

Honorable Committee Members, and other elected, public officials:

My name is Jim Egan. I am employed by Dedicated Building Services, LLC, a company based in West Harrison, New York. We provide construction-consulting services for developers in New York City and in the tri-state area. My specific expertise is in the management of large scale, high-rise construction similar to the Proposed Project schedule to take place next to P.S. 163. I am serving as an expert consultant to the P.S. 163 community in their pending litigation against the New York State Department of Health challenging the sufficiency of the environmental review that was done with respect to that proposed construction. As further background, many developers seek out and use my services; most recently, the real estate development and construction firm of Jones Lang Lasalle hired me to manage the Madison Square Garden Transformation Project, acting as liaison between Turner Construction and Madison Square Garden Operations. Prior to that I was the Director of Mechanical, Electrical and Plumbing Services at HRH Construction Corporation. Earlier in my career, I held positions at construction management firms such as Bovis Lend Lease. I have over 20 years of relevant construction experience with projects of the same or similar cost, size and complexity as that being proposed to be built next to P.S. 163.

In sum, and representing the interests of the construction industry, I believe Int. No. 420 is a bill long overdue and that would not in any way prevent construction from taking place safely and economically next to schools in New York City. I can use P.S. 163 as an example to support my conclusion. The environmental impact statement and the Findings Statement that the New York State Department of Health issued relating to P.S. 163 concludes that the developer was committed to a wide range of mitigation measures because the Project Site is located in close proximity to an existing Public School. NYSDOH further claimed the Proposed Project meets or exceeds code requirements and exceeds normal construction practices. My review of the Environmental Impact Statement and Findings Statement, however, reveals the opposite; that the maximum amount of mitigation measures have not been employed, and the construction will have significant, negative impacts on P.S. 163, particularly with respect to noise.

Furthermore, based on the size, scale and duration of the Proposed Project, it is unlikely that any of the proposed mitigation measures will ensure that P.S. 163 is kept safe and operational, even before construction delays are factored-in. Indeed, NYSDOH does not appear to be requiring the same level of mitigation it would require for a similar health care project to be built within 30 feet of an existing health care facility. The Guidelines they enforce for health care facilities reveal the maximum noise levels in patient rooms. For example, a health care facility that NYSDOH constructs must have noise levels in patient rooms between 30 decibels and 40 decibels, significantly less noise than P.S. 163 will face for several years as even NYSDOH is forced to concede.

On the issue of noise mitigation, P.S. 163 has sensibly demanded windows that attenuate noise by 35 decibels and central air conditioning to provide the fresh air circulation when the windows are shut during construction. These mitigation measures are interdependent— one does not work without the other. Unfortunately, NYSDOH has rejected the proposal even though the total cost is only approximately \$2.5 Million, less than 1% of the total construction project cost of over \$250M. As a contractor, I know first-hand about the low margins on construction, but this frankly could not be a deal breaker for the developer of the proposed project next to P.S. 163.

The math and economics just do not make sense. This is particularly true when you consider what the noise impacts of the construction will be – for more than 2 years – of consistent noise in the classrooms at P.S. 163 in the low 70 to low 80 decibels. This is equivalent to parking a concrete mixer outside the children’s classrooms. Who would think to do that? The point of the P.S. 163 example is that if Int. No. 420 was law, the P.S. 163 school community would not have to concern itself with this nightmare. That is why I respectfully request this Honorable Committee and the City Council as a whole to pass Int. No. 420 as soon as possible. The children of New York City need and deserve this legislation.