

April 2006 Resolutions

Committee of Origin: Transportation

Re: Newsracks: "Recapturing Our Streets - Fighting Newsrack Clutter."

Full Board Vote: 35 In favor 0 Against 1 Abstention 0 Present

WHEREAS, the proliferation of newsracks has created cluttered, dangerous, unsanitary and unsightly conditions on the streets of New York City; and

WHEREAS, the owners of the various publications distributed by the newsracks have largely failed to maintain their newsracks according to applicable regulations; and

WHEREAS, the Department of Transportation has not effectively enforced newsrack regulations because of deficiencies in the current law and lack of personnel; and

WHEREAS, use of the 311 system for complaints about unlawfully placed or improperly maintained newsracks has not been producing meaningful results; and

WHEREAS, other cities have enacted legislation limiting the number of newsracks on each corner, mandating size, appearance, maintenance and other requirements and have imposed fair licensing fees to fund enforcement activities;

Community Board 7/Manhattan requests that:

1. The City Council study newsrack legislation in other municipalities and enact a newsrack law which will curb the current abuses and unsafe conditions on our sidewalks.

2. The Department of Transportation devote sufficient administrative and personnel resources to satisfactorily enforce the newsrack regulations.

3. The Office of the Mayor take necessary action to encourage and enable the Department of Transportation to more promptly and effectively respond to 311 newsracks complaints.

Committee: 6-0-0-1.

Committee of Origin: Transportation

Re: 434 Amsterdam Avenue (West 81st Street.)

Full Board Vote: 35 In favor 1 Against 0 Abstentions 0 Present

WHEREAS, the applicant presented the café site plan before the April 4, 2006 Full Board meeting;

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA#1002039 to the Department of Consumers Affairs by Pensu Corp., d/b/a Roppongi, for a two-year consent to operate an unenclosed sidewalk café with 10 tables and 25 seats.

Committee: 4-1-0-0.

Committee of Origin: Transportation

Re: 2452 Broadway (West 90th-91st Streets.)

Full Board Vote: 35 In favor 1 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA#0907818 to the Department of Consumers Affairs by Mary Ann's Mexican Restaurant Inc., d/b/a Mary Ann's, for a two-year consent to operate an unenclosed sidewalk café with 14 tables and 28 seats.

Committee: 6-1-0-0.

Committee of Origin: Transportation

Full Board Vote: 33 In favor 2 Against 0 Abstentions 0 Present

Re: 660 Amsterdam Avenue (West 92nd-93rd Street.)

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** new application DCA#1218922 to the Department of Consumers Affairs by P.H.A. Inc., d/b/a Lisca, for a two-year consent to operate an unenclosed sidewalk café with 10 tables and 20 seats.

Committee: 6-1-0-0.

Committee of Origin: Transportation

Re: 300 Amsterdam Avenue (West 74th Street.)

Full Board Vote: 29 In favor 5 Against 1 Abstention 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal (modification) application DCA#1218880 to the Department of Consumer Affairs by American Specialty Foods, d/b/a Josie's, for a two-year consent to operate an enclosed sidewalk café with 11 tables and 27 seats.

Committee: 5-2-0-0.

Committee of Origin: Transportation

Re: 502 Amsterdam Avenue (West 84th -85th Streets.)

Full Board Vote: 25 In favor 11 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA#1146560/ULURP # N060282 to the Department of Consumer Affairs by Romagica Corp., d/b/a Celeste Restaurant, for a two-year consent to operate an enclosed sidewalk café with 4 tables and 10 seats.

Committee: 5-2-0-0.

Committee of Origin: Parks & Preservation

Re: 646 West End Avenue, West Side Kollé (West 91st-92nd Streets.)

Full Board Vote: 34 In favor 0 Against 0 Abstentions 0 Present

Community Board 7/Manhattan, at its February, 2006 meeting, a proposed design for an as-of-right side yard addition and related modification of the front areaway; and

WHEREAS, the Committee had concerns about the several aspects of the proposed design with regard to the appearance and material of the front facade of the addition, and with regard to the treatment of an existing oriel window; and

WHEREAS, the applicant agreed to request an adjournment of its February 21, 2006 hearing with the LPC in order to refine the proposed design with the Committee's concerns in mind; and

WHEREAS, the applicant presented to the Committee at its March, 2006 meeting a modified design that met the concerns expressed by the Committee;

WHEREAS, the Committee believes that the use of brick (rather than stucco as originally proposed) for the front facade of the addition, the detailing on the front facade as proposed in the modified design, and the preservation of the oriel window as now proposed are appropriate to the historic district;

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** application #05-6447 for the proposed design for the side- and rear-yard addition and modification of the front areaway at 646 West End Avenue as presented at its March, 2006 meeting; and

The Committee expresses its thanks to the applicant for seeking the adjournment of its LPC hearing and for working with the Committee to meet its concerns about the proposed design.

Committee: 5-0-0-0. Public Member: 1-0-0-0.

Committee of Origin: Parks & Preservation

Re: 466 Columbus Avenue, d/b/a Kidville, NY (West 82nd-83rd Streets.)

Full Board Vote: 32 In favor 1 Against 0 Abstentions 0 Present

WHEREAS, the design for the façade proposed by the applicant to the Parks & Preservation Committee of Community Board 7/Manhattan, at its March, 2006 meeting presented several concerns to the Committee, most notably its "big box store" appearance, the large central expanse of windows, the light brown brick and some of the decorative detailing; and

WHEREAS, by e-mail dated March 13, 2006 the applicant submitted to the Committee a revised design responding to the Committee's concerns, in which the brick color has been changed to red, the window treatment has changed to provide traditional separation of windows into individual bays, and the colored metal decorative elements have been eliminated; and

WHEREAS, the Committee believes that the proposed design, as modified, is appropriate to the historic district;

BE IT RESOLVED THAT Community Board 7/Manhattan, **approves** the proposed new facade ("storefront infill") and partial third-story addition at 466 Columbus Avenue.

Committee: 5-0-0-0. Public Member: 1-0-0-0.

Committee of Origin: Parks & Preservation

Re: 65 Central Park West (West 66th Street.)

Full Board Vote: 33 In favor 0 Against 0 Abstentions 0 Present

WHEREAS, the window openings that are the subject of the application are on the penthouse and minimally visible; and

WHEREAS, the proposed enlarged openings and new windows would match those of the adjacent penthouse, which were approved by the Landmarks Preservation Commission; and

WHEREAS, the Committee believes that the proposed new windows in enlarged openings are appropriate to the building and to the historic district;

BE IT RESOLVED THAT Community Board 7/Manhattan, **approves** application #06-3716 to enlarge window openings and install new windows to the corner penthouse at 65 Central Park West.

Committee: 5-0-0-0. Public Member: 1-0-0-0.

Committee of Origin: Parks & Preservation

Re: 248 Central Park West (West 84th-85th Streets.)

Full Board Vote: 33 In favor 0 Against 0 Abstentions 0 Present

WHEREAS, the proposed window replacements appear likely to replicate the original window design for the building; and

WHEREAS, the proposed front gate in ornamental iron is an elegant design in keeping with the character of architectural elements of the building and its neighbors; and

WHEREAS, the proposed penthouse addition will be of brick in a color matching existing rear brickwork of the building, will be of minimally intrusive design and will be visible only from the side street; and

WHEREAS, the Parks & Preservation Committee believes that each element of the application is appropriate to the building and to the historic district;

BE IT RESOLVED THAT Community Board 7/Manhattan, **approves** the proposed window replacement, new ornamental iron front gate and penthouse addition at 248 Central Park West.

Committee: 5-0-0-0. Public Member: 1-0-0-0.

Origin: Solid Waste Management Plan Task Force

Re: NY City's Proposed Comprehensive Solid Waste Management Plan

Full Board Vote: 35 In favor 0 Against 0 Abstentions 0 Present

WHEREAS, Community Board 7/Manhattan (CB7) supports the goals of the proposed Comprehensive Solid Waste Management Plan (SWMP), including that Manhattan should assume as much responsibility as possible for its waste; and

WHEREAS, CB7 believes that the SWMP has certain key shortcomings that will limit the SWMP's ability to achieve its important stated goals, particularly in the arena of commercial solid waste; and

WHEREAS, those shortcomings include a flawed reliance on the West 59th Street pier (59th Street) to serve as a marine transfer station (MTS) for the commercial carting sector; and

WHEREAS, the reliance on 59th Street for commercial waste is flawed on legal, logistical and public policy grounds (including the need to retain 59th Street as an MTS for recyclable materials); and

WHEREAS, CB7 believes that compelling alternatives to 59th Street (including the possibility of a direct truck-to-rail transfer facility for commercial waste on the West Side's Empire Line) exist and merit rigorous study; and

WHEREAS, CB7 also believes that Manhattan's commercial waste should also be addressed through (1) expanded commercial waste source separation, (2) use of anaerobic digestors, (3) a targeted lifting of the ban on commercial waste food waste disposers, and (4) a rapid conversion of the commercial carting fleet to less polluting and much quieter alternatives; and

WHEREAS, CB7 believes that the shortcomings in the SWMP can be addressed without delaying the SWMP's adoption; and

WHEREAS, CB7 supports outreach to CB4 to solicit CB4's important views on these issues (including, in particular, the possibility of the aforementioned truck-to-rail transfer facility) and asks the City to carefully consider CB4's views, as well as those of CB7; and

BE IT RESOLVED THAT Community Board 7/Manhattan endorses the "Recommended Amendments to the Comprehensive Solid Waste Management Plan's 'Proposed Actions – Commercial Waste Facilities and Contracts' (Revised March 17, 2006)" which is attached hereto.

Task Force: 3-0-0-0.

TESTIMONY

Recommended Amendments to the

Comprehensive Solid Waste Management Plan's

"Proposed Actions – Commercial Waste Facilities and Contracts"

Submitted

February 7, 2006

By Brendan Sexton, Helena Durst, Charles Simon and Allen Zerkin

Honorable Members of the Council:

My testimony is a very brief synopsis of our full report, copies of which are available upon request.

The Comprehensive Solid Waste Management Plan lays out an admirable new direction for the management of solid waste. We support its objectives - for example, the principle that Manhattan should be responsible for handling more of the waste it generates, and the related goal of minimizing waste-related truck traffic throughout the city. We think the Plan represents a lot of very fine work and should move forward, promptly.

Our concern is that the plan for managing commercial solid waste in Manhattan is incomplete - because very important options are not included - and that, as drafted, the plan is not likely to succeed. We therefore recommend that the additional options I will describe today need to be studied and should not be foreclosed by the SWMP. They do not need to be adopted as part of the SWMP - a commitment to study them will suffice - as it is definitely NOT our wish that the adoption of the SWMP be delayed.

The W. 59th St. MTS on Pier 99 currently serves a vital function as a paper recycling transfer station, which we support. What is problematical is the SWMP's reliance on the W. 59th St. MTS to play the pivotal role in the management of Manhattan's commercial solid waste. There are two issues.

First, the pier and its surrounding infrastructure have limited capacity, which means that the goal of reducing truck traffic to the outer boroughs would almost certainly be only partially fulfilled, and if recycling is to continue there, the facility's capacity for commercial waste is even more constrained.

Second, the language of the Hudson River Park Act limits the City's use of the W. 59th St. pier to "municipal uses." The Act does not contemplate uses related to commercial waste or anything else that is not now a City responsibility. This would appear to preclude the City's lease of the pier to a private entity for the purpose of handling private commercial waste.

In the end, everyone in Brooklyn, Queens and The Bronx who is relying on Pier 99 as the answer for commercial solid waste - and who has every right to expect relief - is going to be disappointed.

To achieve as much borough self-sufficiency as possible, it is critical that other options be studied, and the SWMP therefore needs to remain flexible. Wanting to be as responsible as possible for suggesting solutions to the problem, we are proposing an alternative approach to the management of Manhattan's commercial solid waste, one that comprises four complementary but independent elements. These elements are:

1. **A state-of-the-art truck-to-rail transfer facility on Manhattan's West Side** to handle commercial waste. Such a facility would (a) process more waste than 59th Street; (b) save money by eliminating the need for barges; and (c) not interfere with Hudson River Park. We asked the respected engineering firm DMJM-Harris to conduct a preliminary engineering feasibility analysis of such an operation at a site that could connect with Amtrak's Empire Line. The site we used to test the concept, at 30th Street between 11th Avenue and Route 9A, has the virtue of being contiguous to

existing rail and industrial uses and away from residential density. DMJM's study concluded that such a truck-to-rail facility is feasible at 30th St. - and perhaps at other places along the Empire Line. There are no fatal flaws. This is by far our top priority recommendation. We don't know the form or content of the City's RFP soliciting commercial waste solutions, but our preference would be for the scope of the RFP to include this option, so that proposals for 59th St. and for a truck-to-rail facility could be compared.

2. The source separation and better management of waste within commercial buildings. Properly managed, an increase in the amount of food and paper waste diverted to recycling should result in far fewer private truck runs. The City should conduct a serious cost-benefit study of maximizing the source separation of commercial food waste, and it should consider amendments to law and regulation to achieve proper separation of food waste at the source. We applaud the SWMP's recognition of the potential of anaerobic digesters, and we encourage the City to study the feasibility of promoting anaerobic digestion in Manhattan, including the possibility that anaerobic digesters could be integrated as a waste-to-energy plant into the designs for one or more new commercial or mixed use buildings.

3. Upgrading the commercial haulers' fleets to reduce noise and emissions. The most polluting factor in the entire commercial waste operation is the fleet of diesel trucks. We recommend that the City promote the upgrading of commercial waste hauling fleets so that they operate as pollution-free and quietly as possible; and commit to implementing a program of incentives for advancing the use of natural gas by trucks bringing waste to City transfer stations. Our report enumerates possible elements of such a program.

4. Increased use of food waste disposers (FWDs) in Manhattan, by both greatly increasing the use of residential FWDs and lifting the ban of commercial FWDs - again, only in some or all of Manhattan. FWDs reduce total waste volume, which reduces truck traffic and yields significant cost savings for the City and for commercial establishments. In recommending this, we are mindful of the issue of nitrogen loading in our waterways. We recommend that the City study carefully the possibility that the additional nitrogen load could be handled at an *incremental* cost that compares favorably with the cost of continuing to have the solid waste management systems manage this heavy waste.

In conclusion, we want to thank the Council for allowing us to brief you on our views, and we hope you will read our report as you consider them. We believe that these four elements must be thoroughly investigated and evaluated, comparing their impacts to those that would stem from the proposed use of the W. 59th St. MTS. While this assessment *could* be made as part of the CSWMP process itself, WE DO NOT WANT TO DELAY THE ADOPTION OF THE SWMP. So we ask instead that the SWMP simply contain commitments to investigate the truck-to-rail option and our suggested methods for reducing the amount of Manhattan's commercial waste. We applaud the SWMP's goal of relieving neighborhoods that now take an unjust amount of Manhattan's waste, and we look forward to collaborating with the City as it moves ahead in finding ways to make the realization of that goal feasible.