

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON LAND USE

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November 13, 2013
Start: 11:16 a.m.
Recess: 11:34 a.m.

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

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

COUNCIL MEMBERS:

MARIA DEL CARMEN ARROYO
CHARLES BARRON
INEZ E. DICKENS
DANIEL R. GARODNICK
SARA M. GONZALEZ
VINCENT M. IGNIZIO
ROBERT JACKSON
PETER A. KOO
BRAD S. LANDER
JESSICA S. LAPPIN
STEPHEN T. LEVIN
ROSIE MENDEZ
ANNABEL PALMA
DIANA REYNA
JOEL RIVERA

COUNCIL MEMBERS CONTINUED:

ALBERT VANN

MARK S. WEPRIN

JUMAANE D. WILLIAMS

RUBEN WILLS

[gavel]

CHAIRPERSON COMRIE: Good morning we are convening a full Land Use Committee meeting for Wednesday November 13, 2013. We're joined by council members Lappin, Gentile, Weprin, Koo, Levin, Garodnick, Lander, Ignizio, Reyna, Palma, Jackson, Rivera, and Wills.

Yes we have a quorum and according to the rules of the council we have to call up a vote that was not completed in the Landmarks Subcommittee pursuant to council rule 11.10E. As chair of the Land Use Committee I am calling up application number 20145162 SCQ, a 456-seat primary school in council member Halloran's district to the full Land Use Committee to enable the committee and the council to act in a timely manner. We have some items to be read through, to be voted on today. Preconsidered Land Use number or PS 317 in the Bronx, council member Palma's district, community board nine, item number 20135772 SCX. It's to build an approximately 379-seat primary school facility located at 1024-1036 White Plains Road in the Bronx.

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2 As I said earlier in council member
3 Halloran's district Queens, community board 11.
4 It's a 456-seat primary school being considered.
5 Item number 20145162 SCQ to build a new school
6 located on the north side of 48th Avenue between
7 210th and 211th Streets in Bayside Queens.

8 And we have in the speaker's district,
9 Garodnick's district, and Lappin's district... [off
10 mic] ...it's, she said it's Lappin. Lappin's claimed
11 a piece of it, I'm not going to dispute her on what
12 she said... And now I have Diana trying to correct me
13 and I thought I heard it right. Anyhow we are...
14 Motion of power pursuant to withdraw. It's Land Use
15 numbers 945 and 946. No one has the east Midtown
16 rezoning. Item numbers N 130247(A)[N 130274(A) ZRM]
17 ZRM and C 130248 ZMM encompassing the community
18 boards five and six.

19 Then we have for acceptance a project
20 in council member Dickens' district known as Harlem
21 Dowling, Land Use number 954 in Manhattan community
22 board 10, item number C 130272 HAM, it's a HPD
23 mixed use development. And also Land Use number 955
24 which is related to Harlem Dowling. Item number C
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2 130271 ZMM the amendment to the zoning might have
3 to allow that to happen.

4 And council member Vann has arrived. We
5 have in council member Gentile's district. This is
6 also a motion to disapprove. Disposition the city
7 owned property in Brooklyn Community Board 10. It
8 was for to try to dispose of two properties located
9 on block 6037, lot 102 and block 6339, lot 164
10 pursuant to zoning. Council member's asking us to
11 do a motion to disapprove it's item number 130266
12 PPK.

13 And then the last item for today is in
14 council member Revera's district, in the Bronx and
15 community board six is known as the Daly
16 apartments, item number 20145153 HAX. It's a HPD
17 request for an exemption for a real property
18 taxation, termination of the prior exemption, and
19 voluntary dissolution of current owner for the
20 properties located in the Bronx.

21 Again all of the items have been fully
22 vetted in the subcommittees and fully discussed. I
23 want to thank the subcommittee chairs for holding
24 the hearings. If any member would like to speak to
25 any item on the record? Council member Lander.

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2 COUNCIL MEMBER LANDER: Thank you very
3 much Mr. Chairman. I want to speak to the 456
4 Street primary school located on 48th Avenue
5 between 210th and 211th Street in Bayside in council
6 member Halloran's district. As you know we
7 considered this extensively in committee and this
8 was one of the most significant challenges that we
9 faced in our committee and we all know that the
10 need for school seats in District 26 in Queens is
11 very significantly overcrowded. We heard from a
12 couple of principals from overcrowded schools and
13 we have never in my tenor on the subcommittee
14 rejected a school sighting. At the same time we
15 heard quite a lot of community concern, that
16 community board voted no, number of the elected
17 officials raised concerns around traffic, parking,
18 making sure the school will be zoned locally and we
19 really had a lot of conversations and weighted very
20 heavily. In the end I am recommending a vote of aye
21 and I want to just explain a little bit why and
22 council member Halloran who's district is is
23 supportive of this recommendation as well. We had a
24 lot of conversations and I talked to the current
25 council member, to council member elect Paul

1 Vallone, to the adjacent council member Mark
2 Weprin, to assembly member Nily Rozic, state
3 senator Tony Avella and I don't want to speak for
4 all of them because I don't know that they are, I
5 don't think that they're all supportive of the
6 project. I know that they're, that they're not but
7 as I said the current council member is. Let me
8 tell you what the School Construction Authority and
9 the Department of Education. I have a letter from
10 Chancellor Walcott this morning outlining efforts
11 to address a meaningful number of those concerns.
12 First clarifying that it is a zoned local school.
13 So I don't go through the normal zoning process.
14 The Community Education Council for District 26.
15 There's some history in the past the people were
16 concerned about. About students from other
17 districts and about how the zone would get
18 determined. It's a K-5 school and there was some
19 concern it might be a K-8 school. Parking is a big
20 issue that had been raised and we have the letter
21 that council members have here reflects that there
22 will, the project will include accessory on-site
23 parking spaces so that the school can reduce school
24 related parking demand in the surrounding
25

1
2 community. There was a traffic study completed as
3 required and there was a commitment to follow up
4 and review those findings and recommendations in
5 the year prior to the opening of a new school and
6 consult DOT on any additional studies or surveys
7 required. And finally an issue was raised about
8 the, a lot across the street and although the
9 Department of Education of School Construction
10 Authority have not determined an explicit need at
11 the sight at this time for the sight. It will be
12 referred to other city agencies for their review of
13 potential community uses of that lot subject to
14 available funding in the future. And there is a
15 commitment from the department to work with the
16 chairman, with the speaker, with me, and with other
17 elected officials as this process moves forward. So
18 it, it none the less we know remains contentious as
19 the, a school sighting sometimes do. But with all
20 of that reflected and again out of my conversation
21 this morning with council member Halloran who is
22 supportive I recommend an aye vote on this item.

23 CHAIRPERSON COMRIE: Any other comments?

24 Council member Jackson.

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2 COUNCIL MEMBER LANDER: I would also
3 before council member Jackson speaks note that this
4 is a overcrowded district. All of the schools that
5 are within a three mile radius of the district are
6 severely overcrowded now. District 26 is a district
7 that is gaining in population exponentially and
8 there is a real need to sight another building in
9 that area. If you look at the statistics for the
10 other adjoining schools they are all well over 110
11 percent, up to 200 percent overcrowded because
12 District 26 has been one of the prenatal school
13 zones in the city where normally it's home of the
14 highest school to our ratings in the city.
15 Especially in Queens and there's a desire for many
16 parents to send their children to District 26 so I
17 understand the, the need to ensure that the, the
18 children are coming from local areas to local
19 children are doing very well.

20 COUNCIL MEMBER JACKSON: Thank you. So I
21 guess my question is in your presentation Brad you
22 indicated that Halloran is supportive of the school
23 being sighted at that location but there may, the
24 community board and other elected officials, can
25 you give me a rundown on that if you don't mind?

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2 Like all the, of the other elected official's
3 representing area. Who was in favor of it, who was
4 opposed to it and as far as the community board is
5 concerned.

6 COUNCIL MEMBER LANDER: So this is
7 something of a, of a moving target obviously
8 because this letter's only been placed on our desks
9 you know in the last few minutes but I'll, I'll...
10 [interpose]

11 COUNCIL MEMBER JACKSON: And you just
12 read it from Dennis Walcott?

13 COUNCIL MEMBER LANDER: Yes, the...
14 [interpose]

15 COUNCIL MEMBER JACKSON: Okay.

16 COUNCIL MEMBER LANDER: ...letter from the
17 chancellor has just arrived here. And I first want
18 to thank all the elected officials because everyone
19 I think is aware as the chairman said of the real,
20 of the significant need for more school seats and
21 of the voices of the community. So... [interpose]

22 CHAIRPERSON COMRIE: Council member...
23 [interpose]

24 COUNCIL MEMBER LANDER: ...I... [interpose]
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2 CHAIRPERSON COMRIE: ...sitting at the
3 community board supported, sent the letter for the
4 [interpose]

5 COUNCIL MEMBER LANDER: No, no, no.
6 Sorry that, that's a, the community board expressed
7 opposition raising the issues that are addressed in
8 this letter. They don't have an opportunity to
9 review it with the, with the items in this letter
10 but traffic parking, zoning, age of kids, and lot
11 across the street are all addressed in their letter
12 so they did recommend no but, but you know raising
13 the items that are, the many which are addressed in
14 this letter. I consulted with, as I mentioned,
15 council member Halloran, council member elect
16 Vallone, council member Weprin who represents the
17 adjacent district, assembly member Rozic, and state
18 senator Avella. The state senator and the assembly
19 member testified in opposition to the school at the
20 hearing which we had yesterday. And I have spoken
21 with each of them and they'll have to you know I
22 think they, the, the assembly member I know is
23 appreciative of the items that have been addressed
24 in this letter whether that you know changes her
25 position but you know she's not right on those

1 specifically and the state senator made clear that
2 he is opposed to this sighting. And you know I
3 don't know whether this goes, this letter, the only
4 thing I know for sure is what I said before. I
5 spoke specifically I share this information with
6 the current council member and with these things in
7 mind it, you know it specifically addresses the
8 concerns that he had raised. Okay thank you.

9
10 CHAIRPERSON COMRIE: Any other questions
11 on it. Council member Reyna?

12 COUNCIL MEMBER REYNA: Was there an
13 official position from the CEC in support or
14 opposing the Community Education Council?

15 CHAIRPERSON COMRIE: My understanding is
16 they were in support of the, of [interpose]

17 COUNCIL MEMBER REYNA: They came to
18 testify?

19 CHIARPERSON COMRIE: Yes. I don't know,
20 I'm reading. They said it was in here in the notes
21 that it was in the...

22 COUNCIL MEMBER LANDER: They did not
23 testify at the hearing.

24 COUNCIL MEMBER REYNA: There has been no
25 communication from the CEC?

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2 COUNCIL MEMBER LANDER: I, I am not
3 aware of communication from the CEC. What I do want
4 to say is that what was, is affirmed in this letter
5 is that it will be a zoned local school and
6 therefore subject to a CEC zoning vote because you
7 know, that is you know the one power essentially
8 that remains to the CECs is to vote on local zoning
9 and that was part of the concern that neighbors
10 expressed which is when a school is sighted without
11 a zone then there is room essentially for the
12 sighting to go around the CEC and not include them.
13 The commitment in this letter to have it be a zoned
14 District 26 school makes you know is subject to a
15 vote of District 26 to approve the boundaries and
16 so it'll have to go through that process as zoned
17 local schools do. So they will have a you know a
18 meaningful role to play in the, in the process of
19 this school sighting.

20 CHAIRPERSON COMRIE: My understanding is
21 the CEC approved zoning for new schools in the
22 area. Councilman Reyna if my, my understanding is
23 that the CEC did approve the zoning to allow for a
24 new school to be in the area.

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2 COUNCIL MEMBER REYNA: I know that the
3 process has to include the CEC before it comes to
4 us and so therefore if there's no opposition on the
5 record, there may not be an official letter in
6 support of but there's no official opposition.

7 CHAIRPERSON COMRIE: Right. And they did
8 earlier this year vote to approve zoning lines for
9 new district schools in the area.

10 COUNCIL MEMBER REYNA: Okay. Thank you.

11 CHAIRPERSON COMRIE: Council member
12 Ignizio.

13 COUNCIL MEMBER IGNIZIO: Yeah, if, if I
14 can I think my colleagues would appreciate this
15 fact. This is clearly a not in my back yard
16 scenario where the local residents are saying we
17 need more better streets and parking or whatever at
18 the expense of kids who are in overcrowded schools.
19 I dealt with it myself in my own district of PS62
20 and you know there are members that are
21 representatives that you know that appreciate that
22 fact and there are those that don't. But I, I think
23 clearly this is an area where they need the school
24 seats and this is, there is a loud vocal minority
25 of people that are opposed that I would imagine

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2 live directly adjacent to this school site. And I
3 think on behalf of the kids I'm going to be casting
4 my vote in the affirmative. Thank you.

5 CHAIRPERSON COMRIE: You know just to
6 the neighborhoods are Urbanale, Bayside, Bayside
7 hills, Bellerose, Douglaston, Floral Park,
8 Holliswood, Little Neck, Oakland Gardens, and
9 Queens Village are part of District 26. All of
10 those neighborhoods in Queens are growing,
11 expanding, and new populations are moving in and
12 the, the, as I said earlier that all of the
13 adjacent schools within two miles are severely
14 overcrowded now. They really need another school
15 facility in that area. With that I vote, oh I'm
16 sorry with that, any more comments. With that I
17 would recommend a yes vote to everything on today's
18 calendar. I ask the clerk William Martin to call
19 the role reminding you that an aye vote on this
20 agenda is a vote to disapprove LU 956 and the
21 adjoining resos and to file LUs 945 and 946
22 pursuant to applicant's letter of withdraw.

23 WILLIAM MARTIN: Council member Comrie?

24 COUNCIL MEMBER COMRIE: Aye on all.

25 WILLIAM MARTIN: Rivera?

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2 COUNCIL MEMBER RIVERA: I vote aye on
3 all.

4 WILLIAM MARTIN: Reyna?

5 COUNCIL MEMBER REYNA: Aye on all.

6 WILLIAM MARTIN: Jackson?

7 COUNCIL MEMBER JACKSON: Aye on all.

8 WILLIAM MARTIN: Vann?

9 COUNCIL MEMBER VANN: Aye.

10 WILLIAM MARTIN: Palma?

11 COUNCIL MEMBER PALMA: Permission to
12 explain my vote?

13 CHAIRPERSON COMRIE: So ordered.

14 COUNCIL MEMBER PALMA: I just, I want to
15 thank chair Brad Land, Brad Landers for the work he
16 did on the subcommittee for the school that's
17 coming to my district as 379 seats that are much
18 needed in, in that area and we're excited about the
19 school. The School Construction Authority was very
20 proactive in coming to the office and working with
21 my office and, and the superintendent in District,
22 school, in school District 8th to make sure that we
23 had, we met the needs that were, that the community
24 was looking for and I look to continuing the
25 discussions around the traffic. The traffic

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2 concerns that were raised during, during the
3 discussions of the school being built and I'm
4 really happy that the school is coming and I want
5 to thank my colleagues for being so supportive. I
6 vote aye.

7 WILLIAM MARTIN: Garodnick?

8 COUNCIL MEMBER GARODNICK: Aye.

9 WILLIAM MARTIN: Lappin?

10 COUNCIL MEMBER LAPPIN: Aye.

11 WILLIAM MARTIN: Koo?

12 COUNCIL MEMBER KOO: Aye.

13 WILLIAM MARTIN: Lander?

14 COUNCIL MEMBER LANDER: Request

15 permission to explain my vote

16 CHAIRPERSON COMRIE: So ordered.

17 COUNCIL MEMBER LANDER: I was remised

18 before in not thanking a couple of other people for
19 the work to get us to this place on this schools so
20 I want to thank Kenrick Ou from the School
21 Construction Authority and Reggie Thomas from the
22 mayor's office. I want to thank the Land Use staff
23 and the chairman and Michael Freedman-Schnapp on my
24 staff in, in addition to the elected officials that
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2 I named earlier for the work to get us here. And
3 with that I vote aye on all.

4 WILLIAM MARTIN: Levin?

5 COUNCIL MEMBER LEVIN: Aye on all.

6 WILLIAM MARTIN: Weprin?

7 COUNCIL MEMBER WEPRIN: I vote aye on
8 all with the exception of 20145162 SCQ. I vote no
9 on that.

10 WILLIAM MARTIN: Williams?

11 COUNCIL MEMBER WILLIAMS: [off mic]
12 ...used to screen for them for landmarks. I vote aye.

13 WILLIAM MARTIN: Wills?

14 COUNCIL MEMBER WILLS: I vote aye on
15 all.

16 WILLIAM MARTIN: Ignizio?

17 COUNCIL MEMBER IGNIZIO: Aye.

18 WILLIAM MARTIN: All items in today's
19 agenda have been adopted by a vote of 15 in the
20 affirmative, zero in the negative, and no
21 exception, and no abstentions with the exception of
22 preconsidered Land Use item... [interpose]

23 CHAIRPERSON COMRIE: Quiet please so it
24 can be read into the record thank you.

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2 WILLIAM MARTIN: ...the exception of
3 preconsidered Land Use item 20145162 SCQ which has
4 been adopted by a vote of 14 in the affirmative,
5 one in the negative, and no abstentions. Council
6 members please sign committee reports.

7 CHAIRPERSON COMRIE: Next committee
8 meetings is scheduled for November 29th, November
9 21st. Sorry I can't read my own. November 21st. With
10 that we can, well we will be able to adjourn a
11 committee but we will hold the roll open for ten
12 minutes. Thank you all. Thank the all of the
13 committee staff and members. With today's meeting
14 for November 13th, 2013 is hereby adjourned.

15 [gavel]

16 [pause]

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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. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date _____ November 21, 2013_____