

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING &  
MARITIME USES

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July 25, 2011  
Start: 11:28 am  
Recess: 1:10 pm

HELD AT: Committee Room - 16<sup>th</sup> Floor  
250 Broadway

B E F O R E:

BRAD LANDER  
Chairperson

COUNCIL MEMBERS:

Margaret Chin  
Julissa Ferreras  
Daniel J. Halloran III  
Jessica S. Lappin  
Stephen Levin  
Diana Reyna  
James Sanders, Jr.  
Jumaane D. Williams

## A P P E A R A N C E S

Kenrick Ou  
Director of Real Estate Services  
New York City School Construction Authority

Charles Guder  
Senior Project Manager  
TRC Engineering Services

Andrew Rich  
Vice President  
Wal-Rich Corporation

Corey Johnson  
First Vice-Chair  
Manhattan Community Board #4

Jenny Fernandez  
Director of Intergovernmental & Community Relations  
Landmarks Preservation Commission

Andrea Goldwyn  
Director of Public Policy  
New York Landmarks Conservancy

Gina Barros  
Member  
Brooklyn Community Board #1 ULURP Committee

James Walker  
Vice President  
St. Paul's Evangelical Lutheran Church

John Krawchuk  
Director of Historic Preservation  
New York City Department of Parks & Recreation

Lou Sepersky  
District Historian  
6<sup>th</sup> Community District of Manhattan

1  
2 CHAIRPERSON LANDER: Good morning,  
3 thank you, I'm Council Member Brad Lander, I'm  
4 pleased to call this meeting of the City Council's  
5 Land Use Subcommittee on Landmarks, Public Siting  
6 and Maritime Uses to order. We have a very  
7 exciting Committee hearing today with four schools  
8 and three proposed landmarks, and we're delighted  
9 to be joined by a number of the Council members  
10 whose districts they're in. So let me introduce  
11 who's here. As members of the Committee, to my  
12 left are Council Member James Sanders from Queens,  
13 Council Member Dan Halloran from Queens, Council  
14 Member Jumaane Williams from Brooklyn, all three  
15 members of the Committee. And then ... well, we  
16 have gender separation here, as well as Committee  
17 member segregation. We also have with us, with  
18 items on the calendar in their districts, Diana  
19 Reyna from Brooklyn, Julissa Ferreras from Queens  
20 and Margaret Chin from Manhattan, thank you for  
21 being here. I hope people have avoided melting or  
22 spontaneously combusting in the heat today, we're  
23 quite cold in here, which is a beautiful thing.  
24 All right, we're going to do the schools first, as  
25 is on the calendar, and then the landmark items.

1  
2 And we have, I think, four schools to hear about,  
3 and we do have people signed up to testify on a  
4 couple of them. So I'll begin by inviting Kenrick  
5 Ou from the New York City School Construction  
6 Authority to come up and testify on the four  
7 school items that are on the calendar today. All  
8 of these items are pre-considered, which just  
9 means we're doing the hearing on them before all  
10 the paperwork's been formally filed for their  
11 introduction, so I don't have the land use numbers  
12 that we typically use, and so we'll refer to them  
13 by their, essentially their land use numbers, as  
14 opposed to their Council numbers. So we'll start  
15 with 20105361 SCQ, which is the proposed PSIS 311  
16 in Queens, Community Board #4, in Council Member  
17 Ferreras' district. Kenrick, when you're ready,  
18 just please introduce yourself and then go ahead.

19 MR. OU: Good morning, Chairman  
20 Lander and Council members and Council Member  
21 Ferreras in particular. My name is Kenrick Ou,  
22 I'm Director of Real Estate Services for the New  
23 York City School Construction Authority, and we're  
24 pleased to be before you today to present four  
25 sites, of which this is the first. The New York

1  
2 City School Construction Authority has undertaken  
3 the site selection process for the proposed 1,100-  
4 seat primary school facility that will be located  
5 on tax lot 1613, lot 17, located at the southwest  
6 corner of 97<sup>th</sup> Place and 43<sup>rd</sup> Avenue in the Corona  
7 Section of Queens. The proposed school site is  
8 also located within Community School District #24  
9 and Queens Community District #4. The project  
10 site contains a total of approximately 55,000  
11 square feet of lot area, and it's improved with an  
12 occupied industrial building. Under the proposed  
13 plan, the SCA would acquire the property, demolish  
14 the existing on-site structure, and construct a  
15 new approximately 1,100-seat primary school  
16 facility. Phase one environmental site assessment  
17 and phase two environmental site investigation  
18 were conducted at the site. A soil vapor barrier  
19 and active sub-slab depressurization system will  
20 be installed in the building, and a two-foot layer  
21 of environmentally-clean fill will be installed in  
22 areas where exposed soils would remain. The  
23 notice of filing for the site plan was published  
24 in the New York Post and City Record on April 1<sup>st</sup>,  
25 2011. Queens Community Board #4 was notified of

1  
2 the site plan on that date, and was asked to hold  
3 a public hearing on the proposed site plan.

4 Community Board #4 held its public hearing for the  
5 site plan on May 10<sup>th</sup>, 2011, and submitted written  
6 comments recommending against the proposed site.

7 The City Planning Commission was also notified of  
8 the site plan on April 1<sup>st</sup>, 2011, and it

9 recommended in favor of the site. The SCA has

10 considered all comments received on the proposed

11 site plan and affirms the site plan, pursuant to

12 section 1731 of the Public Authorities law. In

13 accordance with section 1732 of the Public

14 Authorities law, the SCA has submitted the

15 proposed site plan to the Mayor and City Council

16 for consideration on July 21<sup>st</sup>, 2011. We look

17 forward to your Subcommittee's favorable

18 consideration of the proposed site plan, and are

19 prepared to answer any questions.

20 CHAIRPERSON LANDER: Council Member

21 Ferreras, do you have questions or a statement?

22 You do.

23 COUNCIL MEMBER FERRERAS: Good

24 morning. Actually it's more of a statement, I

25 have been in receipt, I guess, of as of Friday on

1  
2 the corporation that currently sits in one of the  
3 facilities of the proposed site. I don't ... is  
4 this the one they were talking about now? The  
5 Wal-Rich Corporation?

6 MR. OU: That's actually the- -

7 COUNCIL MEMBER FERRERAS:

8 (Interposing) The next school.

9 MR. OU: Correct, that's actually  
10 the other site.

11 COUNCIL MEMBER FERRERAS: All  
12 right. Well, we'll come back to that one. So I  
13 know that I had asked you earlier if we could just  
14 state for the record the change between elementary  
15 to a junior high school proposal.

16 MR. OU: Okay, so just as a point  
17 of context, we're speaking right now about the  
18 primary school facility. There is another site on  
19 the agenda, Chair, which, you know, basically is  
20 geographically on the next block over, and if the  
21 Council Member would like, I could speak to both  
22 of them now, or?

23 CHAIRPERSON LANDER: With the  
24 permission of the other members of the ... the  
25 Council Member and the other members of the

1  
2 Committee, why don't we ask you to go ahead and  
3 speak to that one, and then we'll do both  
4 questions and comments and our public hearing  
5 together, and people can comment on both of the  
6 two school sites.

7 MR. OU: Okay, so I'll make a very  
8 brief presentation regarding the other site, which  
9 is on the next block over.

10 COUNCIL MEMBER FERRERAS: Thank  
11 you, I just know that they're a block away, so  
12 we're going to be- -

13 MR. OU: (Interposing) Yes,  
14 correct.

15 CHAIRPERSON LANDER: So for the  
16 record, we're now going to be hearing 20125006  
17 SCQ, that's the proposed PS315, also in Queens  
18 Community Board #4, at 96-18 43<sup>rd</sup> Avenue, and we  
19 will then have a joint opportunity for question  
20 and public comment on the two schools together.

21 MR. OU: Again, thank you, the New  
22 York City School Construction Authority has  
23 undertaken the site selection process for the  
24 proposed 785-seat intermediate school facility  
25 that would be located on tax block 1628, lot 21,



1  
2 located on the north side of 44<sup>th</sup> Avenue, between  
3 National Street and 97<sup>th</sup> Place, in the Corona  
4 section of Queens. This proposed school site is  
5 also located in Community School District #24, and  
6 Queens Community District #4. The project site  
7 contains a total of approximately 40,000 square  
8 feet of lot area. The site is improved with a  
9 one-story, owner-occupied plumbing business.

10 Under the proposed plan, the SCA would acquire the  
11 property and demolish the existing on-site  
12 structure, to construct a new 785-seat elementary  
13 ... excuse me, intermediate school facility. Both  
14 the phase one environmental site assessment and  
15 phase two environmental site investigation were  
16 completed for this site as well. The notice of  
17 filing for the site plan was published in the New  
18 York Post and the City Record on January 19<sup>th</sup>,  
19 2010. Queens Community Board #4 was notified of  
20 the site plan on that date and was asked to hold a  
21 public hearing on the proposed site plan.

22 Community Board #4 held a public hearing on the  
23 site plan on February 2<sup>nd</sup>, 2010, and submitted  
24 written comments recommending against the proposed  
25 site. The City Planning Commission was also

1 notified of the site plan on January 19<sup>th</sup>, 2010 and  
2 it recommended in favor of the site. In 2010, the  
3 SCA had originally proposed to construct a new  
4 approximately 612-seat K to 8, or  
5 primary/intermediate school facility, at the site.  
6 However, following consideration of the comments  
7 that were received during the comment period, and  
8 the most recent amendment to the Department of  
9 Education's five-year capital plan, the SCA has  
10 revised this proposal, and is now proposing to  
11 construct the approximately 785-seat intermediate  
12 school facility I mentioned before. No changes  
13 have been proposed to the site plan itself. The  
14 SCA has considered all comments received on the  
15 proposed site plan, and has affirmed the site plan  
16 pursuant to section 1731 of the Public Authorities  
17 law. In accordance with section 1732 of the  
18 Public Authorities law, the SCA has submitted the  
19 proposed site plan to the Mayor and the City  
20 Council on July 21<sup>st</sup>, 2011.

21  
22 CHAIRPERSON LANDER: So just a  
23 little bit of housekeeping, I think we may have  
24 our numbers reversed. So let me just, I think  
25 people can speak to either address or proposed

1  
2 school number, but just to be ... just so we're  
3 clear, 20105361 is the proposed PSI311, at 97-36  
4 43<sup>rd</sup> Avenue, block 1628, lot 21. And 20125006 is  
5 the proposed PS315 at 96-18 43<sup>rd</sup> Avenue, block  
6 1613, lot 17. But I think if people can either  
7 use the address or the school number for the  
8 remainder of our questions and public testimony,  
9 so back to Council Member Ferreras.

10 COUNCIL MEMBER FERRERAS: Thank you  
11 very much, Chair, and thank you for considering  
12 this, since the schools are so close to one  
13 another, and they kind of are resolving a very big  
14 issue that we have in our area of overcrowding.  
15 So I want to thank the School Construction  
16 Authority for being able to aggressively address  
17 the issues that we have in the district. Now, if  
18 you could just speak to the reasoning behind  
19 changing the PSIS311 to just an IS, and how we  
20 will accommodate for the eliminating of the PS  
21 part of 311 and moving it towards the new school,  
22 if that affects seats. Will we be losing  
23 elementary-school seats?

24 MR. OU: So, we had advanced a  
25 proposal for what was then called PSIS311, which

1  
2 was in 2010, for the site 97-36 43<sup>rd</sup> Avenue, for  
3 approximately 600 seats. That was the first site  
4 that was identified. Most of the larger schools  
5 that the School Construction Authority constructs  
6 are designed 600 seats and above, to be K to 8, to  
7 be flexible. And then actually following some of  
8 the concerns we actually heard from ... at the  
9 community board-level, and also learning about the  
10 availability of the other site, which is the PS315  
11 site, we looked again at the capital plan and  
12 determined that we would not ... it probably would  
13 be preferable, rather than having two PSIS  
14 facilities within a block of each other, to  
15 designate one for the elementary school students  
16 and the other for the middle school students. So  
17 there is really no net loss of seats, it really is  
18 that, in the interests of trying to address  
19 concerns about traffic congestion near the  
20 firehouse, that we are now proposing that the site  
21 that is closest to the firehouse be for middle  
22 school students, as opposed to elementary school  
23 students. But just to be clear, there's no loss ...  
24 there's no net loss of seats, it's simply how the  
25 seats have been placed, apportioned between the

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two sites.

COUNCIL MEMBER FERRERAS: Okay, and if you could just speak to your conversations with the Fire Department, I know that there was some concern with the proximity of the firehouse, and I was told that one of the steps that you have taken is that it was first believed that the entrance was going to be on the avenue, and it's not necessarily, so if you could just speak to that.

MR. OU: So I'll speak to each of the sites. The IS311 site, which is the site right next to the firehouse, the intermediate school site, is actually going to have its main entrance on 44<sup>th</sup> Avenue. The existing, I think it's Engine 138 Company, discharges its apparatus, and they use 43<sup>rd</sup> Avenue to respond. So the idea being that we will try and keep pedestrian and other traffic associated with the school on the other street, to avoid conflicts with responding apparatus. The PS315 site, which is the next block over, that, the entrance to that school also has been placed along, off of 43<sup>rd</sup> Avenue. There is an entrance on 97<sup>th</sup> Place and 44<sup>th</sup> Avenue as well, and a treatment for ... the proposed treatment

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2 for the site along 43<sup>rd</sup> Avenue, again, which is the  
3 street, the two-way street where the emergency  
4 vehicles use to respond, will basically be a blank  
5 wall without entrances. So, I mean, we recognize  
6 and share the concerns that we heard both from the  
7 Fire Department and also from Community Board #4,  
8 and believe that through these design measures  
9 those concerns have been addressed as best as  
10 possible, in light of the congestion, the overall  
11 congestion, within the neighborhood.

12 COUNCIL MEMBER FERRERAS: And then,  
13 speaking on the current company that is at the 315  
14 site, right?

15 MR. OU: Are you speaking of the  
16 Wal-Rich?

17 COUNCIL MEMBER FERRERAS: Yes, Wal-  
18 Rich.

19 MR. OU: That's actually 311,  
20 that's the IS311 site.

21 COUNCIL MEMBER FERRERAS: Right,  
22 we'll get those numbers right, I promise. 311  
23 site, has the administration done anything  
24 possible to advise on perhaps other manufacturing  
25 sites? Because as I'm sitting next to Council

1  
2 Member Reyna, who is one of the biggest proponents  
3 for insuring that we keep manufacturing here in  
4 our city, is there any tandem relationship that  
5 you have with other agencies as we are moving  
6 manufacturing potentially? And I understand our  
7 need for schools, and especially in my district,  
8 we have the most over-populated elementary school,  
9 which is PS19, with 2,015 students. That was the  
10 last attendance that was taken on June 30<sup>th</sup>. So I  
11 understand the need for these schools, and I  
12 believe these schools are exactly three blocks  
13 away from these new proposed schools. So has the  
14 administration done anything besides the  
15 negotiating process of purchasing these buildings  
16 to be able to keep these manufacturing jobs in our  
17 city?

18 MR. OU: Well, I don't want to  
19 speak for our principal attorney, because a lot of  
20 the discussions with the property owner have been  
21 handled through counsel, but I can say that in  
22 other instances where we have acquired property,  
23 we have tried to work with tenants or owner-  
24 occupants on relocation options, and I would ...  
25 again, I don't want to say too much about

1  
2 something that I have not been personally involved  
3 in, but historically we have worked with folks to  
4 assist them to relocate and I believe in prior  
5 meetings other ... I think the Queens borough  
6 president's office had made some suggestions  
7 regarding potential relocation options as well.

8 COUNCIL MEMBER FERRERAS: Okay,  
9 thank you very much, and thank you, Chair, for  
10 taking these ... consideration of framing these two  
11 projects together.

12 CHAIRPERSON LANDER: I saw that  
13 Council Member Sanders had a question, if other  
14 Council members have questions about this item.

15 COUNCIL MEMBER SANDERS, JR.: Thank  
16 you, sir, good morning.

17 MR. OU: Good morning.

18 COUNCIL MEMBER SANDERS, JR.:  
19 Community Board #4 voted against both of these  
20 projects, any reason given?

21 MR. OU: The reasons were, for the  
22 first site, they actually were concerned about  
23 some of the issues I discussed before, the  
24 emergency response of the fire, of the engine  
25 company that discharges onto 43<sup>rd</sup> Avenue. They



1  
2 also expressed concerns about some activities ...  
3 right now on the proposed PS315 site there is a  
4 poultry slaughterhouse, and they were concerned  
5 about the odors and other issues associated with  
6 that activity. If we move forward with both of  
7 these sites, the poultry slaughterhouse will no  
8 longer be an issue, because there will be a brand  
9 new school there. I think they also had expressed  
10 a general concern about congestion in the area.

11 COUNCIL MEMBER SANDERS, JR.: Okay.  
12 You said that there was a certain amount of, you  
13 didn't use the word but I'll use it, toxic soil  
14 that was going to be removed, I don't mind you  
15 switching that word. How much is being left in  
16 that site?

17 MR. OU: Well, on that issue I'd  
18 actually like to ask our technical experts to  
19 assist, if the Chair would permit me to ask?

20 CHAIRPERSON LANDER: Sure.

21 MR. OU: I'd ask Charles Guder from  
22 our environmental consultants.

23 COUNCIL MEMBER SANDERS, JR.: How  
24 are you, sir?

25 MR. GUDER: Fine, thank you. Hi,

1  
2 I'm Charles Guder from TRC, environmental  
3 consultant to the School Construction Authority,  
4 and regarding the, I wouldn't use the term toxic  
5 soil, but you could certainly use that. The idea  
6 on 315 Queens, that's the site that has this soil  
7 underneath it, we plan to remove that soil, and we  
8 don't plan to leave any of that soil.

9 COUNCIL MEMBER SANDERS, JR.: No  
10 soil.

11 MR. GUDER: That's the plan right  
12 now.

13 COUNCIL MEMBER SANDERS, JR.: Okay.  
14 What's in the soil?

15 MR. GUDER: Lead.

16 COUNCIL MEMBER SANDERS, JR.: Okay.  
17 And well, you guys certainly have the expertise to  
18 remove lead, lead, of course by growing children  
19 is one of the worst things that we can have. The  
20 more of that soil that we can remove, the better.  
21 You said you're going to, if we don't remove all  
22 of the soil, that you have a two-foot barrier  
23 proposed?

24 MR. GUDER: Right. Right, the only  
25 way exposure can happen is, you know, there has to

1  
2 be a contaminant, and there has to be a pathway.  
3 So we're going to remove, ideally, all of it. If  
4 not, it's going to be covered by the clean fill,  
5 or where the soil is, it is going to be covered  
6 actually by the building, so there will be a  
7 concrete slab above the fill. So there will be no  
8 potential for exposure to occupants.

9 COUNCIL MEMBER SANDERS, JR.: Okay.  
10 We're not going to use any membranes or any of  
11 that?

12 MR. GUDER: No, the school will  
13 definitely have- -

14 COUNCIL MEMBER SANDERS, JR.:  
15 (Interposing) That will serve as- -

16 MR. GUDER: (Interposing) ... a vapor  
17 barrier and sub-slab depressurization system as  
18 well.

19 COUNCIL MEMBER SANDERS, JR.: Okay.  
20 It will be best to remove it, but if not, then  
21 those steps probably are more than adequate to  
22 deal with the issue of lead. Does lead leach?

23 MR. GUDER: Yes.

24 COUNCIL MEMBER SANDERS, JR.: Boy,  
25 we're just having all the fun here. All right, my

1  
2 other point, Mr. Chair, is to say that 700 and  
3 some odd seats at a school, this is where we're  
4 going in the opposite direction of the good school  
5 movement, if you wish, where we've understood that  
6 a smaller school is easier to get to know all of  
7 the students, and all those other good things. I  
8 understand the overcrowding in New York City, but  
9 even as the administration is trying to break the  
10 larger schools into smaller schools, we're trying  
11 to cobble together a system that is best made from  
12 smaller schools, period. I guess there's nothing  
13 that can be done about that either. I want to  
14 thank you very much, and thank you, Mr. Chair.

15 CHAIRPERSON LANDER: Thank you very  
16 much. Council Member Reyna?

17 COUNCIL MEMBER REYNA: Thank you so  
18 much, Mr. Chair. I just wanted to reaffirm the  
19 comments that were accommodating as far as the  
20 business that is being relocated, or attempts to  
21 relocate. You know, affirmatively, can there be a  
22 communication to this Committee to be able to  
23 understand what is in the administration's  
24 foresight to be able to mitigate what would be an  
25 adverse conclusion to this business, and perhaps

1  
2 working with other sister agencies, such as the  
3 Department of Small Business Services and EDC, who  
4 have reignited the industrial policy for this  
5 administration, to be able to help with the  
6 relocation costs as well as moving this business  
7 owner, to move into protected zones such as the  
8 industrial business zones?

9 MR. OU: I'm going to be totally  
10 honest and frank with you, in that- -

11 COUNCIL MEMBER REYNA:  
12 (Interposing) I expect nothing otherwise.

13 MR. OU: Well, about my own  
14 ignorance, so permit me to be a little bit  
15 embarrassed about the actual extent of discussions  
16 between our attorney and the property owner's  
17 attorney, as well as - and again, to be totally  
18 frank - depending on how this property is  
19 acquired, if this is a negotiated acquisition, or  
20 if it actually has to be acquired through eminent  
21 domain, there may be different legal requirements  
22 that attach.

23 COUNCIL MEMBER REYNA: Right, and-

24 -

25 MR. OU: (Interposing) And another

1  
2 court may mandate, should it go through eminent  
3 domain.

4 COUNCIL MEMBER REYNA: And I  
5 understand, you know, those particular details,  
6 you know, can conclude a very different story for  
7 each scenario, but in the meantime, I want to make  
8 sure that, as Chair of the Small Business  
9 Committee, and understanding that I am one of the  
10 representatives, as far as the school district is  
11 concerned, District 24 is the most overcrowded  
12 district in all of New York City. You know, they  
13 have a need for space, and we want to be able to  
14 achieve both being able to provide what would be  
15 scarce land, availability to build schools, but as  
16 well as taking into consideration that we don't  
17 want to push out small businesses, and making sure  
18 that we're doing everything diligently possible to  
19 be able to afford the opportunity for this  
20 business to stay in New York City. And so if you  
21 can just go back and make sure that you engage  
22 what would be the Economic Development  
23 Corporation's Seth Pinsky, as well as the  
24 Department of Small Business Services, to ensure  
25 that these conversations are taking place in fact.

1  
2 MR. OU: I will absolutely have  
3 that discussion with our counsel.

4 COUNCIL MEMBER REYNA: Thank you.

5 CHAIRPERSON LANDER: I'd like to  
6 actually extend on that just a little bit, because  
7 I really, you know, think as we, you know, the  
8 challenge of meeting seat needs in overcrowded  
9 districts in the city without a lot of, you know,  
10 available land, it's going to keep pushing us in  
11 the direction of sites that, you know, have  
12 businesses on them and have, you know,  
13 environmental challenges, and so I guess just two  
14 requests. One, we've talked about this in the  
15 past on the environmental issues, but I wonder if  
16 you could just provide the Committee with some ...  
17 you know, with the sort of general guidance as to  
18 how you approach contaminated sites, that's not  
19 really particularly about this school, you know,  
20 so I think some of us would wonder, you know, is  
21 there a site that's so contaminated we don't touch  
22 it. How do we think about something that can be  
23 cleaned up too, what specs do we clean, since  
24 there is the zoning override? You know, I think  
25 this is probably something that exists already,

1  
2 maybe it's even available to us publicly, and you  
3 can just point us to the link, rather than  
4 preparing something for us. But help us  
5 understand the framework that you use, for when we  
6 think about sites that require some clean up, so  
7 when we come to these, we're not just looking at  
8 an individual site, but rather understanding the  
9 broader policy that you bring to the question of  
10 sites with environmental remediation issues and  
11 the general protocols to them. And then  
12 similarly, on the industrial or small business  
13 issue, I think if we could know that there was a  
14 policy way in which the SCA engaged with EDC or  
15 the Department of Small Business Services, to  
16 support ... and obviously it's different in  
17 different situations, depending on the acquisition  
18 method, but still, if we just knew that, you know,  
19 when there's a business on the site that would  
20 like to stay in the city, here's the standard  
21 procedure for making sure they know what's  
22 available from EDC and SBS. Similarly, we'll be  
23 able in the future, I think, to understand sort of  
24 how to fit this in the broader policy concerns, as  
25 well as what's important on each individual site.



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2 Council Member Ferreras had one more question, and  
3 then I see Council Member Halloran as well.

4

COUNCIL MEMBER FERRERAS: My  
5 additional question was, I know that it was stated  
6 during Community Board #4 about the proximity of  
7 the school so close to a firehouse. Has that been  
8 done in the past? Do we have other schools?  
9 Because what was stated was that there has never  
10 been a school next to a firehouse, and if you  
11 could just clarify that point, because I don't  
12 believe that to be true, but if you could speak to  
13 that.

14

MR. OU: Absolutely. I mean, the  
15 City of New York is a very well-built and well-  
16 developed city. I'm familiar on the upper East  
17 Side with Wagner Middle School, which actually has  
18 a firehouse right next to its yard. I believe  
19 even right downtown, right where the Beekman ... or,  
20 I'm sorry, the Spruce Street School, which Council  
21 Member Chin knows all about, right next to it is  
22 New York Downtown Hospital, there is a firehouse  
23 right across the street. So it's not uncommon,  
24 just given the density of the city, and as a  
25 practical matter, I think the benefit we have in

1  
2 this instance is that the firehouse is there  
3 already, and we're able to design the buildings in  
4 a way to try and minimize ... or to anticipate  
5 concerns.

6 COUNCIL MEMBER FERRERAS: Thank  
7 you, that was something that kept coming up in a  
8 lot of my conversations, so I thank you for  
9 clarifying that point.

10 CHAIRPERSON LANDER: Thank you.  
11 Council Member Halloran?

12 COUNCIL MEMBER HALLORAN III: Mr.  
13 Chair, I'm just ... actually I have a procedural  
14 question. I'm kind of confused how we're able on  
15 the Siting Committee to vote a siting use when we  
16 don't actually know the mode of acquisition. It  
17 would seem to me that we're going to be able to  
18 vote on something, and the actual mode of  
19 acquisition hasn't been set. And I have to be  
20 honest with you, I ... depending on which route it  
21 goes, I might have a different vote. As you all  
22 know, I am not a fan of eminent domain, and while  
23 this is certain at least a public purpose, so it's  
24 a little more than some of the other plans the  
25 city has used eminent domain wrongly for, I don't

1  
2 know that I would necessarily vote the same way,  
3 given a different mode of acquisition. Now, it's  
4 certainly the Council Member Ferreras' district,  
5 so I would look to her for guidance on it, and I  
6 would certainly take her position very strongly,  
7 and she seems in favor of it. We all know we need  
8 schools, but again, this seems to me like the  
9 Council abrogating its authority to actually  
10 review these sorts of issues, and personally, I am  
11 not comfortable voting on a public siting  
12 acquisition without knowing how it's going to be  
13 acquired. And I don't know how my colleagues feel  
14 about that, but I certainly, in the interests of  
15 full disclosure, would want to know before I gave  
16 a vote to anything, exactly how it's going to come  
17 to be.

18 CHAIRPERSON LANDER: So, Council  
19 Member Halloran, I would just say, I think the  
20 framework that we're operating under here is the  
21 framework that the law, that's both state law and  
22 the charter, give us. So I think that you, you  
23 know, raise a point about the Council's authority,  
24 and I don't disagree that we would ... that it makes  
25 a difference. The New York State Public

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2 Authority's law and, you know, constrains the  
3 Council's input into school sitings more so than  
4 on other kinds of actions, so I take your point,  
5 and we can certainly ask them more questions about  
6 the mode of acquisition, but we're not just  
7 abrogating our authority. This is ... we can ask  
8 them, we can say we want to know, and it  
9 influences whether we'll vote in favor of the  
10 siting or not, but the power here is as prescribed  
11 by both state law and the charter. So if you want  
12 to ask them more questions about how they'll  
13 decide or when they'll know, or ask them in the  
14 future they bring us that, that's all in order.  
15 But, just clarifying on our power.

16 COUNCIL MEMBER HALLORAN III:

17 Again, Mr. Chairman, I respectfully disagree that  
18 it should be in front of us until that mode has  
19 been reached and in fact, as you pointed out at  
20 the outset of this hearing, unlike most things  
21 that come in front of us that already have its  
22 statutory designations, this does not. And so  
23 this seems to me we're writing a blank check to a  
24 city agency, and we are not fulfilling our  
25 obligations to the citizens of the City of New

1  
2 York to ensure that when the city uses eminent  
3 domain, that it does so in as circumscribed  
4 position as possible. This may go that route, it  
5 may not, I don't know. I'm sure Council Member  
6 Ferreras is on top of these things, because I know  
7 she's had this issue in her district before with  
8 other eminent ... uses of eminent domain, but I am  
9 certainly not comfortable giving a blank check to  
10 anyone, let alone the City of New York. I'll be  
11 happy to ask some questions about the parameters,  
12 if the Chair wants me to do that. But again, it  
13 seems to me a premature exercise, you know, on our  
14 part, because we won't be able to come back if  
15 they decide to go through the route of eminent  
16 domain, and undo what we've done here, at least to  
17 my knowledge of how it would work, and that  
18 concerns me significantly.

19 CHAIRPERSON LANDER: So I ... you  
20 know, I appreciate that, and I guess I'll just say  
21 two things. One, just to be clear, it's not a  
22 city agency, or they wouldn't have that power,  
23 it's, you know, an authority under state law. And  
24 just to be clear, what will ... I mean, I hear you,  
25 and I hear strongly the request that the SCA in

1  
2 the future bring us the information on siting  
3 acquisition, just procedurally, for example, since  
4 they have filed it with us, if we don't vote and  
5 we do nothing, it is as though approved, and they  
6 can still move forward with the siting and can  
7 still at a future point move forward with their,  
8 you know, with their eminent domain authority. So  
9 not speaking to whether that's appropriate or  
10 inappropriate, but that's the situation we find  
11 ourselves in, in terms of deciding today whether  
12 or not to take up this school and approve it now.  
13 Okay, we have a lot else on the calendar, so if  
14 there aren't other questions from the Committee,  
15 we do have one member of the public signed up to  
16 testify on this siting, so even though I asked you  
17 to come up and do all four, let me open this up to  
18 Andrew Rich of the Wal-Rich Corporation to testify  
19 on this item. Please state your name, and then  
20 you can begin your testimony. Push one more time,  
21 sorry.

22 MR. RICH: Good morning, Council  
23 members, my name is Andrew Rich, I'm from Wal-Rich  
24 Corporation. Our site is the site that's being  
25 considered for PSIS311, and the location is 97-36

1  
2 43<sup>rd</sup> Avenue. (aside) I'm sorry? I don't have it.  
3 I just wanted to speak before the Council this  
4 morning to provide just a little bit of scope as  
5 to our company's position on the acquisition.  
6 Back in 2007, before our financial turmoil that we  
7 now live in, my father, who is the president of  
8 the company, I'm the vice president, it's a third-  
9 generation family business, put the site up for  
10 sale because, as things were, as the markets were  
11 good, and when I say the markets, I mean the  
12 overall economy was good, we were looking to  
13 expand our site. Not necessarily that site, but  
14 to look towards bigger facilities. In that time  
15 we've had dramatic changes to the economy, the  
16 housing and construction market, which is the  
17 market that we sell into, we're a distributor of  
18 plumbing specialty products, is a fraction of what  
19 it was. Shortly after we were contacted by the  
20 School Construction Authority, in response to an  
21 ad that was put in by a broker, we took a look at  
22 our economic situation and we determined that, to  
23 move the business at this time would be  
24 economically unviable. We took the property off  
25 the market and we did advise the School

1  
2 Construction Authority that we were not interested  
3 in selling. However, these hearings have  
4 continued to go on, with the threat of eminent  
5 domain hanging over us, and the correspondence  
6 that we've had with counsel in the form of what's  
7 been called negotiations, but what has really been  
8 waiting for this meeting, has really not allowed  
9 us to plant, and we feel like the mouse in the  
10 cage with the elephant, just waiting for when the  
11 foot is going to fall, and we've always opposed  
12 the plan, and we look forward to having some sort  
13 of resolution here. What that is, you know,  
14 remains to be seen.

15 CHAIRPERSON LANDER: Thank you very  
16 much for coming today to testify.

17 MR. RICH: Thank you.

18 CHAIRPERSON LANDER: And members of  
19 the Committee may well have questions. I see  
20 Council Member Sanders, do you have a question?

21 COUNCIL MEMBER SANDERS, JR.: Yes  
22 sir, just a ... well, I'll do it this way. Has the  
23 EDC or the Department of Small Business Services  
24 been in touch with your corporation, sir?

25 MR. RICH: No sir.



1  
2 COUNCIL MEMBER SANDERS, JR.: Has  
3 any city agency spoken to you about any other  
4 lands, any other possibilities that exist?

5 MR. RICH: No sir.

6 COUNCIL MEMBER SANDERS, JR.: Thank  
7 you very much, sir.

8 CHAIRPERSON LANDER: Council Member  
9 Halloran.

10 COUNCIL MEMBER HALLORAN III: I  
11 would first encourage you strongly to have a  
12 conversation with your Council member, I know she  
13 works very hard in her district, and I know she  
14 would also be looking to help you. But I am very  
15 concerned about the issue I raised, and I didn't  
16 even know you were here to testify. So let me  
17 first start by saying that, while I believe the  
18 public school is certainly a public use, eminent  
19 domain should be the mode of last recourse of a  
20 city, of the state, and regardless of whether or  
21 not applicable state or Federal law applies here,  
22 the City of New York is acquiring it. I don't  
23 care if we call this ... the school superintendent's  
24 office a state agency or authority, the reality is  
25 it's going to be run by a designated chancellor of

1  
2 the Mayor of the City of New York. The Department  
3 of Education will operate almost wholly within the  
4 City of New York its administration, its budget,  
5 its tax dollars sent to Albany, sent back to us.  
6 So the fiction that everyone likes to create that  
7 this is somehow not a city operation is just  
8 something I find unpalatable. In the course of  
9 your sale, putting your business up for sale, did  
10 you in fact receive any offers, or were you  
11 basically not, because of the market, able to  
12 acquire any real offers to purchase the property?

13 MR. RICH: I don't recall, because  
14 at that time we were talking about, about three  
15 years ago, I can't say that I recall.

16 COUNCIL MEMBER HALLORAN III: Okay.  
17 If there are independent appraisals done of your  
18 property, do you have numbers that they have come  
19 in at? For relocation of your business, all of  
20 those things, do you have numbers independently  
21 garnered from either yourself, a real estate agent  
22 that you've spoken with, or other agents or  
23 authorities that give you an idea of what you're  
24 really looking at?

25 MR. RICH: Aside from the initial

1  
2 correspondence that we had with the brokers when  
3 the property was originally put up for sale, I  
4 would say no. At the time that we were notified  
5 by the SCA, we did have exploratory correspondence  
6 with an eminent domain-kind of attorney, but it  
7 was never really detailed what sort of expenses  
8 that would be associated, or what sort of  
9 properties would be available as an alternative to  
10 ours.

11 COUNCIL MEMBER HALLORAN III: Okay.

12 And just on that, on that line, have you been  
13 served with any restraining order, or any form of  
14 governmental lien that would prevent you at this  
15 time from selling on your own, independent of what  
16 this body does or does not do, since there is no  
17 motive of acquisition in place right now?

18 MR. RICH: Not that I'm aware of.

19 COUNCIL MEMBER HALLORAN III: Okay.

20 And is there any possibility a broker could sell  
21 your property and acquire the money reasonable for  
22 you to relocate to somewhere else in this market,  
23 or are you convinced that that just couldn't  
24 happen?

25 MR. RICH: The problem seems to be

1  
2 from other properties that we looked at, you know,  
3 the internet is full of things that are "for  
4 sale". It's a matter of the space, you know. Our  
5 facility is approximately 30,000 square feet, and  
6 the same dilemma that the School Construction  
7 Authority has in finding sites suitable for  
8 schools is the dilemma that we have finding sites  
9 suitable for our business.

10 COUNCIL MEMBER HALLORAN III: And  
11 again, I just strongly encourage you to talk to  
12 your Council member, who is really one of the most  
13 proactive members of this body, and I know she  
14 would fight for you to find something comparable,  
15 or to work something out, and to keep pressure on  
16 the city. Thank you.

17 MR. RICH: Thank you.

18 CHAIRPERSON LANDER: Council Member  
19 Ferreras.

20 COUNCIL MEMBER FERRERAS: Good  
21 afternoon, and thank you for coming out, and I  
22 received your letter on Friday afternoon. So I  
23 would love to have a conversation with you and see  
24 the follow-up, I think we have ... our city has  
25 several programs in place, and we need to be able

1  
2 to speak to the administration. Of course, and I,  
3 you know, I'm very public about this, I would  
4 prefer that there isn't eminent domain use. I  
5 think that we're able to get a fair ... that you're  
6 able to go through this process in a fair way, and  
7 that you get the fair value for your property. Is  
8 there currently a business being run there, and  
9 how many workers do you have?

10 MR. RICH: Yes, we do have ... we are  
11 continuing to operate. We have 28 people onsite,  
12 we have ten and twelve offsite employees, and we  
13 do employ a number of manufacturer's reps  
14 throughout the country as well.

15 COUNCIL MEMBER FERRERAS: Okay.  
16 And this is your main headquarters?

17 MR. RICH: It's our only- -

18 COUNCIL MEMBER FERRERAS:  
19 (Interposing) It's your only headquarters.

20 MR. RICH: Right.

21 COUNCIL MEMBER FERRERAS: Okay,  
22 your only facility. I would, you know, this is  
23 very tough for me as a Council Member, because I  
24 represent a district that is so overly-populated,  
25 and I believe if there's ever the use of eminent

1  
2 domain, which is a very uncomfortable conversation  
3 that many of us have to have, and in particular my  
4 district seems to be the "it" issue.

5 MR. RICH: Right.

6 COUNCIL MEMBER FERRERAS: On so  
7 many levels. But I really want to have an  
8 opportunity to be able to work with you, and help  
9 kind of find the best option for you, while you as  
10 a business owner, but also my constituents with  
11 their children, and being able to house and being  
12 able to get the best education possible within the  
13 realms of Corona. So I think that we still have a  
14 lot more conversations coming, you know, in the  
15 pipeline, and although today we're going to be  
16 voting on these two sites, I don't want you in any  
17 way to feel discouraged or confused, and the fact  
18 that you're stating that they have not been able  
19 to reach out to you, and that you've been  
20 overwhelmed by the process, I think we need to  
21 empower you with everything necessary for you to  
22 be able to make the best decision for you and your  
23 family. And I want to work with you on that one.  
24 And it's unfortunate that we're meeting here  
25 today, at the hearing about this issue, and I

1  
2 think that, you know, that we need to work on,  
3 okay? So I thank you and I again want to urge my  
4 colleagues to understand that we are in a very,  
5 very tough situation over in Corona and District  
6 24, and seats are very important to us. And I'm  
7 committing to be able to bring you the most fair  
8 and just process that you can have, with the most  
9 information that you need. However, we really do  
10 need these schools, and these 1,800 seats will  
11 mean a great deal to the parents. And you would  
12 be able to facilitate that potentially in bringing  
13 a very bright future to many young people in  
14 Corona. Thank you.

15 COUNCIL MEMBER HALLORAN III: Mr.  
16 Chair, Council Member, you are more than welcome  
17 to talk to the people at EDC about the College  
18 Point Corporate Park, which is not very far from  
19 your district, and also has numerous locations  
20 that are available for relocation. So I would  
21 certainly welcome your 38 employees to my district  
22 to generate money, if other people don't want you.

23 CHAIRPERSON LANDER: Council Member  
24 Reyna.

25 MR. RICH: Thank you.

1  
2 COUNCIL MEMBER REYNA: Thank you  
3 very much, Mr. Chair. I just wanted to,  
4 considering Dan skipped the line, I wanted to also  
5 offer Mr. Rich the opportunity to discuss, in  
6 working with Council Member Ferreras, to be able  
7 to find suitable space throughout the industrial  
8 business zones in the City of New York, of which  
9 our protected zones under boundaries that we have  
10 engaged with the administration in preserving what  
11 is industrial space, and it's at a premium right  
12 now, to be able to find affordable industrial  
13 space, but working with the Economic Development  
14 Corporation, as well as the Department of Small  
15 Business Services, I'm sure that you would be able  
16 to preserve your ability to stay in New York City,  
17 operate in New York City, and continue to employ  
18 what are the potential of a good 30 to 40 jobs  
19 here in the City of New York. And so I wanted to  
20 just understand, are you interested in continuing  
21 to operate your business, despite this issue  
22 concerning your site currently?

23 MR. RICH: Absolutely.

24 COUNCIL MEMBER REYNA: And your  
25 accounts, as far as ... despite the economy and the



1  
2 downturn that the economy took, your accounts that  
3 are open with your firm, what is the volume of  
4 work?

5 MR. RICH: Well, in terms of  
6 percentages, I would say that we do 50% of our  
7 business within the New York metro area. We do  
8 about 12% to 15% of our business over the counter  
9 from wholesalers that come to pick up at our  
10 location. So the location that we have in Corona,  
11 which is ideal, allows that to continue.

12 Hypothetically, if we were forced to move to Long  
13 Island, in addition to the fact that it would be  
14 costly, I just don't see how we would be able to  
15 maintain that 12% to 15% of our sales volume.

16 COUNCIL MEMBER REYNA: And  
17 currently, Mr. Rich, do you receive any tax  
18 abatement or tax benefits in any shape concerning  
19 your business, operating your business from the  
20 site you currently occupy?

21 MR. RICH: No.

22 COUNCIL MEMBER REYNA: And so,  
23 again, I stress to you the opportunities of the  
24 industrial business zones providing you those  
25 opportunities, and so it is in your best interests

1  
2 to be able to look at the different packages that  
3 are possible for you, working with Council Member  
4 Ferreras, and we're lending ourselves to Council  
5 Member Ferreras to work with you on these  
6 particular details that would greatly benefit your  
7 company, as well as a third generation of what is  
8 operating in the City of New York. We don't want  
9 to lose you to Long Island or New Jersey or any  
10 other area. Thank you very much.

11 MR. RICH: Thank you.

12 CHAIRPERSON LANDER: Okay, I want  
13 to ... we still have quite a lot on the agenda for  
14 the hearing, so I want to, Mr. Rich, thank you for  
15 taking the time to come.

16 MR. RICH: Thank you.

17 CHAIRPERSON LANDER: And testify,  
18 and we will go ahead and close the hearing, the  
19 public hearing on those two items, and then call  
20 Mr. Ou back to present the other two schools to  
21 us. So, let's see, we have Council Member Chin  
22 here, so we'll move to her school, a school in her  
23 district, which is 20115806 SCM, a proposed 476-  
24 seat primary school, Peck Slip School in Manhattan  
25 CB #1, in Council Member Chin's district.

1  
2 MR. OU: Good afternoon, Chairman  
3 Landers and Council members, again, I'm Kenrick  
4 Ou, Director of Real Estate Services for the New  
5 York City School Construction Authority. The New  
6 York City School Construction Authority has  
7 undertaken the site selection process for the  
8 proposed 476-seat primary school facility to be  
9 located at 1 Peck Slip in lower Manhattan on tax  
10 block 106, lot 9. The proposed school site is  
11 also located in Manhattan Community District #1  
12 and Community School District #2. The proposed  
13 site currently contains a four-story building  
14 owned and occupied by the United States Postal  
15 Service. The building is located on the north  
16 side of Peck Slip between Pearl Street and Water  
17 Street. The site contains approximately 18,000  
18 square feet of lot area. Under the proposed plan,  
19 the SCA would acquire the site from the United  
20 States Postal Service and redevelop the property  
21 to accommodate the proposed new 476-seat primary  
22 school, along with an approximately 2,200 retail  
23 post office. The SCA has a contract of sale with  
24 the United States Post Office to purchase the  
25 property. I do want to note that identifying

1  
2 appropriate school sites in the city, or  
3 throughout the city, has been especially  
4 challenging, but probably nowhere more so than in  
5 Corona and also in lower Manhattan, and that this  
6 particular site was identified through the  
7 advocacy of the Lower Manhattan School  
8 Overcrowding task force, led by Assembly Speaker  
9 Silver. Speaker Silver, Senator Schumer,  
10 Congressman Nadler, and members of the task force,  
11 including Council Member Chin, representatives  
12 from Community Board #1 and other local  
13 representatives and parents, contributed  
14 immeasurably towards identifying the site and our  
15 successful pursuit of this site for public school  
16 use. The notice of filing for the site plan was  
17 published in the New York Post and City Record on  
18 May 23<sup>rd</sup>, 2011. Manhattan Community Board #1 was  
19 notified of the site plan on May 23<sup>rd</sup>, 2011, and  
20 was asked to hold a public hearing on the site  
21 plan. The Community Board held its public hearing  
22 on the site plan on June 18<sup>th</sup>, 2011, and  
23 subsequently submitted written comments in favor  
24 of the proposed school site. The City Planning  
25 Commission was also notified of the site plan on

1  
2 May 23<sup>rd</sup>, 2011, and it also recommended in favor of  
3 the proposed site. The SCA has considered all  
4 comments received on the proposed site plan, and  
5 affirms the site plan pursuant to section 1731 of  
6 the Public Authorities law. In accordance with  
7 section 1732 of the Public Authorities law, the  
8 SCA submitted the proposed site plan to the Mayor  
9 and the City Council on July 21<sup>st</sup>, 2011. We look  
10 forward to your Subcommittee's favorable  
11 consideration of this proposed site, and are  
12 prepared to answer any questions you or the  
13 Committee members may have.

14 CHAIRPERSON LANDER: Thank you very  
15 much. Council Member Chin, do you have questions  
16 or comments?

17 COUNCIL MEMBER CHIN: Thank you,  
18 Chair. Good afternoon. It is really exciting  
19 news and also so fast, I mean, I think this is  
20 unprecedented that this has come about, I guess,  
21 in less than a year, in terms of identifying the  
22 site, and it was mentioned earlier before, it was  
23 really the work of Speaker Silver and the  
24 overcrowding task force that helped identify the  
25 schools and the parents have been going around

1  
2 looking at every building they can find and every  
3 site, and when they heard about the post office  
4 being up for sale, they just like alerted all of  
5 us, and we really wanted to be thankful for all  
6 the elected officials helping, especially on the  
7 Federal level, with Senator Schumer and  
8 Congressman Nadler getting the post office to  
9 really sit down and negotiate with the city, and  
10 we're really happy that it's progressing so  
11 rapidly, and I know that the community has grown  
12 tremendously in population, and already there is  
13 kindergartens on waiting lists in September and we  
14 wanted to make sure that this school will meet the  
15 needs of the growing population. And I know that  
16 the Community Board #1 and the overcrowding task  
17 force has also urged SCA to look at increasing the  
18 size from 476 to 600, and we will do our best to  
19 find the money for the seats, but I think in terms  
20 of looking at the site, it will be great to make  
21 sure that we can maximize the number of seats, so  
22 that we can really meet the growing needs of the  
23 population down here in lower Manhattan. And I  
24 thank the SCA for working with us, and also the  
25 Department of Education for really coming together

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to make this happen. Thank you, Chair.

CHAIRPERSON LANDER: Thank you very much, Council Member Chin. Any other questions from the Committee? All right, thank you very much, and we do not have anyone signed up to testify on this item, so we'll close the public hearing on that school, thank you very much, I appreciate it, and Council Member Chin, we appreciate your being here. And we'll move to the fourth school that's on the calendar for today, 20125005 SCM, the proposed West 43<sup>rd</sup> Street high school in Manhattan Community Board #4.

MR. OU: Again, good afternoon, Chair Lander and Council and Committee members. My name is Kenrick Ou, I am Director of Real Estate Services for the New York City School Construction Authority. The New York City School Construction Authority has undertaken the site selection process for a proposed new approximately 1,440-seat high school facility proposed to be located at 521 West 43<sup>rd</sup> Street in the Clinton section of Manhattan, on tax block 1072, lot 15. This proposed school site is also located in Manhattan Community District #4 and Community

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2 School District #2. The proposed site is  
3 currently used as the New York Public Library's  
4 annex and storage facility. This six-story  
5 building's main entrance is currently located on  
6 West 43<sup>rd</sup> Street, between 10<sup>th</sup> and 11<sup>th</sup> Avenues, and  
7 has approximately 30,100 square feet of lot area.  
8 The existing six-story building contains  
9 approximately 200,000 gross square feet. The  
10 proposed plan calls for the renovation of the  
11 existing six-story structure in order to provide  
12 approximately 1,440 seats that will serve as a  
13 replacement facility for Beacon High School, to  
14 relieve that school's overcrowding. Beacon High  
15 School is an existing high school organization  
16 that is currently located in a leased facility  
17 located at 227-243 West 61<sup>st</sup> Street, and that  
18 facility operated at 141% of its target capacity  
19 during the 2009-2010 school year. The SCA has a  
20 contract with the New York Public Library to  
21 purchase this property. The notice of filing of  
22 the site plan was published in the New York Post  
23 and the City Record on February 7<sup>th</sup>, 2011.  
24 Manhattan Community Board #4 was notified of the  
25 site plan on February 7<sup>th</sup>, 2011 and was asked to



1  
2 hold a public hearing on the proposed site plan.  
3 The Community Board held its public hearing on the  
4 site plan and subsequently submitted written  
5 comments in support of the proposed school site.  
6 The City Planning Commission was also notified of  
7 the site plan on February 7<sup>th</sup>, 2011, and it also  
8 recommended in favor of the proposed site. The  
9 SCA has considered all comments received on the  
10 proposed site plan, and affirms the site plan  
11 pursuant to section 1731 of the Public Authorities  
12 law. In accordance with section 1732 of the  
13 Public Authorities law, the SCA submitted this  
14 proposed site plan to the Mayor and the City  
15 Council for consideration on July 21<sup>st</sup>, 2011. We  
16 look forward to your Subcommittee's favorable  
17 consideration of this proposed site plan, and are  
18 prepared to answer any questions that you or the  
19 Committee members may have, thank you.

20 CHAIRPERSON LANDER: Thank you very  
21 much. Just to clarify for members, this proposed  
22 siting is in the Speaker's district, and she has  
23 let us know that she is in favor of the school  
24 siting. Any questions from members of the  
25 Committee? I do have one person signed up to

1  
2 testify, seeing no questions we'll ask Corey  
3 Johnson from Manhattan Community Board #4 to come  
4 up and testify. Oh great, you're testifying. Mr.  
5 Ou, thank you for your testimony, unless we have  
6 questions.

7 MR. JOHNSON: Good morning, Mr.  
8 Chairman, and members of the Committee, my name is  
9 Corey Johnson, I am the Chair of Manhattan  
10 Community Board #4, and I'm here to comment on the  
11 relocation of Beacon High School, which is  
12 currently situated in an existing leased building  
13 at 227-243 West 61<sup>st</sup> Street, in Community District  
14 #4. Our community is pleased to welcome a well-  
15 respected public high school to our neighborhood,  
16 but we have a few concerns that should be taken  
17 into consideration. Establish a community task  
18 force: West 43<sup>rd</sup> Street is a dense residential  
19 street, with a number of high-rise residences  
20 located west of 9<sup>th</sup> Avenue, including Manhattan  
21 Plaza, with more than 1,600 units, and Riverbank  
22 West, with 418 units. One block north of the  
23 proposed site is West 44<sup>th</sup> Street, between 10<sup>th</sup> and  
24 11<sup>th</sup> Avenues, construction is to commence in the  
25 next year at PS51. This project includes

1  
2 constructing a new elementary school, and building  
3 1,210 residential units. The community adjacent  
4 to the proposed Beacon High School site will be  
5 heavily impacted with ongoing construction in the  
6 next few years, as well as a continued population  
7 increase. The successful development and  
8 relocation of Beacon High School will require  
9 close coordination with the SCA, the Department of  
10 Education, local elected officials, Manhattan  
11 Community Board #4 members, the West 43<sup>rd</sup> and 44<sup>th</sup>  
12 Street Block Associations, the Manhattan Plaza  
13 Tenants' Association, Beacon High School and PS51  
14 administrators, that's a lot of different folks  
15 that need to be consulted and considered. CB4  
16 proposes that an advisory board comprised of all  
17 the stakeholders be established to resolve the  
18 neighborhood issues that either may arise from  
19 construction of the new facility or increase  
20 students in the area. In particular, the  
21 principals of both PS51 and Beacon High School  
22 will need to maintain an open dialogue with each  
23 other and the community to insure that the safety  
24 and personal welfare of the broad range of  
25 students is met without negatively impacting the

1  
2 quality of life of the neighborhood. The proposed  
3 site is almost half a mile from the nearest subway  
4 line, the ACE lines at West 42<sup>nd</sup> Street in Times  
5 Square and 8<sup>th</sup> Avenue, given an estimated 1,400  
6 additional students to the area every day,  
7 Community Board #4 urges the MTA to reconsider  
8 implementing the proposed 7 Line extension stop at  
9 10<sup>th</sup> Avenue and West 41<sup>st</sup> Street. While Community  
10 Board #4 supports Beacon High School's outstanding  
11 academic programs and nurturing college  
12 preparatory environment, and understands its need  
13 for larger space, we are disheartened that the  
14 Department of Education did not consider placing  
15 an intermediate school at the proposed location.  
16 Currently, Clinton-Hell's Kitchen does not have a  
17 standalone intermediate school. PS111 is the only  
18 school in the community to offer grades six  
19 through eight. By 2019, Clinton and Hell's  
20 Kitchen neighborhood could add an additional 26  
21 high-rise residential buildings, with more than  
22 11,250 units. Using a conservative estimate, this  
23 could mean more than 1,200 additional elementary  
24 school children in the neighborhood in the next  
25 ten years. These elementary school children will

1  
2 not attend a middle school in their community,  
3 because there is no middle school to accommodate  
4 them, as there has not been to accommodate the  
5 thousands of children before them. CB4 would like  
6 the Department of Education to strongly consider  
7 constructing a standalone middle school  
8 intermediate school in the Clinton-Hell's Kitchen  
9 neighborhood, so that children who live in our  
10 community can also attend school in our community.  
11 Lastly, the School Construction Authority has  
12 indicated the exterior of the building will remain  
13 largely unchanged from the current design. Even  
14 so, Community Board #4 would like to be kept  
15 informed of all decisions as they are made, and  
16 encourages the SCA and DOE to attend our quality  
17 of life meetings when updates are available. In  
18 addition, Community Board #4 would like the SCA to  
19 explore the possibility of providing green space  
20 on the roof of the existing site, open space in  
21 Community Board #4 is extremely limited. Indoor  
22 school facilities such as the proposed gymnasium  
23 must be available to local community and arts  
24 organizations for use during out-of-session hours.  
25 Community Board #4 is home to a large number of

1  
2 non-profit theaters and arts and cultural  
3 organizations that have been impacted by  
4 escalating rents and severe space needs. The  
5 community must best use its available public  
6 resources to support cultural activities. With  
7 that I thank you, and I would just like to  
8 reiterate, Manhattan Community Board #4 and this  
9 neighborhood does not have a middle school, and I  
10 know other Council districts and community boards  
11 face a similar issue, but with 26 residential  
12 towers that are set to be constructed in the next  
13 five years, it's likely that the vast majority of  
14 elementary school children in our neighborhood are  
15 going to have to leave the community to go  
16 somewhere for middle school, and it's our hope  
17 that the Council will weigh in with the DOE and  
18 the SCA so that we're able to actually have an  
19 intermediate school in our neighborhood. With  
20 that, I thank you for allowing me to testify  
21 today.

22 CHAIRPERSON LANDER: Thank you very  
23 much for your testimony. Are there any questions  
24 from Council members? No? Thank you very much.

25 MR. JOHNSON: Thank you.

1  
2 CHAIRPERSON LANDER: Mr. Ou, I'm  
3 not going to ask you to come back and go point-by-  
4 point through the testimony at this time, there's  
5 obviously a lot of detailed issues, but we do take  
6 our role seriously, obviously, as, you know, a  
7 conveyor of community concerns to the city and to  
8 public bodies like the School Construction  
9 Authority, so I just want to, you know, you're  
10 nodding, you're here, you listened to what was  
11 said, you see that Council members are, you know,  
12 asking that the concerns of the community and the  
13 need for a middle school be taken into  
14 consideration, that the SCA be in touch with the  
15 community and with local elected officials to try  
16 to move through many of these things, and it  
17 sounds like a middle school is the biggest one, so  
18 thank you for your testimony and we look forward  
19 to following up on these items in the near future.  
20 Okay, seeing no one else is signed up to testify  
21 on the schools, that will close the testimony on  
22 the four public schools. And so thanks to the  
23 School Construction Authority for being here,  
24 we'll move forward now to the landmark items.  
25 We'll ask Jenny Fernandez from the Landmarks

1  
2 Preservation Commission to come forward to testify  
3 and present those to us. Is Jenny here? She is,  
4 great. Let's see, Council Member Reyna has been  
5 here and very patient, and so we'll start with the  
6 landmarks item in her district, which is Land Use  
7 #431, St. Paul's Evangelical Lutheran Church.  
8 When you're ready.

9 MS. FERNANDEZ: Okay. Thank you,  
10 Chair Lander and members of the Landmarks  
11 Subcommittee, and Council Member Reyna, of course.  
12 My name is Jenny Fernandez, Director of  
13 Intergovernmental and Community Relations for the  
14 Landmarks Preservation Commission. I'm here today  
15 to testify on the Commission's designation of the  
16 St. Paul's Evangelical Lutheran Church, Sunday  
17 School and Parsonage in Brooklyn. On June 22<sup>nd</sup>,  
18 2010, the Landmarks Preservation Commission held a  
19 public hearing on the proposed designation as a  
20 landmark of the St. Paul's Evangelical Lutheran  
21 Church, Sunday School and Parsonage. There were  
22 five speakers in favor of designation, including  
23 representatives of Council Member Reyna and  
24 Assemblyman Vito Lopez, the vice president of St.  
25 Paul's Church, representatives of the Historic



1  
2 Districts Council and the Williamsburg Waterfront  
3 Preservation Alliance, as well as the pastor for  
4 the Presbyterian Resurrection Church and several  
5 individuals. There were no speakers opposed to  
6 designation. On April 12<sup>th</sup>, 2011, the Commission  
7 voted to designate the complex a New York City  
8 Individual Landmark. St. Paul's Evangelical  
9 Lutheran Church, Sunday School and Parsonage,  
10 designed by architect J.C. Cady in 1884 through  
11 '85, is an exceptional example of the Romanesque  
12 Revival style of architecture. With its German  
13 origins, the style was especially appropriate for  
14 this German Lutheran congregation, one of the  
15 earliest Brooklyn churches founded by this large  
16 immigrant group. In 1852 St. Paul's Evangelical  
17 Lutheran Church was the second German Lutheran  
18 congregation in Williamsburg, Brooklyn. The  
19 church prospered along with its congregants,  
20 maintaining religious services in the German  
21 language, and offering an extensive educational  
22 program. For St. Paul's, Cady designed a  
23 substantial church building of brick and terra  
24 cotta, highlighted by a prominent corner bell  
25 tower. Its many stained-glass windows, round

1  
2 arched openings and a variety of towers and brick  
3 molding enliven its simple red brick façade. The  
4 church complex, including the parsonage to the  
5 west and the school attached to the east, forms a  
6 cohesive group that anchors this residential  
7 section of Williamsburg. Originally a dynamic  
8 part of the important and influential German  
9 community, the church continues to serve a Spanish  
10 Lutheran congregation. The Commission urges you  
11 to affirm this designation.

12 CHAIRPERSON LANDER: First let me  
13 note that we've been joined by Council Member  
14 Levin, welcome. Council Member Reyna, the floor  
15 is yours.

16 COUNCIL MEMBER REYNA: Thank you so  
17 much, Mr. Chair, I would like to thank you and  
18 Chairman Robert Tierney and Jenny Fernandez and  
19 the team at the Landmarks Preservation Commission  
20 who has been every step of the way nothing but  
21 supportive in landmarking the St. Paul's  
22 Evangelical Lutheran Church. Members of my  
23 community are here, and will be testifying in  
24 favor of, but we have a vibrant congregation at  
25 St. Paul's who is eager to just preserve what is

1  
2 the St. Paul's Evangelical Lutheran Church, which  
3 has survived many issues concerning siting of what  
4 is the BQE, what is the Williamsburg Bridge, and  
5 through it all, in the midst of having lost so  
6 many churches, this is one that has remained and  
7 has proven the test of time. Williamsburg, like  
8 many neighborhoods, is born out of, and are  
9 ultimately defined by, a rich historical legacy  
10 involving many different people, cultures and time  
11 periods. The St. Paul's Evangelical Lutheran  
12 Church, on the corner of South Fifth Street and  
13 Rodney, embodies this notion, serving both as a  
14 physical artifact of what was and is a piece of  
15 cultural heritage that influences the Williamsburg  
16 of today. Founded in 1853, St. Paul's is one of  
17 the oldest German Lutheran churches in North  
18 Brooklyn. St. Paul's reflects the considerable  
19 influence and demographic prominence of German  
20 immigrants in North Brooklyn during the 19<sup>th</sup>  
21 century. St. Paul's consists of a complex of  
22 three separate buildings, a church, a Sunday  
23 school and a parsonage. This complex culminates  
24 into a 135-foot bell tower on the corner of South  
25 Fifth and Rodney. In the past few years,

1  
2 Williamsburg has seen wholesale changes to its  
3 architectural context, making it essential that we  
4 recognize significant structures such as St.  
5 Paul's, and that we protect them for future  
6 generations. I'm happy to, and proud to support  
7 this application in landmarking St. Paul's  
8 Evangelical Lutheran Church and it has been what  
9 is considered to most a town hall space, a  
10 community space, that's open to everyone, and  
11 having worked with its board of trustees in making  
12 sure that today was in fact possible, I want to  
13 thank them and their hard-earned effort in making  
14 sure that this took place. So thank you to Jenny  
15 and Bob Tierney who has been nothing less than  
16 supportive of this application. This was probably  
17 the fastest application I have ever seen in my  
18 district, thank you so much.

19 CHAIRPERSON LANDER: Thank you,  
20 Council Member, it's nice to get an enthusiastic  
21 endorsement like that, and obviously it's  
22 beautiful from the pictures.

23 COUNCIL MEMBER REYNA: I'm sorry, I  
24 just want to make sure that I thank Andrea  
25 Goldwyn, because I wanted to make sure that I

1  
2 appreciated all of her effort, constant  
3 communication with my office. Thank you, Andrea.

4 CHAIRPERSON LANDER: We'll take  
5 that as a good introduction, because we now have a  
6 couple of people signed up to testify in support  
7 of this designation, Andrea Goldwyn from Landmarks  
8 Conservancy as well, we'll do it as a panel, as  
9 well as Gina Barros and James Walker. So you can  
10 all go on up to the ... yes, take a seat and I'll be  
11 ... we have still a couple of more to do, so I think  
12 we're going to go to the clock here, we'll give  
13 everybody three minutes. Great, okay. Go ahead  
14 when you're ready.

15 MS. GOLDWYN: Good day, Chair  
16 Lander and members of the Council, I'm Andrea  
17 Goldwyn, speaking on behalf of the New York  
18 Landmarks Conservancy. The Conservancy is pleased  
19 to support designation of St. Paul's Evangelical  
20 Lutheran Church as an individual landmark. The  
21 St. Paul's complex, composed of the church, Sunday  
22 school and parsonage, is located on a prominent  
23 corner lot in Williamsburg and anchors its  
24 community with a distinguished architectural  
25 heritage and active social programming. All three

1  
2 buildings in the complex were constructed in 1884  
3 in the Romanesque Revival style, with Holland and  
4 Philadelphia brick, to the design of J.C. Caty and  
5 Company, architect of many landmarked buildings.  
6 Significant features include the 135-foot corner  
7 bell tower, a massive Romanesque arch at the  
8 ground floor, original geometric leaded-glass  
9 windows with Tiffany-style jewels, and the figural  
10 window by German-trained George Durham from the  
11 1920's. Today, the church houses three  
12 congregations totaling about 150 members, who  
13 worship weekly at several services. There are  
14 English and Spanish Lutheran and Presbyterian  
15 congregations. The Sunday school wing is used  
16 extensively by the surrounding community for  
17 showers, wedding receptions and christenings, the  
18 parsonage is used as a group home for children and  
19 families, and the Rodney Street LGBTQ. The  
20 congregation at St. Paul's recognizes the valuable  
21 role of its historical buildings, and the  
22 Conservancy has been actively involved with the  
23 church for several years. We funded a conditions  
24 assessment in 2009, which determined that repairs  
25 to the tower and roof were the highest priority.

1  
2 Now, landmark designation will qualify the church  
3 for a challenge grant of up to \$50,000 for  
4 additional work at the tower and roof, as well as  
5 a third grant towards the cost of an experienced  
6 construction manager to guide these repairs. We  
7 urge you to designate St. Paul's Evangelical  
8 Lutheran Church as a landmark. Like so many other  
9 historic religious buildings in New York, it's a  
10 living symbol of our culture, our community, and  
11 our history, and designation insures that this  
12 legacy will continue. Thank you for the  
13 opportunity to express the Conservancy's views.

14 CHAIRPERSON LANDER: Thank you very  
15 much. Ms. Barros, go ahead.

16 MS. BARROS: Is this on? Okay. My  
17 name is Gina Barros, good morning, Mr. Chairperson  
18 and members of the City Council. I am a member of  
19 Community Board #1 of the ULURP Committee, and  
20 also a member of the board of the Homeowners  
21 Association of Williamsburg. But most important,  
22 I live on the same block of the church, and this  
23 church is very dear to my heart. And it's dear to  
24 the heart of those people in the 1800's who came  
25 here and built this church, and I believe it's

1  
2 dear to the hearts of the people today who are  
3 celebrating this landmark designation. St. Paul's  
4 Lutheran Church is an architectural gem, and  
5 Commission Chairperson Robert Tierney said,  
6 constructed over 125 years ago by an institution  
7 that played a central role in the lives of people  
8 who lived nearby, the church complex continues to  
9 serve as a visual and spiritual anchor for the  
10 community today. St. Paul's Church is a  
11 functioning integral part of southside  
12 Williamsburg community. People in the community  
13 refer to the church as either St. Paul's or San  
14 Pablo's. This is where people go to church on  
15 Sunday morning, on Sunday evenings, and also very  
16 important, there is a community room, and this is  
17 where people go to community forums, and we're  
18 very fortunate that we have had many community  
19 forums both by the City Council and Assembly  
20 office, one the south side task force, where we  
21 have had forums on fire safety, police safety,  
22 immigration rights. So this church is very dear  
23 to the hearts of many people. I want to commend  
24 the Landmarks Commission for the designation of  
25 St. Paul's Church as a landmark building. It will



1  
2 not only protect the esthetics of this building,  
3 but its evolving relationship with this  
4 diversified community in Williamsburg, Brooklyn.  
5 Thank you.

6 CHAIRPERSON LANDER: Mr. Walker.

7 Thanks very much for coming out and testifying.

8 MR. WALKER: Good afternoon, Mr.  
9 Chairman, and Council members, I'm James Walker,  
10 Vice President of St. Paul's, and we're so pleased  
11 and we've worked to make this happen and I want to  
12 thank Diana Reyna for her support, and the  
13 Conservancy, as well as just about everybody  
14 that's made this happen. So again, we're so  
15 pleased and have worked so hard to make this  
16 happen. That being said, there is a predator out  
17 there that would threaten other New York City  
18 historic buildings ... churches, that is the senate  
19 which we are a part of is now in litigation with  
20 Bethlehem Lutheran on the corner of Third and  
21 Pacific. That suit involves the congregation  
22 trying to stop the sale of their building to a  
23 developer who will demolish it, I'm sure. This is  
24 a conflict that's gone on for some time. The  
25 senate locked the congregation out, and again,

1  
2 they're in a court action that, just to alert this  
3 Council, that maybe the City of New York needs to  
4 do something. I'm not sure what or how it can be  
5 done, but I wanted to alert as many people as  
6 possible. And that we're so pleased that we've  
7 gotten this protection for St. Paul's, but there  
8 are other historic buildings to be saved too.  
9 This is a terrific city, with a wonderful  
10 historical architectural history. Thank you.

11 CHAIRPERSON LANDER: Thank you very  
12 much for coming and taking the time to testify.  
13 It's wonderful when a religious institution and  
14 the Conservancy and the Council member and the  
15 Commission really can work together on that. We  
16 really honor ... it's not, we know it's not a simple  
17 thing for stewards of a building to embrace its  
18 preservation, when that comes with the challenges  
19 financially of doing so. So it's great to see you  
20 working with the Conservancy, and we really  
21 appreciate the work and the spirit that goes into  
22 it, so thank you very much.

23 MR. WALKER: Thank you.

24 CHAIRPERSON LANDER: So those ...  
25 that's everyone that signed up to testify on that

1  
2 item, so we'll close the public hearing on it.  
3 We'll go just slightly out of order on our last  
4 two items. Council Member Lappin is here, so we  
5 will jump to Land Use #433, the Free Public Baths  
6 on East 54<sup>th</sup> Street, item 20115757 HKM, and ask Ms.  
7 Fernandez to come back and present it to us.

8 MS. FERNANDEZ: Thank you, Chair  
9 Lander, once again, Council Member Lappin and  
10 members of the Subcommittee, my name is Jenny  
11 Fernandez, Director of Intergovernmental and  
12 Community ... I guess I'm timed out.

13 CHAIRPERSON LANDER: Right. We're  
14 good to go on this one.

15 MS. FERNANDEZ: My name is Jenny  
16 Fernandez, Director of Intergovernmental and  
17 Community Relations for the Landmarks Preservation  
18 Commission, I'm here today to testify on the  
19 Commission's designation of the Free Public Baths  
20 of the City of New York, East 54<sup>th</sup> Street Bath and  
21 Gymnasium in Manhattan. On January 11<sup>th</sup>, 2011, the  
22 Landmarks Preservation Commission held a public  
23 hearing on the proposed designation as a landmark  
24 of the Free Public Baths of the City of New York,  
25 East 54<sup>th</sup> Street Bath and Gymnasium. There were

1  
2 three speakers in favor of designation, including  
3 a representative from the Department of Parks and  
4 Recreation, the Metropolitan Chapter of the  
5 Victorian Society in America, and the Historic  
6 Districts Council. The Commission received a  
7 letter in support of designation from City Council  
8 Member Jessica Lappin, as well as a resolution of  
9 support from Manhattan Community Board #6. No  
10 speakers testified against designation. On May  
11 10<sup>th</sup>, 2011, the Commission voted to designate the  
12 building a New York City individual landmark.  
13 East 54<sup>th</sup> Street Bath is culturally significant for  
14 its part in the history of the Progressive Reform  
15 movement in America. In 1895 state law mandated  
16 public baths in large cities, and the first  
17 municipally-funded bath in New York City opened in  
18 1901 at 326 Rivington Street. The East 54<sup>th</sup> Street  
19 Bath opened for public use in 1911, with 79  
20 showers for men and 59 for women, providing  
21 sanitary facilities for area residents, as well as  
22 a gymnasium, running track and swimming pool, and  
23 roof playground for recreational use. The public  
24 bath movement began to wane around 1915, as more  
25 landlords included bathing facilities in buildings

1  
2 and apartments, and this building probably ceased  
3 operation as a bathhouse in 1938. The East 54<sup>th</sup>  
4 Street Bathhouse was designed by Werner &  
5 Windolph, and received endorsements from leading  
6 experts of the day and the Board of Health. This  
7 imposing Classical Revival style structure is  
8 faced with brick and stone and trimmed with Arts  
9 and Craft-style details. The exterior, which  
10 remains remarkably intact, creates a powerful  
11 architectural presence in the neighborhood, and is  
12 still owned by the city and used as a community  
13 facility. Thirteen bathhouses were built in New  
14 York City, making this structure a rare example of  
15 an important aspect of the Progressive Reform  
16 movement. The Commission urges you to affirm this  
17 designation.

18 CHAIRPERSON LANDER: Thank you very  
19 much, Ms. Fernandez. Council Member Lappin?

20 COUNCIL MEMBER LAPPIN: Thank you,  
21 Mr. Chair. And I just wanted to agree, the  
22 exterior is remarkably intact. I used to live  
23 directly across the street from the East 54<sup>th</sup>  
24 Street Rec Center, and really always enjoyed  
25 walking by on my way in and out. It is a treasure

1  
2 in the community, both because of its significance  
3 historically, and what a beautiful building it is,  
4 but also it's very well used and loved by people  
5 who live in the neighborhood. It's one of the few  
6 large indoor swimming pools that Parks Department  
7 maintains, particularly in Manhattan. And you did  
8 mention the roof playground, it's been a dream of  
9 mine and a goal for a long time to have the roof  
10 of that building be put to better use. I've had  
11 capital funding in the budget that has been  
12 allocated to the Parks Department for that purpose  
13 and I'm excited about that project. But it is, I  
14 think, lovely for you to recognize, we have Mr.  
15 Sepersky from Community Board #6 and a resident,  
16 who is going to testify in a moment, who was very  
17 instrumental in making this happen. But it is  
18 nice that, as you have been over the last few  
19 years, been looking at pools and parks facilities  
20 for designation, that you included this as well,  
21 and I am fully supportive.

22 CHAIRPERSON LANDER: Thank you very  
23 much. Any other questions from other members of  
24 the Committee? Ms. Fernandez?

25 MS. FERNANDEZ: I just want to

1  
2 thank Council Member Lappin for her unwavering  
3 support on this, and certainly to the Department  
4 of Parks and Recreation for their careful  
5 stewardship of this building. It is quite an old  
6 structure, it's still in active use and in great  
7 condition, so thank you.

8 CHAIRPERSON LANDER: That's great,  
9 thank you very much. So we have a couple of  
10 people signed up to testify, and then public  
11 comment we'll submit for the record as well. So  
12 let me first invite Mr. Krawchuk from the New York  
13 City Parks Department, the Department of Parks and  
14 Recreation, to come up and testify, and then after  
15 that we'll have Mr. Sepersky. Just go ahead and  
16 state your name for the record and begin when  
17 you're ready.

18 MR. KRAWCHUK: Good afternoon,  
19 Chair Lander, members of the Council Subcommittee  
20 and members of the Council. My name is John  
21 Krawchuk, and I'm the Director of Historic  
22 Preservation with the New York City Parks  
23 Department, and I'm happy to be here today on  
24 behalf of the Parks Department to support the  
25 proposed designation of the East 54<sup>th</sup> Street Bath,

1  
2 also known at the Parks Department as the East 54<sup>th</sup>  
3 Street Recreation Center. The Parks Department  
4 manages a fascinating collection of historic bath  
5 and pool facilities, and we're pleased that you  
6 are considering the designation of this building  
7 as an individual landmark. If designated, it  
8 would join a significant collection of landmark  
9 bathhouses at parks that honors the contributions  
10 to great building design and the transformation ...  
11 the transformative effects of health and  
12 recreation on New York City's population. The  
13 completion of the East 54<sup>th</sup> Street Rec Center in  
14 1911 was a direct result of the Social Reform  
15 movement, created by state legislation in 1895.  
16 The law required construction of free public baths  
17 for residents of the city, and in the case of the  
18 East 54<sup>th</sup> Street Rec Center, also a gymnasium.  
19 This facility was later altered to include the  
20 addition of a pool in 1915, and renovated again by  
21 the architect, Aymar Embury II, who is a legendary  
22 Parks Department architect, in 1938, when it  
23 became an official recreation center. The  
24 precursor of the modern swimming pool was the  
25 public bath, and East 54<sup>th</sup> Street is an



1  
2 architectural textbook of 20<sup>th</sup> social reform  
3 initiatives that ultimately transformed this  
4 building into its modern-day recreation use.  
5 Today the center's spectacular Colonial Revival  
6 façade is a portal to its central recreation and  
7 education programs that serve a diverse population  
8 of New Yorkers. We encourage you to visit and  
9 explore the numerous programs and classes offered  
10 to the public, many free of charge. East 54<sup>th</sup>  
11 Street is one of twelve indoor pools in the Parks  
12 system, and joins two other esteemed early 20<sup>th</sup>  
13 century individual landmark bathhouses in  
14 Manhattan, 1906 Roman Revival bathhouse at Asser  
15 Levy Recreation Center and the Beaux Arts building  
16 that is located at the Hamilton Fish Recreation  
17 Center, which was constructed circa 1900 and  
18 designated in 1982. We support the proposed  
19 designation of the East 54<sup>th</sup> Street Recreation  
20 Center and we encourage the Council to vote in  
21 favor of the designation. Thank you.

22 CHAIRPERSON LANDER: Thank you very  
23 much. Council Member Lappin?

24 COUNCIL MEMBER LAPPIN: Thank you.  
25 I am told that this pool was a particular favorite

1  
2 of previous Commissioner Henry Stern, and that he  
3 was often seen coming there early in the morning.  
4 The only thing I wanted to say, worthy of what I  
5 anticipate will be a great landmark, I wanted to  
6 thank you for your help, but also just ask you to  
7 bring back to folks at Parks, we've been working  
8 on the planters outside the building, where  
9 they're a little bit large, and sometimes we've  
10 had some issues with rodents around those  
11 planters, and I believe that you have agreed to  
12 put in new ones that are smaller. They may have  
13 even been installed just in the last few days, but  
14 I wanted to both thank you for your cooperation on  
15 that, and look forward to continuing to work to  
16 make the outside even more lovely.

17 MR. KRAWCHUK: Absolutely, Council  
18 Member Lappin, I'd be happy to convey your  
19 comments to the Parks Department. In addition,  
20 I've made note of the playground that you've  
21 mentioned.

22 COUNCIL MEMBER LAPPIN: On the  
23 roof.

24 MR. KRAWCHUK: On the roof. I'm  
25 curious to go back and check up on the status of

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that.

COUNCIL MEMBER LAPPIN: Yeah, it's going to be a cool project.

MR. KRAWCHUK: Thank you.

CHAIRPERSON LANDER: I'm looking very forward to seeing the landmark rooftop playground, it's going to be very exciting for all of us to come and take a look at it. I'm sure I'll be very jealous. Mr. Krawchuk, thank you very much. We have one more person signed up to testify on this item, and that is Lou Sepersky from East 52<sup>nd</sup> Street and the historian of the 6<sup>th</sup> Community District of Manhattan. You can go ahead and begin when you're ready, just state your name for the record.

MR. SEPERSKY: My name is Lou Sepersky, I'm the community historian for the 6<sup>th</sup> Community District of Manhattan, by appointment of the borough president. I also am a member of the Turtle Bay and Sutton Area Community Associations and I also serve as a member of Manhattan Community Board #6, but I am not speaking for those organizations, I am speaking as the district historian. Mr. Chairman, distinguished members of

1  
2 the City Council Committee, I appear in support of  
3 the landmarking of the Parks and Recreation  
4 Center, the 54<sup>th</sup> Street Rec Center and indoor pool.  
5 Its provenance has been discussed already, and I  
6 don't think I need to repeat that. The American  
7 Institute of Architects' Guide to the City of New  
8 York describes the north façade of the building as  
9 a major façade heralded by colossal classic  
10 columns. It's been described as an entryway by  
11 the Sutton area community which did the research,  
12 as having tiles by the world-renowned tilemaker  
13 Rafael Guastavino. As was alluded to, the  
14 property was opened in 1911, with showers for men  
15 and women and the introduction of showers for  
16 women at that time, I'm uninformed, but it was a  
17 very novel step and a forward movement. The pool  
18 was introduced in 1915. The Sutton area community  
19 and the Turtle Bay Association by resolution have  
20 both endorsed this project, as has Community Board  
21 #6, and I urge the Council to support the  
22 landmarking of this building. And just as a side  
23 note, I was active in the effort to get the roof  
24 converted into an active space when that idea was  
25 first broached, a terribly long time ago, and I

1  
2 support Council Member Lappin, and thank her  
3 effort to get the roof project finished, and I  
4 thank her for supporting this ... landmarking this  
5 project.

6 CHAIRPERSON LANDER: Thank you very  
7 much for your testimony, it's good to know we're  
8 celebrating the 100<sup>th</sup> anniversary of the public  
9 women's showers, and I appreciate the community's  
10 work, both to celebrate its history and also to  
11 think to the future, as the rooftop shows.

12 MR. SEPERSKY: If there are any  
13 questions- -

14 COUNCIL MEMBER LAPPIN:  
15 (Interposing) And I think, I remember it was a  
16 very long time ago, it was back when I still lived  
17 across the street and I was at a Community Board  
18 #6 meeting and we were discussing it, but we're  
19 going to get it done. But I really just wanted to  
20 thank you, Lou, for being so engaged and involved  
21 in all the organizations you mentioned, by taking  
22 such a personal interest in this particular  
23 project, and making sure that it was landmarked.

24 MR. SEPERSKY: Thank you, Council  
25 Member Lappin, I appreciate it. Are there any

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questions?

CHAIRPERSON LANDER: Any questions from the Committee?

MR. SEPERSKY: I thank the Council for its time and attention.

CHAIRPERSON LANDER: Thank you very much. That closes the public hearing on this item, and we have one last remaining item, and no one's signed up to testify on that one, so that ... except that I've lost my notes to remember which number it is, it's, here we go, Land Use #432, 20115756 HKK, Brooklyn Union Gas Company Building at 176 Remsen Street in Brooklyn Community Board #2.

MS. FERNANDEZ: Thank you, Chair Lander, members of the Landmarks Subcommittee. My name is Jenny Fernandez, Director of Intergovernmental and Community Relations for the Landmarks Preservation Commission, I'm here today to testify on the Commission's designation of the Brooklyn Union Gas Company Building in Brooklyn. On August 10<sup>th</sup>, 2010, the Landmarks Preservation Commission held a public hearing on the proposed designation of the Brooklyn Union Gas Company

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2 Building. Three people spoke in favor of  
3 designation, including a representative of the  
4 property owner, as well as representatives of the  
5 Brooklyn Heights Association and the Historic  
6 Districts Council. The support of Brooklyn  
7 Community Board #2 was also read into the record  
8 during the public hearing. On May 10<sup>th</sup>, 2011, the  
9 Commission voted to designate the building a New  
10 York City individual landmark. Designed by noted  
11 architect Frank Freeman, the substantial neo-  
12 Classical-style Brooklyn Union Gas Company  
13 Building was constructed in 1914 in downtown  
14 Brooklyn as the new headquarters for the borough's  
15 oldest and most important utility company.  
16 Brooklyn Union Gas Company traces its origins to  
17 1824, when a group of entrepreneurs, including  
18 Joseph Sprague and Alden Spooner, proposed  
19 establishing the Brooklyn Gas Light Company. The  
20 firm won its first major contract in 1849 when the  
21 municipality of Brooklyn engaged the company to  
22 provide street illumination for the growing city.  
23 As Brooklyn continued to expand, rival gas  
24 companies were formed to serve newly-urbanized  
25 neighborhoods, such as Cobble Hill, Fort Greene

1 and Park Slope, all in the Chair's district.

2 Competition- -

3 CHAIRPERSON LANDER: (Interposing)  
4 Fort Greene is not in my district.

5 MS. FERNANDEZ: Oh no? Competition  
6 between the gas companies grew particularly heated  
7 in 1880, but all seven of the major Brooklyn firms  
8 eventually merged in 1895 to form the Brooklyn  
9 Union Gas Company. Much of the building's  
10 architectural decoration is symbolic of the  
11 structure's role as the headquarters of an  
12 important gas company, depicting flaming torches  
13 and blazing oil lamps. The Brooklyn Union Gas  
14 Company moved to larger quarters on Montague  
15 Street in 1962, and the building was subsequently  
16 acquired by St. Francis College, which converted  
17 the structure into an academic facility. The  
18 Commission urges you to affirm this designation.

19 CHAIRPERSON LANDER: Thank you very  
20 much, yes, it's a wonderful part of St. Francis  
21 College now, it's a beautiful building in Council  
22 Member Levin's district, but I appreciate that it  
23 kept the lights on in much of mine for some years  
24 in the past. Now it's National Grid, and they're  
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headquartered in England and who knows.

COUNCIL MEMBER LEVIN: Oh well.

CHAIRPERSON LANDER: All right, we don't have anyone signed up to testify, so that will close the public hearing on that item, which is the last one on our calendar for today, and we will move forward to a vote on all items on the calendar for today. And the Chair recommends a vote of aye on all of them, and asks our wonderful counsel to call the roll.

COMMITTEE COUNSEL HYLTON: Chris Hylton, Counsel to the Committee. Chair Lander.

CHAIRPERSON LANDER: Aye on all.

COMMITTEE COUNSEL HYLTON: Council Member Sanders.

COUNCIL MEMBER SANDERS, JR.:  
Permission to explain my vote?

CHAIRPERSON LANDER: Permitted.

COUNCIL MEMBER SANDERS, JR.: Thank you, sir. I have ... I'm speaking of the schools, the other projects, I'm sure, are very good, especially Brooklyn Union Gas, I remember seeing the architecture, yes, we should do those. But in terms of the schools themselves, I have certain

1  
2 health concerns when we speak of lead and the  
3 question of eminent domain is a relevant question  
4 also. It would be certainly good to know the full  
5 ramifications of a vote before one votes. The  
6 idea of putting green space on the roofs is very  
7 good, it's ... we need to do these things. The  
8 ability of the schools serving as beacons or some  
9 version of that is also a good thing. If you have  
10 a school, find ways that it can serve a community  
11 after three o'clock or whenever school lets out.  
12 Having said those things, I follow the lead of two  
13 people here, one is a Council person in the area,  
14 and the second is my Chair, and both of them are  
15 saying yes, so I vote aye on all.

16 COMMITTEE COUNSEL HYLTON: Council  
17 Member Williams.

18 COUNCIL MEMBER WILLIAMS: Thank  
19 you. First I'm going to vote aye on all, but I  
20 particularly want to talk about PSIS311. It was a  
21 very difficult decision, and also I don't know how  
22 we could have, but I would love to have  
23 information like this before ten minutes before I  
24 have to vote, so I could really think through some  
25 of the issues. But it came down, I'm not a big

1  
2 fan of eminent domain, so there were a lot of  
3 things to consider, it really came down to the  
4 fact that I'm not sure if it's going to be eminent  
5 domain. It may be eminent domain, versus the real  
6 need for a school, and a colleague who I believe  
7 is going to do everything in her power to make  
8 sure that it's not eminent domain. So that part  
9 won out, but I still have a major concern and I  
10 hope in the future we can get some information  
11 possibly beforehand, so we can make the decision.  
12 And I'm not sure what the trigger for eminent  
13 domain is, but it definitely probably shouldn't be  
14 a person changing their mind on a sale, so I'm  
15 also concerned about that as well, but I vote aye  
16 on all.

17 COMMITTEE COUNSEL HYLTON: Council  
18 Member Halloran.

19 COUNCIL MEMBER HALLORAN III:  
20 Permission to explain my vote?

21 CHAIRPERSON LANDER: Granted.

22 COUNCIL MEMBER HALLORAN III: Very  
23 rarely as a Libertarian Republican do I support  
24 the use of eminent domain. The acquisition for a  
25 school would normally be one of those rare

1  
2 instances, and in this particular case, as Council  
3 Member Williams has just pointed out, to use  
4 eminent domain as a bargaining device to gain  
5 leverage in a sale that is supposed to be  
6 otherwise negotiated in the free market is deeply  
7 disturbing to me. What isn't is the Council  
8 Member who represents the district. If there's  
9 anyone who's going to do the right thing in this  
10 body, she is one of the few people who will do  
11 that regardless of the consequences politically,  
12 and I am voting aye with faith in her, not faith  
13 in the city to do the right thing with eminent  
14 domain. I also do it knowing that the College  
15 Point Industrial Park is literally five minutes  
16 from their location, is looking for businesses to  
17 relocate there, and would provide you with both  
18 tax incentives to be there, as well as the  
19 opportunity to negotiate what EDC always calls its  
20 swaps, sometimes mired in other political  
21 controversies, but for the moment I'm going to let  
22 that slide. I do not vote lightly, to say yes to  
23 this for two reasons. One is the threatened use  
24 of eminent domain, and two is that I don't think  
25 this body should ever be voting on things that are

1  
2 amorphous, that we don't have concrete answers to.  
3 I think this body should always be exercising the  
4 one power it has almost absolute control over,  
5 which is land use in the City of New York, to send  
6 a message to any Mayor, and not just this one,  
7 that land use power resides in this Council, and I  
8 think it is something that we do not flex our  
9 muscles on enough. I will vote with the Chair on  
10 this, with the understanding that the Council  
11 Member from the district is going to be our  
12 advocate, both here and to City Hall, and with the  
13 understanding that other Council members,  
14 including the Chair of Small Business, Diana  
15 Reyna, who is here - I'm trying to do that Spanish  
16 thing you guys do all the time - and she has  
17 indicated that she will give her full attention to  
18 any proposals you have to make this as little  
19 discomfoting and as mostly palatable as it can  
20 be. So with that said, I vote aye, and I would  
21 ask you to continue to dialogue with your Council  
22 member and to have her free to send you to my  
23 district, where I'd love you to generate 30 to 40  
24 jobs.

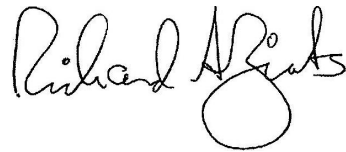
25 COMMITTEE COUNSEL HYLTON: By a

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2 vote of four in the affirmative, none in the  
3 negative and no abstentions, pre-considered items  
4 LU 20105361, 20115806, 20125005, and 20125006, as  
5 well as LU 431, 432 and 433, are approved and  
6 referred to the full Land Use Committee.

7 CHAIRPERSON LANDER: Thank you, Mr.  
8 Hylton, I just want to thank everybody for a  
9 thoughtful discussion of some important issues. I  
10 want to thank Council Member Halloran and Council  
11 Member Williams for raising important issues and  
12 working with Council Member Ferreras, and I just  
13 actually want to slightly expand what I asked Mr.  
14 Ou and the SCA for before. In addition to helping  
15 us understand how you guys work with EDC and SBS  
16 on small business, I guess if you could give us a  
17 similar sort of guidance on how you ... how the SCA  
18 approaches eminent domain, and you know, what it  
19 is as a tool in the arsenal of the SCA, and how we  
20 as the Council should understand how you generally  
21 as a matter of policy and protocol use it, I think  
22 it would be helpful to us in our future  
23 deliberations as well. So, thank you very much,  
24 we appreciate it, and with that, and with thanks  
25 to the staff, this Committee meeting is adjourned.

C E R T I F I C A T E

I, Richard A. Ziats, 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.



Signature \_\_\_\_\_

Date July 29, 2011