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Statement of Congresswoman Carolyn B. Maloney
at the City Planning Commission Scoping Hearing for the Con Edison Waterside Site
March 28, 2006

Thank you for the opportunity to express my concerns about the proposed redevelopment of the Con Edison Waterside Site. As you know, the redevelopment of the former Con Edison power plant sites will be the most significant change to the East Side landscape in generations. This should be viewed as an extraordinary opportunity to create something wonderful in an area that has been cut off from the public eye for generations. I welcome the opportunity to work with you and the developer to ensure that this land will be developed responsibly, with proper attention devoted to how this planned development will affect the East Midtown community and its surroundings, including public space, traffic, and population of the neighborhood's schools. The community and the elected officials recognize that there will be significant changes in the area, changes that will place a heavy burden on the existing infrastructure. All we ask is for the developer to be required to build in a way that either does not burden the community, or mitigate the pressure that this development will be placing on the community.

This neighborhood is largely residential and should remain that way. While there is the general expectation that the new development will be taller and denser than the manufacturing that preceded it, it should not become a fortress along the water. The developer proposes open space, which is a good first step, but we want to make sure it is accessible and available to the entire community. Currently, the proposed plan set forth by the East River Realty Company (EERC) is unacceptable. Not only does this present plan call for largely commercial development in a residential neighborhood, but the plan clearly fails to address infrastructure challenges that this neighborhood is facing.

I share many of the community's and my fellow elected officials' concerns regarding this present plan. I am particularly troubled by the lack of affordable housing in EERC's plan. With the availability of affordable housing steadily declining in the City, the Environmental Impact Statement (EIS) should address the impact of including a percentage of affordable housing in this redevelopment of the site. I have also joined the community in raising concerns over the developer's plan to build more than a million square feet of office space in a largely residential area. Instead, to mitigate the impact of this monstrous project, the developers have offered the community a privately owned, but publicly accessible park and skating rink. This inadequately addresses the need for open space. The East Midtown community already ranks among the last in the city in terms of parks, and the proposed public space included is not only unwelcoming, but it does not include any access to the waterfront. Aside from this poor plan of public space for the community, the developer has offered little else to offset the parking, traffic and basic transportation problems this development will create. Community Board 6 has presented an alternative plan that is not only acceptable to community members and organizations, but it

addresses all of the problems I have just raised and alleviates many of the infrastructure issues that EERC's current plan fails to mitigate. I urge the Planning Commission to study this alternative plan.

In particular, I am concerned by the impact that thousands of new residents, many with young children, will have on the already overburdened Community School District 2 (District 2) schools. If there is to be residential development of the site, there will be an influx of a significant number of students to local schools that are already stretched to the breaking point, with enrollments of more than 14,000 students. In fact, the school located nearest the development, P.S. 116, is well over capacity. Furthermore, P.S. 59, the school which is immediately north of the ConEd site, is at 114% of its capacity. According to the New York City Board of Education, the number of students that live in the catchment zone of the proposed development is steadily rising each year. Presently at P.S. 59 there are 94 Kindergarten students and 59 fifth grade students. With almost twice as many kindergarten students as fifth grade students, P.S. 59 is bracing for increasing crowding as it is.

Without a new school, the introduction of as many as 6,000 new apartments to the neighborhood will be a nearly impossible burden for the area's public schools. The developer's suggested mitigation measures in the Draft Generic Environmental Impact Statement (DGEIS) in 2003 clearly fail to adequately address the potential problem of overcrowding of schools. To ask that new students should travel to schools in other locations within District 2 across town or to suggest that a new elementary school be created within one of the area's middle schools is both unacceptable and outrageous. First, not only does this require long commutes for students and an uncertain application process for parents, it fails to recognize the predicament of overcrowding and the growing demand for schools in other neighborhoods within District 2. Second, there is no room in the middle schools for a full elementary school, and it makes no sense to put one or two classrooms of elementary students in an intermediate/middle school.

Furthermore, I am troubled by the developer's apparent suggestion that his tenants will not be sending their children to public school. The Draft Scope of Analyses for a Supplemental Environmental Impact Statement (SEIS), dated January 20, 2006, states that the First Generic Environmental Impact Statement (FGEIS), conducted in January of 2004, "found the potential for an increase in crowding in the elementary schools in the vicinity of the development parcels and in School District 2 as a whole." However, the Draft Scope further states that these significant impacts would be the highest with the "80/20" variation of a Residential Development Program. It goes on to say that because the proposed development would contain market-rate housing only with no low-to moderate housing, the SEIS would need to update the analysis to reflect this change. This appears to imply that the people living in the market-rate housing would tend to send their children to private schools, thus lessening the impact on the local public schools in the area. It is simply not reasonable to assume that potential tenants in the proposed residential development will exclusively send their children to private schools; in fact, a growing number of my constituents are enrolling their children in the City's public school system.

In virtually every recent large scale development project in New York City, including both Queens West with P.S. 78 and Battery Park City with Stuyvesant High School and P.S.89, there have been schools added or expanded to accommodate an increase in students. The rezoning of the Hudson Yards site on the West Side of Manhattan calls for P.S. 51 to be expanded

to adapt to the possible increase in students. Clearly, there is a strong precedent for the creation of schools as part of a large development project. Moreover, since land is scarce, it is virtually impossible for the Department of Education to build new schools in Manhattan below 96th street, except as part of new development. If we do not take advantage of the opportunity offered by this site, we will lose a perfect opportunity to create much-needed relief for our overcrowded school infrastructure. Any new residential units will add new students and would create a burden for local schools. Merely reducing the number of residential units will not solve the problem.

In conclusion, I strongly urge the City Planning Commission to require full analyses of the impact of this residential development on District 2's overburdened and overcrowded schools. Instead of deferring children's educational needs to other schools, or creating inconveniences for parents, the community, my fellow elected officials and I are asking the developer to put a elementary school in one of their new buildings so that the interests of the community and its children are better served. Additionally, since the developer's plan inadequately addresses the many needs of the East Midtown neighborhood, I urge you to ensure that the Environmental Impact Statement considers all possible alternatives to this flawed plan, including the comprehensive and widely accepted zoning plan that has been proposed by Community Board 6. It is vital for you to fully consider the community's concerns as you make critical planning decisions that will affect the neighborhood for decades to come.