect Vallone, who also want to talk to and consult
6 with and have not had time to do that yet. So we
7 will go ahead and have our hearing today and we
8 appreciate that you're all here, and so we will be
9 hearing from in addition to the SCA, Sari Latto and
10 I guess if you'll also... if anyone who speaks will
11 go ahead and introduce themselves before you do.
12 Let me turn it over, and we have... I'll just flag
13 then two individuals signed up to testify in
14 opposition as well. So the floor is yours.

16 KENRICK OU: Thank you, Chairperson
17 Lander and subcommittee members. Again, my name is
18 Kenrick Ou. I am Senior Director for Real Estate
19 Services for the New York City School Construction
20 Authority. To my right, I am joined by Jensen
21 Ambachen, our SCA Senior Attorney for Real Estate,
22 and to his right are two of our District 26
23 principals, Principal Sari Latto from PS 41 and
24 Principal Joan Casale of PS 162, who have joined us

2 today to share some insights that they have working
3 within District 26.

4 The New York City School Construction
5 Authority has undertaken this site selection
6 process for a new public primary school facility on
7 a site consisting of Lots 28, 38, 39 and 49 on
8 Block 7327 in the Bayside section of Queens. The
9 site assemblage is located on the north side of
10 48th Avenue between 2010th and 211th Streets within
11 the boundaries of Queens Community District Number
12 11 and Community School District Number 26. The
13 proposed site contains a total of approximately
14 45,000 square feet of lot area, and is currently
15 occupied by a garden nursery business and a
16 residence. Under the proposed plan, the SCA would
17 acquire the site assemblage, demolish the existing
18 on site structures and construct a new public
19 primary school facility containing approximately
20 456 seats. The SCA has negotiated and executed
21 contracts of sale for the purchase of the site
22 assemblage from its current owners and this
23 purchase is contingent upon final approval of the
24 site by the Mayor and the City Council. Phase I
25 Environmental Site Assessments and Phase II

1 Environmental Site Investigations were completed
2 for this assemblage and did not identify
3 significant environmental concerns. As a
4 precautionary measure, however, a soil vapor
5 barrier will be installed in the new school
6 building and a two foot layer of environmentally
7 clean fill will be installed in areas where the
8 soils would remain exposed on the site after
9 construction.
10

11 The Notice of Filing for the site plan
12 was published in The New York Post and City Record
13 on April 15th, 2013. Queens Community Board Number
14 11 was notified of the site plan on April 15th,
15 2013, and was asked to hold a public hearing on the
16 proposed site plan. The Community Board held its
17 public hearing on the site plan on May 6th, 2013
18 and subsequently submitted written comments
19 recommending against the proposed school site. The
20 City Planning Commission was also notified of the
21 site plan on April 15th, 2013 and it recommended in
22 favor of the proposed site. The SCA has considered
23 all comments received on the proposed site plan,
24 and affirms the site plan pursuant to Section 1731
25 of the Public Authority's Law. In accordance with

2 Section 1732 of the Public Authority's Law, the SCA
3 has submitted the site plan to the Mayor and the
4 City Council for consideration on November 6th,
5 2013. At this time, I would just like to ask
6 Principals Latto and Casale to share some of their
7 thoughts regarding the enrollments at their
8 schools.

9 SARI LATTO: Good morning. My name is
10 Sari Latto, principal of Public School 41. To give
11 you a little history, my school has been growing
12 every year since I started 15 years ago. We house
13 a District 75 program, P993 at PS 41, and they've
14 been there since before I took over the building
15 and they use about six or seven classrooms. Also,
16 about 12 years ago, we got TCUs and they house my
17 second grade, so I have four classrooms in
18 portables and have been there for all of those
19 years. To give you a little history, back in 2010
20 and 2011, I had 503 students; '11-'12 went to 518;
21 '12-'13 went to 555 and this year, I have a total
22 of 561 students. I had to cap my fourth grade last
23 year in 2012-13, and those students went to another
24 public school, PS 159, for the fourth grade and PS
25 98 for the Kindergarten, and then this year, I had

2 to cap 14 students and they had to move to PS 198.
3 The first grade, the fourth grade and fifth grade
4 all have 32 students each in every one of the
5 classes. So we're busting out of our seams and
6 parents, when they do have to move to another
7 school, are very disturbed and angered. They have
8 moved, but they're very upset at the whole idea of
9 registering in their zone district and then having
10 to be told to move based on contractual issues with
11 the UFT.

12 CHAIRPERSON LANDER: Thank you very
13 much.

14 JOAN CASALE: Good morning. My name is
15 Joan Casale. I'm the principal at PS 162, and as
16 Miss Latto said, we have experienced overcrowding
17 in the past several years. I've been a principal
18 here three years at 162, and I would like to report
19 that each year, even prior when I was AP, that we
20 have five Kindergartens feeding into four first
21 grades. Our Kindergartens are capped at 25
22 students per class and our first grades have 32 in
23 each class. So therefore, even before... in
24 September when we do have an additional
25 registration, we are already at full capacity in

1 our first grades generally every year, which is
2 about 30, so in '11 and '12 we were capped in
3 fourth grade and those children had to go again to
4 PS 172. In 2013, we were capped with first grade
5 and fourth grade, and in '13-'14, we are now capped
6 at first grade, fourth grade and I had to open an
7 additional second fifth grade class this year... a
8 fifth second grade class this year for 11 children
9 so that they wouldn't have to be outsourced to
10 another school because they did have siblings in
11 our school, so I had to open up a fifth second
12 grade class. And we are also 130 percent
13 overutilized in our school and so we do... we
14 really are overcrowded in our school as well.

16 CHAIRPERSON LANDER: Thank you very
17 much to both of you for taking time out of your
18 schedule, which I know is a busy one. We really
19 deeply appreciate and respect the role that school
20 principals play. I'm a public school parent and I
21 know what it means and how much you have to do and
22 with the new evaluations that you have to do of
23 your teachers, how much more you even had to do
24 than last year, and I note that we didn't take
25 anything away from you to do while we asked you to

1 do this work, so that you also came down here
2 speaks meaningfully to us. And I will say, I don't
3 think there's any doubt that District 26 is facing
4 severe overcrowding and so I think even the folks
5 that are opposed to this particular school siting
6 will stipulate to the point that there's school
7 overcrowding and something has to be done about it
8 and I think you helped us understand how real and
9 specific that need is. What I would like to
10 propose that we do, rather than ask you questions
11 now, is go ahead and let the two people who are
12 going to testify in opposition do so, and then ask
13 the SCA at least to come back up you know, and
14 answer questions, but I think we'll be better
15 informed by our listening first to what the
16 community concerns are. So if that's okay with
17 you, let me ask that we... unless Council Member
18 Palma has questions first. Thank you for the
19 testimony and general presentation and in
20 particular on these issues of overcrowding. Let's
21 invite the two individuals who have signed up to
22 testify in opposition and then I'll invite the
23 School Construction Authority back up to answer
24 questions that come out of that testimony. So I am
25

1 now going to invite up Dawa Jung from Senator
2 Avella's office. I apologize if I'm not
3 pronouncing that correctly; and Henry Euler from
4 the Auburndale Improvement Association, and I also
5 want to note for the record that we have testimony
6 in opposition as well from New York State
7 Assemblywoman Nily Rozic.
8

9 DAWA JUNG: Good morning, Chairperson
10 Lander and Council Member Palma. My name is Dawa
11 Jung. I am Deputy Legislative Counsel to Senator
12 Tony Avella. I am here to share Senator Avella's
13 testimony today on the Item Number T2013-7109, and
14 after I share his testimony, I will be submitting
15 the copy of the document to be included into the
16 record.

17 Thank you for allowing me the
18 opportunity to comment on the proposed construction
19 of a 416 seat primary school facility on 48th
20 Avenue between 210th and 211th Streets where Keil
21 Brothers are currently located. I have received
22 countless calls from the adjacent residential
23 neighbors voicing their opposition to this
24 proposal. In addition, during a public hearing
25 held by the Community Board 11 on May 7th, the site

1 selection was overwhelmingly disapproved by a vote
2 of 25 opposed and three in favor. After visiting
3 the location and speaking with residents, I fully
4 understand their concerns and strongly agree that
5 the construction of a new school at this site will
6 have a huge negative impact on their quality of
7 life. I have never seen a structure of this nature
8 and capacity built in the center of a residential
9 block. If the application is approved, the new
10 school building will directly abut backyards of 31
11 single-family homes. Given this close proximity,
12 residents are extremely concerned about its
13 detrimental impact on their quality of life and a
14 significant decrease in their property value. In
15 addition, the new school will inevitably generate
16 higher volume of pedestrian and vehicular traffic
17 in this already congested area. Residents state
18 that these narrow residential streets cannot
19 support additional traffic caused by school buses
20 and parents picking up and dropping off their
21 children. Furthermore, the additional traffic can
22 exacerbate the shortage of parking space in the
23 area and result in possible delays in emergency
24 vehicles, as they would have difficulty getting
25

1 through the streets. It is also important to note
2 that two public schools, PS 31 and MS 158 exist
3 only a few blocks away from this site. For these
4 reasons, I strongly urge the Landmarks, Public
5 Siting and Maritime Uses Subcommittee to disapprove
6 this application.
7

8 CHAIRPERSON LANDER: Thank you very
9 much.

10 HENRY EULER: My name is Henry Euler.
11 I'm first Vice president of the Auburndale
12 Improvement Association. Our civic association is
13 a large one in Auburndale, Flushing and Western
14 Bayside, and I'm also a member of Community Board
15 11 in Queens, but I'm here today to speak on behalf
16 of my civic association in opposition to this site.
17 I'm supporting... we are supporting our neighbors
18 in the Bayside Clearspring Civic Council and also
19 the Bayside Hills Civic Association in opposing
20 this project. When I went to the Community Board
21 hearing about this project, there were dozens of
22 residents present. All of them spoke against this
23 site. I did not hear one person in the community
24 speak in favor of this site. I also heard the
25 civic people speak against the site and a lot of

1 the other people that are living adjacent to the
2 area. [chime]

3
4 There are so many reasons why this site
5 is inappropriate. First of all, as you heard in
6 Senator Avella's testimony, the site goes right up
7 the middle of a block and it goes right next to the
8 backyards of the people that live there. There's
9 like 31 single-family homes and their backyards are
10 going to abut this new building. It's ridiculous.
11 There's also several bus lines that go past the
12 site on 47th Avenue and the streets around the
13 block are very narrow streets, so we don't know how
14 the buses or the people dropping off children are
15 going to access the site. And for those reasons
16 and many other reasons, we just think the site is
17 inappropriate.

18 We do need a new elementary school; a
19 new primary school in District 26, as well as
20 District 25. Now, my civic association is taking
21 the stance that instead of building a new school at
22 this site, that we should reclaim PS 130 for
23 District 26. PS 130 is located on 42nd Avenue and
24 Francis Lewis Boulevard right on the Auburndale
25 Bayside border where a new school is needed. This

1 school is geographically in District 26 yet, it
2 services District 25 children. District 25
3 children are bused to PS 130, and children living
4 around PS 130 cannot go to their neighborhood
5 school. They are bused to overcrowded schools in
6 District 26; schools like PS 31, PS 159 and PS 162.
7 Now, if we reclaim PS 130 for the local children,
8 that'll take the burden off of PS 31, PS 159 and PS
9 162. We still will need a new school in our area
10 because there's so much overcrowding, but at least
11 it'll take the burden off those schools at the
12 present time. We understand that this process
13 would have to be gradual. We don't want to
14 interrupt the education of the children that are
15 presently attending the school, and there's also a
16 special school on the first floor for special needs
17 students and we don't want to disturb those
18 children at all. If we reclaim that school for the
19 local children, we want the special needs school to
20 remain there and we feel that the children from
21 District 25 should have their own school in
22 District 25 so that they don't have to be bused all
23 over the place to PS 130. It's very expensive to
24 bus students to these various schools and there's
25

1 no necessity for it. So we're urging... my civic
2 association, which consists of almost 600 members,
3 are urging this committee to reject this site and
4 to recommend to the Department of Education to
5 reclaim PS 130, which was originally a District 26
6 school, for grades K through six and K through
7 eight. We want that to be reclaimed for the local
8 children. It's outrageous that the children that
9 live right across the street or within a few blocks
10 of PS 130 are not allowed to attend their local
11 school. I have here and I'm going to leave with
12 you not only my statement, but over 200 signatures
13 on petitions demanding that PS 130 be returned to
14 the local children in District 26. Thank you.

16 CHAIRPERSON LANDER: Thank you both
17 very much for coming out to testify and I'll note
18 for the record that we do have in the packet the
19 letter articulating the reasons for disapproval at
20 Community Board 11, which I think match
21 substantially the reasons that you have articulated
22 here. I guess one question I just want to ask in
23 light of the fact that you make this proposal for
24 PS 130 to be rezoned while acknowledging that...
25 and District 25 that there's crowding in both

2 District 25 and 26. Has the board or have any of
3 the civic associations undertaken to identify
4 potential sites in... I guess in either district
5 really, in 25 or 26, but I guess especially in that
6 case in 25 yeah, you know and I know about school
7 overcrowding and it's hard to find school sites.

8 HENRY EULER: Mm-hm.

9 CHAIRPERSON LANDER: And I think that's
10 just a challenge in all of our districts where
11 there's school crowding issues and I know SCA does
12 a lot of work to try to find them, but I wonder
13 whether you've...

14 [crosstalk]

15 HENRY EULER: That is a problem. We
16 haven't done any specific research on that, but
17 there are sites available I'm sure.

18 CHAIRPERSON LANDER: But the board
19 hasn't to your knowledge provided a list to the...

20 [crosstalk]

21 HENRY EULER: Not to my knowledge.

22 [crosstalk]

23 CHAIRPERSON LANDER: SCA?

24 HENRY EULER: No.

25

1 CHAIRPERSON LANDER: 'Cause I know in
2 Board 6 and 7, but especially in Board 7 in my
3 district in order to sort of get out in front of
4 this they went and did their own let's find some
5 sites that we propose, so that might be something
6 that you might want to do.

7 [crosstalk]

8 HENRY EULER: We'd be willing to help.
9 Our civic would be willing to help.

10 CHAIRPERSON LANDER: 'Kay, alright, I
11 think your concerns, both in the way that you've
12 laid them out and in the way that I have them in
13 the Community Board letter, will enable us now to
14 go back and ask the SCA to essentially respond to
15 some of these questions and concerns. Council
16 Member Palma, do you have any questions? Okay,
17 thank you very much for your testimony and for your
18 time coming out today. Let me now ask Kenrick Ou
19 and the School Construction Authority to come back
20 up and kind of answer some questions about the
21 concerns that we've heard. So I guess let me start
22 at the... I'll start where they ended just because
23 they did essentially at the end, as you heard, put
24 out a sort of alternative proposal and I'd heard
25

1 this before; that PS 130 is nearby and essentially
2 had been previously in School District 26 and is
3 geographically located there, but has you know,
4 become primarily occupied by students from PS 25
5 and so there's this alternative proposal that the
6 community has articulated about allowing the
7 reoccupation or whatever one appropriately says of
8 PS 130 into District 26, and whether you looked at
9 that and considered whether that would address the
10 issues and if not, why not?

12 KENRICK OU: Yes, both after the
13 recommendation from the community board and hearing
14 from the civic association, but also years before
15 when I think the civic association had made this
16 recommendation to the Department of Education, the
17 Department of Education did take a look at whether
18 this proposal would be effective in addressing the
19 need in both District 25 and District 26. The
20 first note... and the department and its Office of
21 Portfolio Planning looked at this carefully, but
22 they determined that this would not be sufficient
23 to address the need for a few reasons, the first
24 being that the PS 130 building is a small building.
25 The overall capacity of that building is only 245

1 seats. So the disparity in the number of seats
2 would not have met the full 450... approximately
3 450 seats that we're proposing now. The second
4 concern, and I would have to say probably the
5 principle concern, is that there is no available
6 relocation site for this school. Mr. Euler is
7 absolutely correct. PS 130 was a... that building
8 was used to house a District 26 public school up
9 until the early 1980s when it was closed because of
10 low enrollment and then the property was leased to
11 CUNY for a number of years for its law school
12 before in the late '80s the city and the Department
13 of Education reopened that building to address the
14 enrollment needs of District 25 and also within
15 District 75, which is the citywide special
16 education district. So the answer is that the
17 option of PS 130 was evaluated, but it was not
18 determined to be practical or sufficient to meet
19 the needs within the Bayside area without, in fact,
20 creating additional needs within District 25, which
21 as well suffers from overcrowded school facilities.

22
23 CHAIRPERSON LANDER: And there are...
24 in District 25 if there's overcrowding as well, is
25 it identified in the Capital Plan for additional

2 school sitings, and if so, can you give us sense of
3 update on the work of the SCA to try to site
4 schools in that...

5 [crosstalk]

6 KENRICK OU: Well...

7 [crosstalk]

8 CHAIRPERSON LANDER: District as well?

9 KENRICK OU: In fact, earlier this
10 month, the Department of Education just released
11 its draft Five-Year Capital Plan for Fiscal Years
12 2015 through 2019 because our current Capital Plan
13 is expiring at the end of the current Fiscal Year.
14 That draft Capital Plan does identify the need and
15 propose funding for additional seats in Community
16 School District Number 25 for both the sub-
17 districts, the northern part of sub-district, which
18 really would adjoin this part of District 26, as
19 well as the downtown Flushing area. So additional
20 need and funding has been identified, and funding
21 is proposed to be allocated over the next five
22 years to try and relieve the overcrowding of
23 District 25 schools.

24 CHAIRPERSON LANDER: And I mean if you
25 don't have it, I'm sure you can't remember every

2 district and sub-district. I don't know if you
3 brought the Capital Plan, but do you know the
4 numbers for 25 and 26, either in total, if not for
5 the sub-districts that we're talking about?

6 KENRICK OU: I would not want to give
7 you the wrong information, but it would be hundreds
8 of seats for each of the sub-districts.

9 CHAIRPERSON LANDER: And District 25?

10 KENRICK OU: Yeah, and I think in
11 District 26 what we are propose... what the draft
12 Capital Plan is proposing to fund would be the
13 construction of the 456 seat primary school
14 facility at the site that we are discussing today
15 in Bayside.

16 CHAIRPERSON LANDER: Okay, alright,
17 let's talk a little to the specific questions
18 raised. I mean I guess I'll just tick them off and
19 ask you to kind of respond to them in general. The
20 community has raised concerns about the location on
21 a residential block backing up on the rear yards of
22 single-family homes, so if you could speak to you
23 know, whether and how and where that's standard and
24 how you address the issues that are of adjacency;
25 then both sort of the traffic congestion, bus route

1 and parking issues that I know were raised by the
2 community board and have been raised again here.
3 You know, what are the things that the School
4 Construction Authority has done either to address
5 or mitigate those issues or investigate them? And
6 I guess obviously, it's decided from your point of
7 view that they're not sufficient to make you, you
8 know, less enthusiastic about the site.

10 KENRICK OU: Right. Well, I think just
11 at a high level, siting schools in residential
12 areas is one of our main goals; that the schools be
13 proximate to the residences that would be served.
14 In the case of this particular site, I think we're
15 entirely sensitive to the unusual configuration of
16 this property. This property has... for many,
17 many years, the current property owner has used
18 that adjoins the neighboring homes as part of its
19 business. We have not started the design process,
20 but if and when we do move forward with the design
21 process, I think we would make every effort to
22 place the building along the street frontages and
23 to look at that interior section and how we could
24 treat that in a sensitive way either for a
25 schoolyard or for some non-structured use to try

2 and avoid undue impacts to the neighboring homes.
3 I do want to just say that anybody who would be
4 developing that property would not necessarily be
5 as sensitive to that and certainly would not
6 necessarily be as thoughtful as we are required to
7 be under Environmental Review requirements. We did
8 analyze potential environmental impacts associated
9 with the redevelopment of that leg of the property
10 for a schoolyard and we're committed that if we
11 were to use it for a schoolyard, the schoolyard
12 would be at least 25 feet from the property line to
13 try and mitigate noise concerns or if, for whatever
14 reason, it could not be placed at that kind offset,
15 we would be providing a noise barrier to again, try
16 and be respectful of the neighbors and avoid being
17 a bad neighbor to the residences.

18 CHAIRPERSON LANDER: What's a... I mean
19 I'm trying to think of it; a noise barrier.

20 KENRICK OU: It'd be a wall. You know
21 a wall...

22 [crosstalk]

23 CHAIRPERSON LANDER: So a wall...

24 [crosstalk]

25 KENRICK OU: To attenuate noise.

2 [crosstalk]

3 CHAIRPERSON LANDER: In between... a
4 wall in between the schoolyard and adjoining
5 properties.

6 KENRICK OU: Correct, correct. Our
7 standard, as you've seen throughout the schools in
8 New York City is really chain link fencing, but we
9 would go as far as to install a barrier to separate
10 visually and also to address noise, but again, this
11 is all part of a design process that we would
12 undertake once we actually have the approval to
13 move forward to acquire this site and we would of
14 course you know, keep the concerns that we have
15 received in mind as we continue that design
16 process.

17 CHAIRPERSON LANDER: One of the issues
18 raised around parking was a concern about teacher
19 parking and I know you can't control whether
20 teachers drive to the schools. I do know that in
21 some cases you've, you know, dramatically reduced
22 the amount of teacher parking and not given people
23 placards, but on the other hand, this is an area
24 where... well, maybe I shouldn't say. I know
25 there's a couple of bus routes, but knowing Bayside

1 in general, it's less transit friendly and I wonder
2 what your approach has been in places like this
3 where there is a parking challenge for...

4 [crosstalk]

5 KENRICK OU: Mm-hm.

6 CHAIRPERSON LANDER: Residents, so it's
7 understandable why they're not enthusiastic about
8 teachers coming and taking the parking spaces. On
9 the other hand, you know teachers are going to
10 drive because it's not a convenient place to get to
11 by public transportation and what, if any,
12 approaches you've taken?

13 KENDRICK OU: As a general practice and
14 I think that many of the sites that we've brought
15 before this subcommittee, there has been no
16 practical way to provide on-site teacher parking
17 because the sizes of the sites that are available,
18 as well as the priority and the need to put capital
19 dollars to work to create classrooms and school
20 seats would take precedence. In this particular
21 instance, given the unusual configuration of this
22 site, and the transportation limitations in terms
23 of transit, I think as long as we can meet our
24 requirements to provide open space for use by the
25

2 students, and if there is available land that could
3 be used for parking, I think we certainly would
4 look at it, as we have in other sites in eastern
5 Queens like the Padavan campus where we were able
6 to accomplish both or all of the priorities; the
7 classrooms and the school seats that are needed,
8 adequate play space upgrade for students and also
9 some parking; some accessory parking for school
10 staff to again, mitigate the impacts to the
11 neighbors.

12 CHAIRPERSON LANDER: So I think those
13 my questions. I will confess that I find this one
14 a challenging situation because you know, we have a
15 council member transition taking place and so you
16 know, normally in this situation we rely heavily on
17 the local judgment. It's clear on the one hand
18 that there is an overcrowding need in the district.
19 I don't think anyone is questioning that and we
20 feel a strong pull of uncrowding the schools and
21 providing a seat and on the other hand, with a
22 community board in opposition and with a lot of
23 local opposition expressed, and not having heard a
24 lot from neighbors nearby, on the other hand, we
25 feel a strong pull to the wishes and sense of the

1 district, and without a local council member to
2 help weigh those things, we're in a bit of
3 conundrum. So at least, as I mentioned at the
4 outset, I want to check in and get some guidance
5 from the council member elect, who has no of
6 course, formal role to play in the process yet, but
7 whose judgment I would be interested in hearing.
8 We are statutorily required to act on this item if
9 we're going to. If we don't vote... this is more
10 for members of the public than for you, then it
11 deemed approved if we don't vote, so if we are
12 going to act either to approve or disapprove, we're
13 going to need to do it at tomorrow's Land Use
14 meeting and Thursday's Stated, so we have some work
15 cut out for us over the next 24 and 48 hours. We
16 may wind up with questions for the School
17 Construction Authority, in which we'll be in touch
18 with you or members of the Land Use team here at
19 the Council will be in touch with you, and we'll
20 certainly stay in touch with the elected officials
21 in the neighborhood. And I want to appreciate
22 Senator Avella and Assembly Member Rozic and I also
23 want to mention my appreciation to Council Member
24 Weprin, who has the adjacent and adjoining district
25

2 and who I've been talking to about this, but who
3 doesn't represent the site of the school itself.
4 So...

5 KENRICK OU: Council Member, I
6 apologize. One of my colleagues actually just
7 shared the specifics regarding your question about
8 the seats that are proposed for funding in District
9 25.

10 CHAIRPERSON LANDER: 'Kay, go ahead.

11 KENRICK OU: So a total of
12 approximately 1,400 seats are proposed in the next
13 Five-Year Capital Plan, approximately 640 in the
14 northern sub-district of District 25 and
15 approximately 760 in the downtown Flushing area.

16 CHAIRPERSON LANDER: And do you have
17 any... I mean I can... you know live lead... on any
18 of those sited do you have live leads on those
19 sites?

20 KENRICK OU: Part of what happens when
21 we transition between Capital Plans is that we are
22 now going to have our real estate undertake a
23 search based on the funded needs. I can tell you
24 that under the expiring Capital Plan, there was not
25 a need or funding for the downtown Flushing area

2 and there was a... there was funding allocated for
3 the northern part of District 25, but we have
4 actually been investigating sites in the College
5 Point area that were strongly advocated, both by
6 elected officials and also by the local Community
7 Education Council for those seats.

8 CHAIRPERSON LANDER: Thank you very
9 much for getting that additional information while
10 we're here.

11 KENRICK OU: Thank you.

12 CHAIRPERSON LANDER: So thanks to you
13 and with everyone who came out to testify. We'll
14 go ahead and recess... not recess. I guess we're
15 closing the hearing on this item and we'll recess
16 the meeting until 9:45 tomorrow morning. Thank you
17 very much.

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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. 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.



Date: 11/19/2013