The City of New York

Queens Community Board 11

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

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

The Environment Committee met on Thursday, January 19, 2012, to discuss the Green Buildings text amendment proposed by the New York City Department of City Planning (DCP). Present were co-chairs Paul DiBenedetto and Henry Euler and community board members Steve Behar, Joan Garippa, Allan Palzer, Christina Scherer and Joe Sollano. Also present were District Manager Susan Seinfeld and planner Edgar Bajana from the Queens office of the DCP.

Mr. Bajana gave an overview of this new text amendment. The purpose of the amendment "is to modernize the Zoning Resolution to remove zoning impediments to the construction and retrofitting of greener buildings". Mr. Bajana said that the Zoning Resolution needs to be updated in order to take advantage of the new green, efficient technology that exists today and will be used in the 21st century. The amendment will also encourage the use of solar power and wind turbines to generate power.

Features of the proposed amendment include:

1) Energy efficient building walls: To reduce heating and cooling demands in existing and new buildings, "allow existing buildings to add external insulation within the property line while exempting it from floor area calculations and yard regulations. This typically adds about four inches of wall thickness, but up to eight inches would be allowed to encourage highly efficient retrofits". The external insulation (which is much more efficient than internal insulation) may project into a required yard, open space or setback area and not count toward floor area or lot coverage. "For new buildings, whose walls are substantially more efficient by code, up to eight inches of wall thickness could be exempted from floor area, encouraging high performance buildings without changing the amount of usable space in the building". The proposal would also allow up to 8 inches of external roof insulation above the roof line.

2) Sun control devices: In order to reduce air conditioning needs and to provide for light inside of buildings; "above the ground floor, allow sun control devices and awnings to project up to two and a half feet over required open areas, but not to cover more than 30% of the facade from which they project". The projections may be horizontal or vertical.

3) Solar energy: To encourage the use of solar power, " allow solar panels on flat roofs anywhere below the parapet (4 feet maximum), regardless of building height. On sloping roofs (slope greater than 20 degrees), panels would be allowed to be flat-mounted, less than 18 inches high".

4) Other rooftop equipment: To support storm water management, open space and other uses on rooftops, "allow low-lying features such as green roofs, recreational decks and skylights anywhere below the parapet, regardless of building height." This would include blue roofs and vegetative areas on sloping roofs under certain circumstances.

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5) Rooftop greenhouses: Rooftop greenhouses on industrial, commercial and school buildings encourage the local production of food year round and provide educational opportunities (in schools) in all parts of the city. As of now, existing zoning permits greenhouses subject to floor area and height limits. Under this proposal, "greenhouses would be exempt from floor area and height limits, provided that they are located on top of a building that does not contain residences or sleeping accommodations. These greenhouses must not exceed 25 feet in height, must be set back six feet from the roof edge and must include practical measures to limit water and energy consumption".

6) Wind energy: Wind energy generation is most effective in our city where winds are consistent, namely on taller buildings and near the waterfront. As of now, wind turbines have been allowed on top of buildings as long as they do not exceed the building height limit. The amendment proposes that "on buildings taller than 100 feet, a wind turbine may rise up to 55 feet above the rooftop (including the pole and the rotor), provided it is set back at least 10 feet from any property line. In addition, free-standing or building-mounted turbines would be allowed in commercial developments near the waterfront. Installations must follow all requirements of the Department of Buildings". They must also follow Department of Environmental Protection noise code requirements.

7) Air conditioning condenser placement: Air conditioning condensers are currently allowed in rear yards for one and two family homes. The units are required to be at least 8 feet from all lot lines. This is difficult for homes on narrow lots. Because modern condensers are less noisy, smaller in size and more efficient, the amendment proposes more flexibility in placing these units. "For one or two family homes, air-condensing units would be permitted in rear and side yards, provided that such units do not obstruct driveways". They would also be permitted in a front yard "with screening in front of a building wall and its prolongation".

8) Other sustainable features: The proposal would also update and clarify zoning standards for green features such as solar energy generation in commercial districts, electric vehicle charging in parking facilities and commercial districts, and the allowance of permeable pavement by sidewalk planting strips by some schools.

During the presentation by Mr. Bajana, many questions were asked by board members present. The overall impression was that the amendment was viewed favorably, however, several serious concerns were raised as well. Those concerns were incorporated into a memo sent to Chair Jerry Iannece who would be attending a Borough Board meeting just prior to our community board meeting on February 6th. At the Borough Board meeting, comments would be solicited from attendees regarding the Green Buildings text amendment and a vote would be taken as to whether to support passage of this amendment or not.

The memo included the following comments raised by the Environment Committee regarding concerns about this proposed amendment:

1) The amendment would allow air conditioning condensers to not only be placed in the rear yards for one and two family homes, but also in the side yards and in the front yards with screening and other regulations. The committee felt that the screening of the condensers in the front of the building wall and its prolongation would be difficult to enforce. It was also suggested that a priority order be established for the placement of the condensers, with the rear yard given top priority whenever possible, the side yard as second choice if the rear yard is not accessible, and the front, as a last resort, given the lowest priority. Placement in the front would only occur if the residences were attached and have no rear or side yards in which to place the condenser.

2) There was great concern regarding the impact wind turbines would have on an area with respect to the height that would be allowed under the new amendment. Noise and other visual impacts were

also potentially disturbing. Comparison was made to cell phone towers and antennas. The Environment Committee, though supportive of renewable energy technologies, felt that turbines create a more negative impact than the solar options for energy conservation. The committee called for reevaluation by DCP of what would be allowed in terms of placement of wind turbines on top of tall buildings and buildings near the waterfront.

3) Although only allowed on top of commercial developments that would not have residences or sleeping accommodations and also on top of schools, greenhouses under this amendment would be permitted to be a maximum of 25 feet high. This would be allowed even if the building that the greenhouse rests on is at maximum height under the zoning rules. The committee felt that this height allowance was excessive and would in effect allow a two story structure to be placed on top of an existing building.

This amendment does not follow the ULURP procedure and therefore does not require a vote by the full board. The comment period for remarks about this amendment may be submitted until the middle of February to DCP. A public hearing will be scheduled at DCP probably shortly after the comment period closes.

The committee would like to thank Edgar Bajana for attending the meeting and explaining the provisions of the Green Buildings text amendment. Paul DiBenedetto, Henry Euler, Co-Chairs, Environment Committee of Community Board 11, Queens