

CITY COUNCIL  
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

LAND USE SUBCOMMITTEE ON ZONING AND FRANCHISES

-----X

May 21, 2009  
Start: 10:30 am  
Recess: 03:02 pm

HELD AT: Council Chambers  
City Hall

B E F O R E:  
TONY AVELLA  
Chairperson

COUNCIL MEMBERS:  
Joel Rivera  
Simcha Felder  
Eric N. Gioia  
Robert Jackson  
Melinda R. Katz  
Larry B. Seabrook  
Helen Sears  
Albert Vann  
Letitia James  
David Yassky  
Bill de Blasio  
Helen D. Foster

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

Ken Fisher  
Land Use Counsel  
Two Trees Management

John Beyer  
Project Architect  
Beyer, Blinder, Belle

Laura Cheng  
Architect  
Two Trees Management

Ross Holden  
Vice President/General Counsel  
NYC School Construction Authority

Steve Sylvester  
Dumbo Neighborhood Association

Sheryl Buckholtz  
Dumbo Neighborhood Association

Gus Sheha  
Dumbo Neighborhood Association

Doreen Gallo  
Dumbo Neighborhood Association

Daniel Wiley  
On behalf of  
Congresswoman Nydia Velazquez

Alan Joseph  
On behalf of  
Congressman Edolphus Towns

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

Richard Drucker  
Senior VP of External Affairs  
Brooklyn Navy Yard

Kate Kerrigan  
Executive Director  
Dumbo Improvement District

Joe Chan  
President  
Downtown Brooklyn Partnership

Pavel Krause  
Artist

Grace Friend  
Dumbo Neighborhood Association

Amanda Barrow  
Dumbo Neighborhood Association

Paul Graziano  
Urban Planning/Historic  
Preservation Consultant

Josh Nakowitz  
New York League of Conservation Voters

Jennifer Riley  
Artist/Art Critic

Michael M. Thomas  
Columnist  
New York Observer

Peter Lawrence  
Restaurant Owner

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

Evan Thies  
City Council Candidate  
District 33

Roberta Lane  
Program Officer  
National Trust for Historic Preservation

Joan Zimmerman  
President  
Fulton Ferry Landing Association

Melissa Baldock  
Municipal Art Society

Bruce Silverglade  
Owner  
Gleason's Gym

Carol Van Gelder  
Real Estate Board of New York

Brad Samuels  
Architect

Carla Schickele  
Executive Director  
Willie Mae Rock Camp for Girls

Doug Biviano  
City Council Candidate  
District 33

Jo Anne Simon  
Democratic District Leader  
52nd Assembly District

Simeon Bankoff  
Executive Director  
Historic Districts Council

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

Judy Stanton  
Executive Director  
Brooklyn Heights Association

Reverend Dr. Mark Taylor  
Pastor  
Church of the Open Door

Tom Fruin  
Artist

Robert Elmes  
Director  
Galapagos Art Space

Edson Silva  
On behalf of  
Dr. Frank Macchiarola

Stewart Thorndike  
On behalf of  
Christian Roebling

Christabel Gough  
Secretary  
Society for the Architecture of the City

Skipp Sudduth  
Property Owner  
Dumbo

Phillip Esser  
Architectural Historian/  
Historic Preservation Consultant

Brett Lewis  
Resident  
Dumbo

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

Natasha Lewis  
On behalf of  
Alexis Batar

Kurt Everhart  
On behalf of  
Thomas Hanrahan  
Dean  
School of Architecture Pratt Institute

Peter Thristino  
Owner  
Pete's Downtown Restaurant

Diane Lewis  
Resident  
Vinegar Hill

Kurt Demetriotis  
Resident  
Dumbo

Rhula Focus  
Resident  
Dumbo

William Birmingham  
Resident  
Dumbo

Paul Butler  
Business Owner  
Dumbo

Carlo Trigiani  
Resident  
Brooklyn Heights

Kathleen Gilrane  
Director  
Visual arts organization

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

Bretta Kennedy  
Resident  
Greenpoint

Mark Verbe  
Resident  
Dumbo

Joan Craig  
Resident  
Fulton Ferry Landing

Bill Stein  
Board Member  
Fulton Ferry Landing Association

Claire Mirarchi  
Board Member  
Brooklyn Heights Association

Deb Howard  
Executive Director  
Pratt Area Community Council

Wendy Frauda  
Resident  
Brooklyn Heights

Jacques Torres  
Owner  
Jacques Torres Chocolate

Caroline Pardot  
On behalf of  
Herve Poussot  
Almondine Bakery

Steven Zupp  
Resident  
Dumbo

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

Christine Barker  
Eco toxicologist

Joy Kenwar  
Professor  
Brooklyn Law School

Susan Feldman  
President  
St. Ann's Warehouse

Henry Martinez Reed  
Resident  
Brooklyn

Larry Leonardi  
Partner  
Front Street Pizza

Jane Kojema  
On behalf of  
Frank Evers  
Co-founder  
New York Photo Festival

Carl Hum  
President/CEO  
Brooklyn Chamber of Commerce

Daniel Arno  
Director of Programming  
Jazz Reach

Gloria Ramirez  
Resident

Matthew Baclini  
On behalf of  
Karen Brooks Hopkins  
President  
Brooklyn Academy of Music



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

Donald Elliott  
Resident  
Brooklyn Heights

Jay Shippers  
Resident  
Brooklyn Heights

Tiffany Raspberry  
On behalf of  
Gregory Floyd  
President  
Local 237

2 CHAIRPERSON AVELLA: Good morning,  
3 everyone. I'd like to call this meeting of the  
4 Subcommittee on Zoning and Franchises to order.  
5 I'm the Chair of the Committee, Tony Avella.  
6 Joining me are members of the committee: Council  
7 Members Melinda Katz, Simcha Felder, Joel Rivera,  
8 Al Vann and Larry Seabrook. I'm sure we may have  
9 other members of the committee, as well as other  
10 Council Members joining us as we go on. Today, we  
11 just have one item on the agenda and that is what  
12 is commonly referred to as the Dock Street  
13 Project, Land Use numbers applications  
14 200995229SCK, C090181ZMK, C090183ZSK, and  
15 C090184ZSK. Let me give you an idea of what the  
16 procedures will be for this hearing. First we  
17 will call up the applicant. They get an unlimited  
18 amount of time to present their proposal. There  
19 will be questions from Council Members if they so  
20 wish. Then we will start with the public hearing  
21 and we will call alternating panels. So the first  
22 panel will be a panel in opposition, then a panel  
23 in favor, a panel in opposition, and back and  
24 forth until everybody has had an opportunity to  
25 speak. We do extend courtesy to elected officials

1  
2 when they do show up. Since we expect a large  
3 number of people, obviously the room is already  
4 full and we expect more people to come as the day  
5 goes on, each person who wants to speak will have  
6 two minutes. I generally don't cut somebody off  
7 if they go a little bit beyond, but I do ask  
8 everybody to be as concise as possible. My main  
9 thing, and I always mention this, and I want you  
10 to take this very seriously. There will be no  
11 applause and there will be no booing, period. If  
12 you have something to say, you sign you and you  
13 get your two minutes to speak. As soon as there  
14 is any applause or any booing, I will rule that  
15 out of order and we will stop the hearing. I  
16 expect everybody to be a good citizen and respect  
17 each and every other person's opinion. This is a  
18 democracy here and I will not have people  
19 intimidated one way or the other, no matter how  
20 they feel on this issue. For the record, in the  
21 interest of clarity, I think everybody knows what  
22 my position is on this issue. I will not be  
23 voting for this application. However, as chair of  
24 this committee, I will be conducting a fair  
25 hearing. With that, I'd like to call up the

1  
2 applicant and we'll have the presentation.

3 KEN FISHER: Good morning, Mr.  
4 Chairman. I'm out of practice. Good morning, Mr.  
5 Chairman and members of the committee. My name is  
6 Ken Fisher and I am Land Use Counsel to Two Trees  
7 Management, the applicant today. What I'm going  
8 to do is I'm going to introduce the project to  
9 you, I'm going to tell you what the actions that  
10 are that are pending before. Then you'll hear  
11 from Jack Beyer, from Beyer, Blinder and Belle,  
12 who is the project architect, as well as Laura  
13 Cheng from Two Trees Management. Jack will take  
14 you through the design philosophy of the building  
15 as the principal architect, and Laura will walk  
16 through the program of the building, and we'd be  
17 happy to answer any questions. In addition, the  
18 School Construction Authority will present their  
19 site selection application that I'll discuss with  
20 you briefly in just a moment. For those of you  
21 who are not familiar with me, I just want to  
22 mention that in my introduction of the project I'm  
23 going to be drawing on not just my prior  
24 representation of this district and the City  
25 Council for 11 years, but also the fact that my

1 family and I live approximately a three-minute  
2 walk away. I'm very familiar with the site and  
3 its history. When the Brooklyn Bridge was  
4 originally conceived and built, it was hoped that  
5 it was going to spur economic development on both  
6 sides of the river. In response to the activity  
7 that was in fact created around the turn of the  
8 century, a builder by the name of Joseph Turner  
9 built a series of very large pre-cast concrete  
10 buildings, innovative at the time, that became  
11 known as the Gair and Sweeney Building. If you go  
12 over the Brooklyn Bridge, these are the giant  
13 warehouse-looking structures just to the north or  
14 west of the bridge. About 25 years ago, when Two  
15 Trees started investing in the neighborhood, the  
16 area was in serious decline. Industry was  
17 fleeing, and because of the isolated nature,  
18 surrounded as it was by the bridge approaches and  
19 the highway, it had become a magnet for drugs and  
20 prostitution. Some of the buildings had loft  
21 artists living in them illegally. The jobs were  
22 on the decline and the buildings were in the  
23 process of being emptied out. Two Trees and the  
24 Walentas Family have devoted the intervening 25

1  
2 years, not just to the adaptive reuse of those  
3 buildings, but to creating what has come to be  
4 recognized as the very model of a 21st Century  
5 urban live/work/play neighborhood. It has  
6 attracted businesses, residents, tourists from all  
7 over the world and I think it recognized as a  
8 tremendous accomplishment in addition to the City  
9 of New York. That work along the way, I can tell  
10 you from personal experience, was largely opposed  
11 by people in the community. Some of those, like  
12 me, who live in Brooklyn Heights, who have  
13 nonetheless benefited from the increase in our  
14 property values and the lively art scene that was  
15 created in Dumbo, oftentimes by people who moved  
16 into Dumbo into residences that were created as a  
17 result of Two Trees' activity. But  
18 notwithstanding that opposition, the Council and  
19 City Planning Commission and the Landmarks  
20 Commission, have taken a series of actions over  
21 the last decade to thoughtfully guide and approve  
22 that development process and another such action  
23 is before you today. For example, previous zoning  
24 actions converted or mapped additional uses onto  
25 the existing M designations. The creation of MX

1  
2 districts, such as we are proposing today, allowed  
3 the conversion of the existing buildings to  
4 resident. But in addition to that, the Council  
5 approved zoning actions that allowed the  
6 construction of new buildings by other developers  
7 that were much taller and much bulkier than what's  
8 being proposed. The reason the Council did that  
9 was because they recognize that the massiveness of  
10 the Gair and Sweeney complex set the context  
11 largely for the neighborhood. In addition to  
12 that, this Council, approving the extension of the  
13 421-A benefits, mapped Dumbo as an exclusionary  
14 zone because you recognized that there needed to  
15 be additional income diversity within that area.  
16 And as you'll hear in a moment, we attempt to be  
17 responsive to that as well. The Council has also  
18 funded Brooklyn Bridge Park, recognizing that the  
19 area was under-served for recreation, but also  
20 recognizing that there was an opportunity to  
21 create new economic activity on the waterfront.  
22 Finally, and most recently, the Council approved  
23 the designation of a Dumbo Historic District. I  
24 mention that and I think it's significant because  
25 in the course of that discussion as to the

1 boundaries of the district, there was  
2 consideration of the impact that perspective  
3 development would have on this sit on the Brooklyn  
4 Bridge. The Landmarks Commission and this Council  
5 adopted a district boundary that excluded this  
6 site, this piece of largely vacant land, which had  
7 been the subject of previous development efforts.

8 It was excluded because in the view of the  
9 professionals, as concurred with by the Council,  
10 the impact to the Brooklyn Bridge of development  
11 on that site would be minimal. We are proposing a  
12 series of actions today that we believe are  
13 responsive to community needs. Now let me mention  
14 one of them right at the outset and that's the  
15 school. What some people will suggest today was  
16 it was some type of a gimmick that was designed to  
17 win your support for the project. I can tell you  
18 how that came about. Not only was Community Board  
19 2 strongly on record as demanding a middle school  
20 in Dumbo, which had fallen on deaf ears with city  
21 officials for many years, but I remember the  
22 Brooklyn Office of City Planning came to me after  
23 I left the Council and asked me if I could find a  
24 developer, any developer in that area who would be  
25



1 willing to make a site available for a middle  
2 school. The reason for it was not only because  
3 the neighborhood was growing, thousands of  
4 families moving in, and with the up-zoning in  
5 Downtown Brooklyn, thousands more anticipated over  
6 the next few years, but P.S. 8, a school that I  
7 had been involved with in my capacity as a Council  
8 Member, around the corner from where I lived, had  
9 a very interesting story to tell. That is that it  
10 had been a school in decline for many years,  
11 underserved, largely populated with children from  
12 Farragut Houses and other parts of Downtown  
13 Brooklyn, but largely abandoned by the Brooklyn  
14 Heights neighborhood in which it was housed. P.S.  
15 8 became a remarkable turnaround story. It's full  
16 now. They're adding capacity to it. It is one of  
17 the most diverse schools in the area. But it only  
18 goes to the fifth grade and there isn't a school  
19 of equal quality within a convenient distance for  
20 the kids who go from there. Just as parents used  
21 to pull their kids out in the third grade and send  
22 them to some other district because they were  
23 afraid of not having a middle school alternative,  
24 the concern was that if the middle school problem  
25

1  
2 wasn't solved that P.S. 8 would go back into  
3 decline. So I approached the Two Trees folks and  
4 I asked them if they would consider putting a  
5 school in their development site. They  
6 subsequently engaged me to help quarterback that  
7 effort. In addition, the proposal that we're  
8 making today meets a variety of other needs in the  
9 neighborhood. While some people will tell you,  
10 having just moved into the neighborhood in the  
11 last few years, that it's already too crowded, in  
12 my opinion it needs some additional residents. It  
13 needs those additional residents because  
14 historically Dumbo has been an underserved  
15 neighborhood by city services as well as retail.  
16 It is only the growth in the population there that  
17 has forced the city and the state, for example, to  
18 pay more attention to the Dumbo end of Brooklyn  
19 Bridge Park. Proposals to fund the restoration of  
20 the cobblestone streets have languished for years  
21 because there weren't enough voters there to  
22 command the attention of the powers that be. The  
23 area is underserved with retail, something that  
24 this proposal will address by providing retail on  
25 three sides of the building. The area is

underserved with retail because the old buildings don't lend themselves easily to accommodating spaces, for example, for restaurants. As previously mentioned, there is a need for income diversity in the area. Most of the buildings are market rate condominiums. This will be a rental building. It will be a rental building that's constructed under the 80/20 program with the rents for the low-income tenants skewed towards the lower end, all in connection with the guidelines that you all established when you did the exclusionary zone in the 421-A legislation. This will also be the first green building of the new construction in Dumbo. We hope to set a standard in that regard. In addition to a map change that will allow residential use and a series of technical modifications that will allow building form that you'll hear the architects propose which allows for the building to be massed away from Brooklyn Bridge, we're also proposing a special permit to allow some additional parking. This is important to the community because the site is across the street from the Empire Stores, a part of Brooklyn Bridge Park that is planned under the

1  
2 Park Plan to be turned into retail, arts and  
3 educational space to generate income for the park  
4 to support its maintenance. That will only be  
5 accomplished if there is adequate parking for the  
6 visitors that are anticipated. The EIS for the  
7 Brooklyn Bridge park anticipates a need for an  
8 additional 1,200 parking spaces. They're not  
9 planned for yet. While we will only be able to  
10 accommodate a small fraction of that, every bit  
11 helps in terms of the revitalization of the park  
12 and the realizing of the investment that this  
13 Council has made. The building height and form  
14 that we are proposing also includes one additional  
15 benefit that I'd like to mention and I'll be  
16 concluding my remarks shortly. That is that  
17 currently, and as recognized by the borough  
18 president in his report recommending the zoning  
19 changes that we've asked for, the site under its  
20 current zoning, because it's so large, 45,000-  
21 square feet, basically a full acre, would allow  
22 the construction of a commercial building such as  
23 a hotel as tall or potentially significantly  
24 taller than the zoning that we're proposing now.  
25 Under the resolution adopted by the City Planning

Commission, not only would the site be encumbered for a height limit of 170 feet for residential use, but in the event for whatever reason, market conditions, financing or otherwise that we were unable to accomplish a residential building, future commercial buildings would be limited to the same building envelope. In other words, if the application is defeated, as-of-right the developer could build a much taller building under the restrictions adopted under the City Planning actions. The limit of 170 feet would be imposed on the site, as well as certain setback regardless of the use of the building. In the course of preparing for this application to come to the Council, the developer embarked on approximately eight town hall meetings with various constituent groups. We right at the beginning put up a web page with an animation that includes what it would be like to go over the Brooklyn Bridge on a bicycle that people could stop at any point. It's DockStreetDumbo.com. We have produced a series of architecturally accurate renderings, including from angles that might be considered less than favorable to the developer. One of them was

1 posted on a local blog yesterday as sort of the  
2 worst view produced by us. We put the model, and  
3 we hope you'll take to study the model, in a  
4 storefront in Brooklyn Heights for a month so that  
5 people could make up their own minds about what  
6 the impact of the building would be. We have done  
7 outreach into many, many affected communities.  
8 More importantly, the upshot of the effort that  
9 was put into the thoughtful design is that  
10 Community Board 2 approved this application by a  
11 vote of 30-7. It is the first time that the  
12 Community Board has ever approved an application  
13 by Two Trees Management. The borough president  
14 approved the zoning solution, although he  
15 recommended a building design that would have made  
16 the building thinner, but considerably taller, and  
17 potentially outside of the scope of our  
18 environmental review. The City Planning  
19 Commission approved our application with  
20 modifications to the building design by a vote of  
21 9-2. Even the two members who voted against the  
22 application were on record as saying they  
23 supported a building envelope 150 feet high. You  
24 will hear from some the opposition today a  
25

1  
2 recommendation that the building height be capped  
3 below the roadway of the Brooklyn Bridge at  
4 approximately 75 or 85 feet. No member of the  
5 City Planning Commission, nor the borough  
6 president adopted that recommendation with the  
7 benefit of a certain amount of distance from the  
8 situation. As I mentioned, the community board  
9 approved it by 30-7. We believe that they all did  
10 this, not only in a recognition that none of the  
11 benefits that I mentioned could possibly be  
12 realized with a building that was limited to eight  
13 stories, and in fact, the developer would not  
14 proceed on that basis, but would abandon the  
15 application and pursue an as-of-right solution, as  
16 I'm sure you would under similar circumstances.  
17 But more than that, what the actions that have  
18 preceded the Council's deliberation reflect is  
19 that the impact that this building would have on  
20 the skyline would be minimal, completely in  
21 context with prevailing building forms in the  
22 area, the Gair and Sweeney buildings, as well as  
23 the new buildings that the Council has approved,  
24 and that overall this represents the right  
25 solution for this site. Now, to walk you through

1  
2 the specifics, unless you want to ask me  
3 questions, but maybe it would be best to hear from  
4 our architect. Thank you very much.

5 CHAIRPERSON AVELLA: Before you  
6 start, let me just recognize the other members of  
7 the committee that have joined us: Council Member  
8 Eric Gioia and I saw Robert Jackson here a second  
9 ago. Those are two members of the committee, and  
10 we're also joined by Council Member Letitia James.

11 JOHN BEYER: Thank you. My name is  
12 John Beyer. I would like to ask if we could move  
13 the model to this point so you could all see it  
14 better. Thank you. When I was asked to be the  
15 architect for this project, we knew that this  
16 location, that this site had the most significant  
17 implications with regard to preservation,  
18 landmarking, the historic district itself and  
19 because our practice is steeped and devoted to the  
20 restoration of significant landmarks in New York  
21 City and elsewhere, we had to understand what the  
22 challenge was before we accepted the idea of being  
23 the architect. I am here to tell you why we think  
24 the design that's been created is appropriate for  
25 this significant historic location. I would like



1  
2 to do that beginning with your understanding of  
3 the entire community that this is located in.  
4 When the Dumbo district was designated, it was  
5 pointed out in the designation report that this  
6 community, this area, is among the most  
7 significant industrial neighborhoods of New York  
8 City, which is quite a statement because we have  
9 magnificent, wonderful industrial buildings  
10 throughout New York. The reason is, number one,  
11 that this community is so well defined, it is so  
12 clearly bounded by absolutely immutable structures  
13 and the river, the two bridges, the BQE and the  
14 river. The wonderful thing about Dumbo is there  
15 is no highway on the river as there is almost  
16 everywhere in New York. So we felt that whatever  
17 we would do here must relate to two major factors,  
18 this significant national landmark, the Brooklyn  
19 Bridge, and this significant landmark district of  
20 poured in place concrete buildings designed by  
21 Joseph Turner, whose company now is the famous  
22 Turner Construction Company. So let me first  
23 describe to you how this design came about.  
24 Number one, the site itself, which is here, is an  
25 acre of land and there are many ways one could

1  
2 conceive of locating the building elements on this  
3 site because it is so huge. The first gesture,  
4 the most important thing, is the location of the  
5 tall element of the building, which is 17 stories.  
6 It is 17 stories because it relates directly to  
7 the existing Gair and Sweeney buildings which  
8 range in height from about 160 feet to well over  
9 250 feet with the clock tower. So, the height of  
10 the building was not determined by what we would  
11 be allowed. You're allowed to build a 210 foot  
12 high building here. This is 170 feet. This was,  
13 in our judgment, as high as we wanted to be. But  
14 we located that element of the building, the mass  
15 of it, as far away from the bridge as the site  
16 would permit. It is 97 feet away from what is the  
17 end really of the bridge itself, which I'm saying  
18 is the anchorage for the bridge. The bridge has  
19 three parts: the upswing of the suspension  
20 structure, the magnificent symmetry of the  
21 suspension across the river and then the same  
22 thing on the other side. This building is located  
23 at the very end of the bridge and where the  
24 roadway starts so that it is as far away as  
25 possible from what is obviously the icon of the

1 structure, the tower and the cables and the  
2 suspension structure. The low portions of the  
3 building, which we have made at seven stories  
4 directly adjacent to the bridge here, and this  
5 building at seven stories is 82 feet away from the  
6 bridge. And the higher portion of the low-rise,  
7 which is nine stories, this is set back so that  
8 actually there is a sense of the building stepping  
9 away from the bridge. The major open space on the  
10 site, which is the predominant amount of space in  
11 the building on the site is actually directly  
12 related to the area where the bridge crosses. So  
13 there is no massive building in the center of the  
14 site, giving you a sense of this bridge as it was  
15 originally created, slicing itself through the  
16 city. You must remember, all through New York we  
17 have these major high bridge structures landing in  
18 the center of the city and when they were built  
19 they sort of sliced into the city. That  
20 relationship is dramatic, it's iconic, it's  
21 representative of what happened and it is uniquely  
22 New York. We see around us the remnants of the  
23 city as it was when this bridge was built and we  
24 believe that we are contributing to the ensemble  
25

1  
2 of the building by locating our new building in  
3 this position.

4 CHAIRPERSON AVELLA: If I can just  
5 interrupt you for a second. Committee members  
6 would just like you to point to the actual  
7 building. It's not clear for some of the people  
8 on the side.

9 JOHN BEYER: The new building is  
10 show here. I would suggest that that perhaps is  
11 one of its features that it blends in with the  
12 architecture of Dumbo. There are two materials we  
13 have selected for the design of the façade.  
14 Concrete, which is the theme material for the Gair  
15 Sweeney buildings, which has a rugged, powerful,  
16 simple industrial geometry. Our new building is a  
17 modern interpretation of that. We have also  
18 included brick in the façade of the lower  
19 buildings because much of the neighborhood also is  
20 brick. So that we have melded the two principal  
21 materials in the new building so that there is a  
22 sense of the continuity between the old and the  
23 new. So that this design, as an architectural  
24 statement really is recessive, it's deferential,  
25 it is less than would be allowed in terms of

1  
2 height and mass, and that is because every single  
3 thing we did was related to the historic context.  
4 That is the practice that we have. That is the  
5 work we do. That's why I can so enthusiastically  
6 say that this build is appropriate to this very  
7 sensitive and important historic site. Thank you  
8 very much.

9 LAURA CHENG: My name is Laura  
10 Cheng. I'm an architect with Two Trees. Jack has  
11 given us a very detailed explanation of the urban  
12 design strategies and architectural design  
13 strategies that really informed our thinking about  
14 this project. What I would like to do now is just  
15 to very briefly walk you through both the program  
16 and the configuration of the building and its  
17 program elements, and also, to touch upon the  
18 community development concerns that really guided  
19 our thinking and our decision making about Dock  
20 Street Dumbo. The project program is composed of  
21 four primary elements, and each of them responds  
22 very specifically to a particular community need.  
23 They include parking at the sub-grade and base of  
24 the building, 465 spaces in total, as well as  
25 ample bicycle parking. This is to serve not only

1  
2 the accessory uses of the building residents, but  
3 also the expanded community need for parking that  
4 we know is going to happen as Brooklyn Bridge Park  
5 continues to develop.

6 CHAIRPERSON AVELLA: Can I  
7 interrupt one second? Normally the applicant will  
8 have a package that Council Members will get which  
9 duplicates.

10 LAURA CHENG: I believe that it has  
11 been given to the staff.

12 CHAIRPERSON AVELLA: That diagram  
13 is very hard to see from here.

14 LAURA CHENG: I know it's difficult  
15 to see from this distance. I understand.

16 KEN FISHER: I apologize. For some  
17 reason that diagram was omitted. I apologize for  
18 that. We could bring the easel closer if that  
19 would help, or just pass it down the table if  
20 people want. I apologize.

21 CHAIRPERSON AVELLA: No matter  
22 where you bring it, somebody's not going to be  
23 able to see it, so it might as well just stay  
24 there.

25 LAURA CHENG: Certainly I can

1  
2 answer any specific questions there are about the  
3 plan diagram. Again, the parking level that you  
4 see here shaded in gray, three levels in total.  
5 At the street grade, which occurs on the south  
6 side at Front Street, on the north side at Water  
7 Street, we have ground floor retail. A really  
8 important component we believe of connecting what  
9 is now a very vibrant retail environment at the  
10 east side of the site with Fulton Ferry Landing to  
11 the west. Right now, this particular stretch of  
12 Dumbo, Front Street and Water Street is somewhat  
13 desolate and we believe that the inclusion of this  
14 retail will really help to animate the street and  
15 again, create a continuous connection of a retail  
16 corridor as you move from Dumbo on the east to  
17 Fulton Ferry Landing on the west. The residential  
18 component of the building, shown here in yellow,  
19 at both the low-rise and high-rise tower of the  
20 building, includes 300 units of rental housing,  
21 20% of which are dedicated for affordable housing  
22 units. As I'm sure many of you know, Dumbo is, as  
23 Ken alluded to earlier, right now dominated by  
24 market rate condominium housing. There is very  
25 little rental housing available at all in Dumbo

1  
2 and what little of it there is, is frankly not  
3 accessible to low-income families. We believe  
4 that this project, by including low-income  
5 housing, affordable housing is going to bring a  
6 diversity to the community that is a tremendous  
7 asset for the neighborhood as a whole. Finally,  
8 the building also includes a 45,000 square foot  
9 middle school, which will seat 300 students. We  
10 all know that there is a great need for a new  
11 middle school to serve the students of Farragut,  
12 Dumbo, Brooklyn Heights and Downtown Brooklyn.  
13 Frankly, this project is just an ideal way to meet  
14 that need. There are many things about the  
15 project that create sort of wonderful situation  
16 for a school. For one thing, the entrance of the  
17 school will be located along Dock Street, a very  
18 quiet side street, very limited traffic. There  
19 will be a private entrance that is separated from  
20 the other uses of the building. The project's  
21 proximity to Brooklyn Bridge Park is obviously an  
22 asset to the school, but we also believe  
23 simultaneously mutually beneficial to the park as  
24 students from the school animate the uses of the  
25 park. The fact that the school can occupy a full



1 floor of our building on one single floor has many  
2 advantages to it. First of all, we have maximal  
3 flexibility in terms of space planning for the SCA  
4 as they do the school fit out. And of course, we  
5 avoid the inefficiency of having to move kids up  
6 and down between classes during recess. And  
7 again, having a full floor of the school allows  
8 the school to take advantage of street frontage on  
9 three sides of the building; north, west and  
10 south, meaning natural light in there in all  
11 classroom environments. Finally, the location and  
12 configuration of the residential towers above the  
13 school means that there is also accommodation for  
14 a full size double-height gymnasium, which is a  
15 luxury that not every middle school that's built  
16 today in our environment can afford. In summary,  
17 I would just like to say that we at Two Trees are  
18 very, very proud of this project. That's because  
19 we believe that it meets critical community needs,  
20 because it does so with thoughtful and careful  
21 contextual design, and because it really is a  
22 model of public-private partnership in the city  
23 today. On behalf of Two Trees and our entire  
24 development team, I want to thank the committee  
25

1  
2 members for their time and ask you to support this  
3 very deserving project. Thank you.

4 KEN FISHER: We'd be happy to  
5 answer any questions, but perhaps you'd like to  
6 hear from the School Construction on their site  
7 selection.

8 CHAIRPERSON AVELLA: First, let me  
9 see if there are questions from Council Members.  
10 Let me just say to my colleagues that we have over  
11 100 people signed up to speak, and there is,  
12 unfortunately, a budget meeting that has been  
13 scheduled for this room later on this afternoon.  
14 So we do have to move this expeditiously. As I've  
15 said in the past, this is a public hearing and the  
16 whole idea is to hear from the public. So I'm  
17 going to limit questions from my colleagues to two  
18 questions each and I'm going to adhere to that  
19 very strictly. Questions before we go to the  
20 testimony from the School Construction Authority.  
21 Council Member Felder.

22 COUNCIL MEMBER FELDER: Good  
23 morning. I'm sorry, I had to step out for the  
24 other hearing. The Council Member in whose  
25 district this lies in is David Yassky, right? Is

1  
2 he in favor or opposed to this project?

3 KEN FISHER: Best to hear from him,  
4 but I believe he's opposed. However--

5 COUNCIL MEMBER FELDER:  
6 [interposing] Wait a minute, this is my turn. You  
7 got your 25 years and I'm only going to get 12 if  
8 I'm lucky.

9 KEN FISHER: I had 11.

10 COUNCIL MEMBER FELDER: How many  
11 years is this project in the making?

12 KEN FISHER: There was a proposal  
13 to build a building here I think in approximately  
14 2004 or 2005. I wasn't involved with it at that  
15 time. At that time, Two Trees didn't own the  
16 whole block. There was a corner--

17 COUNCIL MEMBER FELDER:  
18 [interposing] Then I don't want to hear about it.

19 KEN FISHER: It's important to  
20 answer your question Council Member. My  
21 understanding is that Council Member Yassky did  
22 not announce his opposition to that project, which  
23 was configured this way to the bridge, not this  
24 way, until just before the vote. So I think the  
25 notion that there would be development on this

1  
2 site is not necessarily something he opposes. He  
3 certainly supports a school in the area, but this  
4 particular building configuration we understand he  
5 opposes.

6 COUNCIL MEMBER FELDER: Now, when  
7 did Two Trees buy this property?

8 KEN FISHER: Most of the block  
9 they've owned for 25 years, which is one of the  
10 reasons why they can afford to be generous with  
11 their proposal to the city. The last corner of  
12 the block they purchased within the last four  
13 years.

14 COUNCIL MEMBER FELDER: But this  
15 property that we're talking about now--

16 KEN FISHER: [interposing] It's a  
17 full city block. Three-quarters of it they owned  
18 for 25 years.

19 COUNCIL MEMBER FELDER: So when you  
20 said that years ago there was some--

21 KEN FISHER: [interposing] Four  
22 years ago there was a proposal to build on the  
23 three-quarters of the block that they owned at  
24 that time. But because they didn't own the rest  
25 of it, they had to orient the building the long

way to the bridge, not the narrow to the bridge.

COUNCIL MEMBER FELDER: Got it. I know you can't speak for him, but in his current form was there a time that he was in favor of this project or not to your knowledge?

KEN FISHER: I think the Councilman has expressed concerns about the project right from the very beginning.

COUNCIL MEMBER FELDER: Was that before he was running citywide, or afterwards?

KEN FISHER: I don't recall.

COUNCIL MEMBER FELDER: Okay, that's all.

CHAIRPERSON AVELLA: Council Member Seabrook.

COUNCIL MEMBER SEABROOK: Thank you very much, Mr. Chairman. I'll just limit it to the two questions that I have. I heard those in opposition indicate that there was a problem as it relates to the Brooklyn Bridge site, the historical nature of the Brooklyn Bridge site and the viewing. What's your response to that issue that people have been saying that this blocks the view of the Brooklyn Bridge, this historical

1  
2 fixture here as a part of our city?

3 KEN FISHER: Let me answer that in  
4 two parts and I'll try and be brief. On behalf of  
5 Two Trees what I'd say is we've carefully looked  
6 at it as did the community board, the borough  
7 president, the City Planning Commission, the  
8 administration, Landmarks Commission, and all  
9 coming to the conclusion that the impact to the  
10 bridge was minimal. And in fact, the reason we  
11 brought the model today is that there has been an  
12 awful lot of misrepresentations about it. In  
13 fact, I'd call your attention in our packet,  
14 there's an article and an editorial for one of the  
15 local newspapers, normally anti-development, where  
16 they went out and they said they walked the  
17 neighborhoods to see what the impact would be.  
18 They found first that the impact would be minimal  
19 and secondly, that the renderings that you'll see  
20 later from the opposition were misleading. On  
21 behalf of myself, as somebody who lives in the  
22 neighborhood and looks over the bridge and walks  
23 over it all the time, it's part of who I am, my  
24 view is that it's an insult to the Brooklyn  
25 Bridge. In fact, could you put up the Verizon

1  
2 picture for a second? You'll hear comparisons to  
3 the Verizon building on the Manhattan side. We  
4 brought a rendering because it speaks directly to  
5 this point. The Verizon building that they'll  
6 make comparisons to is three times the size of  
7 what we're proposing. I think it's ugly, most  
8 people do, but it didn't destroy the Brooklyn  
9 Bridge. Thousands of people still enjoy it and  
10 it's three times what we've proposed. In fact,  
11 the building that we're proposing is approximately  
12 the same size as those brown buildings in front of  
13 the Verizon building that you look at every day  
14 and you never notice them.

15 COUNCIL MEMBER SEABROOK: What type  
16 of traffic study has been dealt with? There were  
17 people that had complaints about the issue of  
18 traffic that would be brought into the community,  
19 the parking facility and a number of other things  
20 that's there. What have the studies indicated?

21 KEN FISHER: We had an  
22 environmental assessment that was conducted by  
23 Philip Habib which is a recognized consulting firm  
24 that actually specialize in traffic work. They  
25 found no significant impacts whatsoever. When the

1  
2 Department of City Planning Technical Review  
3 Office looked at it, they particularly looked at  
4 the intersection because people come off the BQE  
5 where the entrance of the garage was. We actually  
6 added some reservoir spaces to make sure that  
7 there wouldn't be a blockage. That street, I can  
8 tell you from personal experience because I park  
9 over there, doesn't attract a huge amount of  
10 traffic most of the time. But also, the Brooklyn  
11 Bridge Park environmental impact statement  
12 recognized that there would be a significant  
13 increase in the number of people coming into the  
14 area but that the area could clearly accommodate  
15 it. There's a lot more activity in the  
16 neighborhood than there used to be. But again,  
17 for those of you who may not be completely  
18 familiar with it, if you remember, there was a  
19 movie, "Scent of a Woman" some years back and  
20 there's a scene of a blind person driving a car  
21 down a city street. That was shot in Dumbo. I  
22 don't think you could do it today thanks to the  
23 revitalization that Two Trees has accomplished.

24 COUNCIL MEMBER SEABROOK: I would  
25 like to see that scene of the movie. Thank you,



Mr. Chairman.

CHAIRPERSON AVELLA: Thank you.

Council Member Katz.

COUNCIL MEMBER KATZ: Hi, Ken. Can you go over very quickly and just technically what the changes were of the City Planning Commission from the original application? Well, from this application on the project, not the one many years ago.

KEN FISHER: I'll ask our project architect to do that.

COUNCIL MEMBER KATZ: Thanks. And also the opinion of the applicant on them.

LAURA CHENG: I'm sorry?

COUNCIL MEMBER KATZ: And also the opinion of the applicant on the changes.

LAURA CHENG: There were two changes recommended and made at the City Planning Commission. The first was a reduction in the overall height of the high-rise portion of the building. Previously 18 stories at 181 feet, now 17 stories at 170 feet. Secondly, the lower rise portion of the building that runs along Water Street, the nine-story portion here was set back

1  
2 at a distance of 50 feet from Dock Street set down  
3 to a height of 75 feet. So this little notch in  
4 the building form that you see here and the  
5 reduction of one story are the two changes that  
6 were made at the City Planning Commission. As far  
7 as our position about those changes, we felt very  
8 strongly, quite frankly, that the height of the  
9 building at 181 feet was appropriate. It was  
10 exactly in line and in keeping with horizontal  
11 datum that is established by the clock tower  
12 building and the cornice of that building.

13 however, 170 feet, also appropriate. As for the  
14 notch in the building here, the architects  
15 responded to this proposition by City Planning  
16 Commission, again, by creating a building that now  
17 essentially speaks to two different contexts in  
18 the neighborhood. As Jack Beyer was discussing  
19 earlier, the high-rise portion of the building,  
20 clad in concrete, really is in keeping with the  
21 suite of the larger Gair buildings. The smaller  
22 rise portion of the building along Water Street,  
23 both with its notch and with its articulation and  
24 its cladding in brick really speaks to more of the  
25 rhythm of buildings and scale of buildings that

1  
2 you see along water street at the Empire stores.

3 KEN FISHER: Let me just mention  
4 quickly two practical implications of this. The  
5 first is, by taking out a significant chunk of the  
6 FAR, obviously made the economics of the building  
7 and our relationship with the SCA more  
8 complicated. In recognition of that and to guard  
9 against the possibility that none of us is hoping  
10 for that financing of a residential building might  
11 not be possible, the Planning Commission also  
12 imposed a condition that if we were building a  
13 commercial development on the same site, not  
14 accessing the new zoning, that it would be limited  
15 to basically the same building envelope and the  
16 same height limit. There is currently no height  
17 on the site for a commercial use permitted within  
18 the manufacturing district.

19 COUNCIL MEMBER KATZ: And quickly,  
20 because I know we're trying to rush this along,  
21 the second tallest section of the building 96 feet  
22 to 75 feet, can you just explain very briefly why  
23 the City Planning Commission lowered that?

24 LAURA CHENG: I'm reluctant to sort  
25 of speak on their behalf, but my understanding of

1  
2 their interpretation of the concerns that they  
3 expressed. I know that there has been concern and  
4 I think you'll hear some of these concerns today  
5 about the proximity of the closest point of the  
6 building to the bridge. So the place where our  
7 building actually comes closest to the bridge is  
8 at that corner right there. Also, the higher  
9 portion of the building is, of course, further  
10 back along the bridge roadway, so before you get  
11 to the true span of the bridge itself. I think  
12 that this move by City Planning was driven by  
13 issues of sightlines to and from the Brooklyn  
14 Bridge, and so this was their request at a setback  
15 of 50 feet.

16 COUNCIL MEMBER KATZ: Thank you.

17 CHAIRPERSON AVELLA: Council Member  
18 James.

19 COUNCIL MEMBER JAMES: Thank you.

20 The major objection that I have heard to this  
21 project is that it would, in fact, block the views  
22 of the Brooklyn Bridge. After having walked Dumbo  
23 on many occasion, I want to ask you the following  
24 questions. I recognize that it will block the  
25 views of a few and I wanted to know whether or not

1  
2 you believe in the following statement. Is it a  
3 true statement that it will block the views of  
4 some residents of 30 Main Street?

5 KEN FISHER: Yes, and that was  
6 disclosed in the offering statements when they  
7 bought their apartments.

8 COUNCIL MEMBER JAMES: Is it true  
9 that it will block the views of some residents of  
10 70 Washington Street?

11 KEN FISHER: Yes, and it was also  
12 page one of their offering statements and many of  
13 the original purchasers in those building lines  
14 received discounts compared to other similar  
15 apartments because their views were not  
16 guaranteed.

17 COUNCIL MEMBER JAMES: Both of  
18 those buildings are owned by Two Trees?

19 KEN FISHER: Although they're both  
20 condominiums now.

21 COUNCIL MEMBER JAMES: Will it  
22 block any other residents in the immediate  
23 vicinity as far as you know?

24 KEN FISHER: There's a building  
25 nearby that was done by another developer. They

1  
2 may be impacted. I don't have the details of  
3 that. We can supply that to you after the  
4 hearing.

5 COUNCIL MEMBER JAMES: Okay. But  
6 for the most part, it's the residents of 70  
7 Washington and 30 Main, correct?

8 KEN FISHER: Yes. And also I  
9 should point out, with respect to 70 Washington,  
10 that there's a vacant lot that's currently there  
11 for some of them, but that site is zoned 7-A.  
12 It's not owned by Two Trees and it is anticipated  
13 that development would block some of those views  
14 anyway. Others will be blocked by this proposal,  
15 but as I said, they were on notice of that when  
16 they bought their apartments. You'll hear from  
17 some of those folks later.

18 COUNCIL MEMBER JAMES: You make  
19 that statement jokingly, but my question to you  
20 is, are most of the opponents who are here today,  
21 do they reside in those two buildings.

22 KEN FISHER: No. There are clearly  
23 some folks who are motivated by the fact that they  
24 think their property values or their quality of  
25 life is going to be impacted directly. There are

2 other folks who are sincere in their views. And  
3 there are some folks who, as you know from sitting  
4 through hearings, just oppose everything that  
5 represents change. I don't want to denigrate the  
6 sincerity of the people.

7 COUNCIL MEMBER JAMES: I have been  
8 described as that.

9 KEN FISHER: I don't want to  
10 denigrate the sincerity of the people who oppose  
11 the project. We respectfully disagree with them.  
12 We respectfully believe that some of the  
13 information they've been providing has been  
14 inaccurate. Some of them are looking to protect  
15 their economic interests, others are genuinely  
16 concerned.

17 COUNCIL MEMBER JAMES: Thank you.

18 CHAIRPERSON AVELLA: Thank you.

19 Now we'll call up the representative of the School  
20 Construction Authority.

21 ROSS HOLDEN: Good morning. My  
22 name is Ross Holden. I'm the Vice President and  
23 General Counsel of the New York City School  
24 Construction Authority. The New York City School  
25 Construction Authority has undertaken the site

1 selection process of the proposed 300-seat middle  
2 school facility that will be located on tax block  
3 36, lots 1, 3, 14, 49, 52 and 53, located on a  
4 block bounded by Dock Street, Water Street, Front  
5 Street and Main Street in the Borough of Brooklyn.  
6 The proposed school site is also located in  
7 Community School District 13 and Brooklyn  
8 Community Board 2. The proposed site contains a  
9 total of approximately 46,000 square feet of lot  
10 area. The school, by the way, would be  
11 approximately 47,000 square feet. Under the  
12 proposed plan, the SCA would acquire a condominium  
13 interest for the proposed school within the new  
14 mixed-use development that would be constructed on  
15 the site if the proposed rezoning of the site is  
16 adopted. The plan calls for the developer to  
17 demolish the existing structures and building the  
18 core and shell for the proposed new school. The  
19 SCA would then award a contract for the  
20 construction of the interior fit-out for the  
21 school under its own procurement and management.  
22 The notice of filing for the site plan was  
23 published in the New York Post and city record on  
24 December 1, 2008. Brooklyn Community School Board  
25



2 was also notified of the site plan on that date and was asked to hold a public hearing on the proposed site plan. Community Board 2 held its public hearing on the site plan on December 17, 2008 and submitted written comments that recommended in favor of the proposed site plan. The City Planning Commission was also notified of the site plan on December 1, 2008 and it has also recommended in favor. The SCA has considered all comments received on the proposed site plan and affirms the site plan pursuant to Section 17-31 of the Public Authority's Law. In accordance with Section 17-32 of the Public Authority's Law, the SCA submitted the proposed site plan to the mayor and counsel on May 21, 2009. I'm aware of complaints that the SCA did not adhere to its legislatively mandated site review and approval process. I filed written testimony with the City Planning Commission in March 2009 correcting those misconceptions for the record. Simply stated, the SCA evaluated four other sites for this school, two of which were even submitted to the SCA after the alternative site analysis period had expired, however we fully explored those sites as well.

1  
2 For reasons including structural infeasibility,  
3 present uses of adjacent properties, owner  
4 disinterest and excessive costs these sites were  
5 deemed inappropriate for a school. The Dock  
6 Street site's most compelling attribute is that it  
7 will provide a core and shell structure for a  
8 school at minimal financial cost to the city.

9 None of the other sites that SCA explored  
10 presented such an economically advantageous  
11 opportunity that will allow the SCA to leverage  
12 the limited resources in the five-year capital  
13 plan and create new seats at the lowest possible  
14 cost. Notably, in addition to the contribution of  
15 core and shell, the SCA will not have to pay  
16 acquisition or predevelopment costs such as  
17 environmental remediation. At the risk of  
18 overstaying my welcome or providing unnecessarily  
19 detailed information as to the specific sites we  
20 analyzed, I will be happy to describe our efforts  
21 and findings further if any Council Member would  
22 like me to do so. We look forward to your  
23 subcommittee's favorable consideration of the  
24 proposed site plan. I'm prepared to answer any  
25 questions that the committee may have. Thanks for

your time and attention.

CHAIRPERSON AVELLA: I'm sure we're going to have a lot of questions; first, Council Member Eric Gioia

COUNCIL MEMBER GIOIA: Thank you, Mr. Chair. My name is Eric Gioia. I represent Long Island City and other parts of Queens. I have to say, for a number of years I've been a big advocate for actually revitalizing the waterfront. Where I represent and where I grew up, you didn't get to see the water unless you worked in the Budweiser factory or the Pepsi factory on the waterfront. You certainly couldn't go to school down there. And so in my neighborhood, a lot of good things have happened down there and I've been a proponent of revitalizing this waterfront in Brooklyn and Queens for many years. In fact, one day I see a greenway stretching straight from Staten Island, straight up to the Bronx along there. So I'm inclined to be supportive of projects that bring housing and schools and parks to the waterfront. But I have some questions about the School Construction Authority, which I have to say I've had a very good history of

1  
2 working with. I've been very pleased with SCA in  
3 my district over the years. But yesterday late  
4 afternoon I received a packet from people who were  
5 opponents of the project, which is not uncommon.  
6 People oppose projects all the time. I actually  
7 think former Council Member Ken Fisher accurately  
8 described sometimes why people oppose; sometimes  
9 for the right reasons; sometimes for the wrong  
10 reasons. But in this there was a FOIL request, or  
11 more than a request, I guess what you had provided  
12 based on a request. Are you familiar with the  
13 documents I'm talking about?

14 ROSS HOLDEN: Yes, I am.

15 COUNCIL MEMBER GIOIA: I ask that  
16 because I assume that they're accurate, but I  
17 wanted to make sure they are before I read them  
18 into the record. There's an email which I'll  
19 summarize. It says it's from the School  
20 Construction Authority. It's an internal  
21 document. It says Council Member Yassky referred  
22 this guy to me because he has a property in  
23 Brooklyn on Water Street between Bridge and J.  
24 His name is so and so, his number is so and so.  
25 He says it's about a 20,000-square foot lot. Now

1  
2 I know that if we don't do this project that we  
3 don't really want to do anything else over there,  
4 but I think we have to follow-up on this just so  
5 we can say that the Walentas project is such a  
6 good deal. Do you have a response to that email?

7 ROSS HOLDEN: Sitting here, I don't  
8 know who wrote that email. All I can do is tell  
9 you that the real estate department reports to me.  
10 We prepared our alternative site analysis as we  
11 would anywhere else. There were some sites, as I  
12 suggested before, that were recommended to us even  
13 after, we continued to look nonetheless. But I  
14 think what everyone has to keep in mind is that no  
15 one at all came to the School Construction  
16 Authority with a recommendation that would provide  
17 us with a core and shell for a school at minimal  
18 cost. All of the sites that we looked at would  
19 have required acquisition. We would have had to  
20 pay for the land. In this case we do not. We had  
21 structural concerns certainly with a suggestion  
22 that was made to make an addition at local P.S. 8  
23 and equip it to be sufficient for a middle school  
24 as well. However, the structural work that would  
25 have been necessary to do that was cost-

1  
2 prohibitive. It would have meant the school would  
3 have been closed for a couple of years at least  
4 while the work was being done. So I can't comment  
5 on why or who wrote that particular email, all I  
6 can do is tell you what I did in our department  
7 and that was to make sure that we conducted an  
8 alternative site analysis as appropriate and we  
9 fully explored all of the opportunities that were  
10 presented to us in the area for a school.

11 COUNCIL MEMBER GIOIA: Mr. Holden,  
12 my concern is there is another email that gives  
13 almost that exact answer sent to the School  
14 Construction Authority, a series of questions and  
15 answers of how the city should answer these  
16 questions either from us or from the community.  
17 Have you seen the totality of these emails?

18 ROSS HOLDEN: Yes, I have. And in  
19 fact, there are emails that are not addressed here  
20 where the School Construction Authority you can  
21 see took issue with Two Trees on several matters.  
22 I know that those were not brought to anyone's  
23 attention, but I know those were produced as well.  
24 So if everything is read fairly and in context, I  
25 think that a different impression can be obtained.

2 COUNCIL MEMBER GIOIA: Mr. Holden,  
3 I think that's important. And that's why I wanted  
4 to give you a chance to answer this. If you have  
5 other emails that put these emails in context, I  
6 mean I would urge you to make them available to me  
7 and to this committee.

8 ROSS HOLDEN: We can do that. We  
9 do--

10 COUNCIL MEMBER GIOIA:  
11 [interposing] Hold on, let me finish. Because I  
12 have to say, even if one were inclined to be in  
13 favor of this project, these emails would have to  
14 give you pause because when you read this, when  
15 you read these emails, I mean it strikes this is  
16 not how government is supposed to work. That in  
17 private government is saying one thing to lawyers  
18 or to developers and then cooking something up and  
19 then coming public and saying another. When I  
20 read this email, I mean it's a pretty simple  
21 email. An elected official called up government  
22 and said I'd like you to take a look at this site.  
23 There is then an email from a government official  
24 to another government official saying, listen,  
25 let's not only humor this guy, but take a look at

1  
2 it just so that we can draw the conclusion we want  
3 to draw in the first place because the truth is we  
4 have no interest in building a school here unless  
5 it's at this site. I mean, it's refreshingly  
6 honest, but alarmingly so. If you have emails  
7 that can put this in context, I'd really like to  
8 see them. I just want to say, this is how people  
9 think government works actually. This is how  
10 people are afraid that government works. This  
11 isn't what I signed up for. What we say here  
12 should be what you're saying in private. And if  
13 it's not, then there better be a very good  
14 explanation.

15 ROSS HOLDEN: My point is that  
16 those other emails were produced as part of--

17 CHAIRPERSON AVELLA: [interposing]  
18 Hold on one second. Let me remind everybody,  
19 there will be no applause and there will be no  
20 booing. This is my final statement on that issue.  
21 If this happens again, I will ask the sergeant-at-  
22 arms to seek out those individuals.

23 ROSS HOLDEN: My point is that  
24 those other emails were produced. Everything was  
25 produced.



2 COUNCIL MEMBER GIOIA: It's  
3 incumbent on you, sir, then to provide it to this  
4 committee so that we can make an informed  
5 judgment. There was a FOIL request. I didn't  
6 make the FOIL request. But I am now in possession  
7 of this email. So I would urge you, since you  
8 said it has been produced it should not be hard  
9 for you by the end of the day to get me the rest  
10 of the emails.

11 ROSS HOLDEN: I would be happy to  
12 get you the other emails and provide them to you.  
13 But just so everyone understands, we were trying to  
14 be totally transparent. We did not pick and  
15 choose emails to be sent. We took everything that  
16 we had in connection with the Dock Street project  
17 and made them available.

18 COUNCIL MEMBER GIOIA: Hold on a  
19 second. There is a law. So you're not doing us a  
20 favor by opening up and following the law. So I  
21 mean, don't dig a deeper hole for yourself by  
22 saying we produced the emails that the law  
23 required us to produce, we didn't stonewall. You  
24 don't get points for not stonewalling. I don't  
25 want to hear that you followed the law and so you

1  
2 should get credit for that.

3 ROSS HOLDEN: I did not mean that.  
4 What I meant was that all of the emails were  
5 provided. And there are those, the ones that you  
6 cited, but there are also others where it can be  
7 easily ascertained that there was not some  
8 relationship with the Dock Street project or the  
9 Walentas Two Trees Company that was untoward in  
10 any way. You will see that there are emails where  
11 the school Construction Authority had issues and  
12 opinions that were different and that we had to  
13 work through those. My only point that I was  
14 making to you, sir, is that all of the emails were  
15 produced and they all have to be taken into  
16 context. I wasn't looking for an attaboy for  
17 producing them in the first place.

18 COUNCIL MEMBER GIOIA: Well, thank  
19 you for that. I will wait for the rest of your  
20 emails. I hope you will make yourself available  
21 when this committee meets again after I have had  
22 time to review those emails to answer and put this  
23 in context. Because I have to say, this is  
24 probably the most disturbing email, or disturbing  
25 document I have seen in my eight years in the

1  
2 Council. It raises some very, very serious  
3 questions about the honesty that the government is  
4 dealing with the people. It is things like this  
5 that contribute to the deep, deep cynicism of  
6 government. I think, if you tell me there is  
7 exculpatory evidence, well then we should get that  
8 out because the people should see that so it does  
9 not contribute to exactly what we're trying to  
10 prevent. Thank you.

11 CHAIRPERSON AVELLA: I have to  
12 concur with my colleague. I didn't see that email  
13 or these FOIL documents until a few minutes ago  
14 and I'm very concerned. I don't think there is  
15 collusion between the School Construction  
16 Authority and the Walentas Family, but it's been  
17 the experience, and I think we have said here in  
18 the Council a number of times that the School  
19 Construction Authority picks a site, and then  
20 that's it; that you'll never look at another site  
21 again, because your opinion is final. And no  
22 matter what anybody else says, you will never ever  
23 fully evaluate another site. To me, that's what  
24 that email says. Once again, well we got a  
25 suggestion, let's just go through the motions so

1  
2 we can say we looked at it. I'd like to see, I'd  
3 like this committee and every Council Member to  
4 have a full copy of that FOIL request that you  
5 sent out. I think we deserve that. I'd like to  
6 know who this person is within the School  
7 Construction Authority and what relationship this  
8 person had to actually doing an investigation of  
9 other alternative sites. I think this is a very  
10 serious issue. I think he's right that you were  
11 trying to gloss it over. I agree with him with  
12 your comment. You're supposed to follow the law.  
13 You don't get points for giving everything you're  
14 supposed to do. I think that comment of yours was  
15 probably not the best on behalf of the agency. So  
16 as soon as you can, this committee, and I think  
17 every member of the Council, deserves to have a  
18 copy of those emails.

19 ROSS HOLDEN: I'd be happy to  
20 provide them. And as I said, if my words were  
21 misconstrued, I apologize for that. I understand  
22 what the law is. All I can tell you is that the  
23 alternative site analysis and the real estate  
24 function reports to me. The alternative site  
25 analysis was done by that department. I think

1  
2 that's something important for you all to  
3 understand. So that said, I'll be happy to  
4 provide you with the full set of documents that  
5 were produced in response to the FOIL request.

6 CHAIRPERSON AVELLA: And the  
7 relationship of this particular individual to the  
8 analysis of the alternative sites. Because let's  
9 face it, you don't go out and look at every site,  
10 you have staff that does that. We recognize that.  
11 I want to know is that person who sent that email,  
12 how made that comment, the person who is  
13 personally in charge of investigating all the  
14 other sites. That's what I'd like to know. And  
15 if that's confidential information, then maybe you  
16 can just share it with counsel staff. But I think  
17 that's a relevant point.

18 ROSS HOLDEN: Without using any  
19 names, because I'd like to keep it confidential,  
20 that person does not report to the legal  
21 department or the real estate department. That  
22 person does not carry out the alternative site  
23 analysis. That's done under our director of real  
24 estate, reporting to me. So any further  
25 information, we can speak in chambers

1  
2 confidentially, but I just wanted so assure the  
3 Council Members here that that person is not part  
4 of the legal department, not part of the real  
5 estate group, not one of the people who had  
6 anything to do with the actual analysis of the  
7 sites that were evaluated.

8 COUNCIL MEMBER GIOIA: Mr. Chair, I  
9 would just ask that the documents that Mr. Holden  
10 is going to produce be sent to my district office,  
11 not to City Hall. That's where I will be the rest  
12 of the week. 4701 Queens Boulevard, Suite 205,  
13 Councilman Eric Gioia. Thank you. I imagine  
14 you're going to messenger it over. Thank you.

15 CHAIRPERSON AVELLA: Next we have  
16 another of Council Members that are going to be  
17 asking questions, Council Member Robert Jackson.

18 COUNCIL MEMBER JACKSON: Thank you,  
19 Mr. Chair. In fact, I assume that he is sending  
20 that not only to Council Member Gioia, but to this  
21 subcommittee, which I'm a member on rather than  
22 sending it to every member who's requesting it, if  
23 it's sent directly to the subcommittee then I'm  
24 sure that we will get it. Obviously, I am very  
25 concerned about the questions that were raised.

1  
2 As you know, I Chair the education committee. As  
3 you know, there is a budget hearing this afternoon  
4 on the proposed five-year capital plan for the  
5 Department of Education. But quite frankly, when  
6 you talk about keeping that individual  
7 confidential, that individual is a public  
8 official, appointed or hired by the School  
9 Construction Authority. Her name is in the  
10 documents, so it's not confidential. Do you agree  
11 or disagree with that?

12 ROSS HOLDEN: I agree that the name  
13 is disclosed in the request. I was responding to  
14 the Council Member's inquiry about whether that  
15 person had anything to do with the site selection  
16 process. I was just explaining that at the School  
17 Construction Authority that function comes under  
18 my direction and that person is not in my  
19 department. I do not report to that person, nor  
20 is that person involved in any of the analysis  
21 that we do in the real estate.

22 COUNCIL MEMBER JACKSON: But that  
23 individual is involved in the School Construction  
24 Authority as far as clearly involved in this  
25 particular project as a result of the email. It

1  
2 may not be in the analysis, but clearly, without a  
3 doubt, her email is clear on the face of it. I  
4 mean you cannot read that any other way. If you  
5 do, you're not analyzing it correctly. If you do,  
6 you're lying. If you do, you're not telling the  
7 truth. It is clear what it says. Let's just  
8 check it out to satisfy some elected official, but  
9 it's not going to have any impact on what we're  
10 going to do. I'm not saying that that site is not  
11 the appropriate site. I'm not saying that at all.  
12 I'm only going to the context of what is being  
13 said in the email. I'm not happy about that  
14 either, as the Chair of the Education Committee.  
15 But let me ask you about the project in itself, as  
16 far as the school. This is going to be built out  
17 as far as by the developer, is that correct?

18 ROSS HOLDEN: No. It's going to be  
19 built out by the School Construction Authority.

20 COUNCIL MEMBER JACKSON: So what's  
21 going to be built by the developer then?

22 ROSS HOLDEN: The core and shell.

23 COUNCIL MEMBER JACKSON: What's the  
24 value of that?

25 ROSS HOLDEN: Well, I don't know



1  
2 precisely on the dollars per square foot. I could  
3 get information to you that would be  
4 representative, but certainly it's everything  
5 other than the fit-out of the actual school in  
6 itself. So it's the property, the acquisition  
7 costs that we are not going to have to pay, and  
8 the core and shell of the structure.

9 COUNCIL MEMBER JACKSON: You don't  
10 know the value of that?

11 ROSS HOLDEN: I don't know the  
12 value of the core and shell.

13 COUNCIL MEMBER JACKSON: What is it  
14 going to cost you to fit out the school, to build  
15 it up?

16 ROSS HOLDEN: That I don't know  
17 either. We have general square foot costs that I  
18 can provide to you, but I don't know precisely.

19 COUNCIL MEMBER JACKSON: Do you  
20 have square foot costs when you already have the  
21 shell and the land already?

22 ROSS HOLDEN: What we would do is  
23 we would take a look at it as if it were a lease  
24 project. If it were a lease project, you would  
25 have the core and shell already and you would just

1  
2 be fitting out the interior for a school. So I  
3 would use that as an analogy for you.

4 COUNCIL MEMBER JACKSON: Is this  
5 currently in the current five-year capital plan,  
6 or is it in the proposed five-year capital plan?

7 ROSS HOLDEN: This project would be  
8 in the next five-year capital plan.

9 COUNCIL MEMBER JACKSON: It is in  
10 the proposed five-year capital plan?

11 ROSS HOLDEN: The proposed five-  
12 year capital plan.

13 COUNCIL MEMBER JACKSON: Because  
14 I'm going to ask my staff to look and see where  
15 it's located at, if anywhere, if there's any  
16 specifics on it. Because if you're saying this is  
17 the best site and you looked at the other sites  
18 and in partnership with the developer, here the  
19 developer has given us the land and also building  
20 the shell of the building, so in essence the city  
21 is saving a lot of money. Is that correct?

22 ROSS HOLDEN: That's correct,  
23 Council Member. Yes, that's right.

24 COUNCIL MEMBER JACKSON: And I want  
25 to know how much the city is saving. Don't you

1  
2 think that's an appropriate question for you to  
3 know?

4 ROSS HOLDEN: I think it's an  
5 appropriate question. Since the design hasn't  
6 been done yet for the fit-out it's hard to know  
7 precisely what it would cost, but we can give you  
8 a range.

9 COUNCIL MEMBER JACKSON: Does the  
10 developer know the value that the city is saving?  
11 I'm just asking if the developer knows, I would  
12 appreciate if they have an answer. I want to hear  
13 it publicly.

14 [Pause]

15 COUNCIL MEMBER JACKSON: Mr.  
16 Holden, I'm looking at an email that's in this  
17 book here. I guess those people that are either  
18 for it or against it, it doesn't really matter to  
19 me, but I'm reading an email and this is from Jed  
20 Walentas to Sharon Greenberger. She's the  
21 president of SCA, isn't that correct?

22 ROSS HOLDEN: That's correct.

23 COUNCIL MEMBER JACKSON: It says  
24 here how much savings to the SCA do the  
25 developer's contributions represent? It says we

2 estimate that the developer's contribution of a  
3 core and shell at this location represents an  
4 approximately \$50 million savings to the SCA. Are  
5 you aware of this email?

6 ROSS HOLDEN: Not offhand. But I  
7 think what you have to take into account is the  
8 property acquisition, the environmental due  
9 diligence and whatever remediation is going to be  
10 necessary. I was just advised that the land is  
11 approximately \$100-\$200 per square foot just for  
12 the land. The core and shell is estimated by the  
13 developer to be \$200 per square foot.

14 COUNCIL MEMBER JACKSON: The  
15 developer will get a tax write-off for that?

16 ROSS HOLDEN: I can't answer that.

17 COUNCIL MEMBER JACKSON: You can't  
18 answer that?

19 ROSS HOLDEN: I can't answer what  
20 the developer would get on that.

21 COUNCIL MEMBER JACKSON: In  
22 essence, I'm trying to determine, if it's an  
23 appropriate site, what's the cost factor to SCA  
24 and the people of our great city and our great  
25 state and where we get the money from, the federal

1  
2 government, and whether or not it's worth it. My  
3 understanding that this school is located in  
4 District 13 and that the seats of this  
5 intermediate school will be open to all of the  
6 children in District 13. Is that correct?

7 ROSS HOLDEN: That's my  
8 understanding. But that would be a question that  
9 would be best posed to the Department of  
10 Education.

11 COUNCIL MEMBER JACKSON: I will  
12 pose that question this afternoon. Thank you.  
13 Thank you, Mr. Chair.

14 CHAIRPERSON AVELLA: It's my  
15 understanding that there is nobody here from DOE  
16 to answer that question. Is that correct?

17 ROSS HOLDEN: As far as the  
18 programming and who would be going, there is no  
19 one here from the Department of Education.

20 CHAIRPERSON AVELLA: Can you reach  
21 out to somebody after you finish your testimony?  
22 I think it's relevant. Because who's going to  
23 this school? I think that's part of the  
24 discussion. I'm actually shocked that nobody is  
25 available to answer that question. So after you

1  
2 finish your testimony, if you can get on the phone  
3 and get somebody here since we're going to be here  
4 for a while?

5 ROSS HOLDEN: I'll do that, sir.

6 CHAIRPERSON AVELLA: We still have  
7 a number of questions. Council Member Katz and  
8 then I know Council Member David Yassky has joined  
9 us and I'd like to call upon him next.

10 COUNCIL MEMBER KATZ: My entire  
11 line of questioning was regarding who is going to  
12 the school. I guess I can only comment on one  
13 thing which is that you guys don't seem to help  
14 yourselves much. We need the information and even  
15 if you're for or against this project, you have to  
16 come here with the information. I mean one of the  
17 major things about this project is the school.  
18 And it is the greatest, I think, selling point to  
19 this project. So to come here and not even know  
20 how much that it's not going to cost the city to  
21 produce a public school is an important factor,  
22 and now not to know who's going to the school, it  
23 just seems like the city doesn't really try to  
24 help itself that often. If you can do me a favor,  
25 I'm assuming most of these folks here are your

1  
2 staff or lobbyists or something, if you can reach  
3 out to the Department of Education, and like the  
4 Chairman said, you need to have someone that  
5 represents them here.

6 CHAIRPERSON AVELLA: Council Member  
7 Yassky.

8 COUNCIL MEMBER YASSKY: Thank you,  
9 Mr. Chairman. I have some questions for Mr.  
10 Holden. I would like to discuss my general view  
11 of this project as well at this point. But I just  
12 want to start by thanking you, Mr. Chairman, for  
13 your heroic leadership on this issue. You have  
14 been quite steadfast in ensuring that the public  
15 interest will be served in this proceeding in this  
16 review. On behalf of the district I represent, I  
17 want to give you my sincere thank you for you  
18 leadership of this committee. I am opposed to  
19 this project. I think the school issue quite  
20 frankly is a red herring, and I will get to that.  
21 You're not here on the land use aspects; you're  
22 here on the school issue. So I just want to ask  
23 some questions on the school and then I'll get to  
24 the overall project. I just want to make sure I  
25 understand the position of the SCA. First of all,

1  
2 I take it that it's a position of the Department  
3 of Education and the SCA that a middle school is  
4 needed to serve the Downtown Brooklyn area. Am I  
5 right?

6 ROSS HOLDEN: My understanding that  
7 that is what they wanted to do is have a middle  
8 school for the downtown area.

9 COUNCIL MEMBER YASSKY: Mr. Holden,  
10 if you are here representing the Department of  
11 Education and the School Construction Authority,  
12 please don't say it is my understanding. You are  
13 here representing the department. Is it the  
14 position of the department that we need a middle  
15 school in Downtown Brooklyn?

16 ROSS HOLDEN: The position of the  
17 department that we need a middle school there.

18 COUNCIL MEMBER YASSKY: And it's  
19 worth spending public dollars on a middle school  
20 in Downtown Brooklyn? Yes, obviously, it is.  
21 It's in your plan. There's \$42 million in your  
22 capital plan.

23 ROSS HOLDEN: That's the budget.

24 COUNCIL MEMBER YASSKY: By the way,  
25 Council Member Jackson, the answer to your



1  
2 question is yes, there is \$42 million in the  
3 proposed five-year capital plan for this school.  
4 So I'm glad we agree. I've been, as you may or  
5 may not know, but as the chancellor and President  
6 Greenberger know, I have been asking the  
7 department and the SCA for several years to commit  
8 resources to a school in Downtown Brooklyn. It is  
9 my firm belief that we need a middle school that  
10 will serve the Downtown Brooklyn area. I  
11 appreciate the department's recognition of that  
12 fact, so I thank you for that. Is it also the  
13 position that the best place for a school to serve  
14 that area is at this location, the Dock  
15 Street/Water Street location?

16 ROSS HOLDEN: Yes, that is the  
17 conclusion that we reached after doing our  
18 alternative site analysis.

19 COUNCIL MEMBER YASSKY: Did you do  
20 an RFP? Did you do any requests for proposals  
21 from the public? We want to know who's out that  
22 that would provide us a school in this area at the  
23 best combination of best location and cheapest  
24 cost.

25 ROSS HOLDEN: We did not do an RFP.

1  
2 COUNCIL MEMBER YASSKY: Of course  
3 you didn't. I've got to tell you, I think it is  
4 just a disgrace. I think your performance here  
5 today, quite frankly, is embarrassing for the city  
6 and as a public servant I'm embarrassed that we're  
7 saying to the public we think this is the best  
8 deal for the city. I can't tell you how much it  
9 costs, but I think it's the best deal for the  
10 city. I can't tell you how much it's going to  
11 save compared to other sites because we have no  
12 idea. But I still think it's the best deal for  
13 the city. Either you are being genuine in saying  
14 I think this is the best deal for the city and the  
15 department is embarrassing in its performance  
16 because it has no way to back that up, or you're  
17 not being genuine and for some reason there's a  
18 commitment to this site. I don't know which I  
19 would find more troubling. But one of the two has  
20 to be true. I will tell you, you can dress up the  
21 email that was read by I believe Council Member  
22 Gioia, I don't know if somebody read it before  
23 that. You can dress it up any way you like, but  
24 what that email says is for some reason that  
25 remains mysterious to me we've picked this site to

1  
2 put our school at and we're not going to look at  
3 any other site in Downtown Brooklyn. That's what  
4 that email says on its face. That is a betrayal  
5 of the public interest here and I think frankly  
6 reason enough alone to disregard the school's  
7 argument in this case. My only question to you  
8 would be, do you have any more facts that you can  
9 bring to bear here? What do you think this is  
10 going to cost the city? How does it compare to  
11 other sites in terms of cost? You've already said  
12 you cannot answer those questions. I just want to  
13 address the committee for a moment and urge you as  
14 the Council Member representing this district to  
15 reject this application. This is a single site.  
16 It's actually not a large enough rezoning that  
17 would ordinarily kind of generate more interest.  
18 So if the question is if this is best for the  
19 district, I believe this building is not in the  
20 best interest of the district. This is not a  
21 matter of kind of whim or personal caprice. There  
22 are, as you know, my term ends in a handful of  
23 months. There are I believe five people running  
24 to secede me in this seat, all five of them I  
25 believe have take the position that this is bad

1  
2 for the district. I just submit to my colleagues  
3 if you're basing your judgment on if it's good for  
4 the district or not, I as a representative and  
5 every single person who is running to take this  
6 seat believe it is bad for the district. I don't  
7 think that's even the main reason to oppose this  
8 though. There are citywide concerns that are  
9 raised here because the Brooklyn Bridge is at  
10 stake. The model there, in my view, kind of  
11 leaves off the most compelling bit of actual fact  
12 to consider when you think about what this  
13 building might mean. For everyone who has ever  
14 walked across the Brooklyn Bridge or ridden a  
15 bicycle or driven across the bridge heading toward  
16 Manhattan, you see that big Verizon building on  
17 the Manhattan side. Anyone who's done that must  
18 have thought to themselves at some point, the  
19 experience of going over the bridge would be so  
20 much better if that building were not there, and  
21 boy, if only I'd been around at the time that  
22 building was approved I sure wish I'd been in a  
23 position to make sure that didn't happen. Well,  
24 that is why we have to oppose any building within  
25 a radius of the Brooklyn Ridge. And I think the

1  
2 Borough President Markowitz in his appraisal of  
3 this kind of recognized that. He said nothing  
4 within a radius should rise over the height of the  
5 Brooklyn Bridge roadway. Plain and simple, that  
6 is the position I hold and I think that this  
7 committee should adopt. It's not everyday of  
8 people of the stature of Ken Burns and David  
9 McCullough choose to intervene in a local land use  
10 matter. I mean occasionally this being New York  
11 City you'll see celebrities that will take a  
12 position, but often they're people who kind of  
13 live in the area and have a very local interest.  
14 These are people who say we are here to guard the  
15 Brooklyn Bridge against interference, and I think  
16 that has to be taken with the utmost seriousness  
17 by this committee. Even if I believed that this  
18 is the best place for a school and it was going to  
19 save the city tens of millions of dollars to have  
20 a building there, I would say that's still not a  
21 good enough deal, we shouldn't take it. But all  
22 the more so because the proponents of this project  
23 and the SCA cannot give us any data that says this  
24 is the best deal, this is going to save this many  
25 dollars. I think we have to disregard that

1  
2 argument quite honestly and evaluate it as if we  
3 could have a school somewhere else, which I  
4 personally am convinced that we can. The last  
5 thing I will say, and I appreciate your  
6 indulgence, Mr. Chairman, I know I've gone on too  
7 long. The last thing I will say is, Mr. Holden,  
8 when this application is defeated, the SCA had  
9 better come back and build a school in Downtown  
10 Brooklyn. If not, then you will have made it  
11 clear that you are participating in a sham.  
12 Because if you are genuinely committed to building  
13 a middle school to serve Downtown Brooklyn, I find  
14 it hard to believe that you won't be able to find  
15 any other place to do it. I hope that you will  
16 show that your commitment to the school is genuine  
17 and it's not a pretext for building when this goes  
18 down, coming back and making sure that we have the  
19 middle school that we need. Thank you.

20 CHAIRPERSON AVELLA: Thank you,  
21 Council Member and now, Council Member James.

22 COUNCIL MEMBER JAMES: Before I get  
23 to my questions I want to recognize the question  
24 that was asked earlier about who would attend this  
25 middle school. I want to recognize in the

1 audience students from P.S. 307 grade four on York  
2 Street. They are accompanied by Ms. Jackson and  
3 Ms. Brown. Their wonderful principal is Principal  
4 Davenport. Welcome to City Hall and thank you for  
5 attending this hearing this morning. Mr. Holden,  
6 do you usually issue RFPs in the absence of public  
7 sites?  
8

9 ROSS HOLDEN: No, we don't usually  
10 issue RFPs. What we do is we have our own real  
11 estate staff. We have five people that go out and  
12 look for sites. We get recommendations for sites  
13 from the community, from the community board, from  
14 elected officials, from parents, from  
15 institutions, and we go out and look at all of  
16 them. We also did do an RFP for real estate  
17 brokers who are assigned to various geographical  
18 areas of the city that go out and look for  
19 property for us. Although I cannot tell you  
20 precisely because I'm not an architect and I  
21 apologize for not having this information on the  
22 precise dollars we would save, we certainly can't  
23 ignore the fact that we are not going to have to  
24 buy a piece of property, whatever that may cost.  
25 This was not on the market so I don't know what it

1  
2 would have cost, but whatever that property would  
3 have cost sufficient to site a school, that will  
4 be dollars that would have come out of the capital  
5 plan. The core and shell, whatever that may be,  
6 be it \$200 a square foot or \$250 a square foot,  
7 that's an additional savings. So I may not have  
8 the precise number, but certainly there are  
9 categories of cost we know that are going to be  
10 saved. Frankly, that was the main reason that we  
11 were interested in this and any insinuation that  
12 we had some unholy relationship with the  
13 developers are simply not true.

14 COUNCIL MEMBER JAMES: My. Holden,  
15 later on this afternoon we will be having a  
16 hearing chaired by the Chair of Education to talk  
17 about our capital budget, are there any cuts to  
18 the capital budget for the Department of  
19 Education?

20 ROSS HOLDEN: Yes, the capital plan  
21 that's being proposed is \$11.2 billion. If you  
22 mean is it cut from the last plan.

23 COUNCIL MEMBER JAMES: Yes.

24 ROSS HOLDEN: The last plan was  
25 over \$13 billion. So already we do have a \$2-\$2.5



1 billion cut, if you will, from the plan that we  
2 are just completing.

3  
4 COUNCIL MEMBER JAMES: Is the  
5 Department of Education and School Construction  
6 Authority delaying any public projects in the  
7 proposed five-year capital plan?

8 ROSS HOLDEN: We do have a plan.  
9 There are projects that certainly we would like to  
10 do more quickly, capital improvement projects we  
11 would like to address. But we're going to have to  
12 triage as best as we can. We do a building  
13 condition assessment survey for our capital  
14 improvement projects every year. We will do the  
15 best we can to take care of those schools in most  
16 need. This capital plan that we are just  
17 completing, we are going to deliver 55,000 seats  
18 when all of the schools are completed; the ones  
19 that were started under this plan. In the next  
20 plan it will be 25,000. So you can see the  
21 limitations on our capital dollars is certainly  
22 something that we're mindful of. Wherever we feel  
23 we can appropriately save money for the city and  
24 still provide seats that are needed, we'll do so.

25 COUNCIL MEMBER JAMES: As the

1  
2 neighboring Council Member who represents the  
3 district half a mile from this proposed site,  
4 Council Member Yassky and I both agree that there  
5 is a need for a middle school in District 13 and  
6 you agree with that, correct?

7 ROSS HOLDEN: Yes, that's why we  
8 were looking for a school in the area.

9 COUNCIL MEMBER JAMES: You  
10 indicated, or I believe someone pointed out to you  
11 in a previous letter that the City of New York,  
12 the taxpayers, would realize a savings of up to  
13 \$50 million, correct?

14 ROSS HOLDEN: I don't know, as I  
15 said, and I apologize, precisely the number, but  
16 certainly we are going to save money. A core and  
17 shell of a 47,000 square foot school, we're not  
18 going to have to pay for the core and shell. We  
19 don't have to pay acquisition costs, which even in  
20 this economy the cost of finding sites on which a  
21 school would fit are still very, very expensive  
22 and we don't have to incur that cost as well. So  
23 whatever it would have taken to find a site to buy  
24 to building a school we will be saving.

25 COUNCIL MEMBER JAMES: I want to

1 talk about the alternate site analysis.

2 CHAIRPERSON AVELLA: Council  
3 Member, you do remember that I said two questions.

4 COUNCIL MEMBER JAMES: Okay,  
5 several parts of one question.

6 CHAIRPERSON AVELLA: Council  
7 Member.

8 COUNCIL MEMBER JAMES: Is it true  
9 that you looked at 37 Hicks, 72 Poplar and P.S. 8  
10 and you determined that they were not suitable and  
11 it was cost prohibitive?  
12

13 ROSS HOLDEN: Also, 205 Water  
14 Street.

15 COUNCIL MEMBER JAMES: Yes, thank  
16 you.

17 CHAIRPERSON AVELLA: Thank you. I  
18 would appreciate your going back and seeing if we  
19 can get somebody from DOE here. I know Council  
20 Member Jackson will bring this up at his meeting  
21 later on. We will now proceed to the public  
22 hearing. The first panel I will call up will be a  
23 panel in opposition. If the sergeant-at-arms can  
24 put a few more chairs there, at least two more.  
25 Let's make it at least four. The first panel is

1  
2 Ken Burns, Steve Sylvester, Sheryl Buckholtz, and  
3 Gus Sheha. We said Ken Burns. Oh, he had to  
4 leave; so Doreen Gallo.

5 STEVE SYLVESTER: Good morning,  
6 Chairman Tony Avella and all members of the Zoning  
7 and Franchises Subcommittee. It's a pleasure to  
8 have the opportunity to testify before you.

9 CHAIRPERSON AVELLA: Can you pull  
10 the mike up a little closer please?

11 STEVE SYLVESTER: It's a pleasure  
12 to have the opportunity to testify before  
13 regarding the ULURP application known as Dock  
14 Street located in Dumbo, Brooklyn. The Dumbo  
15 Neighborhood Alliance, formerly known as Dumbo  
16 Neighborhood Association, is a nonprofit, all  
17 volunteer organization representing the interests  
18 of hundreds of residents and property owners in  
19 the Dumbo area. Our roots can be traced back to  
20 the early 1990s when Dumbo first began to be  
21 converted from exclusively industrial use to  
22 work/live spaces for many artists and  
23 entrepreneurs. DNA's core mission is to preserve,  
24 protect and plan for Dumbo's future to the best of  
25 our ability. This has included using whatever

1  
2 tools available to achieve that goal, including  
3 zoning reform, listing neighborhood on the  
4 National and State Register of Historic Places,  
5 New York City Landmark designation and acquisition  
6 and creation of new parkland. Over the last ten  
7 years, Dumbo has dramatically transformed.

8 Longtime industrial manufacturers, warehouses and  
9 businesses have been replaced with thousands of  
10 new residential units and retail stores at street  
11 level. While much of this has occurred in  
12 existing buildings that were adaptively reused,  
13 which we resoundingly support, the new high rise  
14 construction that is out of scale, such as 100 J  
15 Street, 85 Adams Street has threatened to destroy  
16 the delicate balance that was supposed to be  
17 codified and reinforced with our designation in  
18 November 2007 as a New York City Historic  
19 District. This is why on behalf of DNA's  
20 executive board, our members and thousands of our  
21 supporters--

22 CHAIRPERSON AVELLA: [interposing]  
23 Hold on one second. Can we get the drilling the  
24 back stopped? We had asked them to stop that  
25 before. Can they please stop it? Have we been

1  
2 successful because the noise is still going on?

3 Let's try again.

4 STEVE SYLVESTER: I'll continue.

5 CHAIRPERSON AVELLA: I just want to  
6 make sure that your testimony gets heard and  
7 everybody's testimony gets heard and you don't  
8 have to speak above drilling.

9 STEVE SYLVESTER: I appreciate  
10 that. Just to conclude here. That is why on  
11 behalf of DNA's executive board, our members and  
12 thousands of supporters we would like to express  
13 our firm opposition to the Dock Street application  
14 submitted by Two Trees management. The DNA is  
15 joined in steadfast opposition by the Brooklyn  
16 Heights Association, the Fulton Ferry Landing  
17 Association, the Vinegar Hill Neighborhood  
18 Association, the Cobble Hill Association, the  
19 Boerum Hill Association and the Fort Greene  
20 Association. Let us be clear, we are not against  
21 development in Dumbo, however, we consider DNA's  
22 comprehensive contextual rezoning plan for Dumbo,  
23 Fulton Ferry and Vinegar Hill, which we're  
24 submitting today, to be a blueprint for  
25 responsible, sustainable development in our

1  
2 neighborhood. The plan was created in response to  
3 what we believe has been piecemeal efforts in spot  
4 zonings initiated and approved by the Department  
5 of City Planning over the last decade at the  
6 request of large stakeholder developers like Two  
7 Trees and not to the residents, small property  
8 owners and business owners of Dumbo. Thank you.

9           SHERYL BUCKHOLTZ: Thank you for  
10 the opportunity to address this committee. My  
11 name is Sheryl Buckholtz. The DNA's contextual  
12 rezoning plan recommends an R7-B zone for the Dock  
13 Street site. This would allow a building with a  
14 40 to 60 foot streetwall and a 75-foot maximum  
15 height, which is below the Brooklyn Bridge  
16 walkway. We believe that the R7-B zone will allow  
17 for reasonable and contextual development at the  
18 Dock Street site. It actually increases the as-  
19 of-right floor area ratio known as FAR as the  
20 current M1-2 zoning has a 2.0 FAR while an R7-B  
21 has a 3.0. While the arguments that have been  
22 made by Two Trees justifying a 6.5 FAR they are  
23 seeking a proposed 18-story tower, partially based  
24 on the present M1 zoning and the facility's 4.8  
25 FAR, the types of community facilities that would

1  
2 be allowed does not allow for a school. In fact,  
3 it basically only allows religious building,  
4 monasteries, hospitals and cemeteries. An R7-B  
5 would allow for a school at the Dock Street site  
6 as an as-of-right development scenario. You may  
7 recall that in 2004 Two Trees Management was  
8 seeking a rezoning change and code waivers to  
9 develop a 16-story luxury rental building on the  
10 parcel of land that lies directly below and  
11 adjacent to the internationally renowned landmark,  
12 the Brooklyn Bridge. Our community groups, along  
13 with elected officials and appointed officials are  
14 united in opposition. The public outcry over the  
15 detrimental impact of the development of the  
16 Brooklyn Bridge and historical adjacent  
17 neighborhoods persuaded local politicians to  
18 reject controversial development. Consequently,  
19 the developer failed to gain the requested zoning  
20 changes and waivers. This, even a larger proposed  
21 development, with its many components, including  
22 special permits, waivers and a 200% increase in  
23 the FAR is not simple rezoning, it is a 212-foot  
24 building, including a bulkhead in an immediate  
25 area where most buildings are 20 to 80-feet in



height.

GUY SHEHA: As in the 2004 proposal, this structure will adversely affect one of our most identifiable nation treasures, the Brooklyn Bridge, by impeding the 360-degree panoramic view from both ways of the pedestrian walkway, as well as blocking the view of the bridge from street level. The Brooklyn Bridge currently enjoys the presence of a broad expanse of low-lying structures at street level. These two to four-story buildings form a bowl, a component of the original Roebling design to ensure the continued dominance of the Brooklyn Bridge as the Gateway to Brooklyn, which dramatizes its visual impact from every direction. Protecting the bowl of the Brooklyn Bridge is critical to its continued international importance as a visual icon, as is the reinforcement of the low-rise scale of the surrounding buildings in the immediate vicinity of the bridge with appropriate contextual zoning. All the buildings within at least 200-foot radius of the Brooklyn Bridge walkway are below the walkway level and most of those are at least several stories shorter,

1  
2 allowing the 212-foot tower and bulkhead that  
3 looms over our streets and competes with the  
4 Brooklyn Bridge will without question destroy this  
5 context, the viewshed and the experience of the  
6 Brooklyn Bridge. Additionally, the proposed 96-  
7 foot high wing of the development facing Water  
8 Street will also compromise the landmark Civil War  
9 era tobacco warehouse and Empire stores located in  
10 the Empire-Fulton State Park and will erode the  
11 historic resource of the fragile Brooklyn  
12 waterfront. In 2007, the Brooklyn waterfront was  
13 placed on the National Trust of Historic  
14 Preservation's 11 most endangered places in  
15 America. DNA believes that any structure that  
16 rises above the Brooklyn Bridge walkway will ruin  
17 the context of our historic neighborhood, a  
18 neighborhood which was the site of George  
19 Washington's headquarters during the 1776 Battle  
20 of Brooklyn, Robert Fulton's 1814 introduction of  
21 the steam ferry, the print shop where in 1855 Walt  
22 Whitman set the type for his famous collection of  
23 Poems, "Leaves of Grass," where in 1860 an  
24 unfamiliar long shot presidential candidate  
25 Abraham Lincoln disembarked and strolled up the

1  
2 road to listen to a Sunday sermon by the  
3 celebrated abolitionist Reverend Henry Ward  
4 Beecher, brother of famed author Harriet Beecher  
5 Stowe, where in 1883 an immigrant dreamer and  
6 civil engineer named Johann Augustus Roebling with  
7 the help of his workers, many of whom subsequently  
8 perished, defied the critics and catapulted the  
9 United States of America into the age of  
10 industrial modernity with the completion of the  
11 Brooklyn Bridge. Clearly the point we're making  
12 is rather direct. This is not an ordinary  
13 development site in any random part of New York  
14 City. It is one of the most important locations  
15 in the history in the development of New York  
16 City, New York State and the United States and  
17 should not be treated as another place to build  
18 another luxury rental tower.

19 DOREEN GALLO: I'm going to  
20 continue the DNA testimony, but not as fast.  
21 DNA's belief that the proposed rezoning and  
22 subsequent 18-story building will have an  
23 overwhelming negative impact on the surrounding  
24 neighborhoods--

25 CHAIRPERSON AVELLA: [interposing]

You didn't state your name for the record.

DOREEN GALLO: I'm so sorry, Doreen Gallo. DNA's belief that the proposed rezoning and subsequent 18-story building will have an overwhelmingly negative impact on the surrounding neighborhoods of Dumbo, Fulton Ferry Landing, as well as on the Brooklyn Bridge itself is supported not just by the local neighborhood associations, but by local elected officials and some of the most important citywide and national preservation organizations and individuals. These include: the Historic Districts Council, the grass roots advocate for New York City historic neighborhoods; the Roebling Chapter for Industrial Archeology, the Municipal Art Society; the Society for Architecture of New York City; David McCullough, a renowned lecturer, historian and two-time Pulitzer Prize winning writer and author of "The Great Bridge"; Richard Moe, president of the National Trust for Historic Preservation; Ken Burns, cinematographer and creator of the documentary "The Brooklyn Bridge"; and Christian Roebling, direct descendent and spokesperson for the Brooklyn Bridge designer John Roebling and

1 building Washington Roebling. All of these  
2 organizations and individuals have stated their  
3 unequivocal opposition to this proposed  
4 development. Furthermore, DNA has undertaken a  
5 petition campaign that has garnered nearly 12,000  
6 paper signatures and over 1,700 electronic  
7 signatures from our neighbors, fellow citizens and  
8 concerned individuals from across New York City,  
9 state, the United States and the world who have  
10 stated that they are against impinging on the  
11 grandeur of the Brooklyn Bridge and marring the  
12 historic character of our neighborhood. Recently,  
13 a postcard campaign initiated two weeks ago led to  
14 nearly 8,000 postcards being sent to Mayor  
15 Bloomberg and Speaker Quinn from individuals  
16 expressing opposition to the proposed Dock Street  
17 project rising above the bridge walkway. Other  
18 opposition to this proposed development has  
19 occurred during the ULURP process. The Land Use  
20 Committee of CB 2 voted against the project,  
21 moreover by a 10-1 supported the DNA's proposed  
22 R7-B zone for Dock Street, recommending that the  
23 height of this development not exceed the walkway  
24 of the bridge. At Borough President Marty

1  
2 Markowitz's public hearing, out of the 100  
3 speakers who testified, 70 expressed their  
4 opposition to the project. The borough president,  
5 despite a highly public campaign initiated by the  
6 applicant to confuse the public City Council  
7 stating otherwise, inevitably disapproved this  
8 application as filed and gave his own  
9 recommendations. The real reason we are once  
10 again debating the merits of this development is  
11 not because the proposal was redesigned from the  
12 originally conceived--

13 CHAIRPERSON AVELLA: [interposing]  
14 Can you start to sum up?

15 DOREEN GALLO: We are here today  
16 because Two Trees Management wants the public to  
17 believe that a community-desired middle school can  
18 only become a reality if the public accepts an 18-  
19 story out of context tower that encroaches on the  
20 Brooklyn Bridge.

21 CHAIRPERSON AVELLA: I think you  
22 misunderstood. There was a panel of four names  
23 that were called. If you have additional  
24 speakers, they'll have to go in the next panel.  
25 We have representatives of two elected officials

1  
2 here. I'd like to call them up, Daniel Wiley from  
3 Congresswoman Nydia Velazquez's office and Alan  
4 Joseph for Congressman Towns. Alan, are you still  
5 here? And we also had a representative for State  
6 Senator Daniel Squadron who had to leave, but they  
7 left testimony for the record.

8 DANIEL WILEY: Good afternoon and  
9 thank you. My name is Dan Wiley. I'm here  
10 representing Congresswoman Nydia Velazquez, whose  
11 district the site falls in and who is currently in  
12 Washington, D.C. Good afternoon and thank you for  
13 the opportunity to comment on this proposal. As a  
14 member of Congress who represents a large majority  
15 of New York City's waterfront communities that  
16 span from South Brooklyn to North Brooklyn to  
17 Western Queens, I have become very familiar with  
18 the term rezoning and its process. I know  
19 firsthand that zoning is a tool that can alter the  
20 characters of neighborhoods and its impact must be  
21 carefully considered. Unfortunately, rezoning in  
22 Dumbo is not proceeding in a comprehensive way.  
23 We have had successive spot rezonings in Dumbo  
24 starting at Main Street years ago and now we have  
25 a block on Dock Street and a separate rezoning of

1 a 12-block area in Dumbo's eastern section. An  
2 earlier version of the Dock Street residential  
3 development tower proposed by Two Trees was  
4 rejected in 2004 due to community outcry over  
5 obstruction of views of the historic Brooklyn  
6 Bridge. The current proposal is for the same  
7 site, though now the tower covers an enlarged area  
8 and the proposal included the promise of 20%  
9 affordable housing and space for a middle school.  
10 While affordable housing and a school would  
11 certainly provide good community benefits, the  
12 question remains is the site the best for the  
13 tower, or is this the right site for a tower. The  
14 developer owns a lot of property in Dumbo and has  
15 enjoyed steady increases in property values thanks  
16 in part to such amenities as the Empire Fulton  
17 Ferry State Park and the larger 85-acre Brooklyn  
18 Bridge Park now under construction. Now it has  
19 plans to yield greater returns by building a  
20 residential tower next a national landmark. Views  
21 of the Brooklyn Bridge will certainly bring in  
22 much higher rents, but it remains to be seen why  
23 the building needs to be 17 or 18 stories. The  
24 Dock Street site is currently home to St. Ann's  
25



1 Warehouse. Thanks to the developer--

2  
3 CHAIRPERSON AVELLA: [interposing]  
4 Because you've got another page and a half to go,  
5 if you could sort of sum up, that'd be great.

6 DANIEL WILEY: Thanks to the  
7 developer this is a community resource for the  
8 arts community that would have to be relocated.  
9 So we'd be trading on benefit to the community for  
10 another. As for affordable housing, there is a  
11 12-block area to the east to be rezoned and the  
12 Congresswoman appreciates the attention of City  
13 Planning on affordable housing but feels that  
14 tenant protections must be strengthened,  
15 particularly the city should study the 200-  
16 residential units in Dumbo neighborhood which the  
17 DNA has identified that could be displaced by  
18 market rate housing being built and displacing  
19 those who live in live/work situations. The  
20 congresswoman asks for mandatory inclusionary  
21 zoning of 20% guaranteed affordable housing as a  
22 start with incentives for developers particularly  
23 because we've seen in the Greenpoint Williamsburg  
24 rezoning at the four-year mark of that rezoning we  
25 haven't been seeing the affordable housing

1  
2 promised yet. We certainly should not rely on  
3 Dock Street to provide the bulk of affordable  
4 housing in the neighborhood. Additionally, she  
5 asks for an inclusionary industrial zoning area  
6 for Dumbo that would create ground floor  
7 opportunities for industrial and non-retail  
8 businesses since when you have an MX zone, as you  
9 all know, residential tends to displace them  
10 because it brings a higher value. Returning to  
11 Dock Street, we should not be working to help a  
12 developer who owns most of the property in Dumbo  
13 to develop exactly what he wants. We can still  
14 have affordable housing and a school if we do real  
15 city planning and zoning of the Dumbo area right  
16 without encumbering the Brooklyn Bridge. Years  
17 ago, a portion of the area, the Purchase Building  
18 under the Brooklyn Bridge was proposed for  
19 adaptive reuse as an education and welcome center  
20 for Brooklyn Bridge Park. This building, though  
21 in a historic district, was torn down and the  
22 argument was made by the president of the Brooklyn  
23 Bridge Park Development Corporation that if it  
24 came down between a WPA era historic building and  
25 the historic Brooklyn Bridge, the Brooklyn Bridge

1  
2 would have to win. So in this case, too, the  
3 Brooklyn Bridge should win. Thank you.

4 ALAN JOSEPH: Good afternoon. I'm  
5 Alan Joseph, on behalf of Congressman Towns. I  
6 apologize that I cannot be with you in person  
7 today, but I wanted to add my voice to those who  
8 strongly believe that the Dock Street Dumbo  
9 proposal will be a positive addition to our  
10 community and offer my full support for this  
11 important project. The problems facing our  
12 neighborhoods and our families these days are no  
13 secret. Our schools are overcrowded. School  
14 construction funding is drying up as a result of  
15 the financial crisis. The lack of affordable  
16 housing, especially in the Downtown Brooklyn  
17 communities I represent has never been more  
18 serious. Presented with these significant  
19 challenges, how can we in good conscience not look  
20 at the Dock Street Dumbo proposal as hugely  
21 positive? Not only has Two Trees committed to  
22 creating the first ever affordable units in all of  
23 Dumbo, but they have put on the table a donation  
24 of a state of the art new middle school that is  
25 worth tens of millions of dollars. The Department

1  
2 of Education and School Construction Authority  
3 have made it clear that there are no other options  
4 out there that can match this proposal and I, for  
5 one, have no desire to wait any longer to provide  
6 our public school children with the first class  
7 school facilities they deserve. While I am fully  
8 aware of the concerns expressed by some of the  
9 location of the building, I have reviewed all the  
10 materials, evaluated the various renderings,  
11 watched the animations and consulted with numerous  
12 residents, design professionals and others who  
13 share both my love for this community and my  
14 appreciation for the grandeur of the Brooklyn  
15 Bridge. I can say without hesitation that I  
16 believe this building is appropriate, contextual,  
17 fits with the surrounding neighborhood and is  
18 absolutely no threat to the Brooklyn Bridge. Once  
19 again, I offer my strong support for the Dock  
20 Street Dumbo project and I urge the New York City  
21 Council to do the same under all applicable laws  
22 and regulations. Thank you.

23 CHAIRPERSON AVELLA: Thank you.

24 The next panel will be a panel in favor. Richard  
25 Drucker, Kate Kerrigan, Joe Chan and Pavel Krause

1  
2 [phonetic]. While they're being seated, I know  
3 Council Member, de Blasio has joined us and would  
4 like to make a comment.

5 COUNCIL MEMBER DE BLASIO: Thank  
6 you, Mr. Chair, I appreciate it. Just very  
7 briefly, as I've said before, I'm not comfortable  
8 with the current plan for this development. I  
9 agree with my colleague, Council Member Yassky and  
10 share his concerns. I have been willing to  
11 support development when I believe it is providing  
12 the most community benefit possible and I am not  
13 convinced in this case that that's what's  
14 happening. Also, I believe that the concerns  
15 being raised about the Brooklyn Bridge are  
16 extremely important. This is one of the great  
17 symbols, not only in our borough, not only in our  
18 city, but in our nation and I think at a time when  
19 we're beginning finally to focus more on  
20 preserving our communities and preserving their  
21 character and their history and their culture that  
22 we should tread very lightly when it comes to a  
23 symbol of this importance. In essence, I would  
24 say that as much as everyone here would agree that  
25 we desperately need more affordable housing and we

1  
2 desperately need more classroom space throughout  
3 our city and particularly in our area of Brooklyn,  
4 I am unconvinced that this is the way to get the  
5 most and the best affordable housing. I am  
6 unconvinced that this is the best site for a  
7 school or the way to get the most classroom seats.  
8 I think there are other good options, which I and  
9 Council Member Yassky and others have been  
10 proposing for quite a while, including sites in  
11 the Brooklyn Bridge Park. I don't think there's  
12 been a thorough review of those options and the  
13 ways that they could in fact achieve more in terms  
14 of creating the middle school space in particular  
15 we need. So I still feel that we have not been  
16 given a proposal that is worthy of support in  
17 terms of the positives it brings. I don't think  
18 it's bringing as much as it could and should.  
19 Certainly in terms of the negative, most notably  
20 the impact on the bridge, I think it's a risk not  
21 worth taking. I thank you, Mr. Chairman.

22 CHAIRPERSON AVELLA: Thank you.

23 Whoever wants to go first?

24 JOE CHAN: I'm happy to start.

25 Thank you for the opportunity to testify, Chair

1  
2 Avella, Land Use Chair Katz and member of the  
3 Zoning and Franchises Subcommittee. My name is  
4 Joe Chan. I am President of the Downtown Brooklyn  
5 Partnership which is a not-for-profit economic  
6 development organization charged with advancing  
7 economic development of the Downtown Brooklyn.  
8 I'm also a resident of Fort Greene Brooklyn and  
9 actually lived in Dumbo between 2000 and 2006.  
10 The Dock Street Dumbo project is a privately-  
11 sponsored development that also serves the public  
12 interest of the broader Downtown Brooklyn area.  
13 First, the project presents an outstanding  
14 opportunity to create a new state of the art  
15 public school to serve the growing school age  
16 population of Community District 13. As a parent  
17 with one child attending public school in the  
18 area, and another starting in the public school  
19 system this September, I am very aware of the very  
20 significant need for middle school seats in the  
21 area. The project will address that need by  
22 creating a school that will welcome students  
23 coming from area public schools into a modern,  
24 safe and accessible middle school location. I  
25 also chair a summer enrichment program that serves

1  
2 P.S. 307 which Council Member James mentioned  
3 earlier, and P.S. 287, two area schools that serve  
4 the Farragut and Ingersoll Houses. In recent  
5 years there schools have made great progress. The  
6 administrators, teachers and parents of these  
7 schools need a sense of security that the  
8 secondary school options in the area will improve.  
9 A new school facility in the middle of one of New  
10 York City's most dynamic neighborhoods and across  
11 the street from one of New York City's flagship  
12 parks is certainly an encouraging prospect. A  
13 second public need addressed by the Dock Street  
14 project is affordable housing. The affordable  
15 rental units planned for this project will be the  
16 first in Dumbo, which in recent years many people  
17 know, has become home to Brooklyn's most expensive  
18 residential real estate. The public and private  
19 sector need to be more aggressive about creating--

20 CHAIRPERSON AVELLA: [interposing]

21 I see you've got another page there, so can you  
22 please sum up?

23 JOE CHAN: --affordable housing in  
24 Downtown Brooklyn. In conclusion, the Dock Street  
25 project offers important public benefits to a wide



1  
2 and diverse community of current and future  
3 Downtown Brooklyn area residents and their  
4 children. Acknowledging that, we support this  
5 project.

6 RICHARD DRUCKER: Good afternoon.  
7 My name is Richard Drucker. I'm the Senior Vice  
8 President for External Affairs at the Brooklyn  
9 Navy Yard. The Brooklyn Navy Yard Development  
10 Corporation is a not-for-profit local development  
11 corporation that manages the Brooklyn Navy Yard  
12 Industrial Park on behalf of the City of New York.  
13 As Dumbo's neighbor, BNYDC supports the proposal  
14 by Two Trees Management Company for the Dock  
15 Street project because it will have a positive  
16 economic impact on the community, including the  
17 Navy Yard. The Brooklyn Navy Yard's mission is to  
18 create industrial jobs, develop underutilized  
19 areas within the yard to attract more businesses  
20 and modernize the yard's infrastructure, including  
21 its 40 plus buildings that continue to be used for  
22 their original industrial purpose. The yard  
23 currently had 4 million leasable square feet and  
24 has been fully occupied for the last four years by  
25 more than 250 businesses that cumulatively employ

1  
2 over 5,000 people. The growing business sectors  
3 in the yard include fine foods, fine arts,  
4 furniture, biotech life sciences and green  
5 manufacturing. As a result of this track record  
6 of success, BNYDC has launched the yard's largest  
7 building campaign since World War II. Within the  
8 next two years 1.7 million square feet of  
9 industrial space will come online. Thanks to the  
10 Bloomberg administration, over \$200 million in  
11 city capital funds are being invested in basic  
12 infrastructure. These investments have leveraged  
13 over \$250 million in private investments,  
14 including major expansion to Steiner Studios and  
15 B&H Photo. There is a direct connection between  
16 the kinds of businesses that grown and thrive in  
17 Dumbo and the Navy Yard. The continued  
18 development of Dumbo as a place to both live and  
19 work will continue to support and create small  
20 businesses in the Navy Yard. In addition, having  
21 affordable housing near the yard is an important  
22 factor that is considered by perspective tenants  
23 in locating in the Navy Yard. First class  
24 affordable housing near the workplace makes it  
25 easier for businesses to find proficient

1  
2 employees. The Dock Street Dumbo project will  
3 create affordable housing urgently needed in our  
4 community. The project will also accommodate a  
5 much needed public school in a neighborhood where  
6 there is an acute shortage of schools today.

7 BNYDC has made a major commitment to  
8 sustainability as a part of its expansion. This  
9 commitment includes the building of our nation's  
10 first multi-tenanted, multi-storied LEED certified  
11 green industrial building and numerous historical  
12 renovation and adaptive reuse projects. We are  
13 pleased to learn that the Dock Street Dumbo  
14 project will also be a LEED certified green  
15 building. For all these reasons, I strongly  
16 support Two Trees Management Company's Dock Street  
17 Dumbo project. Thank you so much.

18 KATE KERRIGAN: Mr. Chair and  
19 members of the Council, thank you for the  
20 opportunity to speak in support of Two Trees  
21 Management Company's Dock Street Dumbo project.  
22 My name is Kate Kerrigan and I'm the Executive  
23 Director of the Dumbo Improvement District which  
24 manages the Dumbo BID. Our organization supports  
25 the small businesses, property owners and

1 residents of Dumbo. Working in coordination with  
2 our elected leadership in the Bloomberg  
3 administration we promote shopping and dining in  
4 Dumbo. We market and produce special events and  
5 manage capitol projects that drive foot traffic to  
6 Dumbo's fine stores, restaurants, beautiful parks  
7 and historic streets. The Dumbo Improvement  
8 District is proud to support Two Trees Dock Street  
9 Dumbo project for the following reasons. First,  
10 it'll enhance our vital district by providing more  
11 rental housing at both market and affordable  
12 rates, thereby increasing foot traffic necessary  
13 to help support Dumbo's eclectic retail mix. The  
14 Dock Street Dumbo project will, second, address  
15 the shortage of parking, an issue for all New  
16 Yorkers and more importantly a concern in Dumbo.  
17 And third, the project proposes the addition of a  
18 public middle school, finally providing a viable,  
19 well located and expeditious solution to the  
20 demand for such a school. Indeed, opening a  
21 public middle school in Dumbo has been a top  
22 priority for Community Board 2 and the Dumbo  
23 Neighborhood Association for many years. Fourth,  
24 with the much needed historical rotary  
25

1  
2 construction now underway in Dumbo, this  
3 responsible mixed-use project designed by the  
4 renowned architectural and design firm of Beyer  
5 Blinder and Belle will enhance the city's  
6 investment in our streets. Fifth, the Dock Street  
7 Dumbo project affirms the historic landscape from  
8 which it arises. As one intimately familiar with  
9 Dumbo's public view corridors, our organization  
10 builds, champions and maintains many of Dumbo's  
11 beloved public spaces. Dock Street Dumbo will  
12 serve to compliment our beautiful skyline and the  
13 great bridge itself. In addition, together with  
14 the Dumbo Neighborhood Association, the Dumbo BID  
15 supported the creation of a historic district in  
16 Dumbo in December 2007. With active community  
17 participation, no special view protections were  
18 proposed or created in conjunction with the  
19 district, an important point I think. Finally,  
20 this project is committed to building green with a  
21 stated intent to seek LEED certification, a  
22 decision we applaud. In sum, the Dock Street  
23 project is a new, appropriate, contextual and  
24 compelling addition to our dynamic neighborhood.  
25 Thank you very much.

CHAIRPERSON AVELLA: Thank you.

PAVEL KRAUSE: Mr. Chairman and Council, my name is Pavel Krause. I'm an artist. I've been in Dumbo for the past ten years or so. I've seen many changes happen. Many of those changes I believe have been created by Two Trees Development and I would say that the developments have been very positive for the Dumbo environment. As an education environment for a new school and the educational opportunity in the rich cultural environment of Dumbo, I believe that it would be a great benefit for the public school to be exposed to the great artists and the rich cultural environment every week and every day which is available to them. It would be a great benefit to them and it would be a great benefit to the artists as well, as a mutual interaction. I also believe increasing residential traffic and the amount of people on the streets in Dumbo which already is greatly benefiting from current infrastructures with just support and other development of infrastructure which will benefit and which will expand the positive impact of a new, thoughtful and well designed development in

1  
2 Dumbo. Therefore, I am in support of this  
3 project. Thank you.

4 CHAIRPERSON AVELLA: Thank you. I  
5 always like somebody who can get their points in  
6 under the two minutes, very good. The next panel  
7 is Grace Friend, Amanda Barrow and Paul Graziano.  
8 This is a panel in opposition.

9 GRACE FRIEND: My name is Grace  
10 Friend. I'm going to continue on from the DNA  
11 testimony. Most importantly, Two Trees has spent  
12 \$400,385 to lobby the city in 2007-2008 according  
13 to the Brooklyn paper, January 27, 2009, in an  
14 attempt to gain support from various elected  
15 officials. Additionally, we believe that this is  
16 not a great location for any school as it would be  
17 situated in a difficult to reach location as  
18 children would have to cross several precarious  
19 intersection of this heavily trafficked area, the  
20 BQE and Brooklyn Bridge exits, to reach their  
21 destination. Furthermore, the level of pollution  
22 resulting from the heavy vehicular movement in and  
23 around this location may pose additional health  
24 risks to our children. We recognize the  
25 importance of the private sector involvement in

1  
2 the education of our children, but approving this  
3 kind of spot zoning while a developer dangles the  
4 carrot of a leased shell is morally and ethically  
5 not the kind of public-private partnership that we  
6 believe is desirable. An extensive investigation  
7 conducted by Councilman Yassky's office, which  
8 includes information revealed by a FOIL request,  
9 of which the SCA only gave back to January of '08,  
10 validates DNA's worst fears. DNA has always been  
11 concerned about the credibility of the school site  
12 selection process with regards to the proposed  
13 Dock Street development. Repeated letters to the  
14 SCA requesting their analysis and their  
15 environmental assessment study, EAS, at the Dock  
16 Street location have gone unanswered. The lack of  
17 transparency and protocol renders the prospect  
18 ineffectual and flawed. There is definitive that  
19 the SCA and DOE never truly conducted a thorough  
20 evaluation and vetting of alternative and  
21 preexisting locations for a middle school,  
22 including One Brooklyn Bridge Park, 205 Water  
23 Street, the MTA Building, which currently sits  
24 empty located at 130 Livingston Street, 86 Remsen  
25 Street, the now defunct St. Charles Borromeo



1  
2 Catholic School building on Sydney Place and the  
3 well thought out proposal to expand the existing  
4 P.S. 8 facility. The absence of the proper cost  
5 benefit analysis of the alternative sites by this  
6 quasi government agency highlights the lack of  
7 consideration and fiduciary obligation to the  
8 taxpaying public, particularly during these  
9 troubled economic times.

10 CHAIRPERSON AVELLA: Can you please  
11 sum up?

12 GRACE FRIEND: Thank you very much.

13 AMANDA BARROW: Hello, my name is  
14 Amanda Barrow. Another issue regarding the school  
15 is the EAS. In the Dock Street EAS written by  
16 Philip Habib and Associates, Habib emphasized that  
17 the new public school will, "serve approximately  
18 300 neighborhood children and have state of the  
19 art amenities and immediate access to the planned  
20 Brooklyn Bridge Park. This facility will be  
21 particularly valuable to the Dumbo area as there  
22 is currently only one middle school in the  
23 immediate vicinity of this neighborhood, which is  
24 located approximately one half mile from the  
25 develop site." We believe that the wording within

1  
2 the Dock Street EAS report was purposefully  
3 misleading as later language in the EAS of the DCP  
4 initiated ULURP for a ten-block rezoning of Dumbo  
5 is outright contradictory to the Dock Street EAS.  
6 In that report, also written by the same company,  
7 Habib and Associates, Mr. Habib minimizes any  
8 additional school age student population, thereby  
9 minimizing the effect new development will have on  
10 Dumbo by stating, "The proposed action would not  
11 result in any significant adverse impacts on  
12 public, elementary and intermediate schools in the  
13 study area. In the future with the proposed  
14 action, utilization rates for elementary and  
15 intermediate schools within School Planning Zone 2  
16 would be 76% and 53% respectively. Based on this  
17 analysis, there is sufficient elementary and  
18 intermediate school capacity within School  
19 Planning Zone 2 as well as District 13 to  
20 accommodate students generated by new development  
21 associated within the ten block rezoning.  
22 Therefore, no significant adverse impact to public  
23 schools as a result of the proposed action is  
24 expected." One report says that there would be  
25 "particularly valuable in the Dumbo area." The

1  
2 other report says no schools are needed because  
3 there is more than sufficient capacity. Both  
4 reports were written within three months of each  
5 other and both sites in question are three blocks  
6 from each other. Which one is telling the truth?  
7 In closing, we are confident that reason and  
8 rationale thought will prevail in the hearings of  
9 the Zoning Subcommittee, Land Use Committee and  
10 full City Council. We implore you to recognize  
11 that we as taxpayers, residents and citizens of  
12 New York City have a collective obligation to  
13 prevent the desecration of our national monuments,  
14 to respect and support local, statewide and  
15 national history.

16 CHAIRPERSON AVELLA: Can you sum  
17 up?

18 AMANDA BARROW: If we as a city  
19 should approve this project as proposed by Two  
20 Trees, we believe that it will dishonor not only  
21 the generation who gifted this world this beacon  
22 of human ingenuity but also the generations that  
23 have maintained to preserve this symbol. We ask  
24 that you support us.

25 CHAIRPERSON AVELLA: I'm going to

1  
2 cut you off. You went well beyond.

3 AMANDA BARROW: Thank you.

4 PAUL GRAZIANO: Hi, my name is Paul  
5 Graziano. I'm an urban planning and historic  
6 preservation consultant that was retained by the  
7 Dumbo Neighborhood Association to come up with a  
8 comprehensive rezoning plan for Dumbo, Vinegar  
9 Hill and the Fulton Ferry area. I'm just going to  
10 actually comment on a couple of things that the  
11 applicant said earlier. The idea that this  
12 building could potentially be converted to  
13 commercial use based on changes in marketing  
14 conditions; part of the application sales pitch  
15 has hinged on the argument that affordable  
16 residential development and residential  
17 development in general would recharge and  
18 revitalize Dumbo with 24 hour action and activity,  
19 not with commercial and corporate offices. So I  
20 found that quite interesting that if the market  
21 should change that would be something that would  
22 be allowed to change. The other thing also is  
23 that based on the economy, some of what the  
24 architect described as we're going to face this  
25 building with brick and we all know that zoning

1 plans do not dictate material uses. So if the  
2 economy changes, those materials would probably  
3 change as well. Two of the buildings in the  
4 proposed Dock Street were defaced and/or  
5 demolished just prior to designation of the  
6 historic district on this site. It's very  
7 important to know that they were literally  
8 demolished and they were to be included in the  
9 historic district but were left out after the  
10 applicants demolished the buildings. The taller  
11 buildings that were described in their comparative  
12 buildings visual describe the buildings around the  
13 Manhattan Bridge anchorage as much taller and the  
14 Verizon building is much taller. Both of those  
15 sets of buildings are set much further back from  
16 the waterfront. They're not right up against the  
17 waterfront like the Dock Street building,  
18 additional with the Gair building collection. One  
19 more point which is the undercurrent threat that  
20 I've heard from the Two Trees Management and their  
21 representatives at previous hearings is that if  
22 they aren't allowed to building then they'll build  
23 as-of-right development. And that as-of-right  
24 development will be much taller than what they're  
25

1  
2 proposing for Dock Street. But again, it would be  
3 at a 2.0 FAR versus the 6.5 FAR which they're  
4 looking for, which would generate a very narrow  
5 building and it would be quite tall. But it would  
6 be very narrow and the remainder of the property  
7 would have to remain open space and/or parking.  
8 So I think it's very important to understand that  
9 while it might generate a tall building, the  
10 building might be 25 feet wide, rather than a much  
11 larger building as being proposed. Thank you.

12 CHAIRPERSON AVELLA: I'm actually  
13 glad that you brought that up because that was  
14 going to be a question of mine somewhere in  
15 today's testimony. I've got one question and it's  
16 actually a point and not so much a question. I  
17 want you to comment. At some point during Ken  
18 Fisher's testimony and I think it might have been  
19 a question in reference to Council Member James.  
20 I think he made the accusation that the  
21 opposition's portrayal of the size of the building  
22 as it relates to the bridge was inaccurate. I  
23 don't think he said who's version. I think it's  
24 important for somebody to comment on the  
25 opposition side, are your renditions accurate or

1  
2 are theirs inaccurate. Clearly he made the  
3 reference that yours was inaccurate.

4 PAUL GRAZIANO: The one rendering  
5 that was questioned at the City Planning  
6 Commission, we did not put up. These renderings  
7 were vetted by the City Planning Commission.  
8 There was one that they brought up issue that  
9 perhaps it wasn't correctly situated. But these  
10 were vetted. And in fact, at the hearing, we  
11 asked beyond that one are these other ones  
12 accurate and the City Planning Commission, the  
13 commissioners all nodded their head. So the  
14 renderings that you see here, these two sets of  
15 renderings, and actually this third set right here  
16 would all be considered accurate according to the  
17 City Planning Commission. The fourth set we did  
18 not put because we didn't want to bring in a  
19 discussion of something that might not be  
20 accurate.

21 CHAIRPERSON AVELLA: Council Member  
22 James.

23 COUNCIL MEMBER JAMES: Thank you.  
24 So, Mr. Graziano, it's your position that these  
25 four renderings were all approved by City

1  
2 Planning?

3 PAUL GRAZIANO: They were not  
4 approved by City Planning. They were considered  
5 accurate by City Planning.

6 COUNCIL MEMBER JAMES: They  
7 recognized them as an accurate depiction.

8 PAUL GRAZIANO: Of what the  
9 building under the original proposal of 184 feet  
10 to the roofline would look like.

11 COUNCIL MEMBER JAMES: Did they put  
12 that in writing or did they state that?

13 PAUL GRAZIANO: It's stated in the  
14 meeting. You can hear the recording.

15 COUNCIL MEMBER JAMES: Thank you.

16 CHAIRPERSON AVELLA: Thank you.

17 The next panel is a panel in favor, Josh Nakowitz  
18 [phonetic], Jennifer Riley [phonetic], Mary  
19 Sheridan [phonetic], and Carla Schickele, S-C-H-I-  
20 C-K-E-K-E. I called four names, I see one person.  
21 Anybody else here, otherwise I'll call more names?  
22 Peter Lawrence, Peter, are you still here, and  
23 Michael Thomas. First we didn't have enough and  
24 now I think we've got too many. Why don't you  
25 start?



JOSH NAKOWITZ: Good afternoon. My name is Josh Nakowitz. I work for the New York League of Conservation Voters. Thank you for the opportunity to testify today in support of Two Trees' proposed Dock Street project in Dumbo. This pioneering green development sets a high standard for future projects both in Brooklyn and throughout the city. NYLCV works to encourage policies and practices that support smart growth and environmental protection throughout New York. Two Trees has long championed environmentally sustainable and adaptive reuse development with Dumbo being a prime example. I am pleased that the plan for Two Trees last site in Dumbo, a new building which will be LEED certified at minimum, provides a public to which local children can walk, as well as affordable housing units for local working families, continues to advance smart growth and energy efficiency. NYLCV supports a smart growth strategy as well as individual initiatives that balance economic development needs with environmental protection for local communities. The proposed Dock Street recognizes these initiatives. It also advances Mayor

1  
2 Bloomberg's PlaNYC 2030 challenges by committing  
3 to build the first new green building in Dumbo.

4 We hope it will be the first of many. We look  
5 forward to working with you to advance smart and  
6 sustainable development throughout New York City.

7 JENNIFER RILEY: Thank you for the  
8 opportunity to speak. My name is Jennifer Riley.  
9 I'm an artist, an art critic and an educator. I  
10 will read excerpts from a letter written by my  
11 husband Kelly Wilson in support of Two Trees  
12 development project on Dock Street in Dumbo where  
13 we both live and own an apartment at 70 Washington  
14 Street and rent studios in the neighborhood as  
15 well from Two Trees. Kelly holds two degrees in  
16 architecture and is an associate professor at  
17 Harvard where he teaches architecture and visual  
18 studies. His area of expertise is in architecture  
19 and urban design. His understanding of the city  
20 is sought after and he has worked on numerous  
21 projects around the world, including city and  
22 building design in London, Korea, Vietnam and  
23 Saudi Arabia. He has also contributed to New York  
24 City as well as having worked to help with the  
25 creation and delineation for the new Goldman Sachs

1 tower presently under construction near Ground  
2 Zero. He's also director of the Harvard Rome  
3 program, a program that's specifically focused  
4 about the issues of buildings, streets and their  
5 monuments. Kelly wishes to highlight these facts  
6 about himself because he feels this sets him  
7 somewhat apart from the many voices of self-  
8 interest that care to weigh in upon the issues of  
9 construction at this site adjacent to the Brooklyn  
10 Bridge. The Dock Street project matches the  
11 objectives that belong to the ideals of a city.  
12 It is aligned with the values of civic  
13 consciousness and of civic form. The measure of a  
14 building from my point of view requires its  
15 evaluation to extend beyond its program, here  
16 apartments and a much-needed school, since in the  
17 life of most buildings we watch programs come and  
18 go. What concerns me first is the building's  
19 disposition to the street and to monument.

20 Successful buildings should provide an urban wall  
21 that is able to contribute to the shaping of the  
22 urban space that we call the street. On the two  
23 streets for which this would matter most, Front  
24 and Water, strong urban walls are proposed and is  
25

1  
2 a solution to the current collective of low  
3 buildings and empty spaces that hold absolutely no  
4 value to the streetscape of Brooklyn. Of the  
5 Brooklyn Bridge's proximity to the Dock Street  
6 site, the arrangement of the building has  
7 studiously and sensitively avoided competition  
8 between and our historic bridge.

9 CHAIRPERSON AVELLA: Can you sum up  
10 please?

11 JENNIFER RILEY: Yes. The  
12 consistent care and personal interest taken by the  
13 Walentas Family in creation of the urban place  
14 from urban trees and park to showcase spaces for  
15 the arts that Two Trees has shown is nearly  
16 without precedent. The creation and development  
17 of this building, which in their mind completes  
18 their conception for Dumbo by the location of a  
19 school and rental property strikes me as credible  
20 and laudable and we urge you to vote in favor of--

21 CHAIRPERSON AVELLA: [interposing]  
22 To be fair, I have to cut you off.

23 JENNIFER RILEY: Thank you.

24 CHAIRPERSON AVELLA: I'm trying to  
25 be fair to all sides.

PETER LAWRENCE: Good afternoon, my name is Peter Lawrence. I own a small restaurant on Washington Street. As a street-level business owner in Dumbo, I can only speak in support of any project that brings more potential customers to the area. I'm also raising my kids in Dumbo and facing the difficult questions of how best to educate them. Having a state of the art middle school in this spectacular location will not only make those decisions much easier for my family and many other Dumbo residents, I think it will also bring another layer of life and vibrancy to the area as the kids bring all their energy into Dumbo. I think it's important to accept that without this school there will be no new local middle school option for Dumbo and local kids anytime soon. I must also speak about how impressed I have been with the intelligent development I've seen in Dumbo, carried out in large part by Two Trees. It's a long-term vision they are working towards and I see this latest project as another effort borne of more than solely financial objectives. The Dock Street project will bring much needed affordable housing

1  
2 opportunities to Dumbo and the diversity that  
3 comes with that can only make Dumbo a more  
4 interesting neighborhood. I believe that this new  
5 design will compliment the existing architecture  
6 in Dumbo as well as being respectfully set back  
7 from the Brooklyn Bridge. I think this is a  
8 thoughtful response to the concerns expressed by  
9 the community on the previous design. Finally, I  
10 offer my support for this project with the belief  
11 that while its benefits reach beyond Dumbo, its  
12 impact on Dumbo will be wholly positive. This  
13 impact is a result of a thoughtful long-range  
14 development process that is a rarity in New York.  
15 We must only look to the vibrancy of Dumbo to see  
16 how well that process has worked to date. Thank  
17 you.

18 MICHAEL M. THOMAS: My name is  
19 Michael M. Thomas. I'm a columnist for the "New  
20 York Observer", a novelist and the director of the  
21 Robert Lehman Foundation, which for 40 years has  
22 supported arts organizations across the city of  
23 every size from the largest museum and  
24 preservation programs to small neighborhood deals  
25 for underprivileged children. I live and work on

1  
2 Water Street, approximately 100 feet from the  
3 proposed site. I am enthusiastically in favor of  
4 the Dock Street project because I believe that the  
5 real tangible economic growth and enlivenment that  
6 the project will bring to the neighborhood, the  
7 borough and the city more than offsets the  
8 theoretical notion that the project somehow  
9 aesthetically and historically compromises the  
10 Brooklyn Bridge. I say theoretical because that  
11 is what I think the argument against the project  
12 is. The aesthetic reality is that the small  
13 segment of view that the project will supposedly  
14 cut off holds little attraction for anyone  
15 crossing the span. Indeed, since this controversy  
16 arose, I have paid careful attention to that  
17 viewing point, clearly visible when I look  
18 southwest of my building's front door, and I have  
19 yet to see anyone pause along that brief stretch  
20 of railing to savor that particular vista. Who  
21 then is affect, or to hear them talk, afflicted?  
22 The building will be scarcely visible if visible  
23 at all from Brooklyn Heights, whose neighborhood  
24 association has noisily been in the vanguard of  
25 the opposition. This begs the question of what

1  
2 skin exactly Brooklyn Heights has in this game  
3 other than the presumption that when it comes to  
4 serving culture and tradition they know best. I  
5 live in a neighborhood of people, not a cocoon of  
6 cultural theory. That neighborhood needs this  
7 project. In times like these I can't really  
8 understand how the promise of economic and  
9 community growth represented by a multi-faceted  
10 demographically inclusive project like this should  
11 be set aside in favor of arguable notions of art  
12 and history. I think it is time to get real.

13 CHAIRPERSON AVELLA: Thank you.

14 The next panel is a panel in opposition, Evan  
15 Thies, Roberta Lane, Melissa Baldock and Joan  
16 Zimmerman.

17 EVAN THIES: Good afternoon. Thank  
18 you, Chair, thank you for your leadership on this  
19 issue. I also want to recognize Council Member  
20 David Yassky's work on this issue. I was formerly  
21 an aide to Council Member Yassky. We beat this  
22 deeply flawed project back when I worked for him  
23 and it was called 38 Water Street. I'm now a  
24 candidate for City Council in the 33rd District.  
25 And it is accurate to say, as David did before,



1  
2 that all the candidates of record in this race are  
3 against this proposal. So whoever comes next will  
4 still be against this proposal. I have deep  
5 concerns about this project, its impacts on the  
6 local community, and on public policy. First and  
7 foremost, I am concerned by the city's position  
8 that a middle school in Dumbo will only be built  
9 if we first allow this large new development.

10 That is a dangerous precedent to set. It is  
11 government's responsibility to provide essential  
12 services like education and the primary method of  
13 building schools cannot rely on private  
14 development. Either this area should get a new  
15 school or it shouldn't. Critical decisions such  
16 as when and where we get a school cannot be made  
17 entirely on the whims of private development.

18 Let's also be clear on something else, this is not  
19 a free school. The SCA has already put aside \$43  
20 million for the construction of a new school in  
21 this district, which means the developer is simply  
22 building a large empty space that will require  
23 massive city funding to complete. The incentives  
24 provided by the develop in the development of a  
25 middle school has clouded the judgment of the SCA,

1  
2 an agency funded by taxpayers and one that they  
3 should hold responsible for cost effectiveness and  
4 thorough evaluation. It's clear from the  
5 testimony today that SCA has not even done their  
6 homework on this site and they have not determined  
7 the cost of what a public development would be  
8 here. I am also concerned that it would take far  
9 longer to build a new school at this site than it  
10 would to simply direct the \$43 million already  
11 allocated to expanding existing facilities or  
12 building a new school elsewhere. Thank you for  
13 your time.

14 ROBERTA LANE: Thank you, Chairman  
15 Avella and members of the committee. I'm Roberta  
16 Lane. I'm the program officer and regional  
17 attorney in the Northeast Office of the National  
18 Trust for Historic Preservation. The National  
19 Trust for Historic Preservation strongly opposed  
20 the Dock Street proposal and we respectfully ask  
21 that the Land Use Committee reject the  
22 application. The National Trust for Historic  
23 Preservation was chartered in 1949 to lead the  
24 country's preservation movement. We have 270,000  
25 members across the country and over 30,000 in the

1  
2 State of New York. In focusing on and opposing  
3 the Dock Street proposal, we're very pleased to be  
4 in the company of renowned historian David  
5 McCullough who is one of our former trustees, as  
6 well as local preservation and neighborhood  
7 groups. In 2007, our organization was so  
8 concerned about the threats facing the profoundly  
9 significant historic resources on Brooklyn's  
10 industrial waterfront that we included that area  
11 on our list of America's 11 most endangered  
12 places. Brooklyn's waterfront has an array of  
13 treasures worthy of preservation and neighborhoods  
14 worthy of preservation and character that's  
15 worthy. But the Brooklyn Bridge is the jewel in  
16 the crown, a graceful icon of immense national  
17 value. In our view, by breaking into the visual  
18 space that defines the bridge and sets it off from  
19 the rest of the city, the current Dock Street  
20 proposal would erode the public's ability to  
21 experience and enjoy the bridge. The siting and  
22 scale of the proposed development would  
23 significantly encroach upon the bridge's historic  
24 profile, damaging signature views of the bridge  
25 from vantage points all over the city. I should

1  
2 mention that we've heard from members all across  
3 the country on this. This is not a local issue in  
4 our view. We're also deeply concerned that this  
5 project would rise in a sliver of space that was  
6 left out of the two local landmark districts on  
7 either side. Those districts acknowledge and  
8 protect the cohesive historic scale and character  
9 of that area. It's perplexing and extremely  
10 regrettable that in the heart of a large area that  
11 merited landmark protection and alongside a  
12 beloved national historic landmark a spot was left  
13 vulnerable to the inappropriate and insensitive  
14 development disallowed in the rest of the  
15 districts. We recognize this development has been  
16 crafted to offer various community benefits but  
17 it's also apparent that these amenities could be  
18 conferred through alternate plans that would not  
19 diminish some of Brooklyn's greatest assets. The  
20 character of highly unique historic districts and  
21 the profile of a national icon are at stake.

22 Thank you.

23 CHAIRPERSON AVELLA: Beat me to  
24 just saying sum up.

25 MELISSA BALDOCK: I'm Melissa

1  
2 Baldock from the Municipal Art Society. MAS has  
3 long scrutinized development adjacent to the  
4 Brooklyn Bridge that will affect the bridge's  
5 integrity and alter views both of and from the  
6 bridge. In light of the effects the Dock Street  
7 development will have on the Brooklyn Bridge, one  
8 of our city's, if not our country's most  
9 significant and identifiable architectural  
10 treasures that MAS' preservation committee  
11 reviewed the ULURP actions before the subcommittee  
12 today. The Brooklyn Bridge is an indisputable  
13 icon of New York and protecting it from  
14 encroaching large scale development is of utmost  
15 importance. The Brooklyn Bridge is no ordinary  
16 historic structure. It has been afforded the  
17 highest level of recognition and protection in the  
18 United States, that of National Historic Landmark  
19 status. It is one of only 11 national historic  
20 landmarks in Brooklyn and as such is recognized as  
21 being of "exceptional value" to the nation as a  
22 whole. The height, bulk and configuration of this  
23 proposed 18-story building directly adjacent to  
24 the Brooklyn Bridge is simply not acceptable. The  
25 developers have justified the height of the new

1  
2 development by comparing it to other historic  
3 buildings in the neighborhood. They claim that  
4 the new development will "relate in height and  
5 bulk to several of the taller buildings in the  
6 area." However, these buildings are not located  
7 directly adjacent to the bridge and it is this  
8 proximity that makes the proposed development so  
9 objectionable. By contrast to other buildings of  
10 similar height in Dumbo, the proposed Dock Street  
11 development site directly abuts the Brooklyn  
12 Bridge, with a portion of it actually running  
13 underneath the bridge. The 18-story portion of  
14 the proposed development, although set back  
15 somewhat from the bridge, is still just too close  
16 to the bridge's span. As a result, the  
17 development will affect views of the bridge from  
18 Dumbo's streets and will mar the iconic views of  
19 Dumbo, the Manhattan Bridge and the East River  
20 from the bridge. The Brooklyn Bridge is one of  
21 the city's most visited tourist destinations. In  
22 a city where tourism is such an important part of  
23 our economy we should question why we would allow  
24 one of the city's greatest experiences, that of  
25 walking across the Brooklyn Bridge, to be so

1  
2 irrevocably and detrimentally altered. We look to  
3 the City Council members to recognize the harm  
4 this development will do to the Brooklyn Bridge  
5 and to reject the zoning changes. Thanks.

6 JOAN ZIMMERMAN: Good afternoon.  
7 I'm Joan Zimmerman, President of the Fulton Ferry  
8 Landing Association. For more than 125 years the  
9 Brooklyn Bridge has been an integral part of our  
10 culture, movie and literary, heroes and heroines  
11 have met on the bridge or raced across it to meet  
12 their destiny. So ingrained in our consciousness  
13 is the bridge that when someone says, "Oh yeah,  
14 then I've got a bridge to sell you", we know  
15 exactly what bridge they're talking about. It is  
16 a fundamental icon of this city and our nation.  
17 It remains a symbol of American ingenuity and  
18 perseverance, built by visionaries at the cost of  
19 many lives. It represents what can be achieved by  
20 those who dream. Today a private developer seeks  
21 approval for an oversized development that  
22 destroys much of what makes this structure so  
23 unique and beloved and conspires with the School  
24 Construction Authority to sacrifice a vital part  
25 of our cultural heritage in a process that has

1  
2 been closed until today to community input or  
3 public scrutiny. We call upon you, our public  
4 officials, to reject the produce of these closed-  
5 door negotiations and to protect the symbol of New  
6 York. Let us be very clear, opposition to this  
7 project is not opposition to a new school,  
8 development of the site or its conversion to  
9 residential use. We have sought a new school. We  
10 have campaigned actively for contextual  
11 development. But it is opposition to achieving  
12 those goals at the sacrifice of one of the ten  
13 most recognizable manmade structures in the world  
14 and to permit a private developer to treat this  
15 special place standing alone and rising above its  
16 surroundings as if it were just another  
17 development site in midtown. No other civilized  
18 country would permit this type of development to  
19 encroach upon and dominate its most sacred  
20 landmarks, whether we're talking about the Taj  
21 Mahal or the Eiffel Tower. We ask you to think  
22 not of the convenience of this generation but of  
23 the future generations who will make the odyssey  
24 to experience the Brooklyn Bridge. The core issue  
25 is whether this council and this city will act as



1  
2 proper custodians or a national treasure, or  
3 abdicate that responsibility in a manner New  
4 Yorkers will regret for decades to come. Thank  
5 you.

6 CHAIRPERSON AVELLA: Thank you.  
7 The next panel is a panel in favor, Bruce  
8 Silverglade, Carol Van Gelder [phonetic], and Brad  
9 Samuels.

10 CARLA SCHICKELE: Thank you for the  
11 opportunity to testify today. My name is Carla  
12 Schickele. I'm Executive Director of Willie Mae  
13 Rock Camp for Girls. I'm here to express the  
14 strong support of our organization for the Dock  
15 Street project. As director of a youth services  
16 program and a member of the Dumbo cultural  
17 community, we feel strongly that a middle school  
18 in this area would greatly benefit the community  
19 and the city as a whole. Beyond the need for more  
20 classroom seats, a facility that would provide a  
21 common space and a form for shared experience for  
22 the diverse populations that make up the Dumbo  
23 community would be very valuable, and the wider  
24 community for that matter. The partnership such  
25 as the proposed one between Two Trees and our

1 public school system that would allow the creation  
2 of brand new accessible educational facility with  
3 less of a burden on the city's coffers make good  
4 sense. Discouraging such a partnership in these  
5 economic times would be particularly irresponsible  
6 of us as a city. Two Trees has done great things  
7 in Dumbo and has shown itself to be creative and  
8 thoughtful in its fueling of the neighborhood's  
9 renaissance. The Dock Street project promises to  
10 be a great new addition to the community and the  
11 landscape, contrary to the misleading and  
12 erroneous claims of the projects critics. For  
13 these reasons we support it. I'd just like to add  
14 personally that as a lifelong resident of  
15 Brooklyn, I have really enjoyed how the landscape  
16 and the skyline have evolved over the years. I  
17 hear a lot of the speakers talking about the  
18 Brooklyn Bridge as if it's on some kind of shrine  
19 isolated from us, whereas I think most of us who  
20 live in the borough think of it as something  
21 that's integrated in the life of our borough.  
22 It's something that's part of our everyday life in  
23 a place where were we live, work, go to school and  
24 embrace change. Thank you.  
25

BRUCE SILVERGLADE: Good afternoon.

My name is Bruce Silverglade. I'm the owner of Gleason's Gym. It's located in Dumbo. I'm speaking as a small business owner in the borough in the City of New York. I highly support this project for various reasons. Number one, the low housing will bring additional people into the area. It'll allow my boxers and my trainers that work and train there to finally be able to live there. The parking is terrible in the area. I think it's the city's number one towing zone. And finally with some parking garage, my trainers and clients will be able to park without the fear of tickets and towing every day. The school is going to bring in families and more business for me. It's something that's been suggested as a carrot for this project. Well it's a terrific carrot. We've been talking about putting a school in for over ten years. If we continue with the rhetoric that the Council and everyone has been talking about today, we're going to be talking about a school in another ten years. This is going to put a school in place right now and the developer is going to put in over \$50 to save the city. To me

1  
2 it sounds like a win-win situation. The biggest  
3 objection is the Brooklyn Bridge and the view of  
4 the Brooklyn Bridge. Both sides can present  
5 experts to support their side, however, the  
6 Brooklyn paper in January did an independent  
7 survey and their independent survey said there is  
8 no problem with the view of the bridge. This  
9 project will not block the view. Also, New York  
10 City Landmarks Commission, which I think is a  
11 pretty tough agency, said that there is no  
12 appreciable depreciation of the view with this  
13 bridge. I just want to say that David Walentas  
14 put in a lot of his own money and vision to  
15 develop this area and if it wasn't for him this  
16 discussion would not be taking place. It's a  
17 situation where the first in are now saying nobody  
18 else should come there and stop the development.  
19 I just want to say thank you to Two Trees for  
20 doing a terrific job and I think that this project  
21 should be continued. Thank you.

22 CAROL VAN GELDER: Good afternoon  
23 Council Members. I'm Carol Van Gelder. I  
24 represent the Real Estate Board of New York.  
25 We're a trade association here in the city

1  
2 representing owners and developers and brokers who  
3 work in all five boroughs. We urge you to support  
4 the Dock Street Dumbo project. Dumbo, as you  
5 know, is one of the first neighborhoods to receive  
6 the innovative MX mixed-use designation which has  
7 allowed it to redevelop into a popular area with  
8 residential, office, arts, retail and other uses.  
9 It's a really successful example of this Council's  
10 planning and the successful reuse of a waterfront  
11 neighborhood. It would benefit from this rezoning  
12 and from this building. It's clear that this  
13 developer has contributed much personally to the  
14 revitalization of Dumbo. It's also clear that  
15 they've done tremendous public outreach and have  
16 been very responsive to the community and the City  
17 Planning Commission in designing the project. The  
18 building fits in, in terms of height and the  
19 layout of the massing and the materials to fit  
20 into the general neighborhood context and to be  
21 set back sufficiently. As you know, the  
22 pedestrian walkway is in the middle with a roadbed  
23 on the side, and then it's still set back the  
24 width of a ten-story building. It's actually  
25 quite far back if you walk over the bridge

1  
2 yourself as I have done to examine the site. In  
3 addition, it's a green building, as you know,  
4 scheduled to receive the LEED certification. It's  
5 planned to have permanently affordable housing  
6 opening up the special qualities of Dumbo to many  
7 more people. And of course, the public middle  
8 school, as you're aware, this is not a new thing,  
9 there are other developers in Manhattan and  
10 elsewhere that have been working on school  
11 construction and it's been a very successful  
12 aspect. At the Real Estate Board, we urge you to  
13 support this project and to walk over the bridge  
14 and see the experience for yourself. Thank you.

15 BRAD SAMUELS: My name is Brad  
16 Samuels. I have a small architecture practice in  
17 Dumbo which I opened in 2005 with four of my  
18 classmates from Cooper Union. A lot has been made  
19 of the extent to which this building will obstruct  
20 the view of the bridge and also to what degree  
21 it's contextual and fits in with the surrounding  
22 environment. I'd like to sort of redirect my  
23 comments at something which is a little less  
24 tangible but I think is extremely important, and  
25 that's the sort of extremely trick nature of

1 building anything in Dumbo in this tricky urban  
2 context which is between the Manhattan Bridge on  
3 one side and Farragut and the Navy Yards and then  
4 the Brooklyn Bridge on the other side and then  
5 bounded by the water and the BQE. The potential  
6 for this neighborhood to become an enclave either  
7 in a sort of ghettoized sense or an extremely  
8 exclusive sense is high. I think the fact that  
9 despite the fact that it's one of the highest real  
10 estate values in Brooklyn, Dumbo is still  
11 incredibly diverse. I think we need to give some  
12 credit to the vision of Two Trees to maintaining  
13 that diversity. You have nonprofits, you have  
14 artists, you have people that live there and I  
15 think what's missing right now is a public  
16 institution. You have a similar scenario in Red  
17 Hook where you have a public library which is  
18 vastly underused. It has the same sort of  
19 infrastructural problems. I think you have to  
20 have these magnets in the neighborhood itself to  
21 draw people in and to sort of create this  
22 pedestrian traffic through the neighborhood. I  
23 just want to say that the view which is most  
24 important to me as a resident in Dumbo is not of  
25

1  
2 the bridge necessarily, although I don't think  
3 project obstructs that greatly, rather it's what I  
4 see when I walk from the subway to my office, what  
5 I see when I walk from my office to lunch and  
6 that's a diversity of people and a diversity of  
7 constituents. That's all I want to say.

8 CHAIRPERSON AVELLA: Thank you.

9 The next panel will be a panel in opposition.  
10 Doug Biviano, is he here, Jo Anne Simon, Simeon  
11 Bankoff and Judy Stanton.

12 DOUG BIVIANO: Hello, everyone.

13 Thank you, Chair. I'd also like to recognize  
14 Councilman Yassky for nailing down the SCA to  
15 state unequivocally that we need a middle school.  
16 That's very important. I'm Doug Biviano. I'm  
17 running for City Council in District 33 in  
18 Brooklyn. This is the district, it's Yassky's  
19 district. I want to applaud many of the  
20 components of the Dock Street development, such as  
21 its green design and 20% affordable housing.  
22 However, I have serious concerns. The proposal  
23 has the community contentiously divided on an  
24 issue that we're all really onboard with, a much  
25 needed middle school. Whether or not there was



1  
2 intent, the process has made this a major wedge  
3 issue. When you look at a Department of Education  
4 map, it's pretty obvious it's needed. We need to  
5 get everyone focusing back on the issue of a  
6 needed school without the scare tactic of take it  
7 or leave it. That's not democracy or community.  
8 Let's look at all the alternatives, including the  
9 luxury condo footprints within the Brooklyn Bridge  
10 Park. SCA and develops, keep your peanut butter  
11 out of our chocolate. The Brooklyn Bridge is a  
12 symbolic treasure, an architectural and  
13 engineering institution, if you will. Once you  
14 lose it, the view corridors of a magical and  
15 inspirational form that is recognized worldwide is  
16 gone. I lived in a mountain town in Colorado with  
17 the same fight for out of scale rezoning and it  
18 resulted in a great loss of a most beautiful view  
19 corridor. These losses spiritually tax the very  
20 reason many come to live in and see Downtown  
21 Brooklyn or mountain towns. It's the very reason  
22 I returned to historic Brooklyn and not Manhattan.  
23 I must say, I've walked and biked and roller  
24 bladed the Brooklyn Bridge hundreds of times and  
25 it's a completely different experience on the

1  
2 Brooklyn side than it is the Manhattan side. So  
3 it's not just theory. We must treasure our view  
4 corridors and protect them.

5 CHAIRPERSON AVELLA: Can you please  
6 sum up?

7 DOUG BIVIANO: Developers, please  
8 keep your luxury condos out of our view corridors.  
9 Thank you.

10 JO ANNE SIMON: Thank you. Thank  
11 you, Mr. Chairman. I'm Jo Anne Simon. I'm the  
12 Democratic District Leader for the 52nd Assembly  
13 District. I'm a former president of the Boerum  
14 Hill Association and I am also a candidate for the  
15 33rd Council District. I urge you to send a  
16 message that the Brooklyn Bridge is not for sale,  
17 not now, not ever. I strongly urge you to vote  
18 against Two Trees Management's proposal to build  
19 Dock Street Dumbo which is simply too high and too  
20 close to the Brooklyn Bridge. There is nothing  
21 about this that is contextual. The Brooklyn  
22 Bridge and the surrounding area is our history.  
23 It's architectural, it's an engineering marvel and  
24 its majesty and singularity are incomparable.  
25 It's a symbol of New York to the world. Those who

1  
2 say that the bridge can still be seen from the  
3 street miss the point. This is not about a  
4 glimpse of part of the bridge, it's about the feel  
5 and openness of the surrounding area, it's about  
6 the feel of the space of New York. I have some  
7 testimony prepared that I'm going to revise and so  
8 I'll be submitting that later. But there's one  
9 particular issue I want to address today and that  
10 is the issue of a school. We've heard testimony  
11 after testimony about the availability of a middle  
12 school at this site. The fact is, this site is  
13 proposed to house a maximum 300 students with  
14 roughly 9 classrooms. The problem is to run a  
15 public middle school you need at least 375  
16 students for this to make sense from a budgetary  
17 point of view in order to have the number of  
18 teachers, be able to teach the kinds of courses  
19 you need to teach and to have the other services  
20 available. The problem is this space is not big  
21 enough to be a middle school. It will not end up  
22 being a middle school. The School Construction  
23 Authority doesn't decide the programming. That's  
24 done by the Department of Education which hasn't  
25 weighed in on this and won't until this space is

1  
2 available. So we're buying something that we  
3 don't know what it will be, we don't know who it  
4 will serve, we don't know what kind of school it  
5 would be. It could be anything. It might very  
6 well be a good site for the Department of  
7 Education, but it's not going to be big enough for  
8 a middle school and people need to understand  
9 that, and the Council needs to understand that.  
10 Thank you very much.

11 SIMEON BANKOFF: Good afternoon.  
12 My name is Simeon Bankoff. I'm the Executive  
13 Director of the Historic Districts Council. I'd  
14 like to just remind the Council Members that this  
15 is a special permit. The applicants cannot  
16 actually build this as-of-right. That's a scare  
17 tactic. As it was stated in the earlier  
18 testimony, if they wanted to build something as-  
19 of-right, they could have built it already. It  
20 would have been a very tall, very thin hotel,  
21 otherwise they could have built a very short, very  
22 squat warehouse like the buildings that are  
23 already there. I could address other of the  
24 applicant's assertions, but I will just leave to  
25 say that they were fairly self-serving. The

1  
2 community benefit agreements have been addressed I  
3 think by other testimony as well. I think that  
4 they're essentially a red herring. There have  
5 been major questions brought about by the school,  
6 whether or not it's an appropriate thing, whether  
7 or not it's even a viable use. Another question  
8 could be the parking, is it really a good idea to  
9 have such a large parking lot where there is going  
10 to be a school, underneath a school? That strikes  
11 me as questionable. And finally, vis-à-vis the  
12 view of the bridge, from the bridge, to the  
13 bridge, the fact is it's an impediment to the  
14 bridge. We know it. All we are is negotiating  
15 the price. We deserve better than that. New York  
16 deserves better than that. We look to you to  
17 serve us better than that.

18 JUDY STANTON: My name is Judy  
19 Stanton. I'm the Executive Director of the  
20 Brooklyn Heights Association. We submit the  
21 following statement in our role as a  
22 representative voice for the Brooklyn Heights  
23 community. The Brooklyn Heights Association  
24 opposes the Dock Street rezoning application  
25 because it would permit a building that is

1  
2 completely out of scale with adjacent structures,  
3 most notably the great Brooklyn Bridge. We have  
4 approached the Dock Street proposal with two  
5 overarching goals: to preserve the space around  
6 the Brooklyn Bridge and to identify the best  
7 possible site for a quality middle school in  
8 District 13. We do not object to rezoning but we  
9 do object to the size of the tower being proposed.  
10 A 212-foot building on Dock Street will overwhelm  
11 its immediate surroundings and wall off any sense  
12 of the historical transition from the low scale  
13 Fulton Ferry Landing to the higher scale early  
14 20th century buildings further east in Dumbo. The  
15 area around the Brooklyn end of the Brooklyn  
16 Bridge is a space that the Brooklyn Heights  
17 Association has sought to preserve and protect.  
18 We refer to it as the "bowl". It is because of  
19 the bowl that the Brooklyn tower of the bridge  
20 stands magnificently alone, framed only by the  
21 sky. If the Dock Street high-rise is built as  
22 proposed, the standalone majesty of the bridge  
23 will be lost. We invite the members of this  
24 committee on a site tour in Dumbo so we may show  
25 you where the bowl creates unobstructed views of

1  
2 both towers of the Brooklyn Bridge. Regarding the  
3 proposed middle school at Dock Street, a  
4 professionally prepared feasibility study  
5 commissioned by our board of governors found that  
6 a middle school annex constructed at P.S. 8 would  
7 be viable for a pre-K through 8 program. The SCA  
8 hastily issued their rebuttal which essentially  
9 trashed our study. Our community's need for a  
10 school should not be exploited in exchange for any  
11 building that diminishes the Brooklyn Bridge in  
12 any way. We urge you to scale down this project,  
13 send the application back to the City Planning  
14 Commission for further modification. Thank you.

15 CHAIRPERSON AVELLA: Thank you.

16 The next panel is a panel in favor, Reverend  
17 Taylor, Tom Fruin, Robert Elmes and Edson Silva.

18 REVEREND DR. MARK TAYLOR: Good  
19 afternoon, Mr. Chairman, members of the  
20 Subcommittee. I have submitted for Ed Brown who  
21 had to leave, 1,200 petitions. Ed Brown is  
22 president of Ingersoll Tenant Association and he  
23 collected those petitions from Ingersoll, Walt  
24 Whitman and Farragut public housing developments.

25 CHAIRPERSON AVELLA: You haven't

1  
2 introduced yourself.

3 REVEREND DR. MARK TAYLOR: My name  
4 is Reverend Dr. Mark Taylor, pastor of the Church  
5 of the Open Door, a 500-member church about six  
6 blocks from the contested building site. When I  
7 talk to my elected officials, besides the views of  
8 the Brooklyn Bridge, I talk about three things  
9 that I think are important to life in New York  
10 City. Number one, whether or not working class  
11 and poor people will continue to be able to live  
12 in all areas of the city; number two, the  
13 relationship between communities of affluence and  
14 those working class and poor communities; and  
15 number three, the exodus of people of color from  
16 Downtown Brooklyn. All the other commissions I've  
17 sat before I've said we ought not support anything  
18 that's going to increase those tendencies, whether  
19 it's a certain type of gentrification or whether  
20 it's anything that would kind of lead to a re-  
21 segregation downtown. Therefore, I totally am in  
22 support of this application. The reasons are  
23 obvious: the housing, the school, but also  
24 affordable jobs so that I can link the  
25 unemployment persons with the opportunities of



1  
2 development. I love the Brooklyn Bridge. I'm  
3 concerned about the bridge, but I'm also concerned  
4 with the view below the bridge, around the bridge  
5 and underneath the bridge. Too often those views  
6 are views where violence and a lack of economic  
7 opportunity destroy things. Alone among all the  
8 developments around my church, six developments  
9 within a quarter of a mile, fifteen within a mile,  
10 alone among those developers Two Trees has tried  
11 to link development and opportunity, and so I urge  
12 you to support their application. Thank you.

13 CHAIRPERSON AVELLA: Thank you.

14 ROBERT ELMES: My name is Robert  
15 Elmes. I'm the Director of Galapagos Art Space at  
16 16 Main Street. We're fully supportive of the  
17 Dock Street project as proposed by Two Trees for  
18 three important reasons. What Two Trees will  
19 build will be LEED certified. It will house an  
20 important middle school. It's a beautiful  
21 contextual addition to our neighborhood. Two  
22 Trees with great care have guided Dumbo to become  
23 a beautiful neighborhood full of brand new moms  
24 and dads with local residents where there were  
25 none, working artists, galleries and cultural

1  
2 venues. Now they want to add affordable housing  
3 to their achievements and incredibly a New York  
4 City public school for 300 kids. It's important  
5 to note this actually won't be the first LEED  
6 certified project. Our venue will be the first  
7 green cultural venue in New York City. We're  
8 about to be commissioned to be fully LEED  
9 certified. So that's actually two LEED certified  
10 buildings in one neighborhood, and in our opinion  
11 it shows the enlightened development and care Two  
12 Trees has shown in their Dumbo work. We're an  
13 award-winning performance space. We present  
14 theater, dance, cinema, et cetera. We've held  
15 almost 400 nonprofit or cultural events,  
16 fundraising events, and in the past year we've  
17 helped raise \$89,000 for New York public schools.  
18 We're excited about the school component. We want  
19 to help this school grow. We want to help to care  
20 for it. We want to help raise money for it. We  
21 see this as a vital part of our contribution to  
22 our neighborhood. As a former resident of the  
23 development-gone-crazy neighborhood of  
24 Williamsburg, I can attest to the dangers in out-  
25 of-context development plan bisecting a

1  
2 neighborhood and forcing out of context structures  
3 into what was a thriving, creative neighborhood.  
4 The community assets and cultural values that Two  
5 Trees has so strongly protected in Dumbo are  
6 sorely missed in Williamsburg and much of its  
7 development sits empty. I believe in Two Trees'  
8 vision to build now in this terrible economy and I  
9 believe that the confidence Two Trees has  
10 expressed in the future of Dumbo is only matched  
11 by their successful track record in developing  
12 Dumbo into a neighborhood where there was none.  
13 This in itself is a remarkable achievement. Thank  
14 you.

15 TOM FRUIN: Hi, I'm Tom Fruin, here  
16 today in support of the Dock Street project. As  
17 an artist I've been in Dumbo for 12 years. I've  
18 seen the area grow from a somewhat desolate  
19 collection of warehouses to a vibrant community.  
20 Quite literally packs of dogs giving way to  
21 mothers pushing baby strollers. The improvements  
22 Two Trees had effect in the neighborhood have  
23 dramatically enhanced the area. In my view, Two  
24 Trees has not made any errors. They have  
25 carefully crafted a neighborhood with amenities

1  
2 for locals, as well as a destination for New  
3 Yorkers and tourists alike seeking culture and  
4 views. I believe that the Walentas are not going  
5 to jeopardize the jewel they have created with an  
6 out-of-context building. They know what they have  
7 and are working to enhance it. As far as schools,  
8 we have a chance to have a school in the immediate  
9 future. No site has been found that is suitable  
10 for immediate occupancy. As far as sites go, I  
11 believe that Yassky thought a jailhouse would be  
12 suitable. I think a waterfront park would be  
13 better. Landmarks experts have no qualms with the  
14 project. Let's keep the focus on what matters,  
15 the neighborhood deserves this building.

16 EDSON SILVA: I am here to read the  
17 letter on behalf of Dr. Frank Macchiarola. I  
18 recently had the opportunity to receive a  
19 comprehensive briefing on the proposed Dock Street  
20 project in Dumbo, Brooklyn and am writing to let  
21 you know that I find this project praise-worthy on  
22 a number of levels. As a Downtown Brooklyn  
23 resident who lives only steps from the majestic  
24 Brooklyn Bridge, I was extremely interested in how  
25 they addressed the design challenge of the Dock

1  
2 Street site. I came away impressed with the way  
3 in which the building fits within the context of  
4 the surrounding historic Dumbo neighborhood and  
5 seems to have very little impact on the bridge.  
6 Moving beyond the building itself, I feel  
7 compelled as a former New York City Schools  
8 Chancellor to offer my strongest possible support  
9 for the plan's proposal to include a new public  
10 middle school in the building at very little cost  
11 to the city. Those of us who care deeply about  
12 public education find it painful to pick up the  
13 papers each week and read about yet another school  
14 construction budget cut and even more overcrowding  
15 in our classrooms. It has become clear that  
16 thoughtful public-private partnerships, such as  
17 Dock Street, can play a critically important role  
18 in addressing the challenges facing New York City  
19 schools. Once again, and as both a proud Brooklyn  
20 resident and a lifelong professional educator, I  
21 offer my support for Dock Street Dumbo and would  
22 urge you and the entire City Council to support  
23 this worthwhile project as well; sincerely, Frank  
24 Macchiarola. Thank you.

25 CHAIRPERSON AVELLA: The next panel

1  
2 is a panel in opposition. Stewart Thorndike,  
3 Andrea Goldwyn, she was from the New York  
4 Landmarks Conservancy. She had to leave. When  
5 somebody has to leave we obviously include their  
6 name in the record. Martin David Barbosa.  
7 Martin, are you here? I can read the first name,  
8 but I can't read the last name. Skipp. Phillip  
9 Esser.

10 STEWART THORNDIKE: Hello, my name  
11 is Stewart Thorndike and I'm reading a letter on  
12 behalf of Christian Roebing, who is opposed. As  
13 a lifelong New Yorker and great, great grandson of  
14 Washington and Emily Roebing, the builders of the  
15 Brooklyn Bridge, I was shocked and appalled to  
16 discover not too long ago that there was a very  
17 real possibility that a monolithic residential  
18 building might actually be built a literal stone's  
19 throw from the Brooklyn Bridge. Without getting  
20 too palpably outraged in this brief statement, let  
21 me just ask how it is not immediately clear to any  
22 reasonable person that a huge building placed  
23 right next to the Brooklyn Bridge will egregiously  
24 harm the sense of line, space and proportion that  
25 the Brooklyn Bridge relies upon in order to impart

1  
2 its full majesty on those who view it. To walk  
3 the Brooklyn Bridge is to experience a sense a  
4 soaring over the city. It's like escaping the  
5 concrete canyons and gritty streets for a brief  
6 moment of serenity. To behold the bridge framed  
7 in open space with giant buildings in the distance  
8 is to be given a chance to reflect on its grandeur  
9 and spirit. This surround space, this proportion  
10 relative to distant buildings is integral to very  
11 meaning and purpose of the bridge. To place a  
12 huge residential structure whose only unique  
13 quality would its proximity to a national monument  
14 would undoubtedly have a disastrous effect on the  
15 impact of the bridge, just as surely as placing a  
16 huge building right next to the Taj Mahal or the  
17 White House would utterly demolish their impact as  
18 well. To not mince words, this proposed structure  
19 is no more than an architectural parasite designed  
20 to create great profit for a relatively small  
21 group of people who developed this structure for  
22 the edification of a lucky few while robbing the  
23 general public of the full experience of beholding  
24 the Brooklyn Bridge in all its glory. The  
25 Brooklyn Bridge was intended from day one to be

1  
2 the people's bridge and I believe with all my  
3 heart that it should stay that way. The full  
4 experience of this bridge should be available to  
5 everyone, not just the residents of this proposed  
6 building. I'm shocked and saddened that this  
7 proposal has even been seriously considered. So I  
8 implore you as a living representative of the  
9 accomplishments of my ancestors to bring some  
10 sanity back to the situation by throwing this  
11 proposal in the trash where it so clearly belongs.  
12 Thank you, Christian Roebling.

13 CHRISTABEL GOUGH: I'm Christabel  
14 Gough, speaking for the Society for the  
15 Architecture of the City. In the Dock Street  
16 Dumbo development, we are looking at a tremendous  
17 loophole in New York's ability to protect  
18 landmarks. The Brooklyn Bridge, one of our  
19 greatest works of engineering and certainly most  
20 beautiful, most loved, and most internationally  
21 know, is protected as an individual landmark. The  
22 Dumbo Dock Street development would rise outside  
23 the bridge's landmark site and in the present  
24 circumstance, the Landmarks Preservation  
25 Commission does not have the power to regulate a



1 massive development. It has no jurisdiction and  
2 it has not made any determination about this  
3 project. Several speakers seem to me to be  
4 attempting to insinuate that the Landmarks  
5 Commission said this was all right. The Landmarks  
6 Commission issued a certificate of no effect  
7 relating to a peripheral issue, an inconsequential  
8 demolition in the Fulton Ferry Historic District.  
9 That certificate, a routine matter, should not be  
10 cited as if it meant that the proposal was found  
11 to have no visual impact. The City Planning  
12 Commission reacted to public outrage by making  
13 insufficient modifications, such as reducing the  
14 tower height from 183 to 170 feet. Now, only the  
15 City Council can preserve what generations have  
16 taken for granted, the freedom to admire the  
17 Brooklyn Bridge standing in open space, public  
18 open air space, that let's the people of the city  
19 see the great monument that Roebling built for  
20 them. Thank you.

21  
22 SKIPP SUDDUTH: Thank you, Mr.  
23 Chairman. My name is Skipp Sudduth. I'm a  
24 property owner in Dumbo and a resident of Dumbo.  
25 I, too, want to urge you to deny Dock Street's

1  
2 proposal for the building. I agree with those who  
3 have spoken before me about the fact that it would  
4 destroy the relationship the bridge has to the  
5 neighborhood. I think it would obliterate the  
6 historical quality of the street and the  
7 neighborhood immediately adjacent to the bridge.  
8 I think we've all heard very clearly that we don't  
9 really know whether or not it's a good place to  
10 put a middle school. So I urge you to recommend  
11 turning down the proposal to the Council. Thank  
12 you.

13 PHILLIP ESSER: Good morning. My  
14 name is Phillip Esser. For the record, I'm an  
15 architectural historian, historic preservation  
16 consultant. I was initially, early in the  
17 process, hired by the Dumbo Neighborhood  
18 Association to review the EAS and to offer a  
19 comment on the development. I'm here today of my  
20 own volition and as such I apologize, Mr. Chair,  
21 for my inappropriate attire this morning. I  
22 didn't expect to be speaking, but the Dumbo  
23 Neighborhood Association asked me to re-read a  
24 letter written by David McCullough and addressed  
25 to Marty Markowitz. Before I do that, I'm hoping

1  
2 that everybody here, and I'm sure this committee  
3 is aware that earlier today Ken Burns the  
4 historian was here and he was actually prepared to  
5 give testimony in opposition to this. The fact  
6 that Ken Burns came all the way here to sit here  
7 and to give public testimony as far as I'm  
8 concerned is a huge statement. We need to  
9 acknowledge that. This is the national and  
10 international significance of this bridge. This  
11 is the crux of this argument. If I may, I will  
12 read Mr. David McCullough's letter. David and Ken  
13 Burns don't need any introduction to most  
14 Americans, but they are clearly in opposition.  
15 This letter is dated January 28, 2009, addressed  
16 to Mr. Marty Markowitz, Borough President,  
17 Brooklyn. Dear Mr. Markowitz, no 18-story  
18 building, no large new imposing structure of any  
19 kind ought to be allowed to crowd the Brooklyn  
20 waterfront close to the Brooklyn Bridge. It would  
21 be a grave mistake. The present modest scale of  
22 the neighborhood, the human scale of the  
23 neighborhood there beside the river ought never be  
24 violated, for it is essential to the dignity and  
25 grandeur of the bridge. Dignity and grandeur are

1  
2 rare in the modern cityscape and rare too is the  
3 prestige of history. When all of that is present  
4 in one emblematic work as is so supremely in the  
5 Brooklyn Bridge, nothing should be permitted to  
6 diminish and compromise the effect, nor should the  
7 consequences of what is at stake be seen as a  
8 regional matter, the business of Brooklyn only.  
9 The Brooklyn Bridge belongs to all of America.  
10 I'm going to paraphrase because I know we're  
11 relatively short on time. Mr. McCullough goes on  
12 to say Brooklyn Bridge is our bridge, all of us.  
13 It is a national treasure and we must do our parts  
14 as custodians. Please, please let us take this  
15 responsibility to heart. None of us had a hand in  
16 building it. None of us contributed a thing to  
17 its architectural grandeur or its pioneering  
18 technology. We honor and respect the construction  
19 of the bridge and ask that you oppose this  
20 project. Thank you.

21 CHAIRPERSON AVELLA: The next panel  
22 in favor, Diane Lewis, Natasha Lewis, Kurt  
23 Everhart and Kate Sullivan. I assume one of the  
24 people isn't here. Peter Thristino.

25 NATASHA LEWIS: I'm Natasha Lewis.

1  
2 I'm speaking on behalf of Alexis Batar and reading  
3 written testimony. I would like to voice my  
4 support of the Dock Street Dumbo project that the  
5 City Council in process of reviewing. I have  
6 operated my jewelry design business out of Dumbo  
7 since 2003 and have remained in the neighborhood  
8 as my business has grown and expanded. Over the  
9 last several years I've witnessed Dumbo evolve  
10 from a quiet neighborhood that few people ever  
11 visited into a vibrant neighborhood that attracts  
12 creative businesses, artists and families wanting  
13 to live and work here in the long term. I believe  
14 that the Dock Street Dumbo project shows a  
15 commitment to the type of community that Dumbo has  
16 become over the last several years. Namely, a  
17 community dedicated to maintaining diversity and  
18 appreciation for small businesses and creative  
19 endeavors and an interest in preserving the unique  
20 quality of this neighborhood that brought so many  
21 of the residents and businesses who are in the  
22 area today. The retail space is part of the  
23 project that will provide much needed services to  
24 the residents of the neighborhood and to those who  
25 work her on a daily basis. The affordable housing

1  
2 portion of the project will give the working class  
3 individuals and families who are a very important  
4 fabric of this community the opportunity to live  
5 in the neighborhood. This truly is a project that  
6 blends many of the needs of the neighborhood in a  
7 building that is aesthetically pleasing and in  
8 context with the style and size of the buildings  
9 in the rest of the neighborhood. As an artist, it  
10 is clear to me that the developer gave a great  
11 deal of consideration to the size and style of the  
12 building it decided to propose for the project.  
13 The multilevel design is artistic and eye-catching  
14 while at the same time the height and façade and  
15 style of the building fits seamlessly into the  
16 surrounding architecture. The proposed design is  
17 clearly considerate of the public's interest in  
18 maintaining open views from the Brooklyn Bridge  
19 and I believe that it will be a structure that  
20 people walking or riding across the bridge will  
21 appreciate for its design. The Dock Street  
22 project will be a tremendous benefit to the  
23 neighborhood and I ask that you approve the  
24 rezoning of Dock Street so that it becomes a  
25 reality, Alexis Batar.

KURT EVERHART: My name is Kurt Everhart and I'm reading on behalf of Thomas Hanrahan, the dean at the School of Architecture at Pratt Institute. I am writing in strong support of the Dock Street Dumbo building proposed for the Dumbo neighborhood by Two Trees Development. Not only does this project bring needed residents and services to the neighborhood, but it is also an exceptionally well designed project. As both a professional architect and dean of the School of Architecture at Pratt Institute, I have intimate knowledge of this extraordinary neighborhood. Our institute has satellite studios in the neighborhood. Many of our faculty live and practice their creative disciplines here and our school has conducted numerous projects here examining both its physical and social context. Dumbo is a uniquely vital place. It is a creative haven, a magnet for visitors as well as a blend of historic landmarks, including the beloved Brooklyn Bridge and new public places such as the evolving waterfront park. Two Trees Development has been instrumental in helping create this special neighborhood and

1  
2 their Dock Street project will both enhance and  
3 improve this wonderful mix of old and new. The  
4 project itself is the culmination of years of  
5 careful planning, patient attention of the heads  
6 of the community and the highest quality of  
7 architectural design. The building mass has been  
8 thoughtfully positioned on a large site in order  
9 to have no visual impact on the bridge, but rather  
10 aligned with and engaged with the adjacent loft  
11 buildings. At the base of the building, a public  
12 school completes the block in a humane and  
13 contextual manner and provides a crucial resource  
14 for the neighborhood for many, many years to come.  
15 Finally, the character of the building design is  
16 intended to become part of the neighborhood and  
17 this is reflected in the material selections, the  
18 window sizes and architectural details. In sum,  
19 this is exactly the type of project that  
20 exemplifies the best of what New York can do. A  
21 public and private partnership working together to  
22 enhance and improve one of our most important  
23 neighborhoods in the city while preserving and  
24 respecting one of the great historic treasures of  
25 the world has created a project that should be



1  
2 celebrated for all of the good things it does. It  
3 is richly deserving of my strong and unqualified  
4 support and I am pleased to offer it at this  
5 important public hearing. Thank you.

6 PETER THRISTINO: Good afternoon.  
7 My name is Peter Thristino, owner of Pete's  
8 Downtown Restaurant. I support the Dock Street  
9 Dumbo project. My wife is a special ed math  
10 teacher and as we know, we need more and newer  
11 schools. Critical parking is needed for the  
12 business community; parking to serve not only the  
13 residents, but our employees, visitors to the  
14 neighborhood for the Brooklyn Bridge Park, the  
15 galleries, retail shops and my customers. Fulton  
16 Landing businesses which account for 300 employees  
17 and which also pay taxes and fees, over \$4 million  
18 a year. A 465 parking garage in the Dock Street  
19 Dumbo project is smart planning that I can speak  
20 to as a business owner in the community.  
21 Providing the parking will continue the healthy  
22 growth of our community. We appreciate the  
23 thoughtful manner in which off-street parking has  
24 been included. There is a sign on my restaurant  
25 that says, "sorry for the inconvenience of

1  
2 parking." That hangs from my canopy outside my  
3 restaurant. I was born in Dumbo on four  
4 generations of restaurateurs. In the Brooklyn  
5 paper in 1994 it states that city's relentless  
6 parking enforcement is choking small businesses  
7 and chasing businesses away, taking all legal  
8 parking from Fulton Landing. The construction and  
9 filming industry is taking even more parking. I'd  
10 just like to quote, "Our commercial policy should  
11 hold an equal and impartial hand." That was said  
12 by Washington. It's right up there. I ask you to  
13 protect small businesses as it is an endangered  
14 species. This is not an easy stand to take, but I  
15 hope we can work this out. Thank you.

16 BRETT LEWIS: Thank you for giving  
17 me an opportunity to speak. My name is Brett  
18 Lewis. I live at 70 Washington Street. I have  
19 three children, two of them currently in P.S. 8,  
20 another one who I hope to be enrolled there in the  
21 fall. I also work at 45 Main Street. I spend a  
22 lot of time in Dumbo and have lived there for a  
23 few years. There's a lot of testimony about  
24 destroying the bridge and destroying the bridge  
25 experience. I love the Brooklyn Bridge. One of

1  
2 my favorite things to do, living in the  
3 neighborhood, is walking across the bridge. It's  
4 unparalleled in terms of experience, vistas,  
5 everything, and sharing it with friends who come  
6 from out of town to visit. I cannot image how  
7 placing one building where there are many other  
8 buildings in a site line as I cross that bridge  
9 from Manhattan to Brooklyn destroys that  
10 experience. I don't understand it. I don't  
11 understand when I stand on Fulton Street and I can  
12 see the bridge, or in Fulton Landing Park or  
13 Brooklyn Bridge Park or Water Street, that I can  
14 see the bridge from any of those views, but there  
15 is one particular viewpoint that will be somewhat  
16 impacted by putting up a building. In the overall  
17 experience of this bridge and all the buildings  
18 that I can see in Manhattan and Brooklyn and what  
19 affects what, it's a great bridge. I can't  
20 imagine that the majesty of that bridge is going  
21 to be overwhelmed by one building. But what  
22 affects me directly is the need for schools for  
23 our children. People like me won't be able to  
24 stay in our neighborhood or live in this area if  
25 we can't have a decent middle school. In this

1  
2 economy with the meltdown that we've had and the  
3 cutbacks in budget, to think that there is just  
4 going to be another alternative to me is wishful  
5 thinking or it's unrealistic thinking. It's  
6 convenient argument. So at the end of the day we  
7 either respect the children or we respect these  
8 esoteric concerns about bridges. The Brooklyn  
9 Bridge will be fine. Thank you very much.

10 CHAIRPERSON AVELLA: The next panel  
11 is opposition, Diane Lewis, Kurt Demetriotis,  
12 Rhula Focus, and William Birmingham. While this  
13 panel is being seated, we have been joined by  
14 Council Member Helen Foster.

15 COUNCIL MEMBER FOSTER: Thank you  
16 very much. I'm Council Member Foster. I am from  
17 the Bronx. As many of you know who are from  
18 Brooklyn, the Bronx and Brooklyn feel that we're  
19 miles away. But it would be remiss of me if I  
20 didn't show up here today as I run next door to  
21 transportation to show my support to Council  
22 Member Letitia James and this project. I  
23 understand the concerns, but representing one of  
24 the poorest districts in this city where the needs  
25 of development were put over the needs of the

1  
2 community and we just got an atrocious stadium  
3 where any view they could have had was taken away  
4 and we didn't have the luxury of benefiting from a  
5 school or affordable housing or having the richest  
6 team in sports in the United States give anything  
7 back to the community, I think that this sets an  
8 example and a precedent of what can be done.

9 While I respect my colleague David Yassky and the  
10 concerns that people have with the project, I  
11 think and I hope that it will be voted out of this  
12 committee and I look forward to voting on it when  
13 it comes to the floor. I applaud Council Member  
14 James to taking a very courageous stand in a time  
15 where it would be easier to buckle under. So  
16 thank you, Chair, for giving me this opportunity.

17 CHAIRPERSON AVELLA: Thank you,  
18 Council Member.

19 DIANE LEWIS: My name is Diane  
20 Lewis. I live in Vinegar Hill. I'm reading this  
21 prepared statement for the Dumbo Neighborhood  
22 Alliance. Dear Chairman Avella and members of the  
23 Zoning and Franchises Subcommittee, shortly after  
24 Two Trees announced their intentions to build Dock  
25 Street Dumbo, the Dumbo Neighborhood Alliance,

1  
2 DNA, launched SavetheBrooklynBridge.org, a website  
3 to raise awareness about the true impact the  
4 proposed building would have on the neighborhood.  
5 Among other things, visitors on the site can voice  
6 their opposition by signing an online petition  
7 against the development. As of May 15, 2009, we  
8 have collected 1,712 online signatures, of which  
9 1,369 are New Yorkers, 937 are Brooklyn residents,  
10 465 live in Dumbo, 228 work in Dumbo. Note that  
11 these online signatures are in addition to the  
12 nearly 1,200 paper signatures that DNA has also  
13 collected in opposition of this development.  
14 Additionally, residents have sent nearly 8,000  
15 postcards to Mayor Bloomberg and Speaker Quinn in  
16 the last two weeks expressing opposition. I urge  
17 you to listen to the will of the people and act in  
18 the best interest of the entire community, Dumbo,  
19 Brooklyn, and New York City, by voting against the  
20 Dock Street Dumbo. Please respect and preserve  
21 the Brooklyn Bridge by opposing the project. Here  
22 are some of hundreds of comments that have been  
23 posted on the site. Walk over the Brooklyn Bridge  
24 twice a day to work and back, all the while taking  
25 photos for tourists and enjoying the view that

1  
2 makes the entire world come to visit. Part of  
3 this process is walking down Grimaldi's to the  
4 dock. The thought of the truly exceptional and  
5 unique experience being obstructed by an enormous  
6 and inappropriate building makes me truly question  
7 I would continue to live in a place that has lost  
8 the exact characteristics that brought me to this  
9 neighborhood in the first place. We have a unique  
10 opportunity to preserve something special. Please  
11 don't let this happen for the sake of every New  
12 Yorker and tourists that considers this to be one  
13 of the reasons why they live and visit here. It's  
14 like building a big building next to the Eiffel  
15 Tower, it's completely ridiculous--

16 CHAIRPERSON AVELLA: [interposing]  
17 Can you sum up please?

18 DIANE LEWIS: --and should be out  
19 of the question. Thank you.

20 CHAIRPERSON AVELLA: Let me just  
21 break in at this point. I think I've been pretty  
22 good about letting people go over the two minutes.  
23 I'm a little concerned because we do have to give  
24 up this room for a very important budget meeting  
25 at 3 o'clock. We may have to move next door. So

1  
2 I'd rather not have to go through that confusion  
3 for all of you because next door is a much smaller  
4 room. So if everybody can keep to two minutes I  
5 think we can get everybody's public testimony in.

6 KURT DEMETRIOTIS: Good afternoon,  
7 Mr. Chairman. My name is Kurt Demetriotis and  
8 I've worked with a real estate developer since  
9 1996. I'm all for responsible development. Our  
10 great city needs to house the families and  
11 institutions that will create a bright future for  
12 New Yorkers. We have to do so responsibly. I  
13 believe that this bulky structure so close to the  
14 Brooklyn Bridge, an engineering marvel, a  
15 historical site, an international treasure, should  
16 not encroach upon it or compete with it. Even  
17 without complex models and calculations, one can  
18 clearly see that changing this lot zoned from  
19 light manufacturing, FAR of 2, to an FAR of 6.5  
20 residential is a huge bonus for the developer, by  
21 a quick calculation it's \$30-\$40 million. Why  
22 should we compromise the Brooklyn Bridge for such  
23 an extreme private gain? As people have mentioned  
24 before with respect the proposed school, the  
25 developer should not influence or even try to



1  
2 influence where, when and how schools are built to  
3 gain zoning changes or variances. This sets a bad  
4 precedent. Let's keep public education  
5 transparent and open to competitive bidding. The  
6 proposed middle school will cost taxpayers  
7 approximately \$43 million yet no credible cost  
8 benefit analysis was conducted on the Dock Street  
9 side or any of the seven proposed alternative  
10 school sites. With respect to the proposal of  
11 affordable housing to be included in the  
12 development, Two Trees is taking advantage of  
13 affordable housing subsidies which give the  
14 developer access to subsidized financing and tax  
15 reductions in exchange for affordable housing  
16 units. It's the developer taking advantage of the  
17 80/20 public subsidies and not generosity. It's  
18 been reported in the media that Two Trees have  
19 spent more than \$400,000 lobbying the city since  
20 January 2007 with much of the money going towards  
21 trying to sway support for the Dock Street  
22 rezoning. If this rezoning change gets approved,  
23 it sets another alarming precedent that well  
24 connected developers receive preferential  
25 treatment and are rewarded for the speculation.

I'll end it here. Thank you.

RHULA FOCUS: My name is Rhula Focus. In addition to the preservation of our global icon and national history, community groups have expressed other equally important concerns. In particular, the potential Homeland Security issues resulting from having this residential complex, which may also house a middle school only 80 feet from and rising approximately 130 feet above the Brooklyn Bridge road surface. It is no secret that the Brooklyn Bridge remains a likely target for international terrorists. According to the FBI in July of 2008, a Pakistani neuroscientist and al Qaeda operative was detained in Afghanistan and had in her possession a hit list of famous New York landmarks, including the Brooklyn Bridge. During a March 2007 hearing at the U.S. Naval Base at Guantanamo Bay, Cuba 9/11 planner Khalid Sheikh Mohammad admitted "I was responsible for surveying, planning and financing for the bombing of suspension bridges in New York." In the United States versus Iman Faris, it was revealed that Iman Faris, a naturalized America citizen working for al Qaeda studied the

1  
2 feasibility of using gas cutters to cut through  
3 the cables of the Brooklyn Bridge. It is  
4 unthinkable to ponder the role this proposed  
5 building could play in a terrorist attack given  
6 its proximity to the bridge. It is even more  
7 unthinkable to ponder the impact to this building  
8 and to the children inside a middle school that  
9 may be placed in our development should an attack  
10 occur. Today you will hear and I'm sure you have  
11 heard from just a handful of organizations which  
12 have come out in support of this project. It  
13 should be noted that the Dumbo BID, which has come  
14 out in support, was founded by and funded by Jed  
15 Walentas. The Pratt Institute has also come out  
16 in support of this project. Interestingly, Mr.  
17 David Walentas is a member of their board of  
18 trustees. The Brooklyn Historical Society has  
19 also come out in support of this project. Mr.  
20 Walentas is a member of their board of trustees as  
21 well. The Brooklyn paper has also come out in  
22 favor of this project, let it be known that they  
23 were former tenants of the developer. To sum this  
24 up, I urge you to listen to the will of the people  
25 and act in the best interest of the entire

1  
2 community by voting against the Dock Street Dumbo  
3 project. Thank you.

4 WILLIAM BIRMINGHAM: Good  
5 afternoon. My name is Bill Birmingham. I am a  
6 resident of Dumbo, a parent to two preschool age  
7 children and I am here to strongly urge you to  
8 vote against the proposed rezoning requested by  
9 Two Trees for their Dock Street Dumbo project.  
10 Not only does this testimony represent my  
11 opposition, but I have with me a bound copy of a  
12 petition that my neighbors and I have compiled  
13 over the last year. This petition represents  
14 12,000 signatures of people who stand in  
15 opposition to this project with us. In addition  
16 to this document, we have collected thousands of  
17 postcards in a matter of days from people all over  
18 the city, country and from beyond who do not want  
19 this project. This has all been done with very  
20 limited resources. I'm sure if we had more hands  
21 and more time, the opposition numbers would number  
22 in the hundreds of thousands. This is  
23 overwhelming. On many weekend afternoons we have  
24 petitioned the streets of Dumbo, Brooklyn Heights  
25 and Fulton Ferry and as an aside to the gentleman

1  
2 who spoke earlier, we also petitioned on the  
3 bridge in the same spot he said that was not  
4 particularly revered. I've taken hundreds of  
5 wedding photos of people up there. Thousands of  
6 signatures in this book come from that spot on the  
7 bridge. It matters. Go up there. Take a look.  
8 You are in a bowl. It is a beautiful space. The  
9 scores of neighbors who have signed this petition  
10 by unanimous margins were frustrated that the  
11 character of our neighborhood was going to be  
12 destroyed, that the amount of political and  
13 monetary influence being employed in this ULURP  
14 process was staggering and that the simple  
15 pleasure of walking the bridge, which is a public  
16 amenity that is free is essentially being  
17 monetized for the benefit of one family. Now,  
18 there have been arguments earlier in the testimony  
19 saying that this is really just the opposition of  
20 a few view-holding condo owners. I ask you if  
21 that is the case, what are the views worth to Two  
22 Trees, because that is essentially what we are  
23 doing. We are transferring a public amenity, a  
24 free public amenity much like Central Park or the  
25 new Brooklyn Bridge Park and giving it to a few

1  
2 for a tremendous amount of money. Please oppose  
3 this project.

4 CHAIRPERSON AVELLA: Council Member  
5 Felder has a question. Are you submitting those  
6 signatures for the record? Give them to the  
7 sergeant-at-arms. Council Member Felder.

8 COUNCIL MEMBER FELDER: Thank you  
9 very much. I've been trying to be here for as  
10 much of the testimony, except for the  
11 interruptions when I had the other hearings. The  
12 one thing that I think is important and is  
13 disturbing to me so far is when people mixing  
14 things into a discussion that is unrelated. The  
15 issues of terrorism I think are bizarre. About  
16 the possibilities of terrorism, I mean read the  
17 papers, we're living in a crazy world, and to  
18 believe that whether you're in favor or opposed to  
19 this building happening, god forbid, more people  
20 or less people are going to die is crazy.

21 Somebody wrote a letter to the governor saying  
22 they were looking forward to hearing from him  
23 about the homeland security issue. Somebody  
24 enclosed that in the testimony. The governor's  
25 Deputy Secretary for Public Safety wrote back,

1  
2 called the NYPD and there's nothing else. I'm  
3 curious what the resolution of that was. That's  
4 all I have. I'm concerned about safety and  
5 terrorism. But I think we have to get a hold of  
6 ourselves in terms of the arguments that we're  
7 trying to make in favor or opposed to the project.  
8 Terrorism or somehow building this building or not  
9 building this building making it safe or unsafe is  
10 bizarre. Do you have anything you want to say?

11 RHULA FOCUS: It's the proximity of  
12 the building to the bridge.

13 COUNCIL MEMBER FELDER: Do you know  
14 the buildings that are built near the Verrazano?

15 RHULA FOCUS: It's not the same  
16 thing. This is a national landmark. It's a  
17 target.

18 COUNCIL MEMBER FELDER: What does  
19 that have to do with building a building or not  
20 building a building?

21 RHULA FOCUS: We're not asking them  
22 not to build a building but would you want your  
23 children to attend a middle school right next to  
24 the Brooklyn Bridge which is a terrorist target?

25 COUNCIL MEMBER FELDER: I guess I

1  
2 wouldn't want to live there, so I won't buy an  
3 apartment. That's the free market. This is the  
4 best country in the world.

5 RHULA FOCUS: I'm not saying that  
6 they shouldn't build; I'm saying it's a target.

7 COUNCIL MEMBER FELDER: What does  
8 that have to do in any case, in any way whether  
9 they should build or shouldn't build? You want to  
10 buy an apartment, buy an apartment. You don't  
11 want them to build, don't want them to build. But  
12 this has nothing to do with increased terrorism.  
13 Let me tell you, if they were so powerful that  
14 they could somehow bring terrorism here, I'd be  
15 investing in their company. You got to get a hold  
16 of yourself for heavens sake.

17 RHULA FOCUS: It has nothing to do  
18 with Walentas, no matter what building is there it  
19 would still be a target.

20 DIANE LEWIS: That's not a fair  
21 analogy.

22 COUNCIL MEMBER FELDER: It's  
23 ridiculous.

24 CHAIRPERSON AVELLA: I think both  
25 sides have made their point. I'd like to move on.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

DIANE LEWIS: Can I just say?

CHAIRPERSON AVELLA: No.

DIANE LEWIS: I misquoted. Note that these online signatures are in addition to the nearly 12,000 paper signatures.

CHAIRPERSON AVELLA: I actually think that's what we thought you meant to say.

DIANE LEWIS: I'll never live that down.

CHAIRPERSON AVELLA: Thank you. The next panel is a panel in favor. Paul Butler, Carlo Trigiani, Kathleen Gilrane, Bretta Kennedy.

PAUL BUTLER: My name is Paul Butler. I'm a business owner in Dumbo. I employ about 60 people, mostly low income minorities. I'm totally for this project in Dumbo. I was going to read a letter that I had written to the City Council, but I'd rather make a couple of comments. A question was asked about what this is probably going to save the city. I'm a business, I just did some quick numbers and probably about \$18.4-\$21 million is what the Walentas family will be giving the city, taking into account the purchase of the land by the numbers that were

1  
2 quoted and the build-out. That's a significant  
3 donation to the city. I really wouldn't call them  
4 developers; I'd probably call them  
5 philanthropists. We need schools in the city. We  
6 need jobs. Taxes are important. This is going to  
7 bring taxes from jobs. It's going to get us this  
8 middle school that we need, that everyone agrees  
9 that we need. The question really comes down to  
10 does it benefit the city. I truly believe that  
11 this will benefit the city. The city needs to  
12 take a very close look at it, check the  
13 Construction Authority. If they did their  
14 homework, I stress that you approve this. Thank  
15 you.

16 KATHLEEN GILRANE: My name is  
17 Kathleen Gilrane. I'm the director of a nonprofit  
18 visual arts organization in Dumbo. I'm here in  
19 support of the Dock Street Dumbo project that Two  
20 Trees has put forth as a plan for new affordable  
21 housing in Dumbo. It is my view that affordable  
22 housing is absolutely necessary in this  
23 neighborhood, in the city and at this time. The  
24 project's opponents may feel that the area is too  
25 congested and that the design and mass is not

1  
2 right for the site, but I do not agree. We are  
3 all concerned that the design of the building on  
4 this site should be respectful of the bridge and  
5 its surroundings and I believe that it is. It is  
6 very exciting that it will be the first new LEED  
7 certified environmentally friendly green building  
8 in Dumbo. Two Trees has been an excellent steward  
9 of good design and good development in the  
10 neighborhood. They've gone above and beyond the  
11 call to keep a thriving cultural community in  
12 Dumbo. Taking into consideration the needs of the  
13 community, they have included a junior high school  
14 in the plan for Dock Street. As the director of a  
15 nonprofit visual arts organization, I look forward  
16 to working with those students as part of the  
17 education program. I'm confident that the plan  
18 for Dock Street will be good for Dumbo, good for  
19 Brooklyn and good for New York.

20 CARLO TRIGIANI: My name is Carlo  
21 Trigiani. I live in Brooklyn Heights and have for  
22 22 years. I'm the proud parent of a second grader  
23 at P.S. 8, and I have a 3-year-old who I hope will  
24 matriculate there as well. Sitting back there and  
25 listening, it's very hard to listen and come

1  
2 before you and address what a lot of mistruths  
3 have been put out there and the half truths. It  
4 was painful to watch the SCA quite frankly. I  
5 hope that you as elected officials, and I'm  
6 assuming that part of your job is to make sure  
7 that they do their job. Now, as a parent, my job  
8 is to be at that public school and make sure that  
9 principal does his job, that teacher does his job  
10 and most importantly, that my child does his job.  
11 That is to show up and be a good kid and a good  
12 student. If you went to my son's second grade  
13 class, you would see people like you. They're  
14 black, they're white, they're gentile, they're  
15 Jew, they're Asian, and they're Latino. This is  
16 an opportunity that the Walentas have given our  
17 communities to continue the good work at P.S. 8  
18 and I hope that you don't take that lightly. I'll  
19 leave you with this thought. Imagine you were a  
20 12-year-old child and you walked out at the end of  
21 the first day of class at the Dumbo Dock Street  
22 middle street and the first thing you would see,  
23 Chairman, when you look up is the most amazing  
24 architectural and engineering feat in the world.  
25 Think about that before you cast your vote. I

1  
2 appreciate your consideration.

3                   BRETTA KENNEDY: My name is Bretta  
4 Kennedy. I'm speaking here as a private citizen.  
5 I'm a Brooklyn resident in Greenpoint. Next week  
6 I move to Brooklyn Heights. My relationship to  
7 Dumbo is that I am an executive director of a  
8 nonprofit arts organization, Dumbo Art Center, and  
9 as such, we're also the producers of the Annual  
10 Art under the Bridge Festival, which takes place  
11 multi-site between the two bridges, Brooklyn and  
12 Manhattan Bridges in outdoor space. I'm not going  
13 to read from the letter I have written and  
14 submitted because it repeats a lot of arguments  
15 you've already heard here today time and time  
16 again. It's a question of time, so I want to  
17 finish before one minute is out. All I'd like to  
18 say is I've listened carefully to what's been said  
19 here today and I'm really totally disappointed  
20 that not once have I heard anyone offering any  
21 other alternative to Two Trees Management or what  
22 if they are forced to sell the site, this  
23 application isn't permitted, or does the city want  
24 to purchase the land back from Two Trees. What is  
25 the alternative to all this? Have the two sides

1  
2 not come together and tried to work something out  
3 that is satisfactory to all, whether it's from a  
4 historical or architectural standpoint or from the  
5 standpoint of education? I support this project  
6 and not because I have spent over two decades in  
7 the visual arts internationally and in the art  
8 world an been on many panel reviews of  
9 architecturally public space, et cetera, and I've  
10 had to make those decisions time and time again.  
11 I support this project because of the educational  
12 aspect, the middle school and 65 units as I  
13 understand of affordable housing. But mostly, I'd  
14 like to hear more on alternatives rather than this  
15 very black and white, I'm for and against. It's  
16 not giving me any more information that I need for  
17 this contentious issue. I did go to two minutes.

18 CHAIRPERSON AVELLA: Thank you.

19 The next panel is a panel in opposition, John  
20 O'Malley, Mark Verbe, Joan Craig and Bill Stein.  
21 Somebody's not here so Claire Mirarchi.

22 MARK VERBE: I'm Mark Verbe. I  
23 love Dumbo. One of the reasons that I don't think  
24 there's been alternatives like the other lady  
25 brought up in people who are for this is because

1  
2 it's apparent through the email that we discussed  
3 earlier, it's appalling. That email is almost  
4 like scandalous. It's black and white that there  
5 is some relationship between the developer and the  
6 SCA and I really hope that you investigate this.  
7 I don't know what to say, it's beyond belief.  
8 That's the first thing I want to say. The second  
9 is I think that when some of the people brought up  
10 the idea about terrorism, I don't think that they  
11 were bringing up the idea that the school is going  
12 to bring it. I think it was more just from the  
13 fact the school over a garage close to the bridge  
14 doesn't seem like a safe place for a school to be  
15 in that proximity of the bridge. I always look at  
16 the money trail and I think that's something that  
17 should be looked at as far as what's going on here.  
18 The last thing I want to leave you with is the SCA  
19 and the DOE refused to hand over the full FOIL  
20 documentation. From my understanding this is a  
21 violation of the law. From my understanding as  
22 well, emails have been sent stating that the  
23 postponement of this until after the hearing and  
24 that's just plain out not right. Thank you.

25 JOAN CRAIG: Good afternoon. My

1 name is Joan Craig. I'm a 14-year resident of  
2 Fulton Ferry Landing historic district. I would  
3 urge this committee to not approve the application  
4 as it would irreparably harm the Fulton Ferry  
5 Landing Historic District looming over very narrow  
6 Water Street and the structures that make up the  
7 Fulton Ferry Landing Historic District. I don't  
8 think you get a fair picture of it if you just  
9 look at the model. You really have to go down  
10 there, walk down Water Street, and walk down the  
11 bridge. My view is not going to be affected at  
12 all. I look out, I see the bridge, and it's going  
13 to be fine. But the tourists I show through the  
14 neighborhood will not be able to get the heart-  
15 stopping views that go on. Now on the School  
16 Construction Authority, I mean I don't think  
17 there's a big enough carrot you could give us that  
18 would justify putting up this massive structure  
19 right by the bridge. But on the School  
20 Construction Authority issue I would not that I  
21 was curious who wrote the email and when I went to  
22 the staff listing on the SCA site, that individual  
23 was identified as the chief of staff executive  
24 director of the School Construction Authority.  
25



1  
2 Now I don't know about you, but I spent 20 years  
3 in the public sector. If the executive director  
4 has that attitude it's an attitude that permeates  
5 the Authority and that trickles down and affects  
6 the decisions made by those who have to make the  
7 decisions. As far as diversity in Dumbo, we're  
8 going to be losing the association to help  
9 retarded children and the treatment center, both  
10 of whose leases will not be renewed by the Two  
11 Trees Development so that they can build a condo.  
12 These people give diversity. These people come  
13 and they're the people that I've seen on the  
14 streets getting educated, 300 people from all over  
15 the city. So if we talk about diversity, let's  
16 keep that kind of diversity. I know this might be  
17 extraneous to the issue at hand, but it just bugs  
18 me and I have to get it out of my system. I'm  
19 done. Thanks.

20 BILL STEIN: Good afternoon. My  
21 name is Bill Stein. I'm on the board of the  
22 Fulton Ferry Landing Association. I live in  
23 Fulton Ferry, so that means I do not live in 30  
24 Main, I do not live in 70 Washington and there are  
25 plenty of people opposed to the project who don't

1  
2 live in those two buildings. Let's make that  
3 clear. Let's face it the only reason that this  
4 project has progressed this far is because of the  
5 promise of a school. At previous hearings  
6 speakers have questioned the placement of a middle  
7 school adjacent and partially under the Brooklyn  
8 Bridge, primarily due to terrorism concerns, but  
9 also because of health concerns due to the  
10 proximity to the BQE highway and exit ramps, the  
11 bridge traffic above and a three-level parking  
12 garage that the school would sit over. I mean,  
13 the asthma rates of the children in New York City,  
14 in Brooklyn in particular, are high enough  
15 already. Is it smart to have a school with those  
16 conditions? Providing the shell for a school at  
17 no cost to the SCA seemed like a good idea to some  
18 people, even if the tower above it results in the  
19 visual vandalism to the bridge that David  
20 McCullough referred to. One need only walk  
21 several blocks from the site to see the result of  
22 what was also thought of as a good idea, the  
23 demolishing of several blocks of 19th century  
24 houses along Fulton Street in Brooklyn Heights as  
25 part of an urban renewal project in 1961. What do

1  
2 we have there now? The nondescript, some might  
3 say ugly, Cadmon Tower Apartments and the uglier  
4 Walt Whitman Townhouses, which are walled off from  
5 the street and have nameplates affixed to them  
6 that state identities such as Duplex #2. I'm sure  
7 it seemed like a good idea at the time, although  
8 preservations fought against it, even trying to at  
9 least save the house on Cranberry Street where  
10 Walt Whitman set the type of the Leaves of Grass,  
11 but to no avail. What I'm asking today is for the  
12 Council to learn from past local construction  
13 mistakes and have respect for the visual  
14 experience that surrounds the bridge, ensuring  
15 that it can be enjoyed by future generations for  
16 years to come. Please vote to reject this project  
17 in its current configuration. Thank you.

18 CLAIRES MIRARCHI: Good afternoon.  
19 My name is Claire Mirarchi and I'm a long time  
20 board member of the Brooklyn Heights Association.  
21 You're hearing lots of testimony today and we want  
22 to thank you for listening to it all. I just want  
23 to simply urge you to let reasonableness prevail  
24 and let the Brooklyn Bridge breathe. Please give  
25 us a rationale and open search process for the

1  
2 solution to our middle school problem in Downtown  
3 Brooklyn. This developer is successful and  
4 resourceful and there will be other more worthy  
5 and more appropriate projects. The damage to the  
6 Brooklyn Bridge, however, and to the Brooklyn  
7 Bridge site and to our neighborhood will be  
8 permanent. I urge you to have the vision and the  
9 courage to see things as they really are. I ask  
10 you to please think ahead five years and make  
11 decisions today that you will be proud of in the  
12 future. Thank you very much.

13 CHAIRPERSON AVELLA: Council Member  
14 James has a question. Please sit.

15 COUNCIL MEMBER JAMES: Just one  
16 question. What is the name of the two programs  
17 that will be displaced where you claim that the  
18 developer is not renewing leases?

19 JOAN CRAIG: I've been informed the  
20 Association to Help Retarded Children.

21 COUNCIL MEMBER JAMES: What's the  
22 location, the address?

23 JOAN CRAIG: It's on Jay Street.

24 COUNCIL MEMBER JAMES: And the  
25 other?

2 JOAN CRAIG: The League Treatment  
3 Center.

4 COUNCIL MEMBER JAMES: I'll inquire  
5 about that. My last question is sir, where do you  
6 live?

7 MARK VERBE: I live in Nyack, New  
8 York. I also own a unit in Dumbo.

9 COUNCIL MEMBER JAMES: Is it at 30  
10 Washington or on Main?

11 MARK VERBE: 70 Washington.

12 COUNCIL MEMBER JAMES: Is that unit  
13 up for sale?

14 MARK VERBE: No, it's not.

15 COUNCIL MEMBER JAMES: I'm sorry,  
16 what were you going to say? The League for  
17 Treatment Center, you were going to say something  
18 else?

19 JOAN CRAIG: I was informed that  
20 with the Association to Help Retarded Children,  
21 they had offered to pay market rate rent and their  
22 offer was rejected. So if you could look into  
23 that then that would be great. Thank you.

24 COUNCIL MEMBER JAMES: I will.  
25 Thank you.

2 CHAIRPERSON AVELLA: Council Member  
3 Felder has a question.

4 COUNCIL MEMBER FELDER: I'm not  
5 sure that anyone on this panel can answer it. Was  
6 anyone on this panel involved in collecting these  
7 12,000 signatures?

8 MARK VERBE: I've done petitioning  
9 and I don't know if those were part.

10 COUNCIL MEMBER FELDER: All the top  
11 says in endorsement of 2004 Marty Markowitz  
12 position on the joint statement by DNA, BHA, FFLA,  
13 opposing the Dock Street development. Do any of  
14 you know what you asked the people, what you said  
15 to the people before they signed it? Thank you.

16 CHAIRPERSON AVELLA: What I'll do  
17 Council Member is when we do the next panel in  
18 opposition, we'll call up somebody who can answer  
19 that question. The next panel is in favor, Deb  
20 Howard, Wendy Frauda, Jacques Torres, and Linda  
21 Johnson. Is Linda here? Ed Brown are you here?  
22 Abdul Malik? Gone. Sharvel Vishon? Caroline  
23 Pardot?

24 DEB HOWARD: Good afternoon. I  
25 want to thank the Council for holding this

1  
2 hearing. My name is Deb Howard. I'm the  
3 Executive Director of Pratt Area Community  
4 Council. We're a local provider of affordable  
5 housing within Community District 2, 3, and 8.  
6 Having just marketed a 48-unit affordable housing  
7 project recently and having set over 7,000  
8 applications for 48 units, this demonstrates what  
9 the desperate need is for affordable housing,  
10 particularly in Community Board 2, which is where  
11 we've seen so much gentrification in our  
12 community. We are Pratt Area Community Council  
13 are in support of this project because we believe  
14 it provides the first affordable housing within  
15 the Dumbo area and would enhance the availability  
16 of affordable apartments throughout Community  
17 Board 2 for its residents. This will now provide  
18 61 units of affordable housing. We also believe  
19 that the developers have made a substantial change  
20 to the project to really address the concerns that  
21 have been raised by many residents as to the  
22 obstruction of views to the Brooklyn Bridge. We  
23 applaud the design which now follows the  
24 principles of contextual zoning and matching the  
25 height and bulk of adjacent buildings in the area.

Therefore, we are in support of this project.

Thank you.

WENDY FRAUDA: Good afternoon. My name is Wendy Frauda and I live in Brooklyn Heights. I'm intimidated by speaking to you today. Many opponents of this project have been very aggressive and many parents I know are too afraid to stand up and speak. But I have two children, one in first grade at P.S. 8 and one who is in preschool. Our family is rooted in Brooklyn Heights. My husband grew up there and we are dedicated to our children's future there. We live in a safe and friendly neighborhood with an excellent public elementary school and yet come age 10 or 11, there is no school for children within walking distance, unless they attend one of three private schools. When parents see that there are no good options after P.S. 8, they often do not continue to invest their time, their money or their children in our school. I know families who switched to private schools after kindergarten partially because they wanted to secure a slot before middle school. Without decent public schools, families that cannot afford private



1 schools will have to leave. As has been the case  
2 for years, Brooklyn Heights will continue to be a  
3 nice place to live until your children are school  
4 age. I believe that many of the opponents of this  
5 project are out of touch with the needs of middle  
6 class people in our neighborhood. They are  
7 concerned that the building will block the views  
8 from their million dollar condos or a few seconds  
9 of their view of the water as they drive or walk  
10 over the Brooklyn Bridge. We, meanwhile, are  
11 concerned with finding an opportunity for our  
12 children to go to school, to be educated within  
13 our community without shipping them off to distant  
14 neighborhoods at age 10. Opponents have no  
15 understanding of the stress parents at P.S. 8 are  
16 going through as their children approach fifth  
17 grade, or fourth grade if they are looking to  
18 transfer to private schools. There seem to be few  
19 good options for their education. What I, other  
20 parents and residents of Brooklyn Heights have at  
21 stake is the possibility of solving at least  
22 partially an educational vacuum that has existed  
23 in the neighborhood unaddressed for decades and to  
24 thereby preserve our children's sense of  
25

1  
2 community. We have an opportunity to create an  
3 excellent middle school that will serve  
4 generations of children. What kind of community  
5 are we to favor the views of a few condo owners  
6 and the fleeting views of commuters over the  
7 education of our children. Projects like this  
8 have happened in Manhattan with new schools and  
9 new buildings. We in Brooklyn deserve new schools  
10 too as buildings rise around us. I would like to  
11 have confidence that our elected officials can  
12 finally make this happen at this wonderful  
13 location across the street--

14 CHAIRPERSON AVELLA: [interposing]  
15 Can you sum up please?

16 WENDY FRAUDA: This is my last  
17 sentence. At the location across the street from  
18 a state park and walking distance for so many  
19 families. Thank you.

20 JACQUES TORRES: Good afternoon.  
21 I'm Jacques Torres from Jacques Torres Chocolate.  
22 I am the owner and founder of that company.  
23 Chocolate is kosher, sir. Anyway, I'm certainly  
24 responsible for the fattening of the neighborhood.  
25 I believe that the neighborhood community is

1  
2 created by the people who live there. But at the  
3 street level, the security, the cleanliness, the  
4 quality of life, with kosher products, is  
5 developed by the businesses that are in the  
6 neighborhood. It is very dangerous, very scary  
7 for a business to invest hundreds of thousands of  
8 dollars into businesses when there are not enough  
9 people in that neighborhood. I do believe that  
10 this new building will bring more people and more  
11 business to those business owners. Also, I want  
12 to mention that in that little block there are  
13 only two retail stores. And especially on the  
14 east side there is nothing, so that will help a  
15 lot. So that's why I'm in favor of this project.  
16 Also, I would love to mention that years ago in  
17 France, a pyramid made of glass was built. That  
18 was a huge controversy and still is, certainly,  
19 but that shows that public opinion can change  
20 because today I think that most people agree that  
21 was a good decision and that brings some type of  
22 renaissance to this beautiful building. So maybe  
23 the right construction can be built in front of a  
24 monument. And in any case, we need more chocolate  
25 lovers in the streets of Dumbo. Thank you.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CAROLINE PARDOT: My name is  
Caroline Pardot and I'm reading a letter on behalf  
of Herve Poussot of Almondine Bakery. He's  
actually across the street from Jacques Torres.  
I'm writing this letter in support of the Dock  
Street Dumbo project that the City Council is  
currently reviewing. I own and operate Almondine,  
located on Water Street, just down the block from  
the location of the proposed project. I have run  
my bakery in Dumbo for more than five years and  
have a strong commitment to the future of the  
neighborhood and therefore the Dock Street Dumbo  
project. It is my belief that this project will  
be a wonderful addition to this growing and  
vibrant community. Because of the location of my  
store, I'm acutely aware of the importance of the  
Brooklyn Bridge to the local residents and  
visitors alike. In fact, my business benefits  
from the hundreds of visitors who are attracted to  
the bridge and walk over the structure every day.  
I, myself, have walked down the block and looked  
at the site for the proposed project many times  
and remain steadfast in belief that the Dock  
Street project will not have a negative impact on

1  
2 the public views of the bridge. The design of the  
3 proposed building will not impair the majesty and  
4 grandeur of the bridge and I am certain that the  
5 Brooklyn Bridge will continue to be just as  
6 attractive to residents and visitors as it is  
7 today if you approve the Dock Street project.

8 After ensuring that this project would not  
9 negatively affect the public views of the bridge,  
10 I began to consider all of the benefits that this  
11 project will bring to Dumbo. If you approve the  
12 proposed building, I have no doubt that it will  
13 become an important center of activity for the  
14 neighborhood with the middle school and proposed  
15 retail space. The residents of Dumbo are still in  
16 need of additional services and the proposed  
17 retail space gives the opportunity for other small  
18 business owners to provide those services. One of  
19 the most noticeable attributes of the Dumbo  
20 community is the presence of local mom and pop  
21 retailers like Almondine and the local  
22 population's loyalty to that type of retailer. In  
23 order for these types of businesses to succeed and  
24 continue to provide much needed services to the  
25 current residents, the neighborhood must see a

1  
2 higher volume of foot traffic in the streets.  
3 Dock Street Dumbo addresses that need with the  
4 residential portion of the building and the  
5 school. I support Dock Street project. Thank  
6 you.

7 CHAIRPERSON AVELLA: The next panel  
8 is a panel in opposition, Debra Howland, David  
9 Sumetra, Steven Zupp, Brian Blum, Lucy Kotein,  
10 Margo Neri, and Joy Kenwar. We only have two up  
11 there. Christine Barker. Is there anybody else  
12 who wishes to speak in opposition? That's the  
13 last person signed up to speak in opposition.

14 STEVEN ZUPP: Before I begin, I was  
15 wondering if I may respond to Council Member  
16 Felder's inquiry about the petition cover sheet.

17 CHAIRPERSON AVELLA: I'm sorry;  
18 actually I should have followed up on that.

19 STEVEN ZUPP: The cover sheets that  
20 are referenced at the top of the pages--

21 CHAIRPERSON AVELLA: [interposing]  
22 First of all, introduce yourself.

23 STEVEN ZUPP: I'm sorry. My name  
24 is Steven Zupp. I'm a resident of Dumbo. The  
25 cover sheets that you were inquiring about are

1 present in this booklet here. Tab three is the  
2 joint statement. The Borough President Markowitz  
3 is in a different booklet sent to your district  
4 offices. My name is Steven Zupp. Thank you for  
5 this opportunity to testify. There is a massive  
6 set of stakeholders that are not in the room today  
7 who have no vested interest here other than the  
8 views that they enjoy driving and walking along  
9 the bridge. They are not the small group of  
10 people with private views and they are not those  
11 the developer is advantaging in exchange for  
12 support. They are the rest of New York City.  
13 They number in the millions. They are a much  
14 broader base of stakeholders who are the City  
15 Council constituents. They feel the Brooklyn  
16 Bridge is a civic and national treasure and don't  
17 want it diminished or compromised in any way. I  
18 know that because I spoke with many thousands of  
19 them when I volunteered with our community  
20 organization to collect signatures opposing this  
21 rezoning. I stood on the bridge and in the park  
22 next to the site, pointed to it and asked the  
23 public how they felt about an 18-story building  
24 there going up under any terms, regardless of  
25

1  
2 whatever quid pro quos the developer was offering.  
3 Two out of three people walking by stopped to  
4 listen, which is pretty remarkable considering how  
5 hard Greenpeace and other organizations struggled  
6 with their petition drives. And a staggering 98%  
7 of them signed. So the sentiment I heard from the  
8 general public was a very, very loud and clear no.  
9 The average citizen doesn't have powerful real  
10 estate lobbyists and probably not time in the day  
11 to attend government hearings to defend national  
12 landmarks. But that doesn't mean that they don't  
13 care. At election time, those residents expect  
14 City Council members to have voted not for special  
15 interests but for their interests. A couple of  
16 points I just wanted to mention. As has been  
17 said, this rezoning triples the amount of  
18 profitable square footage with many exceptions  
19 from the zoning code. I also wanted to mention  
20 that the developer has not been willing to  
21 compromise or negotiate and instead has really  
22 offered an ultimatum of a tall building. So in  
23 summary, please vote with the public interest to  
24 ensure any construction respects the current  
25 zoning restrictions and is no higher than the



1  
2 Brooklyn Bridge. Let that be your legacy, the  
3 preservation of the views, not their destruction.  
4 Thank you.

5 CHRISTINE BARKER: My name is  
6 Christine Barker. I'm an eco-toxicologist who  
7 lives in Dumbo. While I'd love a school in Dumbo,  
8 I'm here to alert you to the dangers of placing a  
9 school at the Dock Street project. The University  
10 of California presented findings just last  
11 September of the first national study to evaluate  
12 health risks associated with the school's  
13 proximity to major roadways. They concluded it to  
14 be a major public health concern that should be  
15 given serious consideration in urban development.  
16 To protect the health of young children with  
17 developing lungs, new schools should be built  
18 further from major highways. Research shows that  
19 proximity to major highways can leave school age  
20 children more susceptible to respiratory diseases  
21 later in life. This isn't news. The State of  
22 California has already passed a law prohibiting  
23 the building of new schools within 500 feet of a  
24 busy road. New Jersey is moving a bill through  
25 the legislature to require highway entrance and

1 exit ramps to be at least 1,000 feet from schools.  
2 The Dock Street middle school would be 70 feet  
3 from the Brooklyn Bridge and directly above a  
4 garage. The EPA has the right to shut down or  
5 relocate a school it considers potentially  
6 damaging to children's health. The Two Trees EAS  
7 notes that vehicular emissions from the Brooklyn  
8 Bridge traffic may affect the receptors located on  
9 the proposed development, especially receptors  
10 located at or near the same elevation of the  
11 Brooklyn Bridge. Two Trees does not acknowledge  
12 that the school will be at the level of the  
13 Brooklyn Bridge or that these receptors are in  
14 fact children. In toxicology, receptor is the  
15 organism being affected by a toxin. The EAS  
16 states that the pollutants from the 465-car garage  
17 will cause pollutant levels to be elevated near  
18 the vents outside the garage. Let's recall that  
19 the receptors, or children, will be above said  
20 garage. The New York State Department of  
21 Environmental Conservation says that most of the  
22 city's air pollution is coughed out of tailpipes.  
23 According to the EPA, 68 residents per million are  
24 at risk of getting lung cancer from air toxins in  
25

2 New York City compared to the national average of  
3 41 per million. New York City's children are  
4 already exposed to elevated levels of air  
5 pollutants. Is it ethical to sandwich them  
6 between a garage and a bridge during critical  
7 development years so that a development company  
8 can profit from a site they knew had limited  
9 development rights when they purchased it? Two  
10 Trees is a development company focused on profits.  
11 Entrusting them with the long-term fate of  
12 children is not responsible.

13 CHAIRPERSON AVELLA: Can you sum up  
14 please?

15 CHRISTINE BARKER: I just did.

16 CHAIRPERSON AVELLA: Oh, you just  
17 did, very good.

18 JOY KENWAR: Mr. Chairman, and  
19 members of the committee, my name is Joy Kenwar.  
20 I'm a professor at Brooklyn Law School and I'm a  
21 resident of Dumbo. I'll be brief. I think that  
22 there are some good aspects of this project and I  
23 also think that there are good people on both  
24 sides. However, the biggest concern about this  
25 project really is about how close it will be to

2 the Brooklyn Bridge. The 18-story tower will be  
3 less than 90 feet from one of the greatest symbols  
4 that the city has ever built. Whether or not you  
5 believe the debate really is about having a middle  
6 school and affordable housing, and I think a lot  
7 of us think that's a good idea. I urge you to  
8 take a long view of what this means to the  
9 community, to New York City and to the world. If  
10 it is feasible to go down to the site and take a  
11 look for yourselves and see what the proximity is.  
12 Thank you.

13 CHAIRPERSON AVELLA: Thank you.

14 The only speakers I have left are people in favor.  
15 Normally at this part, and I'll follow tradition,  
16 we do ask that if you do not need to give your  
17 testimony that when I call your name if you can  
18 just say you're in favor that would be helpful,  
19 because, again, we will be asked to vacate this  
20 room at 3 o'clock. I mean, if you want to testify  
21 that's fine, but if you can help facilitate this,  
22 that would also be good. Susan Feldman? Sarah  
23 Walco? Henry Martinez Reed? Larry Leonard?  
24 Marco Perry? Natalie Ungari? Jane Kojema?

25 SUSAN FELDMAN: I'm Susan Feldman

1  
2 and I'm the President and Artistic Director of St.  
3 Ann's Warehouse, which opened on the proposed site  
4 of the Dock Street project on Dock and Water  
5 Street a month after 9/11 in 2001. Since then,  
6 St. Ann's Warehouse has earned an international  
7 reputation as one of the city's most important and  
8 versatile cultural destinations. Since 2001, over  
9 300,000 people have come to performances at St.  
10 Ann's, including thousands of high school and  
11 college students and returning war veterans. It  
12 was the generosity of Two Trees and the Walentas  
13 family that brought us to Dumbo in the first place  
14 for what we thought would be only nine months and  
15 it has now been eight years and it has been rent  
16 free. With their enlightened and creative  
17 development in mind, Two Trees enlisted St. Ann's  
18 and other culturalists as their partners in building  
19 the Dumbo neighborhood. While it is difficult to  
20 imagine not being in our current home, we support  
21 the need and proposal for a middle school and the  
22 excitement of its location on the Brooklyn  
23 waterfront. The Walentas have assured us they  
24 will help us create a new home in Dumbo, one that  
25 we hope will be equally as wonderful as the

1  
2 current St. Ann's Warehouse. Thank you.

3 HENRY MARTINEZ REED: My name is  
4 Henry Martinez Reed. I am a longtime resident of  
5 Brooklyn and was born on Court Street in the mid  
6 1950s. The same street my father was born on and  
7 still resides in Brooklyn Heights. I have  
8 witnessed many changes in the area in my lifetime.  
9 I remember walking at Dumbo in the 1970s with my  
10 father to buy paint and recalling how desolate the  
11 area was with rundown buildings, dirty streets,  
12 abandoned lots which were all incubators for  
13 trouble at the time. I recall the corner of Court  
14 Street and Atlantic Avenue long before it became a  
15 city parking lot. My aunt lived in a brownstone  
16 on State Street near St. Vincent's which was later  
17 replaced by a Firestone and then a city lot. Now  
18 stands a beautiful building with many apartments,  
19 a YMCA, a parking lot, stores, a bank, the best  
20 change to come to this corner in 60 years. I  
21 would like to say that after all these years, Mr.  
22 Walentas and Two Trees have done a remarkable job  
23 of recreating Brooklyn and the quality of life by  
24 converting a desolate area into a vibrant place  
25 with many beautiful buildings, apartments, stores,

1  
2 restaurants, artist studios and galleries. His  
3 buildings are well designed and thought out.  
4 Coming from a family of contractors, I am always  
5 amazed and inspired by his execution and his time  
6 his projects are completed in, but more so by the  
7 quality craftsmanship and aesthetic design. I  
8 strongly believe he would not build anything to  
9 destroy the integrity of a local historic  
10 monument. He has given me the opportunity to  
11 bring great shows of talented artists from around  
12 the globe to the Henry Greg Gallery. I would  
13 believe it would be an opportunity for the  
14 neighborhood to have its own school and affordable  
15 housing.

16 CHAIRPERSON AVELLA: Can you sum  
17 up? I allowed you to go on because basically we  
18 had forgotten to reset the clock.

19 HENRY MARTINEZ REED: I'm good.

20 LARRY LEONARDI: My name is Larry  
21 Leonardi. I'm a partner in a family business we  
22 own in Dumbo, Front Street Pizza. We are proud to  
23 say we've been part of this neighborhood for over  
24 20 years. Ten years ago we also purchased 40 Main  
25 Street. It's a building comprised of both

1  
2 residential and commercial tenants. We invested  
3 in this neighborhood and our livelihood into it.  
4 We strongly believe in the development Mr.  
5 Walentas has undertaken and commend him for what  
6 he is bringing into the neighborhood. The  
7 Walentas have succeeded in great transformation to  
8 Dumbo. There will be more jobs available for many  
9 who do not have any income to support their  
10 families and affordable housing to those who  
11 cannot pay what the market is today. We will have  
12 the state of art middle school to offer to the  
13 children who reside in Dumbo and they can get a  
14 great education for free. We support the Dock  
15 Street project.

16 JANE KOJEMA: Good afternoon. My  
17 name is Jane Kojema. I'm a Brooklyn resident and  
18 arts administrator. I'm reading a letter on  
19 behalf of Frank Evers, the co-founder of the New  
20 York Photo Festival. I write in support of Dock  
21 Street Dumbo plan proposed by Two Trees  
22 Management. It has many public benefits,  
23 affordable housing, a donated public middle  
24 school, green architecture, parking for the  
25 public, including our festival's attendees, added



1 amenities for the community via retail and has  
2 been designed within the context of the  
3 neighborhood's architecture. As the co-founder  
4 and co-chair of the New York Photo Festival, which  
5 is based in Dumbo, I welcome well conceived  
6 development plans that might bring more traffic to  
7 the area via local residents, students and  
8 businesses. Of course, the many public benefits  
9 mentioned above speak for themselves. I believe  
10 Two Trees has established its track record already  
11 as a visionary company. Just look around Dumbo's  
12 thriving cultural community of which we are  
13 proudly a part. Two Trees' vision and commitment  
14 to the arts is partly how the New York Photo  
15 Festival happened. They signed on as our seed  
16 sponsor and advisors and precisely why it happened  
17 in Dumbo. To me it's clear that Two Trees has  
18 acute awareness of what makes Dumbo so attractive  
19 to tourists, local businesses and residents alike.  
20 I hope you choose to support the Dock Street Dumbo  
21 project for all of its added value to Dumbo, to  
22 New York City, to local families and to the  
23 environment. This is not a project with  
24 advantages at the expense of the Brooklyn Bridge,  
25

2 it is rather a project with assets that include  
3 sensitivity that we from all over the world love  
4 and cherish. It is also a great example of good  
5 public-private partnership much needed in these  
6 tough economic times.

7 CHAIRPERSON AVELLA: Thank you.

8 The next panel is Jared Delavali, Gloria Ramirez,  
9 Jennifer Riley, Carl Hum, Daniel Arno, Marty  
10 Greenbaum, Eileen Mislov, and Zana Mass.

11 FEMALE VOICE: Do you want me to  
12 read or do you want me to just say that I'm in  
13 favor?

14 CHAIRPERSON AVELLA: Well, it's  
15 interesting because normally we don't allow people  
16 to read letters for other people. If you're here  
17 to give testimony, you give testimony. We were  
18 just talking about this because I've never seen  
19 this happen to this extent. Because normally we  
20 accept the letters into the record if you're not  
21 here.

22 FEMALE VOICE: Well I'll give you  
23 the letter from Nelson Hancock who is in favor of  
24 the project. And I'll also as a Brooklyn Heights  
25 resident I'm also in favor of the project.

CHAIRPERSON AVELLA: That was excellent. To be perfectly that has more impact than just reading somebody's letter.

CARL HUM: Then I will read my testimony then. Chair Avella, Councilman Felder, good afternoon. My name is Carl Hum. I am the president and CEO of the Brooklyn Chamber of Commerce. I'm here this afternoon to express our support of the Dock Street Dumbo project on behalf of the chamber. Dock Street Dumbo is a prime example of what a future development in our borough and our city should be, contextual, environmentally friendly and responsive to the needs of the community. It's a different project than what was first proposed in 2004, which speaks volumes about our public review process and how Dock Street Dumbo has evolved to include many perspectives. It is in fact different than the project approved by Community Board 2 with additional height reductions on both sides of the project since receiving approval by the City Planning Commission in April. Dumbo has grown to be one of Brooklyn's destination neighborhoods with its mix of creative commercial and

1 residential uses. It is unusual to find a  
2 thriving neighborhood within the city with  
3 underdeveloped streets and the ability to absorb  
4 increased density, services and amenities. Dock  
5 Street Dumbo will contribute to filling that gap,  
6 providing residents, shoppers and much needed  
7 parking, jobs and a school for those choosing to  
8 stay in the neighborhood to raise their families.  
9 In the end, that's good for business. Brooklyn  
10 still needs places to work, learn, shop and play.  
11 Dock Street Dumbo provides that security, activity  
12 and vitality that contribute to a thriving  
13 business center by putting a 24-hour living and  
14 working environment that contributes to the fabric  
15 of Dumbo as a neighborhood. The chamber is proud  
16 to join other community leaders and organizations  
17 here today in support of Dock Street Dumbo. It is  
18 our sincere belief that Dock Street Dumbo is good  
19 for business, good for Brooklyn and good for New  
20 York City. We look forward to seeing this project  
21 built and serving the Dumbo community. Thanks  
22 very much.

24 DANIEL ARNO: Good afternoon. My  
25 name is Daniel Arno and I'm the director of

1  
2 programming at Jazz Reach. We are a Dumbo-based  
3 performing arts and education organization  
4 dedicated to widening audiences for jazz music.  
5 We serve young audiences here in New York City but  
6 also serve students in communities across the  
7 country. We have been based in Dumbo for the past  
8 nine years and consider the neighborhood to be our  
9 home. Dumbo, as we know, is a major hub for arts  
10 and culture in New York City. The neighborhood  
11 houses galleries, dance studios, film companies,  
12 recording studios, performance spaces, and like  
13 Jazz Reach, many not-for-profit organizations.  
14 Two Trees has been a huge ally to many of these  
15 companies, including us. They seem to embrace the  
16 idea that arts and culture make a neighborhood  
17 more vibrant, appealing and perhaps lucrative. I  
18 hope that Two Trees becomes a model for other  
19 developers when it comes to valuing the arts.  
20 Concerning today's hearing, I am aware of the  
21 rapid pace of development here in Brooklyn and  
22 citywide and share the concerns that people have  
23 as these projects affect our communities. I have  
24 also accepted the fact that this development is  
25 inevitable and that we must hold developers to

1  
2 high standards in areas like affordable housing,  
3 sustainable and contextual design and sound urban  
4 planning. As I look at the Dock Street project,  
5 it seems to incorporate many of these standards,  
6 including Dumbo's first mixed income building, a  
7 design that aesthetically fits into the context of  
8 the neighborhood, a much needed middle school to  
9 serve children in Dumbo and a commitment to build  
10 a green building. Concerning the height of the  
11 building as it relates to obstructing views, it is  
12 my understanding that the property owner has the  
13 built in right to build a commercial building that  
14 may even be taller than the one proposed. That  
15 said, I think it is in our best interest to  
16 explore this Dock Street proposal that benefits  
17 the community at large and continue to hold all  
18 developers to higher standards and sound urban  
19 planning.

20 GLORIA RAMIREZ: Hello, my name is  
21 Gloria Ramirez and I was going to read a letter  
22 from Ernest Logan who is president of the  
23 Principal's Union. However, I also want to say  
24 I'm in support of this project. I'm a former  
25 California resident and I now work in Dumbo and

1  
2 enjoy my daily walk over the Brooklyn Bridge.  
3 There is no way this building will diminish my  
4 enjoyment. I just wanted to say that.

5 CHAIRPERSON AVELLA: Thank you.

6 The next panel is Denise Peterson, Donald Elliot,  
7 Matthew Baclini, and Bonnie Campbell. She will  
8 forgo her testimony and we appreciate that.

9 You're in favor. You're on behalf of? So you'll  
10 submit that into the record. Jay Shippers? And  
11 the last person is Tiffany Raspberry.

12 MATTHEW BACLINI: Good afternoon.

13 My name is Matthew Baclini. I thank you for the  
14 opportunity to speak today and for holding the  
15 hearing. I'm an employee of the Brooklyn Academy  
16 of Music. I live and work in Fort Greene  
17 Brooklyn. I'm here today and I was asked to read  
18 a letter from the president of the Brooklyn  
19 Academy of Music, which is New York City cultural  
20 institution. It's been in existence for about 150  
21 years. The letter reads, dear Speaker Quinn, I  
22 write in support of the Dock Street Dumbo project  
23 proposed by Two Trees. The project includes many  
24 community benefits that address the growth of the  
25 neighborhood, including donated public schools,

1  
2 apartments, parking and retail, affordable houses,  
3 job creation and LEED certification.

4 Additionally, the design is contextual and even  
5 New York City Landmarks Commission has indicated  
6 that the building poses no threat to our treasured  
7 Brooklyn Bridge. As President of the Brooklyn  
8 Academy of Music, and as a staff member since  
9 1979, I have cheered the growth and positive  
10 changes I've witnessed and often steered in  
11 Brooklyn. I've watched Dumbo transition into a  
12 cultural destination with admiration and an offer  
13 of partnership. After all, we accomplished a  
14 similar evolution at BAM. The Walentas have so  
15 much to do with Dumbo being catapulted onto the  
16 international radar. They have vision and respect  
17 for the neighborhoods and city's landmarks and  
18 architecture. They continue to invest so much in  
19 this cultural enclave through sponsorship of  
20 cultural festivals and public art, donations of  
21 space and grants to not-for-profit arts  
22 organizations like St. Ann's Warehouse, special  
23 offers for small businesses like fine art  
24 galleries and bakeries and marketing support for  
25 the arts community, among many other investments



1  
2 that make Dumbo a sought after location. Let me  
3 just read this last paragraph to sum up. New York  
4 City Landmarks Commission, Borough President  
5 Markowitz and Community Board 2 all endorse this  
6 project and say that it will not negatively impact  
7 the Brooklyn Bridge. I believe the project to be  
8 a good model for public-private partnership. I  
9 hope you will approve this project on its  
10 multitude of merits, sincerely, Karen Brooks  
11 Hopkins, president, Brooklyn Academy of Music.

12 DONALD ELLIOTT: My name is Donald  
13 Elliott. I have lived in Brooklyn Heights for 40  
14 years. I've been chairman of the New York City  
15 Planning Commission for more than six years. I've  
16 spent most of my professional life concerned about  
17 land use issues and development. I am here as an  
18 individual, supported by no one except myself  
19 because I think this is an admirable project that  
20 should be approved. It will not denigrate the  
21 Brooklyn Bridge in my judgment and I think that's  
22 the fundamental issue that you're being asked. At  
23 the end of the day, nobody can be against a middle  
24 school or affordable housing. The fight is over  
25 whether this project is going to hurt the Brooklyn

1  
2 Bridge which all of us love and honor. It will  
3 not in my judgment. I think it is a project that  
4 will add to the diversity and vitality of Dumbo,  
5 and area that Two Trees has been responsible for  
6 developing for more than two decades and an  
7 extraordinary area in the city of New York. I  
8 urge you to approve it.

9 JAY SHIPPERS: Good afternoon. I'm  
10 Jay Shippers with laryngitis, not swine flu. I've  
11 lived in Brooklyn Heights for 35 years, raised  
12 five children there and am acutely aware of the  
13 lack of public schools. My wife is a volunteer  
14 tutor at P.S. 8, intimately involved with what  
15 goes on inside P.S. 8. I was the head for the  
16 Brooklyn Department Division for Corcoran and in  
17 that capacity got to know Brooklyn Heights and  
18 Downtown Brooklyn extremely well, essentially  
19 every building. Because of our commitment to  
20 Brooklyn Heights, I worked behind the scenes for  
21 two years with the Brooklyn Heights Association  
22 trying to find a location for a middle school. We  
23 found two sites which were acceptable. The School  
24 Construction Authority turned both of them down  
25 saying they didn't have the money. So I continued

1  
2 to look and what I can tell you unequivocally is  
3 that there is no other site in the Brooklyn  
4 Heights/Dumbo area that would be suitable for a  
5 school, and that includes P.S. 8. As I said, my  
6 wife is intimately involved there and the school  
7 does not want a middle school together with the  
8 elementary school. P.S. 8 also needs its own land  
9 for its own expansion. The other thing I would  
10 like to say is that my wife did not want me to get  
11 involved in this battle going up against the  
12 Brooklyn Heights Association. It took me months  
13 to convince here to get involved and I did it by  
14 having the Walentas people submit a photographic  
15 essay of what the new building was going to do to  
16 the bridge. It is crystal clear after having  
17 walked over the bridge hundreds of times in my 30  
18 years that the new building will not interfere  
19 with the views from the bridge or of the bridge.  
20 I'm hoping that you have seen these photos. Thank  
21 you. What was that? She was so convinced by the  
22 photographs that she became herself actively  
23 involved in supporting the building as opposed to  
24 just allowing me to continue.

25 TIFFANY RASPBERRY: Good afternoon.

2 My name is Tiffany Raspberry. Mary Sheridan from  
3 Local 237 of the Teamsters was here earlier today  
4 to give testimony from the union. Unfortunately  
5 she had to leave, so I'd like to leave this letter  
6 addressed to Speaker Christine Quinn from Gregory  
7 Floyd, the president, in support of the project.

8 CHAIRPERSON AVELLA: Thank you.

9 Council Member Felder. I was going to compliment  
10 you first of all for being here through the whole  
11 thing.

12 COUNCIL MEMBER FELDER: I wanted to  
13 say for those that are still here is that it's a  
14 compliment to the chair as well as to Council  
15 Member James that of all the members who have been  
16 very passionate whether for or against that it's  
17 only the two of you that have really been here to  
18 the very end from the very beginning to listen to  
19 the people. I wasn't here the whole time.

20 CHAIRPERSON AVELLA: But you were  
21 here for most of it. So I was going to compliment  
22 you as well.

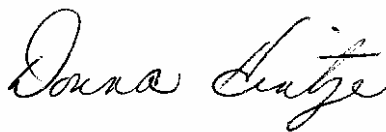
23 COUNCIL MEMBER FELDER: I think  
24 that's very important.

25 CHAIRPERSON AVELLA: I do want to

1  
2 compliment everybody for maintaining everybody's  
3 composure given how controversial an issue this  
4 is. I think both sides did themselves well in  
5 this discussion. We obviously are not voting on  
6 this matter today. There will be subsequent  
7 conversations. We do have to vote on the matter  
8 by June 10th. That is the date that we must move  
9 on. My next meeting of this committee where it  
10 will come up again will be June 2nd. With that I  
11 close this meeting of the Subcommittee on Zoning  
12 and Franchises.

C E R T I F I C A T E

I, Donna Hintze 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 June 15, 2009