

1 **Executive Committee**

Item #: 1

2
3 March 6, 2013

4
5 6 Kevin Burke
7 Chairman, President, and Chief Operating
8 Officer
9 Con Edison Consolidated
10 Cooper Station
11 P.O. Box 138 New York, NY 10276

12 Gregory L. Ebel
13 President and Chief Executive Officer
14 Spectra Energy
15 5400 Westheimer Court
16 Houston, Texas 77056
17

18
19 **Re: Spectra Pipeline - in Manhattan**

20
21 Dear Mr. Burke and Mr. Ebel:

22
23 Manhattan Community Board 4 (MCB4) is writing about the Spectra Pipeline Project, being
24 constructed by Con Edison, and in particular the portion on Tenth Avenue between Gansevoort
25 and W16th Streets, affecting one-block in Manhattan Community District 4. We are deeply
26 disappointed and disturbed that this project has gone forward, against the wishes of our
27 neighbors in Manhattan Community Board 2, without adequate public review and response to
28 that review. We will confine our comments to the portion that affects our district, but want it to
29 be known we oppose the decision to go forward with this project without:

- 30
- 31 1. Demonstration of the continued safety of the Con Edison system;
- 32
- 33 2. Regular testing and public disclosure of that testing for numerous contaminants in natural gas
- 34 with particular focus on the presence of radon, and
- 35
- 36 3. An aggressive effort to develop and install alternative energy sources by Con Edison as well
- 37 as by Federal, State and Local agencies and enterprises.
- 38

39 Having been involved in the planning of PlaNYC 2030 we have applauded the City's decision to
40 phase out the dirtiest of oils, grades 4 and 6. We understand this pipeline is required by an
41 increase in population and by the transition to natural gas from oil for heating and hot water. We
42 understand that Con Ed is in charge of its infrastructure and not the gas sent through its pipes.
43 However, none of that alleviates serious concerns.

44
45 It is clear to us that this project has momentum and is moving forward. It also is clear to us that
46 given the circumstances presented it would be irresponsible to oppose this addition to Con Ed's
47 supply without offering a currently available alternative to energy supply in NYC. However,
48 because of the short-sightedness of the decision makers we are given a Hobson's Choice and then
49 told to be responsible and choose it since natural gas (putting aside number 2 oil for the moment)
50 is a better fuel source than Grades 4 and 6 oil and therefore our only option.

51
52 The issue of the Spectra Pipeline and the concerns posed by natural gas and the hydrofracking
53 process are not new to MCB4. We submitted a letter to the Federal Energy Regulatory

54 Commission (FERC) on November 3, 2011 requesting that the Con Edison portion of the project
55 be included in the Final Environmental Impact Study and that certain serious concerns be
56 addressed (see Attachment A). We submitted a December 12, 2011 letter to NYS Governor
57 Andrew Cuomo detailing our concerns with hydrofracking in the upstate region (see Attachment
58 B). On July 12, 2012 the Waterfront, Parks and Environment Committee held a public meeting
59 on the Spectra Pipeline issue (see Attachment C) and again on the evening of February 14, 2013.

60 61 Safety of the Con Edison System

62
63 It is our understanding that Con Edison receives gas at 99 lb per sq inch (PSI), stepped down
64 from 350 PSI by Spectra in NJ and then heats it to 50° Fahrenheit. Con Ed has been managing 99
65 PSI in its lines for quite a number of years: their gas distribution system consists of 88 miles of
66 what it calls transmission pipes carrying gas at 99 psi. There are weekly inspections of the pipes
67 outside of Manhattan and of the 14 miles of pipes in Manhattan. These transmission pipes feed
68 4,323 miles of distribution pipes carrying gas at 15 psi. From there gas is distributed to residents
69 at even lower pressure. Between each stage there are regulators stepping down gas pressure for
70 the next part of the distribution system.

71
72 Con Edison's safe management of its gas transmission remains an obvious concern. Despite
73 assurances that the infrastructure in place can handle the pressure it receives, we request periodic
74 official reporting of safety tests on the Con Edison gas distribution system. We request
75 clarification as well as assurances the gas flowing at any pressure does not pose a high explosion
76 risk.

77 78 Testing for Hazardous Materials

79
80 It was revealed to us that Con Edison is not required to test for radon or any other impurity in the
81 gas it receives from providers. FERC and the relevant state and city agencies do not require it.
82 The fact that the FERC does not require testing for radon levels does not excuse either Con
83 Edison or Spectra from the due diligence of ensuring that a safe product is delivered to its
84 customers. We believe that Spectra and Con Edison should be required to monitor the presence
85 of hazardous materials. Although fracking is not yet happening in NYS, it is happening
86 elsewhere. Con Edison representatives have told us that fracked gas already is in the natural gas
87 we use, and that its radon content as well as other contaminants is negligible. Despite this we
88 would like a periodic statement by an independent body reporting the test results for radon, and a
89 list of other impurities potentially found in the gas we use to cook.

90 91 Alternative Energy Sources

92
93 We are disappointed that we are being presented with the single option of increasing the supply
94 of natural gas to New Yorkers. We believe that an enlightened energy policy would have
95 presented the community instead with a series of options, including the development of solar
96 energy and other alternatives. At the very least, every school and community center should have
97 solar collectors on their roofs as the price has become more affordable.

98
99 We realize that developing alternatives is not uniquely the responsibility of Con Edison, but we

100 would like to know what Con Edison is doing to promote wind and solar energy as well as any
101 potential plans to modify the current infrastructure to handle increased usage of alternative
102 energies. Without a commitment to a better energy policy we cannot look at the extension of this
103 project into our district as anything other than a bad omen for our City.

104
105 We are compelled to request that Con Edison take a more responsible approach to providing safe
106 energy including a significant amount of alternative (i.e., solar) energy to its customers.

107
108 We will continue to be involved as we work to ensure that our concerns regarding the potential
109 impurities in natural gas are addressed and that there is a significant increase in the number of
110 solar energy sources in NYC.

111
112 Sincerely,

113
114 CJ

115
116
117 cc: FERC
118 John Banks, Con Ed
119 New-Jersey-New York Pipeline
120 Speaker Quinn, etc.

121
122



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036
tel: 212-736-4536 fax: 212-947-9512
www.nyc.gov/mcb4

COREY JOHNSON
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

ATTACHMENT A

November 3, 2011

Kimberly Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Room 1A
Washington, DC 20426

RE: Docket No. CP11-56-000, New Jersey/New York Expansion Project

Dear Ms. Bose,

Manhattan Community Board 4 respectfully requests that a number of issues be addressed in the Environmental Impact Study for the Spectra NJ/NY natural gas pipeline expansion project. This project would bring a new 30-inch high pressure transmission under the Hudson River into Manhattan. As part of this project, Con Edison would install a new pipeline, roughly 1500 feet long, from the intersection of Gansevoort Street and Tenth Avenue to West 15th Street, in the southwest corner of our community district.

Con Edison already operates a 20-inch gas main along 15th Street, which was never rebuilt to accommodate this pipeline. The west end of this street, where the connection would be made to the new pipeline, is in an area with a great deal of underground water, due not only to underground streams but to the fact that this area used to be under the Hudson. The segments of 15th Street between Eighth and Tenth Avenues run alongside two large office complexes, 111 Eighth Avenue and Chelsea Market, and as a result the street is frequently torn up so that new utilities can be laid. There is considerable potential for damaging the gas pipeline, which is covered by a series of small steel plates.

There have been a number of gas pipeline failures in the last several years. Although the most dramatic was in San Bruno California, where eight people were killed, there have been two serious failures in Manhattan and three in Queens since 2007. The result was one death and twenty injuries. It can be thus argued, it is difficult or impossible to avoid accidents related to gas pipeline failures.

Manhattan Community Board 4 asks that this new 1500-foot pipeline be included in the Final Environmental Impact Study. In particular, we would like the study to ask if the size of the proposed pipeline could be reduced to decrease potential damages from an accident, and if the pipeline could be buried at a greater depth than is currently planned. We also ask that more research be conducted on the future demand for natural gas in New York City, to justify this large new project, including possible

alternatives such as conservation. In addition, we would like the study to examine the traffic impact of several extensive construction projects on 15th Street. To be precise:

What kinds of detours will be proposed, what kinds of barricades and flagmen; what disruptions in other services?

Will there be any impact on the existing gas main along 15th Street; is it currently performing up to standards?

By what routes will excavated debris be taken from the construction site?

Given that this community recently lost St. Vincent's Hospital and diminished capacity to rapidly respond to medical emergencies, the community board also respectfully request that the FEIS address what emergency medical care operation plan in the event of an accident with the new pipeline.

Manhattan Community Board 4 thanks the Federal Energy Regulatory Commission for receiving public commentary and looks forward to receiving a preliminary response to this letter and regular progress reports regarding the pipeline installation from your office.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Johnson', with a long horizontal flourish extending to the right.

Corey Johnson
Chair



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COREY JOHNSON
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

ATTACHMENT B

December 9, 2011

Hon Andrew Cuomo
Governor of the State of New York
Executive Chamber
Albany, New York 12224

Hon Joe Martens
Commissioner
New York State Department of Environmental
Conservation
625 Broadway
Albany, NY 12233-0001

Re: Hydraulic fracturing gas drilling in the watershed area

Dear Governor Cuomo and Commissioner Martens:

As you are well aware, the issues and concerns regarding the process of extracting natural gas through hydraulic fracturing are well documented. These include potential contamination of water with injected chemicals, increased wear on roadways, air pollution from trucks as well as evaporating ponds, and many other side effects. There is no need to go into detail about the potential harms of hydraulic fracturing in this letter, but documented cases of aquifer contamination, such as in Dimock, Pennsylvania, as well as instances of increased seismic activity in areas with large amounts of gas wells using hydraulic fracturing are enough to demonstrate that the risk of those harms is real. Hydraulic fracturing gas drilling has even been deemed hazardous enough to be banned, either whole or in part, in other locales and countries of the world such as France, Switzerland, and South Africa.

Manhattan Community Board No 4's (MCB4) primary concern about hydraulic fracturing is with the water supply for our district and, indeed, the entire City of New York. Currently, 90% of our clean water comes unfiltered from the Catskill and Delaware watersheds in upstate New York. If the purity of those watersheds were compromised by drilling, a filtration system would be necessary at an installation cost of multiple billions of dollars, as well as operating costs of several hundred million dollars per year. Given the detrimental effects on all New Yorkers that the installation and operation of such a system would have, we applaud your position, as outlined in the Revised Draft Supplemental Generic Environmental Impact Statement (rdSGEIS2011), that hydraulic fracturing should not be permitted in these areas.

Nonetheless, we are extremely concerned that the rdSGEIS2011 may permit wells to be placed too close to aquifers and surface waterbodies – including the New York City watershed – to ensure that these supplies do not become contaminated. The rdSGEIS2011 stipulates various buffer zones around water resources where surface well pads cannot be placed, ranging from 4,000 to as low as 500 feet. However, a feature of nearly all of the proposed fracturing wells is that a single well pad will be at the center of a

“star” of deep horizontal wells that can extend for over a mile. Simple logic tells us that such a well could easily extend under an aquifer or waterbody, even if the well pad is outside the buffer. While a 4,000 foot buffer is proposed for the New York City watershed, this buffer is still well short of distance needed to ensure that drilling does not occur under the watershed, thus risking contamination. Any buffer zone adopted by the Department must protect this precious resource, and therefore must be sufficient to prevent all drilling in the watershed, even in subsurface layers.

We are also very concerned about the fragile nature of the aging system of aqueducts that serves New York City which could be compromised by fracturing activities. These tunnels, the building of which commenced back in the 1940’s, are already in a dilapidated state. The Delaware Aqueduct – which transports about 50% of the water from the west-of-Hudson watershed to the City – has been leaking 30 million gallons of water per day for more than two decades, which DEP is currently undertaking a \$2.1 billion project to address.

These structures may be damaged by the hydraulic fracturing process which produces vibrations that have been called miniature earthquakes. Indeed, some areas with traditionally low levels of seismic activity, such as Oklahoma, where hydraulic fracturing is now commonplace, have experienced a new wave of low magnitude earthquakes. While effects of low level seismic activity may be small and hardly noticeable to the average person, the potential to damage to already stressed and aged aqueducts is a very real concern. Recognizing this danger in 2009, as well as the danger of naturally occurring underground fractures up to a mile in length that could provide pathways for fracturing fluids to contaminate leaking aqueducts, the New York City Department of Environmental Protection called for a seven mile buffer from its drinking water infrastructure. Currently, under the rdSGEIS2011 the proposed buffer is a mere and completely unacceptable 500 feet.

MCB4 understands the environmental benefits of the use of natural gas for energy needs, as opposed to burning oil or coal. We also understand the need for New York State to be able to benefit from the revenues from the production of natural gas, especially in these difficult economic times. However, we strongly believe that the potential for serious harm to public health – especially to the drinking water supply that serves over nine million people with no additional and costly filtration – must be studied thoroughly, and the dangers better understood, before any further hydraulic fracturing drilling is allowed in New York State.

One suggestion might be to permit a very limited test area well away from any aquifer (or farmland for that matter) to see exactly what measures need to be put in place to ensure the safety of this process, if, indeed, it can ever be made safe.

Sincerely,



Corey Johnson
Chair

cc: Westside electeds



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Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

ATTACHMENT C

Waterfront, Parks & Environment Committee
Thursday, July 12, 2012, 6:00 p.m.

CB4 Office, 330 West 42nd Street, 26th Floor

Gwen Billig, Maarten de Kadt (Co-Chair), Lisa Daglian, Tina DeFeliciano, John Doswell (Co-Chair), Yasmine Mahdavi, Carmen Matias, Aldona McCarthy, Robert Pontarelli, Dolores Rubin, Paul Seres, Danya Sherman (public member), Khemraj Singh, Robert Trentlyon (public member)

A g e n d a

- 1. Presentation:** Friends of the High Line
- 2. Presentation:** Ramon Aponte Park by NYC Parks Dept.
- 3. Discussion:** NY-H20 against Spectra Pipeline down West 15th Street
- 4. Old/New Business**

1 **Executive Committee**

Item #: 2

2
3 March 5, 2013

4
5 Hon. Robert B. Tierney,
6 Chair
7 Landmarks Preservation Commission
8 Municipal Building, 9th floor
9 One Centre Street
10 New York, NY 10007

11 **RATIFICATION**

12
13 **Re: 438 W. 20th Street**

14
15 Dear Chair Tierney:

16
17 Manhattan Community Board 4 is writing¹ in response to an application by Thomas Vail
18 Architects for approval of proposed work at 438 West 20th Street, an 1853 row-house in the
19 Chelsea Historic District.

20
21 The work consists of a one-floor penthouse addition and modifications to an existing two-story
22 wood-framed rear extension. None of the work will be visible from a public way.

23
24 The penthouse addition will be clad in brick matching that of the existing house and will be set
25 back 3'-0" from the rear masonry building face and 12'-10.5" from the front building face,
26 creating a front roof terrace. The penthouse will have a front deck with a railing set back 4'-0"
27 from the front building face. Front setbacks place the new penthouse and front railing outside
28 lines of sight from the opposite sidewalk of West 20th Street.

29
30 The rear extension to be altered is of a historic local type called a tea porch. Its door opening
31 will be enlarged to allow introduction of new paired doors and its window openings will have
32 their sills lowered to allow replacement with taller windows. The tea porch's existing vinyl
33 siding will be replaced with wood-simulating fiber-reinforced concrete siding.

34
35 The project includes window replacement which has been separately approved by Commission
36 staff.

37
38 The Board recommends approval of this application.

39
40 Sincerely,
41 Corey Johnson
42 Chair

43
44
45

¹ This is subject to ratification by MCB4 at March 6, 2013 Full Board meeting.

1 **Quality Of Life Committee**

Item #: 3

2 March 6, 2013

3

4 Desiree Beach

5 Street Activity Permit Office

6 100 Gold Street, 2nd Floor

7 New York, NY 10038

8

9 **Re: Street Fairs prohibited on 14th Street**

10

11 Dear Ms. Beach:

12

13 Manhattan Community Board 4 is concerned of the decision made last year and still in effect
14 today to no longer allow street fairs on 14th Street.

15

16 In particular we are asking why there is such a policy. We are concerned that such a policy
17 would later be applied to other streets like 23rd Street. Last August the a street fair by Feria del
18 Sol was moved from 14th Street to 15th Street between Sixth and Seventh Avenue, a totally
19 different type of thoroughfare. We cannot support moving events from major streets and avenues
20 on to minor residential streets.

21

22 Using 15th Street as example, on that day residential property owners and tenants had to deal
23 with street fair tethered tents and awnings with pedestrian-neck-level ropes tied to private
24 property without any forewarning or permission whatsoever. Residents were sickened on that hot
25 August day by the inescapable air pollution filling their narrow residential street from the many
26 charcoal fires burning animal fats, the spillage of the resulting grease onto their streets, a
27 portable brick pizza oven generating smoke, a couple of diesel fuel burning catering trucks, loud
28 diesel fuel burning air compressors running unused children's slides, etc.

29

30 If this "14th Street Policy" is still in effect this will happen all over again and on probably more
31 than one day. If it applies to other streets it could become a serious issue throughout the whole of
32 Community District 4. This needs to be addressed.

33

34 We look forward to your considered response and given the soon to be warm weather expect to
35 hear from you as soon as possible.

36

37 Sincerely,

38 Corey/David/Larry

39

40 cc: West Fifteenth Street 100 & 200 Block Association

**Draft By-Laws Proposal for CB 4 Director of Social Media
as approved by By-Laws Committee
Item #: 28**

(Betty Mackintosh, Chair, Christine Berthet,
John Doswell, Raul Larios, Hugh Weinberg)

Article III. OFFICERS

A. Officers

The officers of the Board shall be Chairperson, First and Second Vice Chairperson, two Co-secretaries, **and a Director of Social Media appointed by the incoming Chair**. Each officer shall perform such duties as are incident to the office in accordance with generally accepted rules of parliamentary procedure including those set forth in these Bylaws:

7. Duties of Director of Social Media

- a.** The Director shall run the everyday operation of CB 4's social media outlets, including but not limited to Facebook, Twitter and LinkedIn.
- b.** The Director shall post:
 - 1. Notices of upcoming Board and committee meetings, and events and public forums co-sponsored by the Board.
 - 2. Information on other forums, public meetings, events and hearings that directly affect the CD 4 community.
 - 3. Items posted on CB 4's website including job postings.
 - 4. Press articles that affect the CB 4 community excluding editorials and opinion pieces.
- c.** Any other postings must be approved before posting by the Chair.
- d.** Inappropriate or offensive content may be removed at the discretion of the Director upon consultation with the Board Office and approval by the Chair.
- e.** The Director shall provide a monthly report to the Executive Committee, at its monthly meeting, on the status of the social media operations. When necessary, the Director will provide additional updates to the Board Chair.

Article IX. EXECUTIVE COMMITTEE

A. Definition

The Board shall have an Executive Committee. The Executive Committee shall include within its number the Chairperson, the First and Second Vice Chairperson, the two Co-secretaries, the immediate past Board Chairperson, **the Director of Social Media**, and all standing committee chairpersons.

1 **New Business**

Item #: 30

2
3 March 6, 2013

4
5 Hon. Robert B. Tierney,
6 Chair
7 Landmarks Preservation Commission
8 Municipal Building, 9th floor
9 One Centre Street
10 New York, NY 10007

11
12 **Re: 635 Avenue of the Americas – Ladies Mile Historic District**

13
14 Dear Chair Tierney,

15
16 Manhattan Community Board 4 is writing in response to an application by Shop Architects PC
17 for approval of proposed work at 635 Avenue of the Americas in the Ladies Mile Historic
18 District. Constructed in 1901, 635 is the southern third of the Simpson-Crawford department
19 store occupying the block front between W. 19th and W. 20th Streets on the west side of Sixth
20 Avenue.

21
22 The application seeks approval of modifications to the existing rooftop structure, creating a 9' 9"
23 setback on the Avenue side and a 12' 7" setback on the W. 19th Street side, and raising the roof
24 level by four feet. This modification will have a beneficial effect on site lines from the avenue
25 and the street. Although the single monolithic bulkhead that sits atop the middle of the three
26 avenue structures will remain unchanged, the smaller bulkheads to the south of it will be set
27 back.

28
29 At the west end of the nineteenth street elevation at the roof level the intent is to match the
30 existing arched window with two more, and extend all three to full height.

31
32 The Board recommends approval of this portion of the application.

33
34 At the street level the intent is to restore the storefront façade to its original showcase window
35 appearance, returning to full height bays with transoms, on both the avenue and the nineteenth
36 sides.

37
38 The Board heartily recommends approval of this portion of the application.

39
40 For a second time we are asked to opine on the W. 20th Street storefront façade. We recommend
41 that the issue of the vents above the glass canopy at the entry should be revisited by the
42 mechanical engineers. Surely they can find another way to achieve the air intake requirements
43 without disfiguring what is otherwise an attractive entry.

44
45 The Board recommends denial of this portion of the application.

46

1 **New Business**

Item #: 31

2

3 March 6, 2013

4

5 Dennis Walcott

6 Chancellor

7 NYC Department of Education

8 Tweed Courthouse

9 52 Chambers Street

10 New York, NY 10007

11

12 **Re: PS 51 Pre-K**

13

14 Dear Chancellor Walcott:

15

16 Manhattan Community Board 4 is in support of pre- kindergarten for the upcoming year at P.S.
17 51, temporarily located at 323 East 91 Street. It had been the expectation of the school
18 administration, parent community, and the neighborhood at large that pre-kindergarten would
19 return this coming September, when P.S. 51 moves into its newly constructed and expanded
20 building on W. 44th Street.

21

22 The local Council Member – Speaker Christine Quinn – informs us that a decision was made to
23 not continue the program and that no member of your staff informed her office of this decision.
24 In fact it was the school community that alerted her staff. We find this troubling news. We
25 believe any such decision should be made in consultation with the local stakeholders and elected
26 official.

27

28 P.S. 51 has in the past successfully operated two pre-kindergarten sections. In fact, the school
29 only stopped due to its temporary relocation. The intention was to always continue when back at
30 the newly constructed school.

31

32 Reducing the number of pre-kindergarten seats seriously hinders our city's overall ability to
33 provide students with quality education, support the most disadvantaged students, and build a
34 strong and competitive school system. By withdrawing valuable pre-kindergarten seats, which
35 were only temporarily given up due to extraordinary circumstances, our community is losing
36 loses an important and necessary stepping stone to elementary school. Please reconsider this
37 decision.

38

39 Sincerely,

40

41 Corey Johnson

42 Chair

43

44 cc: NYC Council Speaker Christine Quinn

45