

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & MARITIME
USES

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March 15, 2011
Start: 11:16 am
Recess: 12:04 pm

HELD AT: Committee Room - 16th Floor
250 Broadway

B E F O R E:

BRAD LANDER
Chairperson

COUNCIL MEMBERS:

Maria del Carmen Arroyo
Mathieu Eugene
Daniel J. Halloran III
Rosie Mendez
Annabel Palma
Domenic M. Recchia, Jr.
James Sanders, Jr.
Jumaane D. Williams

A P P E A R A N C E S

Jennie Fernandez
Director of Intergovernmental & Community Relations
Landmarks Preservation Commission

Aileen Gorsuch
Planning & Advocacy Summer Associate
Municipal Arts Society

Gregory Shaw, Esq.
Principal Attorney for Real Estate
New York City School Construction Authority

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

CHAIRPERSON LANDER: Are we ready?

Super, thank you. Good morning, this meeting of the ... I turned it on, it's on. Good morning, this meeting of the City Council Planned Use Subcommittee on Landmarks, Public Siting and Maritime Uses is called to order. I'm Council Member Brad Lander, we're joined today by Council Member Annabel Palma, Council Member Rosie Mendez, Council Member James Sanders, all members of the Committee, and we're pleased to be joined today by Council Member Domenic Recchia. For anyone who is here for the Alderbrook House, Land Use 335, that's being deferred to our next meeting, probably in the first week of April. But we have another five items on the agenda. Since we have a Council member with us, we're going to go slightly out of sequence, and we're going to begin with Land Use #336, the Coney Island Theatre, also known as the Shore Theatre, 20115315. And to begin, we'll ask Jennie Fernandez from the Landmarks Preservation Commission to now present it to us.

MS. FERNANDEZ: Thank you. Thank you, Chair Lander and members of the Landmarks

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2 Subcommittee. And thanks to Council Member
3 Domenic Recchia for being here today, of course.
4 Good morning, my name is Jennie Fernandez,
5 Director of Intergovernmental and Community
6 Relations for the Landmarks Preservation
7 Commission. I'm here today to testify on the
8 Commission's designation of the Coney Island
9 Theatre, later Shore Theatre, in Brooklyn. On
10 March 23rd, 2010, the Landmarks Preservation
11 Commission held a public hearing on the proposed
12 designation as a landmark of the former Coney
13 Island Theatre building, later the Shore Theatre,
14 at 1301 Surf Avenue in Brooklyn. There were nine
15 speakers in favor of designation, including
16 representatives of Council Member Recchia, the
17 Historic Districts Council, the Municipal Arts
18 Society, the Landmarks Conservancy, Coney Island,
19 USA, Save Coney Island, and the Coney Island
20 History Project. LPC met with the owner, who
21 chose not to attend the public hearing. December
22 14th, 2010, the Commission voted to designate the
23 building a New York City Individual Landmark. The
24 seven-story theatre and office building, recently
25 known as the Shore Theatre, originally known as

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2 the Coney Island Theatre, is one of the largest
3 and most substantial structures on Coney Island in
4 Brooklyn. Constructed in 1925, it represented the
5 optimistic attitude of that period for the
6 successful year-round development of Coney Island
7 as a premier entertainment district. When the
8 city constructed the boardwalk and extended subway
9 service to Stillwell Avenue, private developers
10 built enclosed amusement parks, restaurants and
11 hotels. The Coney Island Theatre was part of this
12 redevelopment effort and featured live
13 performances, as well as motion picture screening.
14 Designed by leading theater architects Reilly &
15 Hall, the neo-renaissance-revival-style building
16 was constructed and owned by the Channing
17 Construction Company, and leased to the prominent
18 Loew's Theater chain. Faced with brick and
19 terracotta, and highlighted by stone and
20 terracotta details, this structure presents a
21 grand and substantial counterpoint to Coney
22 Island's more modest one- and two-story buildings.
23 The Shore Theatre Building is a remarkably intact
24 survivor of the early 20th century period when
25 Coney Island was New York City's playground, and

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2 was striving to become a year-round entertainment
3 district for the entire city. The Commission
4 urges you to affirm this designation.

5 CHAIRPERSON LANDER: Thank you very
6 much, Ms. Fernandez. Council Member Recchia, do
7 you have questions or comments?

8 COUNCIL MEMBER RECCHIA, JR.: No, I
9 just want to thank you for supporting this, and
10 thank the Commissioner. I strongly urge all my
11 colleagues to vote aye on this, this is something
12 the community has been waiting for a long time.
13 Thank you. Thank you, Mr. Chairman, Brad Lander,
14 for your support on this.

15 CHAIRPERSON LANDER: Thank you very
16 much. Also, as a Coney Island enthusiast and
17 devotee, I'm thrilled that we have this before us
18 today, and do other members of the Committee have
19 questions?

20 COUNCIL MEMBER SANDERS, JR.: Just
21 one. Does anyone have a picture? I have just one
22 question, does anyone have a picture of this
23 theater that I'm going to see or not see?

24 CHAIRPERSON LANDER: No, it's a
25 fair point.

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COUNCIL MEMBER SANDERS, JR.: Is there any counters, anybody against this?

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CHAIRPERSON LANDER: So, no one testified. No one testified at the public hearing in opposition, and the owner did not submit testimony, you know, any official record of their opposition. It's not a secret, and I think in the media there's been some allusions to their opposition, but they have not presented it to us for the public record, either at the public hearing or to us in response to our outreach to the owners. That said, I agree with you that we should not vote, designate things until we've looked at the packet. So the packet is coming and before we have the vote, we'll have some time to look it over.

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MS. FERNANDEZ: Chair Lander, if you permit me, I have a small photograph that I can add.

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CHAIRPERSON LANDER: Okay, that's great.

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MS. FERNANDEZ: Share.

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CHAIRPERSON LANDER: Super. We do have one person signed up to testify, so why don't

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2 we ... Ms. Fernandez will stay in the room with us,
3 and if we have questions, we can come back to her
4 and ask them. And in the meantime, I'll invite
5 Aileen Gobsuch? Gorsuch, I apologize, from the
6 Municipal Arts Society. You can go ahead and
7 begin when you're ready, just please state your
8 name first.

9 MS. GORSUCH: All right. My name
10 is Aileen Gorsuch, I'm speaking on behalf of the
11 Municipal Arts Society in support of the
12 designation of the Shore Theatre in Coney Island.
13 The Municipal Arts Society is a private non-profit
14 membership organization that fights for
15 intelligent urban planning, design and
16 preservation through education, dialogue and
17 advocacy. MAS's subcommittee upholds the LPC's
18 designation of this striking building located at
19 the gateway of Coney Island's amusement area. MAS
20 has long advocated for the renewal of Coney
21 Island, and the Shore Theatre represents an
22 opportunity for reinvigoration of a much-needed
23 performance venue for the area. The landmark
24 designation of the entirety of this building,
25 including both the palazzo-style front and the

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2 unadorned theater box is a critical step in the
3 renewal of Coney Island. Built in 1925 to the
4 design of theater architects Reilly & Hall, the
5 Shore Theatre is one of the few surviving
6 buildings in what was once America's, and perhaps
7 the world's, greatest amusement destination.
8 Originally developed as the Coney Island Theatre,
9 as evidenced in the stone relief above the
10 entrance on Surf Avenue, it soon came under the
11 management of Loew's, and was thus renamed Loew's
12 Coney Island. At the time of its construction the
13 theater represented optimism for the future of
14 Coney Island at the dawn of the nickel empire, so
15 named because in the 1920's and '30's it cost five
16 cents to ride the subway to Coney and five cents
17 was the cost of all the items on Nathan's menu.
18 In contrast to Coney Island's predominant
19 landscape of small-scale plaster and wood
20 structures, many of which were frequently lost to
21 fire, the Shore Theatre was tall, solid, fireproof
22 and a permanent fixture in the Coney Island
23 skyline. With an auditorium seating approximately
24 2,500 patrons, the Shore Theatre was designed for
25 both live performances and movie projection.

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2 Coney Island sideshow and freak show traditions
3 were alive at the Shore Theatre with acts like the
4 conjoined Hilton twins. Other well-known acts to
5 have reportedly graced the stage of Shore Theatre
6 include Pegleg Bates, the one-legged dancer, who
7 eventually became the first African-American owner
8 of a Catskills resort, and Al Jolson, star of The
9 Jazz Singer. The Channing Construction Company
10 combined the theater with several stories of
11 office space intended for entertainment industry,
12 a sector that the Coney Island Chamber of Commerce
13 hoped would flourish in the amusement area. The
14 Channing Company's solid construction techniques
15 have paid off for the Shore Theatre. Despite
16 decades of vacancy, the theater's exterior remains
17 intact 85 years after its completion. The Shore
18 Theatre merits designation for both its
19 architectural significance and for the significant
20 historical and cultural role it plays in Coney
21 Island's development. We hope that the protection
22 of this combined office-theater building is a
23 first step in a plan to reinvigorate it as a new
24 exciting venue for Coney Island. Thank you for
25 your attention.

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2 CHAIRPERSON LANDER: Thanks very
3 much, Ms. Gorsuch, and I also want to thank the
4 Municipal Arts Society for your broader work to
5 help preserve what's wonderful about Coney Island
6 for the future. I want to note for my colleagues,
7 we did have a couple of articles that I'll pass
8 around about the current status of efforts, you
9 know, the price at which the owner has said it's
10 up for sale. You know, there's a range of people
11 I think working to make sure this property can not
12 only be landmarked and preserved, but be made a
13 real part of Coney Island's revitalization that
14 Council Member Recchia has been central to those
15 efforts. So if you're interested, I'll pass those
16 articles around. Do we have questions for Ms.
17 Gorsuch?

18 COUNCIL MEMBER SANDERS, JR.: Not
19 for her, just two technical questions.

20 CHAIRPERSON LANDER: Okay, will Ms.
21 Fernandez come back? Thank you.

22 COUNCIL MEMBER SANDERS, JR.:
23 Chair?

24 CHAIRPERSON LANDER: Yes, please.

25 COUNCIL MEMBER SANDERS, JR.: What

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2 is the owner's official ... what's his official
3 position? He doesn't want this designation?

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MS. FERNANDEZ: He's just in ... he
5 never testified at the hearing, he didn't make a
6 public position to the Commission. But we did
7 have one meeting with him, we had sent out, excuse
8 me, five outreach letters to the owner and has
9 stated opposition to our LPC staff.

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COUNCIL MEMBER SANDERS, JR.: Any
11 reason for the opposition?

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MS. FERNANDEZ: I don't really
13 know, I'm not going to speculate, but I am
14 assuming, you know, there's a lot of development
15 activity in the area that may have something to do
16 with it.

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COUNCIL MEMBER SANDERS, JR.: Okay.
18 Here's a more technical point. Since the majority
19 of the years of this theater it was the Coney
20 Island or some variation theater, and only in the
21 last couple of years was it the Shore, why don't
22 we, is it possible to have it named the Coney
23 Island Theatre?

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MS. FERNANDEZ: For purposes of the
25 designation, we use the historic name, which is

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2 the Coney Island Theatre, but we note as part of
3 the name, the title of that name, that it's later
4 the Shore Theatre, just so that it is identified
5 appropriately, but certainly we do use the
6 historic name for the designation, so the Coney
7 Island Theatre is the official name for the
8 designation.

9 COUNCIL MEMBER SANDERS, JR.: I'm
10 not sure if I'm following that. So when we
11 designate it, it will be designated as the Coney
12 Island Theatre.

13 MS. FERNANDEZ: It's the Coney
14 Island, later Shore, Theatre building.

15 COUNCIL MEMBER SANDERS, JR.:
16 Awkward, but perhaps.

17 MS. FERNANDEZ: Duly noted.

18 CHAIRPERSON LANDER: We don't
19 regulate the ability of future owners, though, to
20 change the name and call it whatever they want.

21 MS. FERNANDEZ: Oh, absolutely,
22 yes.

23 CHAIRPERSON LANDER: Right, we just
24 regulate their, you know, their requirements to
25 maintain the building.

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MS. FERNANDEZ: Yes, absolutely.

CHAIRPERSON LANDER: And you know,
due to its historic character.

COUNCIL MEMBER SANDERS, JR.: Thank
you, sir.

CHAIRPERSON LANDER: We've been
joined by Council Members Maria del Carmen Arroyo
and Dan Halloran, welcome. Any other questions on
the Coney Island, formerly, later, Shore Theatre?
All right, we'll close the public hearing on this
item. Thank you very much. Ms. Fernandez, you
can stick around, I think we're going to ... and we
do now have the paperwork with many more pictures
and the whole history here as well, so members can
take a look at that. All right, and now we'll
resume with the rest of the agenda. The next item
is Land Use 334, 500 Fifth Avenue, which is in the
Speaker's district.

MS. FERNANDEZ: Thank you. Thank
you, Chair Lander, once again my name is Jennie
Fernandez, Director of Intergovernmental &
Community Relations for the Landmarks Preservation
Commission. I'm here today to testify on the
Commission's designation of the 500 Fifth Avenue

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2 Building in Manhattan. On October 26th, 2010, the
3 Landmarks Preservation Commission held a public
4 hearing on the proposed designation of the 500
5 Fifth Avenue Building. Two people spoke in favor
6 of designation, including representatives of
7 Assembly Member Richard Gottfried and the Historic
8 Districts Council. Representatives of the owner
9 of the 500 Fifth Avenue Building stated at the
10 time of the hearing that they had no position
11 either for or against designation, and requested
12 that the hearing period be extended by 60 days.
13 The public hearing was continued on December 14th,
14 2010, and the representative of the owner of the
15 500 Fifth Avenue Building testified that he
16 thanked the staff for their time and dialogue and
17 looked forward to working with LPC. On December
18 14th, 2010, the Commission voted to designate the
19 building a New York City individual landmark.
20 Built in 1929-31, 500 Fifth Avenue Building is a
21 distinctive soaring 59-story art deco skyscraper,
22 located at the northwest corner of 42nd Street and
23 Fifth Avenue. Located in two zoning districts
24 with setback requirements, it is asymmetrically
25 massed, with setbacks at different floors for each

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2 of the building's two facades. Sheathed in
3 limestone terracotta and buff brick, the facades
4 are enriched with carefully-scaled art deco
5 motifs, which accentuate the building's sculptural
6 massing and emphasize its verticality. When it
7 opened in March, 1931, 500 Fifth Avenue was the
8 crowning achievement of real estate developer
9 Walter Salmon, who was responsible for rebuilding
10 the north side of West 42nd Street between Fifth
11 and Sixth Avenues in the first decades of the 20th
12 century. Having also designed the Empire State
13 Building, Shreve, Lamb & Harmon was one of the
14 leading architectural firms in the country,
15 specializing in skyscraper design. 500 Fifth
16 Avenue is still used today as an office building
17 with ground-level detail. The Commission urges
18 you to affirm this designation. I'd also like to
19 add that the representatives of the owner at the
20 hearing did express some concern with maintenance
21 issues, as a result of landmark designation.

22 CHAIRPERSON LANDER: Thanks very
23 much, we obviously are especially enthusiastic to
24 hear stories where owners comment or are in
25 dialogue with you and work together and indicate

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2 they understand their stewardship role of
3 wonderful properties like this one. Are there any
4 questions from the Committee on 500 Fifth Avenue?
5 All right, we have no one signed up to testify.
6 If you're here to testify on 500 Fifth Avenue,
7 please speak now, otherwise we'll close the
8 hearing on that item, thank you, and move to the
9 last of the landmark items that we're considering
10 today. We do have two public sitings. And the
11 third item is Land Use 337, Rogers, Peet & Co.
12 Building, 20115316, in Council Member Chin's
13 district. And she is in support of the
14 designation.

15 MS. FERNANDEZ: Thank you, Chair
16 Lander and members of the Committee, my name is
17 Jennie Fernandez, Director of Intergovernmental &
18 Community Relations for Landmarks Preservation
19 Commission. I'm here today to testify on the
20 Commission's designation of the Rogers, Peet & Co.
21 Building in Manhattan. On June 22nd, 2010, the
22 Landmarks Preservation Commission held a public
23 hearing on the proposed designation as a landmark
24 of the Rogers, Peet & Co. Building. Two people
25 spoke in favor of designation, including a

1 representative of the Historic Districts Council.

2 A representative of the co-op stated that their
3 feeling towards designation was very positive, but
4 had concerns regarding the effect of maintenance
5 issues. On December 14th, 2010, the Commission
6 voted to designate the building a New York City
7 individual landmark. The Rogers, Peet & Co.

8 Building is an eight-story neo-renaissance-style
9 commercial and office building designed by the
10 firm John B. Snook and Sons. Constructed in 1899-
11 1900 for clergyman Eugene A. Hoffman, the building
12 was occupied by Rogers, Peet & Co., a well-known
13 retailer of men's and boys' clothing for a period
14 of more than 70 years. Rogers, Peet & Co.

15 Building is an early example of a steel-skeleton-
16 frame skyscraper, influenced by the Chicago School
17 of Architects, and stands out among a group of
18 important early skyscrapers located in the
19 vicinity of City Hall, New York's original
20 skyscraper district, for its clear articulation of
21 a structural grid and restrained use of stylized
22 classical ornament. Constructed using the latest
23 in fireproofing technologies, the building
24 represents a culmination of architect John B.
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2 Snooks' 64-year career of designing and building
3 commercial structures. The Commissioner urges you
4 to affirm this designation.

5 CHAIRPERSON LANDER: Thank you very
6 much. We've been joined by Council Member
7 Williams, good morning. Any questions for Ms.
8 Fernandez on the Rogers, Peet & Co. Building? All
9 right, we also have no one signed up to testify on
10 this matter, so if you're here on ... we've been
11 joined by Council Member Eugene. Anyone who is
12 here to testify on Rogers, Peet & Co., please
13 speak up now. If not, we'll go ahead and close
14 the public hearing on this item, and thank Ms.
15 Fernandez for her testimony.

16 MS. FERNANDEZ: Thank you.

17 CHAIRPERSON LANDER: All right, all
18 right, I don't know what's going on down at that
19 end of the table. We'll ... all right, thank you,
20 Ms. Fernandez. We will now move on to the two
21 schools, the public sitings for two schools that
22 are on the calendar. As we've just been joined by
23 Council Member Eugene, we'll reverse the order of
24 these two as well, and we'll begin with Land Use
25 #339, the proposed PSIS 338, a 735-seat primary

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2 and intermediate school in Council Member Eugene's
3 district, located at 510 Coney Island Avenue, and
4 we'll ask the School Construction Authority to
5 come up and present it.

6 MR. SHAW: Good morning, Chairman
7 Lander and Council Members, my name is Gregory
8 Shaw, I'm principal attorney for real estate for
9 the New York City School Construction Authority,
10 and to my immediate left is Kenrick Ou, Director
11 of Real Estate for the New York City School
12 Construction Authority. Thank you for holding
13 this hearing today, the New York City School
14 Construction Authority has undertaken the site
15 selection process for the proposed 750-seat
16 primary and intermediate public school facility
17 that will be located in tax block 5342, lot 6, 8,
18 10, 17, 19, 26, 28 and 30, located along Coney
19 Island Avenue, between Turner and Hinckley Place
20 in the Prospect Park section of the Borough of
21 Brooklyn. The propose school site is also located
22 in Community School District #22, and Brooklyn
23 Community Board #12. The project site contains a
24 total of approximately 44,783 square feet of gross
25 lot area. The privately-owned site is occupied by

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2 two two-story semi-attached residential buildings,
3 a used-car lot, an auto ... excuse automotive repair
4 facility, a vacant three-story multi-family, a
5 vacant two-story two-family residence and two
6 vacant lots. Under the proposed plan, the SCA
7 would acquire the lots and construct the proposed
8 public school facility. The notice of filing for
9 the site plan was published in the New York Post
10 and the City Record on October 19th, 2010.

11 Brooklyn Community Board #12 was also notified of
12 the site plan on that date, and was asked to hold
13 a public hearing. Community Board #12 held this
14 public hearing on the site on November 23rd, 2010,
15 and submitted written comments against the site
16 plan. The City Planning Commission was also
17 notified of the site plan on October 19th, and it
18 recommended in favor of the plan. The SCA has
19 considered all comments received on the proposed
20 site plan and affirms it pursuant to section 1731
21 of the Public Authorities law. In accordance with
22 section 1732 of the Public Authorities law, the
23 SCA submitted the proposed site plan to the Mayor
24 and the City Council on March 10th, 2011. We look
25 to your Subcommittee's favorable consideration of

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2 the proposed site plan, and we are prepared to
3 answer any questions that you might have. Thank
4 you.

5 CHAIRPERSON LANDER: Thank you very
6 much. We have been joined by Council Member
7 Eugene, whose district the proposed school is in,
8 so I'd like to offer Dr. Eugene the opportunity to
9 ask some questions.

10 COUNCIL MEMBER EUGENE: Thank you
11 very much, Mr. Chair. Thank you, and thank you
12 very much to all of you members of the panel,
13 thank you. You know, the addition of the new
14 school in the district would be an asset to
15 children, parents and families living in the
16 community. With a capacity of 735 students, the
17 proposed school will help alleviate issues of
18 overcrowding within the area, and also serve as
19 space available for community-based organizations
20 and other groups. I am pleased to express my
21 strong support for the proposal, and the positive
22 impact it will have on the community. However,
23 while I'm grateful for the SCA's efforts in
24 identifying the site, I also want to insure you
25 fully reach out to the parents, families and the

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2 members of the community who may be affected by
3 the proposed school. It is my understanding that
4 SCA has released its environmental review of the
5 site and determined the site is safe for children,
6 but this information needs to be available to
7 families and posted online if possible. As a
8 concern (inaudible) the proposal, I believe it is
9 crucial that the SCA listen closely to concerns
10 from members of the community, establish an open
11 dialogue with parents and families, and create a
12 system where the residents of my district can give
13 input on the construction and design of the
14 building, know the status of the project, and
15 raise any questions of issues that they may have.
16 The school is being built for the community, and I
17 believe the community share in the school should
18 be entirely involved and play a key role in the
19 development of the school. As you know, the
20 proposed school site would be located in Community
21 Board #12, but it will mostly serve residents of
22 Community Board #14, where a large portion of the
23 school district 22 lies. During the course of the
24 site development, I ask that you please work
25 collaboratively with the community board, the

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2 neighborhood and civic associations where the
3 school is going to be built. One of the questions
4 that, I don't know, the first question I want to
5 ask you, will you please explain to me what was
6 your ... the steps you went through to identify
7 exactly the site in Coney Island as the site
8 appropriate for the school, not another site?

9 MR. SHAW: I'm going to let Kenrick
10 Ou, the Director of Real Estate, answer that
11 question, if you don't mind, Councilman.

12 MR. OU: So, Council Member, the
13 process that we went through in the case of this
14 site is very similar to the process that we go
15 through for all of the sites that are needed in
16 the capital plan. A need is identified first, on
17 the basis of the capital plan, which does the
18 demographics, which involves the demographic and
19 enrollment analyses. Once that need is
20 identified, we engage our real estate consultants
21 to do a search of available properties, those
22 would be properties that are on the market, as
23 well as properties that may be on the market that
24 adjoin properties that are underutilized. For
25 example, there may be one vacant lot that's on the

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2 market that is next to a business that is also for
3 sale. So that process through the brokers
4 basically results in a first cut of potential
5 locations that are located within the area of
6 need. Once that set of potential locations has
7 been identified, we further review those locations
8 with an eye towards issues like size of the
9 property, as compared to the size of the need, in
10 terms of the number of seats that are needed. And
11 we also consult with our colleagues in the
12 Department of Education's Portfolio Office,
13 because they are undertaking work within the
14 community with existing schools and existing
15 school buildings, to try and provide additional
16 options. As a result of all of these processes,
17 we identified that this particular location we
18 believed it was appropriate for the size of the
19 need. Some of the parcels in this assemblage were
20 on the market, and we were able to negotiate
21 contracts to purchase those parcels, and that's
22 why we did advance it to final consideration and
23 approval by the Mayor and the City Council.

24 COUNCIL MEMBER EUGENE: Could you
25 mention other sites that you had on your list?

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MR. OU: Sure.

COUNCIL MEMBER EUGENE: You know, while you were going through the process?

MR. OU: Unfortunately I neglected to bring that list with me, but within the package of materials that we had submitted to the community board, and as part of the public review process, and I think it's also available on our website, was a list of alternate sites. We had looked at other sites, actually on Coney Island Avenue, a little bit further to the south, which, you know, I personally had visited with our real estate consultants to take a look at some of the potential options. And this, by far, was the largest of the sites that we saw, and the one that we thought could best support the approximately 740 student enrollment, which translates into a relatively-large building.

COUNCIL MEMBER EUGENE: You mentioned that you visited sites on Coney Island Avenue, right?

MR. OU: Yes.

COUNCIL MEMBER EUGENE: The sites that you had visited, they are located only on

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Coney Island Avenue?

MR. OU: Those are some of the sites that we visited. We also visited other sites, and as I said, I neglected to bring that list with me. We can certainly, and we will, share it with you again, but it is available on our website also. I will, as soon as we get back to the office, I will send over that list.

COUNCIL MEMBER EUGENE: Do you have an idea how the parking sites are going to be affected in the neighborhood, after the construction of this school?

MR. OU: The parking?

COUNCIL MEMBER EUGENE: The parking.

MR. OU: Yeah, well the ... as part of our environmental assessment, we have to undertake a review of potential impacts to the neighborhood in a whole bunch of areas, one of those involves the availability of street parking. The ... we will, because the site, even though it is one of the larger sites that we've seen, is not large enough to accommodate both schoolyard, building and also accessory parking, we fully

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2 expect that a number of the staff who were going
3 to drive would be looking for curbside, available
4 curbside spaces. So in order to address that, we
5 are committed to working with both the Department
6 of Transportation and the Department of
7 Sanitation, to the extent that it's feasible, to
8 review the curbside parking restrictions to
9 increase the supply. So that may mean, one option
10 would be to shift certain days or hours of the
11 curbside restrictions in order to increase that
12 supply, but I am sure that you and your colleagues
13 have other opportunities to work with DOT and the
14 Department of Sanitation, that is a process. They
15 will have to review a lot of the information, most
16 likely closer to when the school actually opens,
17 as opposed to right now, where what we have
18 available is really forecasts of what conditions
19 would be like in the future. But we are committed
20 to working with our colleagues in the other
21 agencies on those issues.

22 COUNCIL MEMBER EUGENE: In terms of
23 parking for the teachers, would you have some
24 parking designed for the teachers inside the
25 school?

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MR. OU: No.

COUNCIL MEMBER EUGENE: None at all.

MR. OU: No, the site is about 44,000 square feet. That is sufficient in size to accommodate the school building, which already is a five-story school building, and a play yard that we believe would be appropriately-sized for the students. So there was not sufficient space to also add staff parking.

COUNCIL MEMBER EUGENE: I have more questions, but I'm going to ask only one more, all right? In terms of equipment for the school, could you tell me what ... about it, the equipment, you know, that you're going to have, we're going to have available for the children in terms of, you know, is the school fully equipped with state-of-the-art computers, smart boards? What type of ... is that in your plan to put that?

MR. OU: Yes, the standards for new schools involve really the latest technologies. So all classrooms in our new buildings will be equipped with smart boards, which are also interactive white boards. There will be wireless

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2 throughout the building, and there will also be, I
3 think, computers, at least a couple of computers,
4 in every classroom. The standards, as you can
5 imagine, keep evolving and getting better, but as
6 of, you know, our standard right now does include
7 those features.

8 COUNCIL MEMBER EUGENE: What can
9 you tell us about other activities that would be
10 available to the children? We know that school,
11 when we say education, it is not only about giving
12 to the children an opportunity to receive
13 knowledge about mathematics, science, chemistry
14 and biology, but it is about creating a rounded
15 individual, let's say, for example, sports, art
16 and stuff like that. Would you have a gym inside
17 the school? What can you tell us about, you know,
18 extracurricular activities for the children?

19 MR. OU: For a building of this
20 size, there absolutely would be a gym in this
21 building. In terms of how the individual school
22 would function, what kinds of partnerships they
23 might have, what kinds of enrichment activities
24 might be available, I'm going to be totally honest
25 with you, I think it's a little bit too early to

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2 say, because at this point there ... a lot of those
3 decisions are made at the individual school level
4 by the future principal, in consultation with that
5 school's community, and also in line with the
6 Department of Education's policies. And again,
7 we're talking about several years until this
8 building could actually be occupied. So the
9 facility itself is going to be state-of-the-art,
10 it's going to be fully air-conditioned, it's going
11 to be fully equipped with the latest technology.
12 I can tell you more about ... you know, share that
13 information with you. Unfortunately, I think it's
14 too early really for us, or even the Department of
15 Education, really, to speak to a lot of the
16 specifics. What I can tell you, though, is that
17 in consultation with my colleagues in the
18 Department of Education's Portfolio Office, I do
19 know that they have continued to have efforts as
20 they decide which school organizations end up
21 occupying buildings and which principals are
22 selected, that they do try and consult with the
23 community, with elected officials, as part of that
24 decision-making process.

25 COUNCIL MEMBER EUGENE: One of the

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problems that we have faced, and we elected officials in our communities, the schools are not available to the people in the community. You know, there are very good not-for-profit organizations, community-based organizations, they are doing a good job, they are serving the people in the community, but they don't have access to our public schools. Is it in your plan to make a plan of the, you know, the Board of Education, to make this school available to the people in the community?

MR. OU: Well, outside of school hours you mean, yes. Well, outside of school hours, the Department of Education's policy is pretty clear, it's established in the Chancellor's regulations, that there is an opportunity for community-based organizations, community groups, to request and apply for permit use of the facilities outside of school hours. The reason that there has to be a permit process is twofold, it's to manage the types of requests, there are some facilities in areas where there are a lot of different organizations that are interested. But the second piece is quite frankly just the issue

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2 of having to maintain and operate the facility.
3 The custodial staff will have to open the
4 facility, there are other operating charges that
5 have to be funded through this permit process.
6 But the answer is, absolutely, these buildings are
7 available through the permit process.

8 COUNCIL MEMBER EUGENE: Thank you
9 very much.

10 MR. OU: Thank you.

11 COUNCIL MEMBER EUGENE: This is my
12 last question, but I've got other questions, I
13 would appreciate that if you could follow up, you
14 know, with my office for the other, you know,
15 issues that I want to raise with you. Thank you
16 very much, Mr. Chair. Thank you so much.

17 CHAIRPERSON LANDER: Thank you,
18 Council Member. I do have a couple of follow-up
19 questions. So one is just that I want to ask that
20 you'll agree to continue to work with the Council
21 Member as this goes through the process and work
22 with him on his issues?

23 MR. OU: Yes.

24 CHAIRPERSON LANDER: Thank you very
25 much.

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MR. OU: Absolutely.

CHAIRPERSON LANDER: On what you just said, although this is not the hearing for it today, I do want to flag that I have some concerns about the transparency and affordability process, this is really not an SCA issue, it's a DOE issue, for not-for-profit and community organizations to get permits, and I think we've actually, the Chancellor's reg keeps being changed and it is not entirely clear what principals are supposed to pay for from their own budget and what community groups are supposed to pay for, so I do think that's an area that we could do better on at a time when real estate prices are high, and we certainly need money in the school system, but we also need affordable spaces in our community, so that's not particularly relevant to the terms of this school. I did note in the EIS, and I just think it's good for the Council to make sure we have you guys speak to it on the record, that there were some solvents found in the soil, and that you have a plan for addressing that as part of construction. But since obviously issues of environmental, you know, challenges we're facing

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2 in the schools are much in the news these days, I
3 feel like that's part of the public record, we
4 should make sure we hear from you, you know, that
5 ... what the plan is to address it, so.

6 MR. SHAW: Yes, the ... thanks,
7 Chairman Lander, yes. And you will see in the
8 packet that we provided that there were some
9 hazardous materials that were determined to be
10 onsite as part of the phase two examination, site
11 investigation, some volatile compounds were found
12 in the soil. It is the plan to excavate that
13 during construction, excavate that soil and remove
14 it appropriately, under, you know, EPA, the EPA
15 and DEC regulations and requirements, and to
16 replace it with clean soil. In addition, as part
17 of just all of our new construction, we do put in
18 a soil vapor and a sub-slab pressurization system
19 to make sure that no gases go into the school, and
20 we are not planning on any open areas, in terms of
21 any soil being available to the kids. All of it
22 will be clean, those areas that are not covered,
23 but just about the whole site will be covered.

24 CHAIRPERSON LANDER: Thank you very
25 much.

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MR. SHAW: Sure.

CHAIRPERSON LANDER: And my last question relates to the school zoning issues, and I've had the opportunity to speak with you about this, and as Council Member Eugene talked about, this is sort of a school that's right on a boundary, it's on the boundary between his district and my district, on the boundary between Community Board #12 and Community Board #14, and on the boundary between Community School District #20 and District #15, and so that presents a few issues, partly the school itself is actually located in District #15, though it is designed to serve an unmet need in District #20 and it's in a sensible place to- -

MR. OU: (Interposing) It's actually #22.

CHAIRPERSON LANDER: Twenty two, excuse me, I apologize. So ... so, you know, I think that finding a school site anywhere is challenging, and this is close enough to serve that District #22 need, but it does raise some issues that, and I know those have to be addressed by portfolio as we move forward, but I do just

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2 want it for the record flagged, one, a concern
3 that as it stands today, families who live on the
4 block where this school is located wouldn't be
5 zoned for it, they would be zoned in a whole other
6 district, District #15, some blocks away, a
7 wonderful school, PS 130, but I'm sure it would be
8 confusing to them, if they're not zoned for the
9 neighborhood school on their block. And then, I'm
10 very pleased that you're also proposing a new
11 District #15 school not far away, on Caton Avenue,
12 but which is also sort of right in the mix. Here
13 I think there are some creative ways that we can
14 work together to resolve zoning questions and just
15 make sure everyone's got a real good option in a
16 way that doesn't create additional confusion and
17 some potential conflicts as people wind up being
18 rezoned. So I just want to say that for the
19 record, I know that we have to work with Portfolio
20 on those things, but I will be eager to have
21 collaboration and support from the Department of
22 Education and the SCA as we work out these issues.

23 MR. OU: And we have shared those
24 concerns with our colleagues in the Portfolio
25 Office, and we've been informed, as a practical

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2 matter, both ... assuming both this proposed school
3 and also the site that we've proposed for Caton
4 Avenue are approved, ultimately there will be
5 zoning plans that will have to be adopted for each
6 of those schools, which will be ... we, which will
7 require engagement with the affected community
8 education councils as well as the residents.

9 CHAIRPERSON LANDER: And then I
10 guess I'll state for the record an option that I
11 would like at least explored in that, is the
12 possibility of the new Caton Avenue school, which
13 is not worth talking about today, and PS 130 being
14 thought about in some possible combination as a
15 two-school K-to-8 campus, or something so that
16 there's really good things happening in this part
17 of the district, and I want to make sure that we
18 achieve the zoning in a way that helps build, and
19 I'm sure there will be other options to be
20 explored by putting 130 and Caton Avenue together
21 in some way, I think could ease some of those
22 zoning tensions, so I just ask that that be
23 explored as that process continues.

24 MR. OU: Thank you, we will also
25 share that, we have and will continue to engage

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our colleagues on that issue.

CHAIRPERSON LANDER: Thank you very much. Any other questions on the school in Council Member Eugene's district before we turn to the other one? Okay, thank you very much, we don't have anyone signed up to testify on that school, so unless anyone speaks up now, we will go ahead and close the hearing on that item, and we'll move to the final item. Thank you, Council Member Eugene, for joining us, we'll move to the final item on our calendar for today, Land Use #338, application #20115275, a proposed ... the proposed PSIS 314, a 757-seat school proposed in Queens, in Council Member Gennaro's district. Council Member Gennaro has asked me to convey that he is in favor of the proposal, and also apologizes for not being able to be here today.

MR. SHAW: Again, good morning, Council ... excuse me, Chairman Lander and Council members, my name is Gregory Shaw, principal attorney for real estate for the New York City School Construction Authority, and to my immediate left is Kenrick Ou, Director of Real Estate. The New York City School Construction Authority has

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2 undertaken the site selection process for the
3 proposed 757-seat primary school facility that
4 will be located on tax block 9813, lot 33, located
5 in the southwest corner of Hillside Avenue and
6 164th Street in the Jamaica section of Queens. The
7 proposed school site is also located in Community
8 School District #28 and Queens Community Board
9 #12. The project site contains a total of
10 approximately 60,300 square feet of lot area, the
11 site is improved with a vacant three-story
12 commercial building and paved parking lot. Under
13 the proposed plan, the SCA would demolish the
14 existing structure and construct the proposed
15 school. We have a contract of sale with the
16 private owner to purchase the property, contingent
17 on Mayor and Council approval of the site plan.
18 The notice of filing for the site plan was
19 published in the New York Post and the City Record
20 on October 28th, 2010. Queens Community Board #12
21 was also notified of the site plan on that date
22 and was asked to hold a public hearing on the
23 proposed plan. Community Board #12 did not submit
24 written comments on the proposed site plan, the
25 City Planning Commission was also notified of the

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2 site plan on October 28th, and it recommended in
3 favor of the plan. The site ... excuse me, the SCA
4 considered all comments received under the
5 proposed site plan and affirms it pursuant to
6 section 1731 of the Public Authorities Law, in
7 accordance with section 1732 of the Public
8 Authorities Law, the SCA submitted the proposed
9 site plan to the Mayor and Council on March 10th,
10 2011, we look forward to your Subcommittee's
11 favorable consideration of this proposed site
12 plan, and we are prepared to answer any questions
13 that you might have. Thank you.

14 CHAIRPERSON LANDER: Thank you very
15 much. Any questions from Committee members,
16 Council Member Williams?

17 COUNCIL MEMBER WILLIAMS: Yes,
18 thank you for your testimony, thank you, Mr.
19 Chair. I just wanted to make sure I understood, I
20 heard you said the Community Board didn't, they
21 didn't respond, so I know there's a dash there.
22 The BP, why is there a dash there? And the CPC,
23 you said they approved, so why is there a dash
24 there? Okay.

25 CHAIRPERSON LANDER: So the borough

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president doesn't ... you know, it's not the ULURP.

COUNCIL MEMBER WILLIAMS: Okay.

CHAIRPERSON LANDER: These public siting actions are prescribed by the charter but not through ULURP, so the borough president doesn't have the same sort of ULURP expectation of providing an opinion one way or the other. And I think the CPC action is ... it's a courtesy, there is a letter from Chair Burden in the package.

COUNCIL MEMBER WILLIAMS: Okay.

CHAIRPERSON LANDER: And so perhaps it should say- -

COUNCIL MEMBER WILLIAMS:

(Interposing) Okay.

CHAIRPERSON LANDER: ... letter received from Chair Burden, that we have such a letter.

COUNCIL MEMBER WILLIAMS: Okay.

Thanks.

CHAIRPERSON LANDER: And since I did it on the last one, I guess I should note on this one also that there are, you know, the environmental review identified some issues with the soil, and you're proposing the same vapor

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barrier that you discussed previously?

MR. SHAW: Yes, we're proposing the same as in the other school site to address the fill issues, also there's an underground storage tank, which we will address, in accordance with all environmental regulations in terms of the appropriate removal and to make sure that no remaining petroleum products remain there. There, of course there's asbestos in the building, and that will be addressed as well appropriately under the regulations, so, yes.

CHAIRPERSON LANDER: Thank you very much. Are there any other questions from the Committee? Seeing none, we have no one signed up to testify on this matter as well, and seeing no one jumping up and down, we will close the public hearing on this item as well. And I thank you gentlemen for your testimony. The new exercise regime of the Subcommittee. All right, that concludes- -

COUNCIL MEMBER SANDERS, JR.: I want a seat.

CHAIRPERSON LANDER: That concludes the ... and we're not being filmed today. Gale I'm

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sure would want us to be filmed if we're going to have any exercise.

COUNCIL MEMBER SANDERS, JR.:

Always be yourself.

CHAIRPERSON LANDER: All right,

that concludes the public hearing on all items on today's Subcommittee calendar, and so we will now move forward to vote on the ... again, we laid over one item, but on the remaining five, and the Chair asks our counsel to ... I recommend an aye vote on all those items, and ask our wonderful counsel to call the roll.

COMMITTEE COUNSEL: Carol Shine, counsel to the Committee. Chair Lander?

CHAIRPERSON LANDER: Aye on all.

COMMITTEE COUNSEL: Council Member Sanders.

COUNCIL MEMBER SANDERS, JR.: Aye on all.

COMMITTEE COUNSEL: Council Member Palma.

COUNCIL MEMBER PALMA: Aye.

COMMITTEE COUNSEL: Council Member Arroyo.

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COUNCIL MEMBER ARROYO: Yes.

COMMITTEE COUNSEL: Council Member
Mendez.

COUNCIL MEMBER MENDEZ: Aye.

COMMITTEE COUNSEL: Council Member
Williams.

COUNCIL MEMBER WILLIAMS: Aye.

COMMITTEE COUNSEL: Council Member
Halloran.

COUNCIL MEMBER HALLORAN III: Aye.

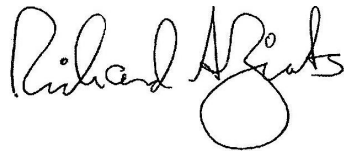
COMMITTEE COUNSEL: By a vote of
seven in the affirmative, none in the negative and
no abstentions, the aforementioned items are
approved and referred to the full Committee.

CHAIRPERSON LANDER: Just before we
adjourn, I'll note two items for the calendar, the
budget hearing for the Land Use Committee,
including the LPC, is on March 16th, that hearing
is from 11:00 to 3:00, I'm sure we'll know more
specifically when LPC is coming, but especially
for those members who have raised concerns about
whether our wonderful and prolific volume of
landmarking work is consistent with achieving the
things we need to achieve and make sure they can

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2 get their work done on time, especially amid
3 budget cuts. Those are appropriate questions to
4 ask at that budget hearing. And I'm pleased also
5 to report that on April 12th this Committee will
6 be, I think, we don't have it locked in setting
7 stone, but I think we'll be doing an oversight
8 hearing on the public sitings piece of our work,
9 and in particular on the city's fair-share rules
10 which were adopted 20 years ago, and it's time to
11 take a look and see are we actually achieving a
12 fairer share of facilities as a result of the
13 fair-share rules that we adopted, so that's part
14 of what the Committee has oversight of, April 12th.
15 I think we're going to flip with the UDAP
16 Committee so we'll have time at 1:00 in the
17 afternoon to take some testimony from members of
18 the public as well, so that will be April 12th at
19 1:00. Thank you very much to the members of the
20 Committee and the hearing is adjourned.

C E R T I F I C A T E

I, Richard A. Ziats, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Signature _____

Date March 28, 2011