



The City of New York

Queens Community Board 11

Serving Communities of Auburndale, Bayside, Douglaston, Hollis Hills
Little Neck & Oakland Gardens

Jerry Iannece Chairperson / **Susan Seinfeld** District Manager

COMMITTEE REPORT

TO: Board Members
FROM: Henry Euler and Paul DiBenedetto, Co - Chairs
Environmental Committee
RE: "E" Designation Zoning Text Amendment
DCP # N 120090 ZRY
DATE: December 29, 2011

The Environment Committee met on December 13, 2011, to discuss the Citywide text amendment that would revise the (E) Designation Program provisions. Present were Co-Chairs Paul DiBenedetto and Henry Euler, committee members Steve Behar, Joan Garippa, Allan Palzer, District Manager Susan Seinfeld and planner Edgar Bajana from the Queens City Planning office.

The amendment is proposed by the Department of City Planning (DCP) and does not require going through the ULURP process. Therefore, our full Board will not be asked to vote on it. The amendment will be heard at a public hearing of the City Planning Commission and then will be sent to the City Council for approval. The public had an opportunity to submit comments about the proposed changes up until December 27, 2011, which was the end of the 60 day comment period.

As per City Planning, "the (E) Program was created to establish and enforce environmental requirements pertaining to specific tax lots that are a part of a proposed rezoning. These environmental requirements, related to hazardous materials, air quality and noise, allow the city to undertake rezonings and meet the review mandates of the City Environmental Quality Review (CEQR) process, by ensuring that certain environmental conditions will be addressed at the time of development, on lots it does not own or have access to." (E) designations, originally established in 1983 and amended in subsequent years, provide notice to a property owner and the Department of Buildings (DOB) that environmental requirements exist for a tax lot. These designations are a mechanism to ensure that specific environmental concerns, on sites about to be developed, are attended to prior to or during the building process. In Community Board 11, there are several sites that have an (E) designation.

The (E) Program was established by the DCP and is enforced by the DOB. The Program is administered by the Office of Environmental Remediation (OER). It was formerly administered by the Department of Environmental Protection (DEP) until 2009. The proposed amendment updates, clarifies, enhances and streamlines provisions of the (E) Program. The benefits of the proposed amendment include "improved efficiency and flexibility in the administration of the (E) Program, increased transparency and ease of tracking, enhanced enforcement mechanisms for existing and future environmental requirements and a streamlined and more predictable land use and environmental review process, benefiting land use practitioners, property owners, the public and city agencies."

Because we have several (E) sites in our Board area and we felt that the Environment Committee may have wanted to send in comments regarding the amendment to DCP by the deadline, the Co-Chairs requested that City Planning send a representative to our Dec. 13th

meeting to explain what the changes would be under the new text amendment and how they would impact the community and development sites.

City Planning sent planner Edgar Bajana to explain the text amendment. He distributed a packet of information which deals with the text amendment changes and went through that information. During the meeting, several questions arose that Mr. Bajana was not prepared to answer. Most of the questions dealt with the administration of and enforcement of the (E) designations by OER and DOB respectively. Mr. Bajana prepared a list of the questions and did research and forwarded answers to those questions to Susan Seinfeld on December 21st. She forwarded the responses back to the Environment Committee members, the Zoning Chairs and the Executive Board members.

Since time was short until the Dec. 27th deadline to submit comments, we sent an e-mail to the above mentioned Board members requesting them to review those questions and answers and also the information that was sent to them in the mail by the Community Board office. The members were asked to forward any comments or further questions to the Environment Committee Co-Chairs by Monday, December 26th, so that we could submit them by the comment deadline.

We did not receive any comments back objecting to or supporting the text amendment, nor were any further concerns raised, in general, about the proposed changes. Because of the holidays occurring during this period, the Co-Chairs felt that time just ran out, and people, perhaps, were occupied with other matters. This time sequence was beyond our control. Therefore, the Co-Chairs did not submit any comments to DCP from the Environment Committee. However, if any Board member or any other citizen wishes to, they may attend the DCP hearing regarding this amendment and give testimony. The hearing is scheduled for Wednesday, January 4, 2012, at 10 AM, at Spector Hall, 22 Reade Street, New York, NY 10007.

The Co-Chairs feel that it is unfortunate that there was only a 60 day period for public review and submission of comments regarding this text amendment. That window should really be a little longer to give all who wish to, ample time to respond. Even though 60 days seems long, it is insufficient time to review a proposal when it involves organizing meetings, obtaining responses involving a sizable number of people and reaching consensus on comments to be submitted. Co-chair Henry Euler submitted his own personal comments to DCP requesting that future windows for public input regarding proposed text amendments be extended to 90 days.

We were informed at the meeting that City Planning is proposing a Green Text Amendment. According to DCP, this new text amendment will "remove zoning impediments to the construction and retrofitting of green buildings" in the city. The Co-Chairs and committee members present asked Susan Seinfeld to set up a meeting in January so that we can discuss this new amendment. We will also be discussing the issue of hydraulic fracturing at that meeting.

In November, 2011, DCP hosted a conference, Zoning the City, to address the city's future with respect to development and growth in the 21st century. It is the Co-Chairs' understanding that many speakers made presentations and many ideas were discussed. It is expected that other new proposals and changes may be forthcoming as a result of this conference, some of which may involve changes and/or modifications of the zoning resolution. How that may affect environmental concerns is yet to be determined, however, we trust that DCP will keep the public, including Community Boards and civic organizations, abreast of all proposed changes as they develop. A special thank you to Edgar Bajana for his input regarding the (E) Program text amendment.