

# The Brooklyn Paper

Brooklyn's Real Newspaper

June 7, 2008 / News / Not Just Nets / Brooklyn Heights-Downtown / DUMBO development

## City: We don't need a middle school in DUMBO — now

By Sarah Porlock

The Brooklyn Paper

A DUMBO developer's plan to build a controversial 18-story apartment tower with the carrot of a new middle school was handed a setback last Wednesday when a top schools official said that the neighborhood actually doesn't need a school right now.

The potential middle school would be on the ground floor of developers David and Jed Walentas's controversial Dock Street tower, but Sel Construction Authority executive Elizabeth Bergin told a packed room of parents from Brooklyn Heights' PS 8, "Right now, in this district, identify a need" for a middle school.

If the city does not need a middle school, the Walentases would face a much more difficult path to building their dreamed-of tower, which Councilman David Yassky (D-Brooklyn Heights) and the Brooklyn Heights Association because it would block some views of the iconic Br

The Walentases, who have threatened that they can build a much taller tower without city approval, offered the middle school in hopes of the cash-strapped Department of Education could not refuse.



If the agency needs such a facility in DUMBO, that is.

Schools in District 13, which includes Brooklyn Heights, Downtown, DUMBO, Vinegar Hill, and part of Fort Greene, currently operate at 6 capacity, according to Comptroller William Thompson. The elementary-level PS 8, which is becoming increasingly popular with Brooklyn was the exception, at 118 percent capacity.

"Much of the sharp increase in population that City Planning projects for Brooklyn Heights, Downtown, DUMBO, and Vinegar Hill from 2000 to 2010 is yet to occur," Thompson said in his May report, which called on the city to be open to deals like the one being offered by the Walentases.

But at the May 28 meeting, some parents worried that the construction of the 45,000-square-foot, 300-seat school in DUMBO would hurt have a school built elsewhere within the district in the future.

In response, Bergin said the construction agency will release its next five-year construction and financial plan in November and the agency "pockets" of overcrowding within school districts instead of overall crowding. At that time, a more final decision will be made about the loc possibility of a new school.

Bergin said the city is "very interested in this process" on Dock Street.

Jed Walentas, who presented the project at the meeting, said his company, Two Trees Management, would invest \$8 million to \$10 million school's floor and outer walls, though the city would have to build out the classrooms themselves. The Department of Education would the space for \$1, according to one proposed deal.

Educators are intrigued by the idea of a school within a residential building.

"Schools really create community, and having your kids in your neighborhood, going to school in your neighborhood, [and] having kids on that creates a warm feeling in an urban landscape," said Allison Pell, principal at the Urban Assembly Academy of Arts and Letters, a new school in Fort Greene.

Noting DUMBO's vast arts community, Pell added, "How great would it be to think DUMBO was a place where education and the arts were intertwined?"

It could be very great — if PS 8 parents decide to get on board.

"We have members on both sides of this very, very passionate debate," said Dan Rosenbaum, chairman of the PS 8 PTA's middle school committee.

"It's one thing to not look a gift horse in the mouth, but you want to be sure that it's not going to bite you," he said.

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← PARK SLOPE POLL: Park Slope parking situation  
**READER FEEDBACK**

RED LOCK: I  
LeNellP

**SZABAGA, MICHAEL**

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**From:** GREENBERGER, SHARON  
**Sent:** Thursday, May 22, 2008 12:00 PM  
**To:** GRILLO, LORRAINE; OU, KENRICK; HOLDEN, ROSS  
**Subject:** FW: Dock Street DUMBO school  
**Attachments:** SCA letter May 08.pdf; sca term sheet.pdf

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**From:** Bailyn, Laura [mailto:lbailyn@TwoTrees-Dumbo.com]  
**Sent:** Tuesday, May 20, 2008 6:16 PM  
**To:** GREENBERGER, SHARON; sgreenberger@cityhall.nyc.gov  
**Cc:** Walentas, Jed  
**Subject:** Dock Street DUMBO school

Dear Sharon,

Attached please find a best and final offer for the Dock Street DUMBO middle school, as well as an initial draft term sheet. Please don't hesitate to let us know if we can answer any questions or provide additional information. We look forward to hearing from you.

Sincerely,

Laura Bailyn  
Two Trees Management, LLC  
45 Main Street, Suite 602  
Brooklyn, NY 11201  
Tel: (718)222-2500  
Fax: (718)222-2501  
email: [lbailyn@twotrees-dumbo.com](mailto:lbailyn@twotrees-dumbo.com)



# TWO TREES

Management Co. LLC

May 20, 2008

Sharon Greenberger  
New York City Department of Education  
School Construction Authority  
30-30 Thomson Avenue  
Long Island City, NY 11101

Dear Sharon:

We appreciate your continued interest in working with us to develop a new public middle school as part of our development plans for the Dock Street DUMBO site. As you know, there is a strong and growing need for a new middle school in District 13. It would be our pleasure to help provide this benefit to the community. In addition, we are delighted to work with you to establish this model public-private partnership to address the urgent need to relieve overcrowding in the New York City public school system.

Based on our recent conversations we understand that you would like us to set forth our best and final offer for the DUMBO middle school project. We value education and recognize your capital constraints. We therefore want to make a significant and compelling contribution to this school. Similarly, we need you to make a strong and public commitment to the project and make it clear to the community that there are no other sites under consideration for a new public middle school in District 13.

**Cost to SCA of Core and Shell:**

<b>With project allocation of Tax Exempt 80/20 Bonds:</b>	<b>\$0</b>
<b>Without project allocation of Tax Exempt 80/20 Bonds:</b>	<b>\$5,000,000</b>

*Please see attached Term Sheet for additional proposed terms.*

As previously stated, we intend to pursue an 80/20 residential rental project as part of this development and finance it with tax exempt bonds issued by the New York City Housing Development Corporation or the New York State Housing Finance Agency ("Tax Exempt 80/20 Bonds"). We have been induced by the NYC HDC for a bond allocation and are hopeful that bonds will be available at the time of construction.

# TWO TREES

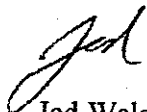
Assuming Tax Exempt 80/20 Bonds are issued for this project we would be willing to build the core and shell of the school at no charge to the SCA. However, if such bond financing is not issued to us at the time of construction we cannot afford to be as generous and will need the SCA to contribute \$5,000,000 to make the project economically viable.

The financial returns on this project are extremely low even with the tax-exempt bonds. We view this as a civic contribution and are personally dedicated to bringing a top-quality education to our neighborhood's children. We also have an intense personal interest in seeing an appropriate development on this site – what we consider to be our last site in the DUMBO neighborhood. To that end, Two Trees is committed to staying involved in the DUMBO middle school, both substantively and financially, in order to ensure that it is conceived to be and remains one of New York City's finest public schools for generations to come.

Enclosed please find an initial draft term sheet indicating the basic terms of our DUMBO school agreement. As you will see, Two Trees is flexible with regard to numerous aspects of the business agreement, including the structure of the purchase and financing.

If you do remain interested in our offer, I want to reiterate that it is imperative for us to come to an agreement on the basic terms and move forward swiftly. Please treat this letter as confidential business trade secrets for purposes of FOIL. I look forward to hearing from you soon.

Sincerely,



Jed Walentas

## Draft Term Sheet

By and between Two Trees Management Company ("Two Trees" or the "Seller") and the School Construction Authority ("SCA" or the "Purchaser") regarding the Dock Street DUMBO Middle School ("School"), dated May 20, 2008.

- Subject** An approximately forty five thousand square foot middle school facility located in Two Trees' Dock Street DUMBO development on corner of Dock and Water Streets in DUMBO neighborhood of Brooklyn. The School will be a self-contained unit with its own mechanical systems and vertical transportation.
- Timing** Construction will commence upon successful completion of ULURP rezoning process (and subsequent approval by the Department of Buildings), SCA site selection process and a signed agreement between Two Trees and SCA. Two Trees construction of Core and Shell will be complete approximately 18-months after start of construction (specific schedule to be agreed upon by the parties). Timeframe for completion of Tenant Improvements ("TI") is responsibility of SCA. School may be occupied upon completion of TI and issuance of Certificate of Occupancy for the School. Two Trees will cooperate with the SCA to facilitate the issuance of a Certificate of Occupancy of the School independent of a Certificate of Occupancy for other uses in the building.
- Purchase Price** Two Trees will convey the Core and Shell of the School to the SCA on the following terms:
- \$0 in the event Two Trees receives 80/20 Tax Exempt Bonds  
\$5,000,000 in the event Two Trees does not receive 80/20 Tax Exempt Bonds
- (The Tax Exempt Bonds referenced herein are 80/20 tax exempt bonds issued by the New York City Housing Development Corporation or the New York State Housing Finance Agency in connection with residential real estate development.)
- Purchase Structure** Fee simple purchase as a condominium unit. In the alternative, upon SCA's request, the parties may consider a 99-year lease to own structure.
- Scope of Seller's Work ("Core and Shell")** Two Trees will build the Core and Shell of the School, including the land/FAR, structure, façade, roof and elevator shaft. As part of this construction Two Trees will bring utility services to the space but will not be responsible for distributing the services within the school facility.
- Upon SCA's request, Two Trees may undertake the TI in exchange for reasonable compensation.
- Scope of Purchaser's Work ("TI")** Unless undertaken by Two Trees in exchange for reasonable compensation at SCA request, SCA will be responsible for the TI within the Core and Shell, including mechanical equipment, interior partitioning, distribution of utility services and finish work.
- Payment Structure** 25% upon contract signing  
65% total of progress payments based on % of completion (specific schedule to be agreed upon by the parties)  
10% retainage to be released to Seller upon Closing

Upon SCA's request, Two Trees will consider alternative proposed approaches to financing the Purchase.

**Additional Terms**

Two Trees will be responsible for taking all necessary steps and paying all fees associated with establishing the condominium unit for SCA.

SCA will be responsible for payment of any applicable transfer taxes.

SCA will be responsible for paying a proportionate share of common expenses (including property and liability insurance, maintenance and utilities for common areas, etc.)

No roof rights/access will be permitted in conjunction with this conveyance.

**Contingencies**

Seller's obligations under this agreement will be contingent upon approval of Dock Street DUMBO Project rezoning proposal currently under pre-certification review by the NYC Department of City Planning.

**SZABAGA, MICHAEL**

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**From:** SARAH WHITHAM [SWhitha@planning.nyc.gov]  
**Sent:** Monday, June 23, 2008 3:39 PM  
**To:** GRILLO, LORRAINE; GREENBERGER, SHARON; ADAM LYNN; LISH WHITSON;  
PURNIMA KAPUR; ROBERT DOBRUSKIN; SARAH GOLDWYN  
**Cc:** ELIZABETH MACKINTOSH  
**Subject:** Dock Street Timing

**Attachments:** Dock Street processing timeline\_6\_18\_08.pdf



Dock Street  
processing timelin...

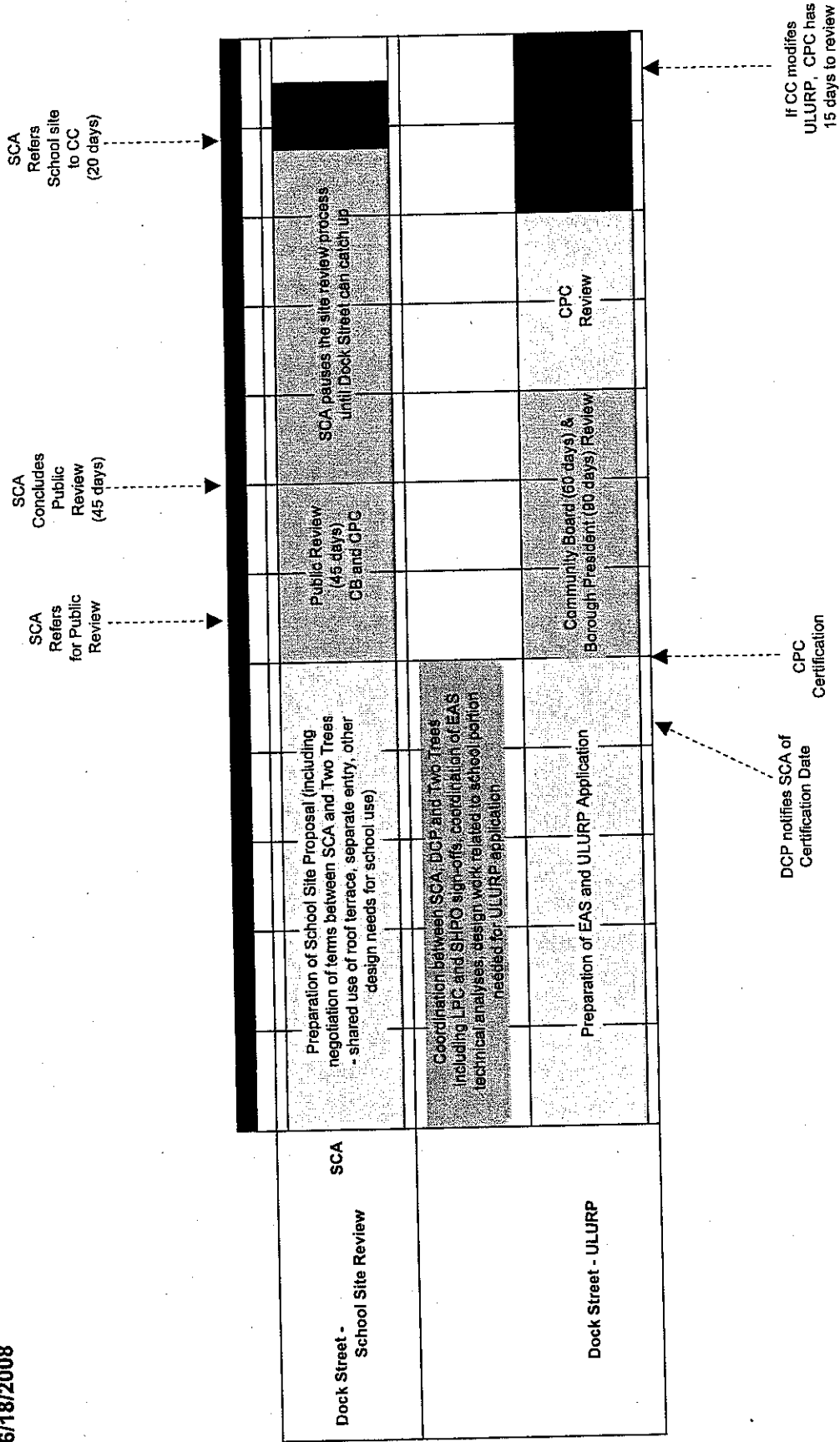
Hi All,

Attached is a timeline that illustrates the timing of the School Site review process and the ULURP process. As we discussed in the meeting, the timing for these are a bit different, but the School Site review timing has flexibility in it after their 45 day public review comment so it can be "paused" until the ULURP can "catch up" so they can get to the City Council at about the same time.

Hope this helps.

# Estimated Timelines for Processing of Dock Street ULURP Application and SCA School Site Review Process

6/18/2008



Note: After SCA brings the school site proposal to CC, the Council has 20 days to hold a hearing and approve or reject the proposal. If the CC does not act within 20 days, the school site proposal is considered approved. SCA can work with CC's Gail Benjamin and Alonzo Cair to determine the appropriate time for the SCA to advance the proposal to the City Council in conjunction with the Dock Street ULURP.



**SZABAGA, MICHAEL**

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**From:** OU, KENRICK  
**Sent:** Tuesday, August 12, 2008 4:40 PM  
**To:** GREENBERGER, SHARON; BERGIN, ELIZABETH  
**Cc:** HOLDEN, ROSS; GRILLO, LORRAINE  
**Subject:** Dock Street/Two Trees (D13)

I spoke with Nnenna Lynch from Deputy Mayor Lieber's office just now about the 80/20 bond financing that Two Trees is requesting, and explained that since we are working on the next Capital Plan, we need to determine whether the middle school at Dock Street would require \$5 Million in site acquisition for the core and shell (if the bond financing is not available).

She said that she would contact HPD and investigate further, but that this issue had come up with another project. She explained that the decision on the financing was the State's, although the City might have some influence on which projects received the financing. I'll let you know if I hear back from her with more information.

**SZABAGA, MICHAEL**

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**From:** OU, KENRICK  
**Sent:** Friday, September 12, 2008 2:21 PM  
**To:** GREENBERGER, SHARON; GRILLO, LORRAINE  
**Cc:** HOLDEN, ROSS  
**Subject:** Dock Street

Kathleen from CM DeBlasio's office called me to ask about Dock Street. She seemed very confused, so I told her that although the DOE has expressed interest in Two Trees' offer to provide space in the new development, that whole project still needs to go through ULURP, and the ULURP process hasn't started and DOE hasn't committed to this. Not sure if there will be followup calls, but thought you should know.

**SZABAGA, MICHAEL**

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**From:** OU, KENRICK  
**Sent:** Thursday, November 06, 2008 12:17 PM  
**To:** GREENBERGER, SHARON; GRILLO, LORRAINE  
**Cc:** BERGIN, ELIZABETH; HOLDEN, ROSS  
**Subject:** FW: Cap plan reference

Ken Fisher just called me. He is concerned about how we/DOE would respond to press inquiries about "Project #1" since Two Trees will be submitting its application formally to City Planning tomorrow. The key question for him is how DOE will explain that it is proposing to fully fund a standalone D13 project - if so, then that raises the question of why we would not consider an alternative site than Dock Street. I told him that any press calls would be directed to DOE's press office, but that I'd flag this and concern to you.

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ICK  
November 06, 2008 11:47 AM  
th K.; Felix Ciampa  
GREENBERGER, SHARON  
plan reference

The addition to PS 8 is being funded from the Capital Plan for FY2005-2009, so it is not shown in the draft Plan for FY2010-2014.

The line listed in the draft Plan appendices, "Project #1 @ Dock Street," is a placeholder since the project has not been officially sited as of the release of the draft Plan- this would probably not occur until ULURP for the larger Dock Street project commences and the SCA starts the school site selection process. My understanding is that the \$43 Million represents the estimated costs of a standalone building that would provide that number of seats in the District.

Kenrick

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**From:** Fisher, Kenneth K. [mailto:KFisher@WOLFBLOCK.com]  
**Sent:** Thursday, November 06, 2008 9:51 AM  
**To:** OU, KENRICK; Felix Ciampa  
**Cc:** Jed Walentas  
**Subject:** Cap plan reference

We found this page in the plan but we're not sure what it represents as it appears to be \$43 million. Is this for PS8 also? It references DUMBO but references an existing building also. We may get press calls on this today. Thanks.

Kenneth K. Fisher  
Wolf Block LLP  
250 Park Avenue.  
New York NY 10177  
212 883 4962  
WWW.WolfBlock.com

This email is intended to be privileged & confidential to the maximum extent provided by law. If you received this message in error, we would appreciate it if you would notify the sender and delete it from your system.

-----Original Message-----

**From:** Raspberry, Tiffany  
**Sent:** Thursday, November 06, 2008 09:37 AM Eastern Standard Time  
**To:** Fisher, Kenneth K.  
**Subject:**

## SZABAGA, MICHAEL

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**From:** GREENBERGER, SHARON  
**Sent:** Friday, November 07, 2008 3:15 PM  
**To:** GRILLO, LORRAINE; BERGIN, ELIZABETH; OU, KENRICK  
**Subject:** FW: Emailing: nyc-dept-of-education-includes-dock-street-in-capital-plan

**Attachments:** nyc-dept-of-education-includes-dock-street-in-capital-plan.url



nyc-dept-of-educati  
on-includes...

-----Original Message-----

**From:** Fisher, Kenneth K. [mailto:KFisher@WOLFBLOCK.com]  
**Sent:** Friday, November 07, 2008 3:13 PM  
**To:** Walentas, Jed; GREENBERGER, SHARON; Ciampa, Felix; NLynch@cityhall.nyc.gov  
**Cc:** Bailyn, Laura  
**Subject:** Emailing: nyc-dept-of-education-includes-dock-street-in-capital-plan

<<nyc-dept-of-education-includes-dock-street-in-capital-plan.url>>  
The DUMBO blog has picked up the Capital plan. The link is below the pasted-in text.

NYC Dept of Education Includes Dock Street in Capital Plan November 7th,  
2008

(Photo rendering of Dumbo middle school from Two Trees Management)

The NY City Department of Education has released their proposed 5 year capital plan to invest in New York City's future, "continuing to create the school buildings and facilities that the City's children need and deserve." It's going to cost \$11.3 billion for FY2010-2014. Embedded in the plan on page 23 states that "The analysis indicates that five districts in Brooklyn will see growth over the next five years. District 13, contains a substantial surplus of space given current enrollment levels but is projected to need a school building in the DUMBO/Navy Yard/Fort Greene area. This is primarily due to projected housing growth."

The document includes plans for a 416 seat school at Dock Street (District 13), scheduled to begin design in October 2010, construction in June 2012 and completion in May 2014 with a total estimated cost of \$43.83million. (Appendix K5). I may be reading this wrong, but the new capacity program overview costs are \$56.22million (pg 22), which doesn't correspond to the figure in Appendix K5.

An astute reader sent us this note:

"It's listed as "small PS" (as opposed to the PS/IS or IS/HS categories), which I take to mean an elementary school, NOT a middle school, but I could be reading it wrong. No mention of the status of the PS 8 annex, either as a 2004-9 project in process or carried over to the new plan, but I'm not sure if the omission means anything."

The plan doesn't discuss who or how the school will be built, but Two Trees hopes to be part of the plan, which also includes a controversial residential building above the school.

{DoED 2010 - 2014 Five-Year Capital Plan - Proposed}

Shortcut to:  
<http://dumbonyc.com/2008/11/07/nyc-dept-of-education-includes-dock-street-in-capital-plan/>

Kenneth K. Fisher

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## SZABAGA, MICHAEL

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**From:** OU, KENRICK  
**Sent:** Monday, November 24, 2008 11:15 AM  
**To:** GRILLO, LORRAINE; BERGIN, ELIZABETH; HOLDEN, ROSS  
**Subject:** FW: Dock Street Dumbo  
**Importance:** High

See below. This is a followup from the conference call that I was asked to join in last Thursday. Can we discuss this - especially with respect to what comprises the \$43 Million that's shown in the draft Plan?

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**From:** Bailyn, Laura [mailto:lbailyn@TwoTrees-Dumbo.com]  
**Sent:** Monday, November 24, 2008 11:12 AM  
**To:** OU, KENRICK; fciampa@cityhall.nyc.gov; nlynch@cityhall.nyc.gov; gmayers@cityhall.nyc.gov; Walentas, Jed; Fisher, Kenneth K.  
**Subject:** Dock Street Dumbo  
**Importance:** High

Below is a summary of the issues we discussed last Thursday and also some important intelligence we have obtained since.

- Our thoughts and condolences are with Sharon who was not present due to a tragic death in her family.
  - Kenrick told us that the SCA site selection notice would go out on December 1.
  - We agreed that we'd have to coordinate our efforts to prepare for the community board meeting on December 1.
- eg offered to brief Deputy Chancellor for Facilities and Planning, Kathleen Grimm, on the project and get involved. We would like to meet her asap.
- e discussed the SCA intention for the middle school to be sited at Dock Street only – and the need for this statement to be made clearly by the DOE and SCA.
- e were told that Dennis is ready to make this statement but Sharon needs to run it by SCA counsel upon her return.
- e discussed what the \$43 million in the SCA capital plan represents.
- enrick believed it was the cost to the SCA of the fit-out of the Dock Street DUMBO site but will need to be confirmed when Sharon is back as to how that number is derived.
- In the meantime, Kenrick will be reviewing the number further.
- We also discussed the fact that this number would be coming under public scrutiny as to why it costs almost \$1,000 a SF to fit out the interior of a school.

We received a call from a respected member of the Brooklyn Heights clergy who informed us that he got a call from Judy Stanton (the head of the Brooklyn Heights Association (BHA), leader of the Dock Street opposition campaign, and vocal member of the Land Use committee of Community Board 2). Judy told him that the BHA has commissioned a feasibility study to investigate the possibility of expanding PS8 to make it a K-8 school. She said that the study has determined that this would indeed be feasible, and now that the SCA has budgeted \$43 million dollars for a new middle school in the community, they could fund the PS8 school with that budget. She told the clergy member that Two Trees was only offering a \$10 million dollar donation anyhow and that this should not be persuasive in the face of the PS8 K-8 school option. She asked for his support.

The clergy member is a supporter of Dock Street. However, if a PS8 K-8 option were available, he would prefer it as it would assure seats for his congregants' children. He asked me if I thought the PS8 K-8 was a real possibility – and I told him that it was our understanding that it was not, but obviously it was up to the SCA and DOE to make that statement publicly if that is indeed the case. Based on his belief that the PS8 K-8 is not a real alternative, he remains committed to supporting Dock Street. HOWEVER, he feels strongly that the Brooklyn Heights and DUMBO communities need to hear directly from the DOE and SCA that the PS8 K-8 is not a feasible alternative (with a solid explanation as to why), or the community would not support Dock Street.

1/6/2009

[A related aspect of the community dynamic that the City might wish to consider is that if this PS K-8 alternative gets traction, it will result in an unfortunately divisive battle at the Community Board, and quite likely in the press, as to why the Brooklyn Heights side of the school district should receive this large allocation of funds and the other side receive nothing.]

Finally, he asked me what the \$43 million and \$10 million numbers are that Judy was referencing. I explained to him that we are not certain and there may be some confusion but that we were told that the \$43 million is the cost to the SCA of building out the interior of the Dock Street School. And, that the \$10 million dollars represents the cost to us of building the core and shell of that space. I also explained that if that is indeed the cost to the SCA of fitting out the school interior (more than 5x what it would cost Two Trees to build) it is likely that it would cost considerably more than \$10 million (our cost) for the SCA to build the core and shell of an addition to PS8.

**THE BOTTOM LINE:** The bottom line is that the BHA will be releasing their study and campaign to put the middle school at PS8 any day now. We strongly believe that the DOE and SCA need to make clear to the community (a) that Dock Street is the only site under consideration in District 13 and only because of the Two Trees donation is there even the possibility of a school, (b) that the SCA and DOE has told this to Councilmember Yassky and the Brooklyn Heights Association (so holding up an alternative site is an irresponsible opposition tactic that will result in no new middle school for the neighborhood's children), and (c) what the \$43 million represents. If this is not done, the BHA PS8 or other alternative will gain currency.

**NEXT STEPS:** Some upcoming opportunities to make the DOE and SCA message clear on this issue are: (1) a press release accompanying the December 1 SCA site selection announcement, including a quote from Deputy Mayor Walcott, (2) in response to press inquiries when the BHA PS8 K-8 study is released, (3) by sending a representative to participate in a community information session we are organizing in Brooklyn Heights prior to the community board hearing (date TBD), and (4) by sending a representative to the Community Board #2 hearing on December 17<sup>th</sup> at 6pm (location TBD). We believe that doing these four things – with a clear and consistent message – are essential.

**MESSAGE:** We need to determine what the message will be and who will be communicating it to the Brooklyn Heights and DUMBO communities, the press and at the community board hearing on December 17<sup>th</sup>. While we understand that Kenrick will testify at the community board hearing, we think it is also essential that a senior representative from DOE come to testify and be prepared to make a strong and definitive statement and respond unequivocally to questions regarding budget and alternative school sites.

We will follow-up by phone to discuss.

Laura Bailyn  
Two Trees Management, LLC  
45 Main Street, Suite 602  
Brooklyn, NY 11201  
Tel: (718)222-2500  
Fax: (718)222-2501  
email: [lbailyn@twotrees-dumbo.com](mailto:lbailyn@twotrees-dumbo.com)

**SZABAGA, MICHAEL**

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**From:** OU, KENRICK  
**Sent:** Tuesday, November 25, 2008 4:03 PM  
**To:** GRILLO, LORRAINE  
**Cc:** HOLDEN, ROSS  
**Subject:** FW: Thursday, Dec. 4th public information session

Two Trees now wants us to join their public information session next week...

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**From:** Bailyn, Laura [mailto:lbailyn@TwoTrees-Dumbo.com]  
**Sent:** Tuesday, November 25, 2008 3:28 PM  
**To:** OU, KENRICK  
**Subject:** Thursday, Dec. 4th public information session

Kenrick,

As we briefly discussed, we have been asked by local clergy members to schedule a public information session open to anyone in the community who is interested in learning more about the Dock Street project prior to the upcoming community board hearings. We would like to do so next Thursday, December 4<sup>th</sup> at 7pm (at a location in Brooklyn Heights, TBD). We are, of course, always happy to provide accurate information about the project to the community. However, we believe that it will be critically important for a representative from the SCA or DOE to attend and speak at this session -- so that questions about the school site selection process (rumors regarding alternative sites and questions about the \$43 million allocation in the capital plan) can be appropriately addressed.

Thank you for your consideration. We appreciate that you are extremely busy with the public review presentation process for the draft capital plan, and we are grateful for your efforts to send someone to clarify matters for the community at this event.

I look forward to speaking again soon.

Laura

Laura Bailyn  
Two Trees Management, LLC  
45 Main Street, Suite 602  
Brooklyn, NY 11201  
Tel: (718)222-2500  
Fax: (718)222-2501  
email: [lbailyn@twotrees-dumbo.com](mailto:lbailyn@twotrees-dumbo.com)



**SZABAGA, MICHAEL**

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**From:** OU, KENRICK  
**Sent:** Wednesday, November 26, 2008 1:58 PM  
**To:** GRILLO, LORRAINE; HOLDEN, ROSS; BERGIN, ELIZABETH  
**Subject:** Two Trees

Laura Bailyn from Two Trees just called me. They are going to reach out to CEC 13 in advance of the CEC's public hearing on the draft Plan - they believe that PS 8 and Dock Street could be issues raised at the hearing - and are going to contact Martine.

I told her that I wasn't sure when/if CEC 13 had scheduled the public hearing, but told her that we're in the process of obtaining CEC priorities and comments on the draft Plan.

## NOTICE OF FILING

### NEW YORK CITY SCHOOL CONSTRUCTION AUTHORITY

Pursuant to §1731 of the New York City School Construction Authority Act, notice has been filed for the proposed site selection of Block 36, Lots 1, 3, 14, 49, 52 and 53, in the Borough of Brooklyn, for the development of a new, approximately 300-seat intermediate school facility in Community School District No. 13.

The proposed site is an approximately 45,742 square foot privately-owned assemblage of lots located on the block bounded by Dock Street, Water Street, Front Street and Main Street in the Borough of Brooklyn. The site's owner has proposed a rezoning of the area within which the site is located to facilitate a new development on the site. On behalf of the New York City Department of Education, the New York City School Construction Authority proposes to acquire a condominium interest for the school within the new mixed-use development that would be constructed on the site if the proposed rezoning is adopted.

Site plans and a summary thereof for the proposed action are available at:

New York City School Construction Authority  
30-30 Thomson Avenue  
Long Island City, New York 11101

Attention: Ross J. Holden

Comments on the proposed actions are to be sent to the New York City School Construction Authority at the above address and will be accepted until January 15, 2009.

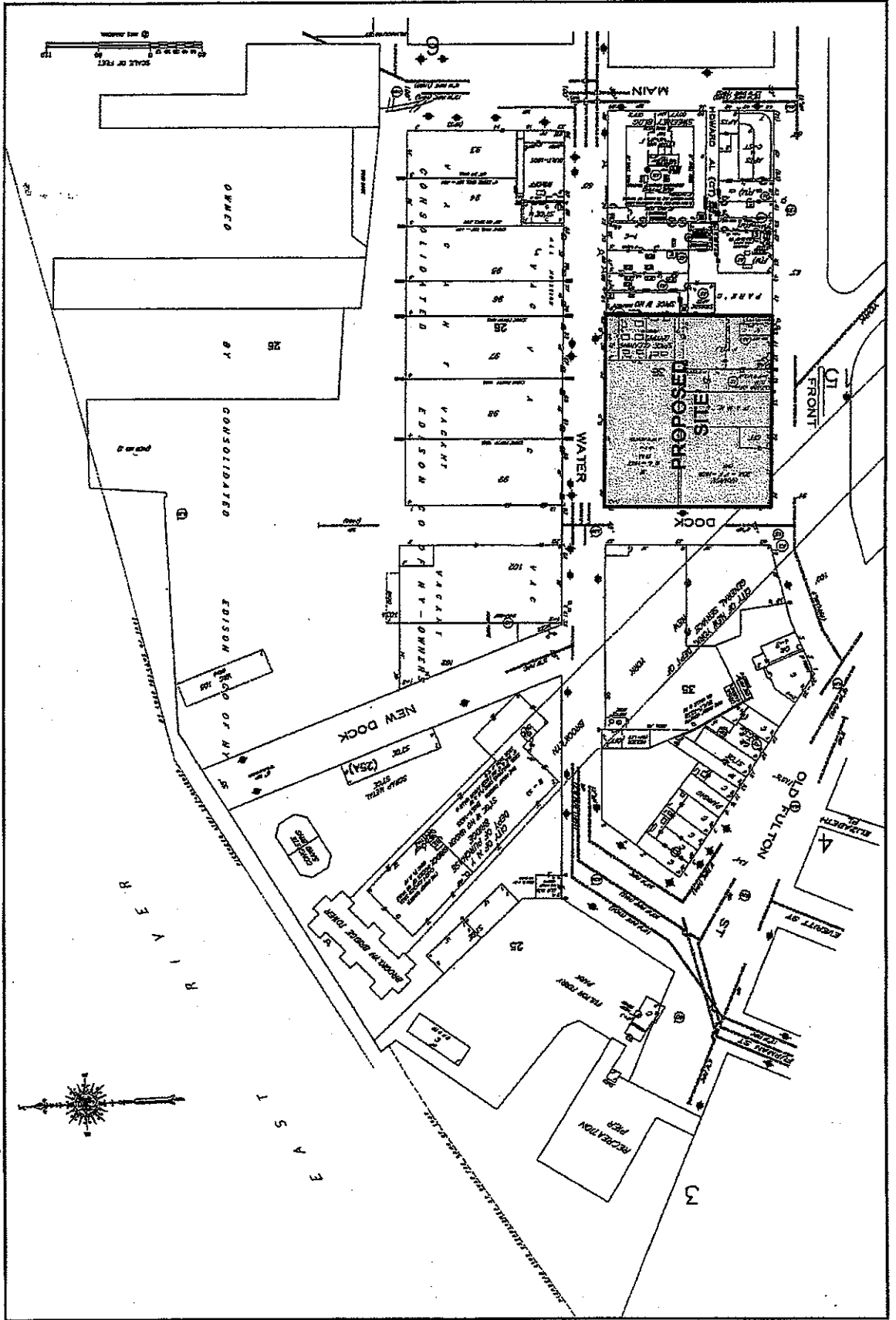
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For publication in the New York Post (5 Borough Edition) and the City Record on Monday, December 1, 2008.



**SITE PLAN FOR NEW, APPROXIMATELY 300-SEAT INTERMEDIATE SCHOOL FACILITY, BROOKLYN**  
Brooklyn Block 36, Lots 1, 3, 14, 49, 52 and 53  
Community School District No. 13

\$1731: 12/07/08-01/15/09



**ALTERNATE SITES ANALYSES**  
**NEW, APPROXIMATELY 300-SEAT INTERMEDIATE**  
**SCHOOL FACILITY**  
**Block 36, Lots 1, 3, 14, 49, 52 and 53**  
**Community School District No. 13, Brooklyn**

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The following locations were also considered as potential sites for a new intermediate school facility in Community School District 13:

1. **37 Hicks Street, Block 211, Lot 1:** This approximately 34,000 square foot property is owned by the City of New York and is under the control of the New York City Department of Education. It contains the three-story (plus cellar) P.S. 8 school building and surface areas used for staff parking and student play. The potential for construction of an addition to the existing school building (which was originally constructed in the early 1900s and is a contributing structure to the Brooklyn Heights Historic District) was assessed. It was determined that a small addition to the school on the approximately 5,000 square foot area used for staff parking was feasible. However, such an addition could not meet the instructional needs of intermediate students. Therefore, an addition to the P.S. 8 building is planned to address the school's growing enrollment at the primary level.
  
2. **72 Poplar Street, Block 211, Lot 15:** This approximately 13,000 square foot privately-owned property is located on Poplar Street mid-block between Hicks and Henry Streets. It contains a vacant building that was originally constructed as a police precinct, and is located within the Brooklyn Heights Historic District. Observations of the existing building indicated that it could not be converted for public school occupancy without substantial structural repairs and/or modifications to meet building code requirements. In light of the potential costs associated with the building conversion and the building's landmark status, the site was dropped from further consideration.

**SZABAGA, MICHAEL**


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**From:** OU, KENRICK  
**Sent:** Tuesday, December 16, 2008 11:05 AM  
**To:** HOLDEN, ROSS  
**Subject:** FW: Proposed Middle School in DUMBO, Brooklyn

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**From:** OU, KENRICK  
**Sent:** Tuesday, December 16, 2008 10:54 AM  
**To:** 'Kathy.Howe@oprhp.state.ny.us'  
**Subject:** RE: Proposed Middle School in DUMBO, Brooklyn

We were not planning to send a submission since we're not designing or building the structure.

---

**From:** Kathy.Howe@oprhp.state.ny.us [mailto:Kathy.Howe@oprhp.state.ny.us]  
**Sent:** Tuesday, December 16, 2008 10:53 AM  
**To:** OU, KENRICK  
**Subject:** RE: Proposed Middle School in DUMBO, Brooklyn

Thanks, Kenrick. When do you expect to send a submission to us concerning the project?

Kathleen A. Howe  
Historic Preservation Specialist  
NYS Office of Parks, Recreation & Historic Preservation  
Field Services Bureau  
Peebles Island  
P.O. Box 189  
Waterford, NY 12188-0189  
ph. 518-237-8643 ext. 3266  
fax 518-233-9049  
[kathy.howe@oprhp.state.ny.us](mailto:kathy.howe@oprhp.state.ny.us)

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**From:** OU, KENRICK [mailto:KOU@NYCSCA.ORG]  
**Sent:** Tuesday, December 16, 2008 10:34 AM  
**To:** Howe, Kathy (PEB)  
**Cc:** Bullough, Sloane (PEB)  
**Subject:** RE: Proposed Middle School in DUMBO, Brooklyn

Yes, we are familiar with this. The developer owns the property and has proposed to provide space within the new mixed-use development for a new public middle school facility. We have initiated the SCA's public review process regarding the proposed siting, and the developer's larger project is undergoing the New York City Uniform Land Use Review Procedure.

If the approvals are received, the developer would be responsible for design and construction of the core and shell of the building, and the SCA would handle the fit-out.

---

**From:** Kathy.Howe@oprhp.state.ny.us [mailto:Kathy.Howe@oprhp.state.ny.us]  
**Sent:** Tuesday, December 16, 2008 10:31 AM  
**To:** OU, KENRICK  
**Cc:** Sloane.Bullough@oprhp.state.ny.us  
**Subject:** Proposed Middle School in DUMBO, Brooklyn

Hi Kenrick,

I received a call today from a citizen in the NR-listed DUMBO Historic District concerning a proposed mixed-use development adjacent to the district which will include a middle school, residential units, retail, and parking. The project site is located on the western portion of the block bounded by Water, Dock, Front and Main Streets (Block 36, Lots 1, 3, 49, 52, 53 and a portion of 14) in Brooklyn. Do you know if this is a public school proposed for the development? I believe that Jed Walentas of Two Trees Development is the developer. It may be a charter school but I wanted to check in with you first.

Sincerely,

Kathleen A. Howe  
Historic Preservation Specialist  
NYS Office of Parks, Recreation & Historic Preservation  
Field Services Bureau  
Peebles Island  
P.O. Box 189  
Waterford, NY 12188-0189  
ph. 518-237-8643 ext. 3266  
fax 518-233-9049  
[kathy.howe@oprhp.state.ny.us](mailto:kathy.howe@oprhp.state.ny.us)

**SZABAGA, MICHAEL**

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**From:** GREENBERGER, SHARON  
**Sent:** Tuesday, December 16, 2008 2:22 PM  
**To:** 'Walentas, Jed'; nlynch@cityhall.nyc.gov; gmayers@cityhall.nyc.gov; HOLDEN, ROSS  
**Subject:** RE: Just saw Yassky at City Hall

We have said consistently that we support this project at this time at this site.  
A K-8 addition at PS 8 is not feasible, and Ross can reiterate that tomorrow.  
Sharon

---

**From:** Walentas, Jed [mailto:Jed@TwoTrees-Dumbo.com]  
**Sent:** Tuesday, December 16, 2008 12:23 PM  
**To:** nlynch@cityhall.nyc.gov; GREENBERGER, SHARON; gmayers@cityhall.nyc.gov  
**Subject:** FW: Just saw Yassky at City Hall

Fyi – we need to confirm that the administration can make it clear to the public tomorrow night that Dock Street is not only the preferred but the only viable option for this middle school.

j

---

**From:** Joni A. Yoswein [mailto:Joni@yosweinnewyork.com]  
**Sent:** Tuesday, December 16, 2008 12:24 PM  
**To:** Walentas, Jed; Bailyn, Laura; Fisher, Kenneth K.; Raspberry, Tiffany ; Tom Montvel-Cohen; Jamie Van Bramer; Simone Hawkins; Mattingly, Nora  
**Subject:** Just saw Yassky at City Hall

Hi all:  
I just saw David Yassky at City Hall and as of noon today he is sticking with the PS8 site as an alternative to Dock Street. Therefore, we really need to confirm that SCA/DOE will do the right thing tomorrow night and shut this option down publicly. If not, it's clear that David is going to try to generate traction with it.  
Thanks,  
Joni

**SZABAGA, MICHAEL**

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**From:** Mayers, Gregorio [GMayers@cityhall.nyc.gov]  
**Sent:** Tuesday, December 16, 2008 2:47 PM  
**To:** HOLDEN, ROSS  
**Cc:** OU, KENRICK  
**Subject:** Re: Just saw Yassky at City Hall

Hi Ross,

Can you give me the address and the time of where the CB meeting will be held tomorrow.

Thanks,

Greg

Gregorio Mayers  
 Sr. Policy Advisor  
 Office of the Mayor  
 City Hall, New York  
 212-788-2971

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**From:** HOLDEN, ROSS  
**To:** GREENBERGER, SHARON ; GRILLO, LORRAINE ; Mayers, Gregorio  
**Sent:** Tue Dec 16 12:56:11 2008  
**Subject:** RE: Just saw Yassky at City Hall

Absolutely agree. And just b/c PS 8 may not work at the site for an IS addition, that doesn't exclude other potential sites if the Dock Street project is not approved or does not proceed for any reason. R

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**From:** GREENBERGER, SHARON  
**Sent:** Tuesday, December 16, 2008 12:53 PM  
**To:** HOLDEN, ROSS; GRILLO, LORRAINE; 'Mayers, Gregorio'  
**Subject:** FW: Just saw Yassky at City Hall

and by the way, how dare they state "the SCA should do the right thing" – this is their project to carry, not ours.

---

**From:** Walentas, Jed [mailto:Jed@TwoTrees-Dumbo.com]  
**Sent:** Tuesday, December 16, 2008 12:23 PM  
**To:** nlynch@cityhall.nyc.gov; GREENBERGER, SHARON; gmayers@cityhall.nyc.gov  
**Subject:** FW: Just saw Yassky at City Hall

Fyi – we need to confirm that the administration can make it clear to the public tomorrow night that Dock Street is not only the preferred but the only viable option for this middle school.

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**From:** Joni A. Yoswein [mailto:Joni@yosweinnewyork.com]  
**Sent:** Tuesday, December 16, 2008 12:24 PM  
**To:** Walentas, Jed; Bailyn, Laura; Fisher, Kenneth K.; Raspberry, Tiffany ; Tom Montvel-Cohen; Jamie Van Bramer; Simone Hawkins; Mattingly, Nora  
**Subject:** Just saw Yassky at City Hall

1/5/2009



Hi all:

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Thanks,  
Joni

**SZABAGA, MICHAEL**

---

**From:** Walentas, Jed [Jed@TwoTrees-Dumbo.com]  
**Sent:** Wednesday, December 17, 2008 11:19 AM  
**To:** GREENBERGER, SHARON; GMayers@cityhall.nyc.gov; nlynch@cityhall.nyc.gov  
**Cc:** kfisher@wolfblock.com; Bailyn, Laura; joni@yosweinnewyork.com;  
Jamie@yosweinnewyork.com; HOLDEN, ROSS; OU, KENRICK  
**Subject:** RE: SCA Q&A

They were generated by us because we anticipate all of these issues will come up and we want to make sure we have consistent positions with the administration.

-----Original Message-----

**From:** GREENBERGER, SHARON [mailto:SGREENBERGER@nycsca.org]  
**Sent:** Wednesday, December 17, 2008 10:52 AM  
**To:** Walentas, Jed; GMayers@cityhall.nyc.gov; nlynch@cityhall.nyc.gov  
**Cc:** kfisher@wolfblock.com; Bailyn, Laura; joni@yosweinnewyork.com; Jamie@yosweinnewyork.com; HOLDEN, ROSS; OU, KENRICK  
**Subject:** Re: SCA Q&A

Where are these questions generated from?

I will review with Ross; he will answer any and all questions directed towards the SCA/DOE.

-----Original Message-----

**From:** Walentas, Jed <Jed@TwoTrees-Dumbo.com>  
**To:** GREENBERGER, SHARON; Mayers, Gregorio <GMayers@cityhall.nyc.gov>; nlynch@cityhall.nyc.gov  
<nlynch@cityhall.nyc.gov>  
**CC:** Kenneth K. Fisher <kfisher@wolfblock.com>; Bailyn, Laura <lbailyn@TwoTrees-Dumbo.com>; Joni A. Yoswein  
<Joni@yosweinnewyork.com>; Jamie Van Bramer <Jamie@yosweinnewyork.com>  
**Sent:** Wed Dec 17 10:48:26 2008  
**Subject:** SCA Q&A

Please confirm we are on the same page in terms of issues and responses for tonight's presentation:

(1) Q: How much savings to the SCA does the developer's contribution represent?

a. We estimate that the developer's contribution of a core and shell at this location represents an approximate \$50 million dollar savings to the SCA

(2) Q: Isn't this is an abdication of the DOE's responsibility to provide schools for our children?

a. It is the administration's policy to promote responsible development that addresses a number of community needs, including the creation of new public school facilities.

(3) Q: What does the \$43 million dollar figure in the SCA's capital plan represent?

a. That is the cost of the interior fit out for the Dock Street school facility.

(4) Q: If we vote against Dock Street, will the SCA allocate that \$43 million dollars to another school site in the neighborhood?

a. The money in the capital plan is for Dock Street. Whether upon an amendment to the capital plan it might be made available for another site, I cannot say. However, there will not be additional funds available and the funds in the budget are not enough to build a school at any other location without an equivalent developer contribution.

(5) Q: Have you considered other locations for this new public middle school?

a. We have carefully considered each alternative location that was presented to us by Councilmember Yassky and none of those have been feasible sites. [If appropriate: List proposed alternative sites that have been rejected, including making PS8 a K-8 and putting the school in the House of Detention on Atlantic Avenue.] This process has been going on for two years and we have made the determination that the Dock Street DUMBO site is the appropriate location for this school, due to the significant economic contribution being offered by the developer and the characteristics of the site and location – including: 45,000 SF on one level, entrance of school being sole use on Dock Street, ability to create perimeter classrooms and a double height gymnasium space, and proximity to and use of Brooklyn Bridge Park.

(6) Q: Why can't you make PS8 a K-8?

a. [It will be critically important to make clear that this is not an option and provide reasons why not.]

Thank you all for all of your help. Please let me know if any of you disagree with the facts or spirit of any of the above.

## SZABAGA, MICHAEL

---

**From:** GREENBERGER, SHARON  
**Sent:** Wednesday, December 17, 2008 2:55 PM  
**To:** 'Walentas, Jed'; Mayers, Gregorio; nlynch@cityhall.nyc.gov  
**Cc:** Kenneth K. Fisher; Bailyn, Laura; Joni A. Yoswein; Jamie Van Bramer; HOLDEN, ROSS; OU, KENRICK; GRILLO, LORRAINE  
**Subject:** RE: SCA Q&A

All:

We have reviewed the statements below and are not comfortable with some of the proposed language. These are the statements that we are comfortable making, that Ross should address on behalf of SCA/DOE:

1. We do not discuss the specific terms of active real estate negotiations. Having said that, we can say that the developer's proposal includes the contribution of space and core and shell; these contributions represent a significant cost savings to the City. We have a fiscal responsibility to pursue this project, and we support the project.

This is a unique and compelling opportunity; there are no other developers in the District who have put forward proposals that contribute space and core and shell buildout for a school facility.

2. The \$43 million identified in the Plan is a placeholder only. On a comparative basis, this amount is significantly less than a similarly sized school in other districts because of the developer's contributions. We identified this specific project at this location in the draft plan, and we have the ability to move forward with this project at this site at this time. If this project does not go through, we will continue to monitor both the need for seats and the available funding over time. Funding is based on need and availability of resources.

3. We cannot and will not build a K-8 addition at PS8. At the announcement of the PS8 addition last spring, the Chancellor and Deputy Mayor made clear that the addition would be a K-5 addition that would relieve overcrowding at the K-5 level. The site cannot support a K-8 addition. We have begun designing the K-5 addition that will break ground next summer.

4. We considered several sites in the District, and for financial and feasibility reasons have determined that the Dock Street project is the preferred choice. (72 Poplar is not cost-effective and has structural issues and Brooklyn Bridge Park is not feasible because 1) it is not as convenient to transportation and 2) development there should generate revenue for the City and a school does not generate revenue).

Again, Ross should answer questions that are directed to SCA and DOE and our process.

---

**From:** Walentas, Jed [mailto:Jed@TwoTrees-Dumbo.com]  
**Sent:** Wednesday, December 17, 2008 10:48 AM  
**To:** GREENBERGER, SHARON; Mayers, Gregorio; nlynch@cityhall.nyc.gov  
**Cc:** Kenneth K. Fisher; Bailyn, Laura; Joni A. Yoswein; Jamie Van Bramer  
**Subject:** SCA Q&A

Please confirm we are on the same page in terms of issues and responses for tonight's presentation:

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1/5/2009

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Thank you all for all of your help. Please let me know if any of you disagree with the facts or spirit of any of the above.

**SZABAGA, MICHAEL**

**From:** Walentas, Jed [Jed@TwoTrees-Dumbo.com]  
**Sent:** Thursday, December 18, 2008 1:47 PM  
**To:** Fisher, Kenneth K.; GREENBERGER, SHARON; Mayers, Gregorio; nlynch@cityhall.nyc.gov  
**Cc:** Bailyn, Laura; Joni A. Yoswein; Jamie Van Bramer; HOLDEN, ROSS; OU, KENRICK; GRILLO, LORRAINE  
**Subject:** RE: SCA Q&A

Ross was excellent. Thank you all for all of your help.

Please let us know if there is any aspect of our presentation that you thought should be adjusted/improved based on ross' & greg's assessments.

---

**From:** Fisher, Kenneth K. [mailto:KFisher@WOLFBLOCK.com]  
**Sent:** Thursday, December 18, 2008 1:23 PM  
**To:** GREENBERGER, SHARON; Walentas, Jed; Mayers, Gregorio; nlynch@cityhall.nyc.gov  
**Cc:** Bailyn, Laura; Joni A. Yoswein; Jamie Van Bramer; HOLDEN, ROSS; OU, KENRICK; GRILLO, LORRAINE  
**Subject:** RE: SCA Q&A

Hi,  
 As I'm sure you've heard, the hearing went well but because of the number of speakers, adjourned without the committees voting, which will occur shortly (possibly tonight for the Education Committee). CM Yassky announced that he had received a letter from you explaining that the PS 8 option was not viable, but he didn't share it with the Community Board. I think it would be very helpful if you could fax a copy to the CB chair at the board office, and of course, we would like to see it also.

Thanks to all for their prep and especially to Ross for his comments and Greg for his attendance.

Kenneth K. Fisher  
 WolfBlock LLP  
 250 Park Avenue  
 New York, New York 10177  
 Voice 212 883 4962  
 Fax 212 672 1162  
[KFisher@wolfblock.com](mailto:KFisher@wolfblock.com)  
[www.wolfblock.com](http://www.wolfblock.com)

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---

**From:** GREENBERGER, SHARON [mailto:SGREENBERGER@nycsca.org]  
**Sent:** Wednesday, December 17, 2008 2:55 PM  
**To:** Walentas, Jed; Mayers, Gregorio; nlynch@cityhall.nyc.gov  
**Cc:** Fisher, Kenneth K.; Bailyn, Laura; Joni A. Yoswein; Jamie Van Bramer; HOLDEN, ROSS; OU, KENRICK; GRILLO, LORRAINE  
**Subject:** RE: SCA Q&A

All:

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1/5/2009

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Again, Ross should answer questions that are directed to SCA and DOE and our process.

---

**From:** Walentas, Jed [mailto:Jed@TwoTrees-Dumbo.com]  
**Sent:** Wednesday, December 17, 2008 10:48 AM  
**To:** GREENBERGER, SHARON; Mayers, Gregorio; nlynch@cityhall.nyc.gov  
**Cc:** Kenneth K. Fisher; Bailyn, Laura; Joni A. Yoswein; Jamie Van Bramer  
**Subject:** SCA Q&A

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a. [It will be critically important to make clear that this is not an option and provide reasons why not.]

Thank you all for all of your help. Please let me know if any of you disagree with the facts or spirit of any of the above.

j



**SZABAGA, MICHAEL**

**From:** GREENBERGER, SHARON  
**Sent:** Thursday, December 18, 2008 2:06 PM  
**To:** 'Fisher, Kenneth K.'; Walentas, Jed; Mayers, Gregorio; nlynch@cityhall.nyc.gov  
**Cc:** Bailyn, Laura; Joni A. Yoswein; Jamie Van Bramer; HOLDEN, ROSS; OU, KENRICK; GRILLO, LORRAINE  
**Subject:** RE: SCA Q&A

The letter that was sent to CM Yassky was in response to a proposal that was provided to us privately by the BHA; the letter included a preliminary analysis of their proposal and is not an appropriate letter to share with the Community Board. We can submit a letter to the CB stating that the PS8 addition will be a pre-K-5 addition, which can come from Lorraine or Kenrick. We'll get that out this week.

---

**From:** Fisher, Kenneth K. [mailto:KFisher@WOLFBLOCK.com]  
**Sent:** Thursday, December 18, 2008 1:23 PM  
**To:** GREENBERGER, SHARON; Walentas, Jed; Mayers, Gregorio; nlynch@cityhall.nyc.gov  
**Cc:** Bailyn, Laura; Joni A. Yoswein; Jamie Van Bramer; HOLDEN, ROSS; OU, KENRICK; GRILLO, LORRAINE  
**Subject:** RE: SCA Q&A

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Thanks to all for their prep and especially to Ross for his comments and Greg for his attendance.

Kenneth K. Fisher  
 WolfBlock LLP  
 250 Park Avenue  
 New York, New York 10177  
 Voice 212 883 4962  
 Fax 212 672 1162  
[KFisher@wolfblock.com](mailto:KFisher@wolfblock.com)  
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**From:** GREENBERGER, SHARON [mailto:SGREENBERGER@nycsca.org]  
**Sent:** Wednesday, December 17, 2008 2:55 PM  
**To:** Walentas, Jed; Mayers, Gregorio; nlynch@cityhall.nyc.gov  
**Cc:** Fisher, Kenneth K.; Bailyn, Laura; Joni A. Yoswein; Jamie Van Bramer; HOLDEN, ROSS; OU, KENRICK; GRILLO, LORRAINE  
**Subject:** RE: SCA Q&A

All:

We have reviewed the statements below and are not comfortable with some of the proposed language. These are the statements that we are comfortable making, that Ross should address on behalf of SCA/DOE:

1. We do not discuss the specific terms of active real estate negotiations. Having said that, we can say that the developer's proposal includes the contribution of space and core and shell; these contributions represent a significant cost savings to the City.

1/5/2009

We have a fiscal responsibility to pursue this project, and we support the project.

This is a unique and compelling opportunity; there are no other developers in the District who have put forward proposals that contribute space and core and shell buildout for a school facility.

2. The \$43 million identified in the Plan is a placeholder only. On a comparative basis, this amount is significantly less than a similarly sized school in other districts because of the developer's contributions. We identified this specific project at this location in the draft plan, and we have the ability to move forward with this project at this site at this time. If this project does not go through, we will continue to monitor both the need for seats and the available funding over time. Funding is based on need and availability of resources.

3. We cannot and will not build a K-8 addition at PS8. At the announcement of the PS8 addition last spring, the Chancellor and Deputy Mayor made clear that the addition would be a K-5 addition that would relieve overcrowding at the K-5 level. The site cannot support a K-8 addition. We have begun designing the K-5 addition that will break ground next summer.

4. We considered several sites in the District, and for financial and feasibility reasons have determined that the Dock Street project is the preferred choice. (72 Poplar is not cost-effective and has structural issues and Brooklyn Bridge Park is not feasible because 1) it is not as convenient to transportation and 2) development there should generate revenue for the City and a school does not generate revenue).

Again, Ross should answer questions that are directed to SCA and DOE and our process.

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**From:** Walentas, Jed [mailto:Jed@TwoTrees-Dumbo.com]  
**Sent:** Wednesday, December 17, 2008 10:48 AM  
**To:** GREENBERGER, SHARON; Mayers, Gregorio; nlynch@cityhall.nyc.gov  
**Cc:** Kenneth K. Fisher; Bailyn, Laura; Joni A. Yoswein; Jamie Van Bramer  
**Subject:** SCA Q&A

Please confirm we are on the same page in terms of issues and responses for tonight's presentation:

- (1) Q: How much savings to the SCA does the developer's contribution represent?
  - a. We estimate that the developer's contribution of a core and shell at this location represents an approximate \$50 million dollar savings to the SCA
- (2) Q: Isn't this is an abdication of the DOE's responsibility to provide schools for our children?
  - a. It is the administration's policy to promote responsible development that addresses a number of community needs, including the creation of new public school facilities.
- (3) Q: What does the \$43 million dollar figure in the SCA's capital plan represent?
  - a. That is the cost of the interior fit out for the Dock Street school facility.
- (4) Q: If we vote against Dock Street, will the SCA allocate that \$43 million dollars to another school site in the neighborhood?
  - a. The money in the capital plan is for Dock Street. Whether upon an amendment to the capital plan it might be made available for another site, I cannot say. However, there will not be additional funds available and the funds in the budget are not enough to build a school at any other location without an equivalent developer contribution.
- (5) Q: Have you considered other locations for this new public middle school?
  - a. We have carefully considered each alternative location that was presented to us by Councilmember Yassky and none of those have been feasible sites. [If appropriate: List proposed alternative sites that have been rejected, including making PS8 a K-8 and putting the school in the House of Detention on Atlantic Avenue.] This process has been going on for two years and we have made the determination that the Dock Street DUMBO site is the appropriate location for this school, due to the significant economic contribution being offered by the developer and the characteristics of the site and location – including: 45,000 SF on one level, entrance of school being sole use on Dock Street, ability to create perimeter classrooms and a double height gymnasium space, and proximity to and use of Brooklyn

Bridge Park.

(6) Q: Why can't you make PS8 a K-8?

a. [It will be critically important to make clear that this is not an option and provide reasons why not.]

Thank you all for all of your help. Please let me know if any of you disagree with the facts or spirit of any of the above.

## SZABAGA, MICHAEL

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**From:** OU, KENRICK  
**Sent:** Tuesday, December 09, 2008 7:10 PM  
**To:** GRILLO, LORRAINE  
**Subject:** Re:

Turns out that Councilmember Yassky called me tonight about this. I told him we'll be contacting the owner and investigating the opportunity.

-----Original Message-----  
**From:** GRILLO, LORRAINE  
**To:** OU, KENRICK  
**Sent:** Tue Dec 09 08:21:56 2008  
**Subject:** RE:

Right thanks

-----Original Message-----  
**From:** OU, KENRICK  
**Sent:** Tuesday, December 09, 2008 8:22 AM  
**To:** GRILLO, LORRAINE  
**Subject:** Re:

OK - we'll find out how much he wants for the property and can undertake the evaluation. That will allow us to put a number on the cost of a competing site vs. Dock Street's donation.

-----Original Message-----  
**From:** GRILLO, LORRAINE  
**To:** OU, KENRICK  
**Sent:** Tue Dec 09 08:18:44 2008  
**Subject:**

Hi Kenrick - So David Yassky referred this guy to me because he has property in Brooklyn on Water Street between Bridge and Jay. His name is Harry Kotoski and his number is 718-687-4025. He says its about a 20,000 square foot lot. Now I know that if we don't do the Walentas project that we don't really want to do anything else over there but I think we have to follow up on this just so we can say that the Walentas project is such a good deal.

Lorraine