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COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE
NEW YORK, NY 10012-1899

www.cb2manhattan.org

P: 212-979-2272 F: 212-254-5102 E: info@cb2manhattan.org

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March 2, 2012

Amanda Burden, Chair
Department of City Planning
22 Reade Street
New York, New York 10007

Dear Chair Burden:

At its Full Board meeting on February 23, 2012, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

N 120132 ZRY Zone Green Text Amendment: Department of City Planning proposal for a Citywide zoning text amendment to remove zoning impediments to the construction and retrofitting of green buildings. This proposal would give owners more choices for the investments they can make to save energy, save money, and improve environmental performance.

WHEREAS, In 2030, 85 percent of our buildings will be buildings that exist today and the Green Zone Text Amendment would remove zoning impediments to the construction and retrofitting of green buildings thus reducing New York City's energy use and carbon emissions; and,

WHEREAS, CB#2, Man., supports the goal of this text amendment to make New York City more energy efficient; and

WHEREAS, CB#2, Man. has concerns about potential, unintended consequences of the proposal and especially that there are not sufficient provisions to "protect the character and quality of life of our neighborhoods;" and

WHEREAS, wind turbines would be allowed, on buildings taller than 100 feet, and could rise up to 55' above the rooftop (including the pole and rotor); and,

WHEREAS, the proposed setback of 10 feet is not be enough to reduce visibility, 55 feet of additional height above the current zoning envelope is excessive, there is no limit on the number of wind turbines, and questions on noise pollution are not resolved; and,

WHEREAS, greenhouse structures would be allowed on some roofs and would not be subject to the FAR and height limitations defined in the Zoning Resolution, which opens up the possibility of undesirable uses on rooftops; and

WHEREAS, in an effort to eliminate window air conditioners, condenser units would be allowed on roofs and in rear yards, right up to property lines and there could be negative aesthetic and noise impacts on neighbors; and

WHEREAS, the amendment would permit exterior insulation (and its covering), window awnings, sun control devices, sun generators, and solar panels on roofs, all of which could compromise neighborhood character; and

WHEREAS, while the NYC Landmarks Preservation Commission would have jurisdiction over any changes to designated (and calendared) buildings, CB#2, Man. has concerns that consideration of “green” merits could take precedence over preservation of historic fabric; and

WHEREAS, CB#2, Man. is further concerned that substantial modifications could be approved with certification by the Chair of the City Planning Commission, but without a Community Board review; and

WHEREAS, CB#2, Man. believes that enforcement of the new rules could be problematic.

THEREFORE BE IT RESOLVED, that CB#2, Man. recommends approval of the Zone Green Text Amendment only if:

- provisions allowing wind turbines on roofs are eliminated,
- Community Board review is incorporated into the approval process for substantial projects,
- guidelines are created to ensure that the built fabric of the city is not compromised as we try to move toward energy efficiency, and
- there are sufficient mechanisms and funding for adequate enforcement by the Department of Buildings.

Vote: Passed, with 34 Board members in favor, 2 in opposition (M. Derr, D. Reck) and 4 abstentions (T. Bergman, D. Gruber, S. Secunda, A. Wong)

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Brad Hoylman, Chair
Community Board #2, Manhattan



David Reck, Chair
Land Use & Business Development Committee
Community Board #2, Manhattan

BH/fa

cc: Hon. Jerrold L. Nadler, Congressman
Hon. Thomas K. Duane, NY State Senator
Hon. Daniel Squadron, NY State Senator
Hon. Deborah J. Glick, Assembly Member
Hon. Scott M. Stringer, Man. Borough President
Hon. Christine C. Quinn, Council Speaker
Pauline Yu, CAU
Vivian Awner, Community Board Liaison, Dept. of City Planning
Land Use Review Unit, Dept. of City Planning
Jeff Mulligan, Executive Director, Board of Standards & Appeals
Derek Lee, Man. Borough Commissioner, NYC Department of Buildings
Thomas C. Wargo, Director, Zoning Division, Dept. of City Planning