

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON LANDMARKS,
PUBLIC SITING AND MARITIME
USES

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October 22, 2013
Start: 11:40 a.m.
Recess: 12:10 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E: Brad S. Lander
Chairperson

COUNCIL MEMBERS:

Maria del Carmen Arroyo
Gale Brewer
Roise Mendez
Annabel Palma
Diana Reyna
Jumaane D. Williams

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

Brad Hoylman
State Senator

Kenrik Ou
Senior Director for Real Estate Services
for School Construction Authority.

Jensen Aumbachin
School Construction Authority Senior
Attorney or Real Estate

David Guber
Chair of Community Board Two

Keen Berger
Chair of 75 Morton Street Community

Heather Campbell
Parent Action Committee at PS41

Denise Collins
Community Board Two/Parent of PS3

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2 CHAIRPERSON LANDER: Alright, we good
3 to go? Alright. We're going to--we'll get
4 started here, please. Alright, I think we're
5 ready to start here. Good morning. My name's
6 Brad Lander, I'm the Chair of the City Council
7 Land Use Subcommittee on Landmarks, Public
8 Siting and Maritime Uses. Pleased to be joined
9 this morning by Members of the Committee,
10 Council Member Rosie Mendez from Manhattan,
11 Annabel Palma from the Bronx, and Jumaane
12 Williams of Brooklyn and we're joined this
13 morning as well by Gale Brewer from Manhattan
14 who has played a great and leading role in the
15 West-End Collegiate Historic District
16 Extension. We have a hearing on one item this
17 morning, although, I think only SCA has signed
18 up to testify, so it should be a brief one. Is
19 that right, or is there more? And we're joined
20 by State Senator Brad Hoylman. Welcome, thank
21 you for being here. [off mic conversation]
22 Okay. Alright, I apologize. So we're going to
23 hear testimony from the one item that we're
24 having a public hearing today, which is a
25 proposed school siting by the New York City

1 School Construction Authority. It is
2 application number 20145059 SCM. I don't have
3 its Land Use number. It's pre-considered, and
4 I'm pleased to--it's for a school at 75 Morton
5 Street in Speaker Quinn's District, and I'm
6 pleased to ask Kenrik Ou, and Jensen Aumbachin
7 [phonetic] Is that close? From the School
8 Construction Authority to present it to us.

10 KENRICK OU: Good morning,
11 Chairperson Lander and Committee Members. My
12 name is Kenrick Ou, and I am Senior Director
13 for Real Estate Services for the School
14 Construction Authority. I'm joined to my right
15 by Jensen Aumbachin who's the SCA Senior
16 Attorney for Real Estate. They New York City
17 School Construction Authority has undertaken
18 the site selection process for a proposed
19 public middle school facility located on the
20 block bounded by Morton Street, Greenwich
21 Street, Hudson Street, and Barrow Street in tax
22 block 603 lots 49 and 53 in the borough of
23 Manhattan. The proposed site is also located
24 in Manhattan Community District number two and
25 Community School District number two. Under

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2 the proposed plan, the SCA would acquire and
3 convert the existing seven story building
4 located at 75 Morton Street, which contains
5 approximately 180,000 gross square feet and its
6 adjoining accessory surface parking lot into a
7 public school facility accommodating both
8 Community School District number two middle
9 school students, and also District 75 special
10 education students. The site is currently
11 owned by the State of New York and occupied by
12 the Office for People with Developmental
13 Disabilities, and the SCA would purchase the
14 property from the state. The notice of filing
15 of the site plan was published in the New York
16 Post and City Record on August 1st, 2013.
17 Manhattan Community Board Number Two was
18 notified of the site plan on August 1st, 2013
19 and was asked to hold a public hearing. The
20 Community Board held a public hearing on the
21 site plan on August 15th, 2013, and
22 subsequently submitted written comments in
23 favor of the proposed school site. The City
24 Planning Commission was notified of the site
25 plan as well on August 1st, 2013, and it

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2 recommend in favor of the site. The SCA has
3 considered all comments received on the
4 proposed site plan and affirms the site plan
5 pursuant to section 1731 of the Public
6 Authority's Law. In accordance with section
7 1732 of the Public Authority's Law, the SCA
8 submitted this proposed site plan to the Mayor
9 and Council for consideration on October 11th,
10 2013. We must also recognize the extraordinary
11 efforts of Speaker Quinn, State Senator
12 Hoylman, Assembly Member Glick, Community
13 Education Council Two, Community Board Two, as
14 well as the communicated created, 75 Morton
15 Street Task Force on this proposed project.
16 Their committed and sustained advocacy that the
17 site be used to meet public school needs, since
18 the state initially placed the property on the
19 market in 2008, has been critical to reaching
20 this point. We look forward to your
21 Subcommittee's favorable consideration of the
22 proposed site plan, and are prepared to answer
23 any of your questions. Thank you.

24 CHAIRPERSON LANDER: Thank you very
25 much, Mr. Ou. I spoke, mistakenly, before

1
2 there are people here signed up to testify on
3 this matter, not a ton, but a few. So we'll
4 hear from them in a just a minute. And it's
5 good to hear that it was such a collaborative
6 effort between the community of the range of
7 community leaders and parents and the School
8 Construction Authority. Do my colleagues have
9 any questions about 75 Morton Street. Seeing
10 none for now, let me ask you to stick around
11 after we hear from the folks who testify. It's
12 possible that we'll have questions to clarify
13 some things that they've said. So, thank you.

14 [cross-talk]

15 KENRICK OU: Thank you.

16 CHAIRPERSON LANDER: That's great.

17 Thank you very much. So let me first ask
18 Senator Hoylman to come up, and then after his
19 testimony, then I'll ask a panel of four
20 including David Gruber, Keen Berger, Heather
21 Campbell, and Denise Collins to come testify as
22 well.

23 SENATORY HOYLMAN: Thank you. Thank
24 you, Mr. Chair and members of the Committee for
25 the opportunity to testify today on behalf of

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2 myself and Assembly Member Deborah Glick who
3 represents the 66th Assembly District. I know
4 you have a long agenda, so I'm going to very
5 brief. The siting of the public school at 75
6 Morton Street is a project that has been long
7 in the making. Over six years ago, my
8 colleagues in government and community members
9 first spotted this building on a list of state
10 properties for sale. Since then, a tireless
11 coalition including Community Board Two, CEC
12 District Two, and others including local
13 political organizations and neighborhood groups
14 of parents have worked to make this day
15 possible. 75 Morton Street is an excellent
16 space for middle school. It's only three
17 blocks away from PS3, which Greenwich Village
18 middle school called home until school
19 overcrowding forced it to move to the financial
20 district in the fall of 2010. Currently, the
21 two zoned middle schools closed to 75 Morton
22 Street are JHS 104 on East 21st Street and
23 Gramercy and MS 131 on Hester Street on the
24 Lower East Side. 75 Morton will provide
25 Greenwich Village with the middle school that

1
2 it currently lacks and allow many District Two
3 students to attend school closer to their
4 homes. Furthermore, it'll help relieve growing
5 overcrowding at existing District Two middle
6 schools. The siting of this school would not
7 have been possible, and I have to mention this,
8 without the extraordinary efforts of Council
9 Speaker Christine Quinn. I'd also like to thank
10 her colleague Council Member Mendez, of course,
11 Assembly Member Deborah Glick, Keen Berger,
12 David Gruber, Denise Collins, Heather Campbell,
13 the SCA, Loraine Gueralla [phonetic] Chance
14 Walcott [phonetic], the CEC led by Shino
15 Takinowa [phonetic], some local activists
16 including Anne Shelberg [phonetic], Irene
17 Kaufman, and of course, Speaker Quinn's
18 incredibly able staff Wayne Kawadler, Melanie
19 La Rocca, and Danielle Deserbo [phonetic], and
20 also thank you, your committee members for your
21 consideration and once again, all the hard work
22 on behalf of my colleague Assembly Member
23 Deborah Glick. Thank you very much.

24 CHAIRPERSON LANDER: Thank you,
25 Senator Hoylman. So, the Greenwich Village

1 Middle School, which was in Greenwich Village
2 is currently in the Financial District?

3 SENATOR HOYLMAN: Exactly.

4 CHAIRPERSON LANDER: Alright.

5 SENATOR HOYLMAN: So this will
6 restore it to its rightful place in Greenwich
7 Village.

8 CHAIRPERSON LANDER: Council Member
9 Williams?

10 COUNCIL MEMBER WILLIAMS: I think
11 that State Senator may have left someone off
12 the list of thank yous.

13 SENATORY HOYLMAN: I'm sorry. Out
14 of the corner of my eye, I forgot to thank
15 Chuck Mura [phonetic] and that just goes
16 without saying, right, Council Member? Thank
17 you Chuck.

18 CHAIRPERSON LANDER: Any other
19 questions for Senator Hoylman? Council Member
20 Mendez?

21 COUNCIL MEMBER MENDEZ: I just want
22 to thank Senator Hoylman. This has been a
23 battle long before you got into office, and
24 members of Community Board Two who are here.
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2 While this is not in my district, this has been
3 a battle for a long time of Community Board
4 Two, which I also represent a part of, and so I
5 am looking forward to this expeditiously moving
6 forward so we can get a new school to service
7 our communities. Thank you.

8 SENATOR HOYLMAN: Thank you Council
9 Member. And in addition to that, I know
10 Council Member Mendez worked closely with my
11 predecessor, Senator Tom Dwayne on this issue
12 as well.

13 CHAIRPERSON LANDER: Thank you very
14 much for your testimony and for your leadership
15 on this issue, and that's a great transition to
16 our next panel which is the--includes the Chair
17 of Community Board Two, David Gruber, Keen
18 Berger from both Community Board Two, the
19 Community Education Council and the 75 Morton
20 Street task force, Heather Campbell from the 75
21 Morton Task Force and PS41, and Denise Collins
22 a PS3 Parent. And let me just ask, we're very
23 enthusiastic and grateful for the time that
24 you've spend coming down, I apologize for being
25 a little tardy in as much as we have a busy

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2 agenda and no one signed up in opposition,
3 we're delighted for your--

4 [cross-talk]

5 DAVID GRUBER: We are thankful for
6 you holding this hearing, sir. Please. Good
7 morning, all, Chair Lander and fellow Committee
8 Members. I am David Gruber. I am Chair of CB2,
9 it's Greenwich Village, Soho, parts of
10 Chinatown. We've all been there and had eaten
11 out. It's good. And welcome. So we're hear
12 today because of an amazing great coalition of
13 the Community Board, my 75 Morton Street Task
14 Force, parents of PS43 and 41 groups that were
15 formed to help us identify issues in other
16 schools as well. We've worked hand in hand with
17 SCA with DOE and our great elected officials,
18 Deborah Glick, Brad Hoylman, and of course,
19 Christine Quinn who was a driving force for
20 this school. And there's a--we really
21 appreciate your support at every turn. I also
22 want to say that we have--my string of prior CB
23 Chairs and colleagues including Keen Berger,
24 Joe Hamilton, my immediate predecessor and now
25 Senator Brad Hoylman have not lost focus.

1 We've worked so long and so hard for this
2 school and we hope this coalition and
3 collaborative coalition can be a model for
4 other communities instead of having an
5 adversarial relationship maybe with SCA and
6 DOE. It wasn't a necessary. We didn't have it.
7 We worked together. We're going to come out
8 with the best possible product of a school, a
9 public school that we can, and that's very
10 important issue. One thing I want to bring up
11 here, and I'm going to do this quickly. And I
12 understand this is not under the jurisdiction
13 of this committee, but for the public record,
14 we are extremely frustrated that we can't have
15 access to the site. It is--my colleagues will
16 speak about the timeline in a moment. But the
17 state has yet to move out a handful of
18 employees. There's no--it's vocational
19 training center. Those no class there anymore.
20 It's just some employees. It's been delayed I
21 think three or four times. And here's the
22 situation, we have lost an entire, you know,
23 cohort in this bubble [phonetic] year that's
24 coming up of potential 600 families, 600 kids,

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2 probably more that. We're not going to bet
3 getting--are in danger of not getting into the
4 school. So I appeal to you to urge your
5 colleagues in the state to move expeditiously
6 to have this school vacated or for the SCA and
7 DOE to start doing their preliminary planning
8 so we can fast track this little test borings
9 architectural plans, demolition plans. And
10 with that, I thank you so much. I'm going to
11 pass the mic over to my colleague who is the
12 Chair of the 75 Morton Street Committee, Keen
13 Berger.

14 KEEN BERGER: Thank you. We are
15 thrilled, of course. This is something that
16 we've been working for seven years. And I am
17 so glad you are here to help seal this deal.
18 There is one other issue I wanted to mention
19 and that is the resolution says approximately a
20 thousand children. We actually are thinking
21 600 middle school children and a 100 DC 75
22 children. So we want a much--because we want a
23 clinic in the school, we want a larger
24 auditorium. We want other things. We don't
25 want it to be just classrooms. So we are still

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2 working on the 75 Morton Street Task Force to
3 try to make it the best school ever, and that
4 does not mean 1,000 children jammed into it.
5 As David mentioned, our other concern is time.
6 We really need it soon, and the only thing
7 that's slowing it down, apparently the Sandy
8 excuse is still viable. They say they can't
9 move until they have new places because of
10 Sandy, but we are thinking the Board of
11 Education could go in and do borings, could do
12 some of the design stuff even if they're there
13 or that seems to us like strange that you can't
14 start designing a school until the last body of
15 the state is out. So that is our, one of our
16 remaining concerns. That's why this task force
17 is still functioning and I turn it over to
18 another member of the task force, Heather
19 Campbell.

20 HEATHER CAMPBELL: Hi, my name is
21 Heather Campbell. I'm also in charge of the
22 Parent Action Committee at PS 41 in addition to
23 being on Community Board Two and on this task
24 force. Again, there's no opposition, so I will
25 just say thank you in terms of all of the

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2 energies and efforts towards this. I do want to
3 just reiterate what an amazing partnership this
4 has been. I think this has the opportunity to
5 be an example of how elected officials,
6 parents, community members, the SCA--excuse me--
7 the DOE can all be working together to be
8 creating amazing, wonderful education
9 decisions, and again, also urges to be looking
10 forward as Keen and David have mentioned. We
11 have--we can all remember 2009, the incredible
12 lists of children waiting to get into
13 kindergarten. Those children will be waiting
14 to get into middle school and you and the DOE
15 and the parents and Committee members, we have
16 an opportunity to head that off right now by
17 making a decision that allows these children to
18 be in this middle school by 2015, and I urge us
19 all to get on that so that we can actually make
20 that a reality. Thank you so much.

21 DENISE COLLINS: Hi, my name is
22 Denise Collins. I'm a PS3 parent. I am also on
23 Community Board Two and on my PS3 SLT, as well
24 as the pack. I want to--I would like to thank
25 everybody for their tireless efforts in seeing

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2 75 Morton become a reality and thank the
3 Council today. I'm in strong support of seeing
4 this sited, and please, for 2015, my son is in
5 4th Grade. He was part of the kids shut out.
6 He was 89 on a wait list of 90. I am already
7 starting to feel that anxiety that I felt when
8 he was entering kindergarten, and I would be
9 most proud to be able to say that he went--that
10 he is able to go to a middle school not only in
11 his own community, but that the community along
12 with the elected officials and so many
13 passionate people helped to build. Thank you.

14 CHAIRPERSON LANDER: Let me thank
15 all of you for all the hard work that's gotten
16 you here and for your testimony today. We will
17 follow up with Senator Hoylman and with the
18 Speaker, and if there's some way that our
19 committee can be helpful in signing onto--if
20 there's some way we can be helpful in urging
21 the state to move forward to vacate that
22 building and enable the school to move forward--
23 -

24 DENISE COLLINS: [interposing]
25 Wonderful, thank you.

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2 CHAIRPERSON LANDER: You certainly
3 persuaded me that we should be supportive that
4 you've got a great partner share, and we should
5 be supportive in any way we can. So we'll
6 follow up with the Senator and the Speaker.

7 DENIS COLLINS: Thank you.

8 CHAIRPERSON LANDER: Any questions
9 for this panel? Thank you very much for your
10 time. We have no one else signed up to testify
11 on this item, so I'm going to close the public
12 hearing and we'll move forward to join this
13 with the other items on today's calendar and
14 vote on it in just a minute. I do want to flag
15 that the other school item on today's calendar,
16 which is also pre-considered Application
17 20145046 for 456 Street-seat Primary School
18 located at the north side of 48th Avenue
19 between 210th and 211th in Bayside Queens is
20 being--we'll consider a motion to file it
21 pursuant to withdraw. We've received a letter
22 of withdrawal dated October 21st from Lorraine
23 Grillo, the President of School Construction
24 Authority for the withdrawal, and she indicates
25 in that letter they will be resubmitting this

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2 site plan for consideration at some point in
3 November. So that one is--we've got the motion
4 to withdraw, to be resubmitted and reconsidered
5 in November, and we'll consider a motion to
6 file pursuant to withdrawal. That brings us to
7 the third and final--well, let me also say we
8 are also holding over, laying over Land Uses
9 938 and 939, the Buschwick Early Learning Child
10 Care Center. We had the hearing on those at
11 our last meeting. Council Member Reyna is
12 still waiting on some of the materials that we
13 asked ACS to submit and we will have the
14 meeting of the Land Use subcommittee, the
15 Landmarks Subcommittee prior to our Land Use
16 Committee meeting on Thursday morning at 9:45.
17 So, so what I now would like to do is take us
18 back to Land Use 918, the West End Collegiate
19 Historic District Extension Applications
20 20145020 HKM, that's the West End Collegiate
21 Historic District. We had an extensive public
22 hearing. We heard from many people testifying
23 broadly in favor, and as you recall, there were
24 several buildings and sites that we were being
25 asked to consider excluding from the District.

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2 Council Member Brewer, as she always does, had
3 a very extensive process and spoke to many many
4 people and considered these requests in a lot
5 of thorough detail, and I feel very supportive
6 of her leadership on this. So let me turn it
7 over to her to walk us through what she is
8 proposing that we do on this item.

9 COUNCIL MEMBER BREWER: Thank you
10 very much, Chair Lander, and I certainly want
11 to thank your staff, the Land Use staff,
12 certainly the Landmarks Preservation Commission
13 staff, because as you know, this is the second
14 part of a three part discussion, and they have
15 been involved the entire time, all of the West
16 End Preservation Society. Members, there are
17 people who've started this process some years
18 ago, Richard Emory, Erica Peterson, and Josette
19 Amato [phonetic] They worked with architect
20 Andrew Dolkart to do a report. And the other
21 advocates are Coalition for a Livable West
22 Side, the New York City Landmarks Conservancy,
23 the Historic Districts Council, Landmark West,
24 and certainly but not--last but not least
25 Community Board Seven, which has played a huge

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2 role. And I thank each and every one of those
3 individuals as well as everybody who
4 participated in the endless meetings from the
5 community to think about this particular
6 portion of the three part Land Historic
7 District Application, which will go from 70th
8 Street on the West Side all the way up to 109th
9 or maybe 107th, I can't remember, but it's
10 within that general area. I should know. But
11 it it's the entire West End Avenue Corridor and
12 some of the side streets. So after much
13 discussion back and forth, and I appreciate the
14 opportunity to share this with you, all the
15 buildings that are recommended by the Landmarks
16 Preservation Commission, I'm recommending be
17 included in this discussion. The two that I
18 would suggest be excluded, but they are for
19 very specific reasons. As we know, one of the
20 buildings that commented at your hearing was
21 Rutgers Church. This is both a church house
22 and a--and 2,000--2009 Broadway. They show a
23 basement and a boiler, and they're actually
24 integrated on the third, fourth, and fifth
25 floor. And the issue there is that the church

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2 would remain in the Historic District, but the
3 church house would remain with 2099 Broadway,
4 and would not be part of the Historic District.
5 Looking at it now, it is pretty much cut down
6 the middle. So this would make a clearer
7 division. That's number one. Number two is
8 214 West 72 Street, this is a building that is
9 a small building, commercial on the ground
10 floor. It is right next door to a very large
11 building 200 West 72 Street which has Bank of
12 America, Duane Reade and is a high rise with
13 glass and steel, as we say. And the fact of
14 the matter is, when 200 was being built they
15 provided, unfortunately, structural damage to
16 this building, and so I am suggesting as
17 Community Board Seven did that that building
18 not be including in the Historic District.
19 They have, however, as owners, provided some
20 drawings as to how they would keep it within
21 the context of a historic district, and they
22 want very much to work with the Landmarks
23 Preservation Commission. It's not often that
24 somebody who wants to be exempted also says, "I
25 want to be part of the historic district, just

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2 a little bit taller." And they want to do
3 that. And I also--the other building that I
4 think testified was 300 West 72 Street. I've
5 been in touch with the Co-op board there. I'm
6 recommending that they be part of the Historic
7 District and if they have financial issues,
8 which I know they do, I will work with them to
9 try to address them. Thank you very much, and
10 I also want to thank Jesse Bordine [phonetic]
11 from our staff, my staff, who has been perhaps
12 the person most involved with trying to deal
13 with all these different issues and deserve all
14 the credit. Thank you very much.

15 CHAIRPERSON LANDER: Thank you very
16 much Council Brewer. To that list I'll just
17 also thank the Land Use staff, and I want to
18 thank Michel Friedman's staff and my staff, who
19 I know has worked with you and worked with some
20 of the folks in the room as we have considered
21 this as well. And certainly, I feel personally
22 very comfortable supporting the moving forward
23 of the district with the exclusions of those
24 two buildings, 214 West 72nd Street and 234
25 West 73rd Street, and thank you again for all

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2 your time and leadership in making it easy for
3 us at this committee to move forward here. So,
4 let me just reiterate what we are voting on and
5 what we're not voting on. Okay, alright. So
6 the following items are coupled on the calendar
7 for a vote today, a motion to file pre-
8 considered Land Use Application number 20145046
9 SCQ, filed pursuant to an SCA letter of
10 withdrawal, a motion to approve pre-considered
11 Land Use application number 20145059 SCM;
12 that's the school at 75 Morton Street we heard
13 from the great partnership on. Number three,
14 to approve with the following modifications,
15 Land Use 918, the Landmarks Preservation
16 Commission designation of the West End
17 Collegiate Historic District, extension, excuse
18 me, with the proviso that the following
19 properties be excluded from the proposed
20 Historic District, 214 West 72nd Street in
21 Manhattan, block 1163, lot 42 and 234 West 73rd
22 Street also known as 236 West 73rd Street in
23 Manhattan, tax block 1164, lot 43. I did not
24 yet recognize and welcome Council Member Arroyo
25 from the Bronx, and we're also joined by

1 Council Member Reyna from Brooklyn. As I said
2 earlier, not being voted today but being laid
3 over until Land Marks Committee meeting on
4 Thursday morning are the two Bushwick Early
5 Learning Childcare Centers, Land Uses 938 and
6 939. So with that more complicated than
7 usually for our Landmarks Committee docket,
8 I'll ask our Counsel to call the roll.
9

10 COUNSEL: Chair Lander?

11 CHAIRPERSON LANDER: Aye on all.

12 COUNSEL: Council Member Palma?

13 COUNCIL MEMBER PALMA: Aye.

14 COUNSEL: Council Member Arroyo?

15 COUNCIL MEMBER ARROYO: Aye.

16 COUNSEL: Council Member Mendez?

17 COUNCIL MEMBER MENDEZ: Aye.

18 COUNSEL: Council Member Williams?

19 COUNCIL MEMBER WILLIAMS: Aye.

20 COUNSEL: By a vote of five in the
21 affirmative, zero abstentions, and zero
22 negatives, all items have been adopted as
23 described by the Chair in detail.

24 CHAIRPERSON LANDER: Thank you very
25 much. We're going to adjourn this meeting, and

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2 then we will reconvene at 9:45 on Thursday
3 morning at 250 Broadway, 16th Floor. This
4 meeting is adjourned.

5 [gavel]

6 CHAIRPERSON LANDER: Hold on. I'm
7 sorry, I apologize. Annabel hang on one second.
8 Don't go. We seem to need something here. I don't
9 know what it is yet, but I don't know. They
10 started saying--[off mic conversation]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify there is no relation to any of the parties to this action by blood or marriage, and that there is no interest in the outcome of this matter.



Date 10/28/2013