1   --X

2   PUBLIC HEARING

3   FRANCHISE AND CONCESSION REVIEW COMMITTEE

4   --X

5   22 Reade Street
                          New York, New York

6
                          DATE: July 12, 2023
7   TIME: 2:30 p.m.

8

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10   PUBLIC HEARING in the above-referenced

11   matter, held at the above time and place,

12   transcribed by Sabrina Brown Stewart, a Notary

13   Public of the State of New York.

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1   A P P E A R A N C E S:

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3   Chair/Mayor:
    BILL HEINZEN

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    Clerk:
5   KIMBERLY EGBERT

6   Office of the Mayor:
    MALCOLM CAIN

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    Office of Management and Budget:
8   NANCY LIN

9   Corporation Counsel:
    MATTHEW BRIDGE

10

    Comptroller:
11   CHRISTIAN STOVER

12   Borough President of Brooklyn:
    JOHN DOUGLAS

13

    Borough President of Manhattan:
14   TOMI VEST

15   Borough President of Staten Island:
    LAUREN LEFKOWITZ

16

    ANTHONY DELL'OLIO - Representative, Department of
17   Small Business Services

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1   CHAIR HEINZEN: Good afternoon. Thank

2   you for coming today. The Franchise and

3   Concession Review Committee Public Hearing

4   will now come to order.

5   Will you please call the roll.

6   THE CLERK: Mayor?

7   CHAIR HEINZEN: Bill Heinzen, present.

8   THE CLERK: Office of the Mayor?

9   MR. CAIN: Malcolm Cain, present.

10   THE CLERK: Comptroller?

11   MR. STOVER: Christian Stover, present.

12   THE CLERK: Corporation Counsel?

13   MR. BRIDGE: Matthew Bridge, present.

14   THE CLERK: Office of Management and

15   Budget?

16   MS. LIN: Nancy Lin, present.

17   THE CLERK: President, Borough of the

18   Bronx?

19   (No response).

20   THE CLERK: Let the record reflect,

21   President, Borough of the Bronx is not

22   present.

23   President, Borough of Brooklyn?

24   MR. DOUGLAS: John Douglas, here.

25   THE CLERK: President, Borough of

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1           Manhattan?

2               MS. VEST:  Tomi Vest, present.

3               THE CLERK:  President, Borough of

4       Queens?

5           (No response).

6               THE CLERK:  Let the record reflect,

7       President, Borough of Queens is not present.

8               President, Borough of Staten Island?

9               MS. LEFKOWITZ:  Lauren Lefkowitz,

10      present.

11              THE CLERK:  Representative, Department

12      of Small Business Services?

13              MR. DELL'OLIO:  Anthony Dell'Olio,

14      present.

15              CHAIR HEINZEN:  Welcome to this public

16      hearing of the FCRC.  The hearing being

17      conducted today has been publicly advertised

18      in accordance with the New York City Charter

19      and the Concession Rules of the City of New

20      York.  In order to make sure that anyone who

21      wants to be heard has the opportunity to do

22      so, we ask that anyone wishing to speak fill

23      out a request slip, which may be obtained

24      from the Clerk.

25              People who have registered to speak
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 1        will be called upon to testify after the

 2        calendar item has been called.  You may also

 3        submit written testimony to the Clerk, which

 4        will be made part of the record and available

 5        to every member of the Committee.

 6             Any written submissions can be given to

 7        the Clerk at the close of the public hearing

 8        or may be e-mailed to

 9        F-C-R-C@M-O-C-S.N-Y-C.gov.  That's

10        fcrc@mocs.nyc.gov, till 9 a.m. tomorrow

11        morning, all written testimony will be

12        provided to the Committee for our review and

13        consideration.

14             We're going to give each speaker

15        approximately three minutes.  When you

16        testify, we ask that you please restate your

17        name and affiliation, if any.

18             Can you please call the only calendar

19        item.

20             THE CLERK:  New York City Department Of

21        Small Business Services, Calendar Item

22        Number 1:  In the matter of the intent to

23        seek Franchise and Concession Review

24        Committee approval, pursuant to Section 1-16

25        of the Concession Rules of the City of New
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1   York, to utilize a different procedure to

2   enter into a significant Sole Source interim

3   Concession Agreement with FirstFlight

4   Heliports, LLC, doing business as Saker

5   Aviation Services, to provide for the

6   operation of the Downtown Manhattan Heliport.

7   The agreement would provide for one

8   six-month term, with two six-month options to

9   renew at the discretion of SBS. This

10   agreement intends to keep the heliport

11   operational, while SBS solicits a new

12   heliport operator via a 1-13 Request for

13   Proposals.

14   CHAIR HEINZEN: Okay. Thank you.

15   We'll take testimony from the public in just

16   a second.

17   But first, does any member of the

18   Committee have a statement that they would

19   like to make?

20   (No response).

21   Okay. Hearing none, we'll now hear

22   testimony from the public. As a reminder,

23   you have three minutes to testify, and we ask

24   that you be respectful of other speakers'

25   time, and be courteous when providing your

1   testimony.

2   Can you please call the first person.

3   THE CLERK: Kate Madigan, please

4   provide your full name and affiliation for

5   the record.

6   MS. MADIGAN: Thank you, ladies and

7   gentlemen of the Committee, for listening to

8   our public remarks. My name is Kate Madigan

9   from The Public Theater, also known as the

10   New York Shakespeare Festival. And we

11   respectfully oppose any new expansion for

12   helicopter traffic in the New York City area.

13   This includes any changes to the Downtown

14   Manhattan Heliport.

15   For years, we have been vocal in

16   raising awareness that our Free Shakespeare

17   performances in the open air Delacorte

18   Theater in Central Park are continually

19   interrupted by hovering tourist helicopters.

20   Free Shakespeare in the Park is a 65-year

21   long tradition, experienced by thousands of

22   New Yorkers and tourists annually.

23   The Delacorte Theater, located along

24   the 81st Street traverse across Central Park,

25   experiences a significant amount of noise

1   during performances. Furthermore, each year,

2   there's a significant amount of sightseeing

3   helicopter traffic above the Delacorte

4   Theater that creates constant and disruptive

5   noises during performances.

6   The public theater stage managers and

7   government relations team keep record of

8   helicopter disruptions that shows -- that

9   data shows that night after night, our

10   performances are interrupted. Therefore, we

11   will continually oppose any room for

12   helicopter traffic expansion in NYC.

13   Currently, there is no recourse for the

14   -- in this Metropolitan area to control the

15   constant noise pollution created by leisure

16   helicopters and other tourist rotorcrafts

17   hovering above the City. We only have these

18   public spaces to expand upon the blatant

19   reduction of quality of life.

20   To be clear, the public theater

21   respects and understands the need for

22   official business carried out in the sky by

23   emergency medical teams, NYPD, and those

24   monitoring public safety from helicopters.

25   The luxury and sightseeing rotorcrafts are

1   the main disrupters and constantly threaten

2   the quality of life in New York City.

3   Overall, the noise pollution caused by

4   the hovering and circling of leisure

5   helicopters destroys our theater experience

6   for the audience and heavily distracts

7   performers. Not only have cast and crew of

8   the show prepared for weeks to deliver an

9   amazing performance, but the audience has

10   also waited hours in line for tickets.

11   The average citizen isn't prepared to

12   carry around noise canceling aviation

13   headsets. Furthermore, helicopters make more

14   noise when turning, compared to flying

15   straight, as the change in direction alters

16   the vortices around the blades. Therefore,

17   any helicopters that circles around the open

18   air Delacorte Theater in Central Park

19   maximizes their noise pollution.

20   Any sightseeing company is aware of the

21   noise pollution produced while circling

22   around, but they continue to ignore respect

23   and consideration for the communities below.

24   In conclusion, the recently proposed

25   expansions for the Downtown Manhattan

1   Heliport are unacceptable and need not move

2   forward. Protecting the quality of life for

3   New Yorkers is of the utmost concern. We

4   would be happy to discuss these concerns with

5   you and your teams at your requests.

6   Thank you so much for your time and

7   careful consideration of this important

8   issue.

9   THE CLERK: Thank you.

10   Verne Zimmer, please provide your full

11   name and affiliation for the record.

12   MS. ZIMMER: Thank you to the Committee

13   for allowing me to speak as a member of the

14   public. My name is Verne Zimmer, and I'm a

15   new member of Stop The Chop, but I'm not

16   representing in any official capacity. They

17   are just about personal experiences.

18   I find helicopter traffic to make

19   unnecessary noise that's very disturbing,

20   whether it's viewing performances by the

21   Hudson Classical Theater along the Hudson

22   Park Outdoors, that's very -- it's ruining

23   the experience there, and the times at

24   Central Park, which provides a wonderful

25   space to commune with nature and other

1   like-minded New Yorkers.

2   The helicopter traffic makes

3   unnecessary noise that's to the point of

4   being a nuisance there. And whether it's a

5   helicopter hovering directly over my

6   apartment for 20 minutes at a time, provides

7   a lot of stress.

8   As I studied in New York City, the Open

9   Center with the sound of music healing

10   course, and also from my own experience of

11   being healed by sound and healing, sound

12   makes a difference in people's health,

13   whether it's physical, mental, emotional.

14   The wave producing sound can integrate all

15   these healing factors to change your whole

16   system, your immune system.

17   So, I'm against expanding any heliport

18   traffic. Thank you.

19   THE CLERK: Thank you.

20   Barb Rietschel, please provide your

21   full name and affiliation for the record.

22   MS. RIETSCHEL: I'm Barb Rietschel.

23   I'm unaffiliated. I'm sure you've all read

24   the New York Times article about what the

25   noises do to the health of everyone in Lower

1   Manhattan; so, we all know that.

2   But my question is, and I don't know if

3   this is part of what you could do, but if

4   there's congestion pricing for cars because

5   of the pollution from cars, why isn't the

6   aviation fuel that's spewing diesel on us

7   part of that consideration? The governor had

8   said people in the cars could take trains.

9   People coming in helicopters from the

10   Hamptons could also take the trains.

11   So, I don't know if this is part of

12   your purview, but I think we should close

13   that port on 30th Street, as opposed to

14   expanding it, if you think about the

15   pollution from the aviation fuel.

16   So, that's just my addition, but I'm

17   sure you're going to hear all the stuff about

18   the noise. It's constant and it's impossible

19   to work if you live in Lower Manhattan, so

20   that's it. I don't need any more time.

21   Thank you.

22   THE CLERK: Thank you.

23   Anne-Marie Riccitalle.

24   MS. RICCITALLE: Yes, Riccitalle. I'm

25   here. Thank you.

1   THE CLERK: Thank you. Please provide

2   your full name and affiliation.

3   MS. RIETSCHEL: Certainly. Thank you.

4   Thank you all for the opportunity to speak.

5   I'd like you to know that I'm a frequent

6   visitor to Chelsea Piers. I live on 17th

7   Street Union Square. And my life partner and

8   I would frequently go there, and now I go

9   there alone. And it's impossible to sit

10   there and read. Impossible.

11   For 30 minutes I sat there one Saturday

12   afternoon and I counted 26 helicopters,

13   literally every three minutes, sometimes in

14   tandem. Please realize, noise is a deadly

15   threat. It is where smoking was decades ago.

16   Please be responsible. Please end this

17   noise.

18   Thank you.

19   THE CLERK: Thank you.

20   Bill Thomas, please provide your full

21   name and affiliation for the record.

22   MR. THOMAS: Hi. I'm Bill Thomas, and

23   I'm a board member of Stop the Chop New York

24   and New Jersey. I'm a resident of Manhattan

25   but a native of Queens.

14

1   The proposed agreement between the EDC

2   and the FirstFlight Heliport should not be

3   approved in its current form. The agreement

4   unacceptably maintains the status quo with

5   respect to nonessential tourist flights

6   originating from the heliport. The agreement

7   continues as unchanged with rules established

8   in 2016, that were essentially designed to

9   mitigate the acknowledged. This part the EDC

10   acknowledges the impact of noise and

11   pollution by tourist helicopters on New York

12   City communities.

13   However well-meaning, these mitigation

14   and efforts have not worked. Helicopter

15   complaints to 3-1-1 have increased

16   exponentially from about 3,000 in 2019 to

17   over 20,000 and counting in 2022, and now in

18   into '23. Any agreement to operate the

19   Downtown Heliport should contain a provision

20   which bans its use for tourist flights. And

21   I would note, this is the only heliport under

22   EDC's jurisdiction that actually allows

23   tourist flights.

24   So, we've also noted that there is a

25   lot of opposition to maintaining tourist

1   flights on the part of our elected leaders.

2   For example, there's legislation in the City

3   Council 0551, which has the majority as the

4   City Council as cosponsors, which would ban

5   tourist flights in New York City heliports.

6   So, if nothing else, EDC should be

7   thinking about the inevitability that even if

8   EDC decides to continue, boldly in our view,

9   with this, eventually, the legislation will

10   sort of supercede this issue. EDC should be

11   thinking about how to operate these heliports

12   without tourist flights.

13   If, however, you do decide to go

14   forward, we do suggest some amendments to the

15   2016 agreement provisions; one, further

16   restrict the number of flights by, we think,

17   at least 50 percent. Further restrict the

18   air space in which the helicopters can fly,

19   keeping as far away from land as possible,

20   even if over water. If you're over water,

21   you can still be heard on land, as my

22   predecessor indicated.

23   The types of pollutants should be

24   expanded to reflect the latest guidance from

25   the Federal EDC, and complaints should be

1   addressed not by EDC, but an independent

2   third-party, who has its mission to monitor

3   noise and other pollutants.

4   Thank you for the opportunity to speak

5   to you today. You do have my written

6   testimony, as well as the letter that my

7   organization sent to EDC in May, which goes

8   into further detail.

9   Thank you.

10   THE CLERK: Thank you.

11   David Sander, please provide your full

12   name and affiliation for the record.

13   MR. SANDERS: Hello, is this on?

14   David Sanders. I'm a member of Stop

15   the Chop. I'm unaffiliated elsewhere. And

16   thank you for providing this opportunity to

17   speak in the case against tourist

18   helicopters.

19   Hudson River Park and Central Park are

20   treasured sanctuaries amidst New York's noisy

21   and often chaotic urban landscape. And these

22   green spaces were created and designed to

23   provide a much-needed respite, offering

24   solace, relaxation and an opportunity to

25   reconnect with nature. So, if you picture

1   yourself strolling along the tranquil

2   pathways to Central Park with banks of the

3   Hudson River and Hudson River Park, these

4   moments of solitude and personal recharging

5   are essential for our mental well-being and

6   overall quality of life. And yet, the serene

7   atmosphere is almost always shattered with

8   the constant stream of helicopters overhead.

9   I'm recently retired. I'm a landscape

10   architect. I spend my life creating gardens

11   and beautiful landscapes for people to enjoy,

12   and I can bicycle down to the Hudson River

13   Park. This is the one -- I lived on the

14   Upper West Side for the last 50 years. This

15   is the one part of the entire Hudson, the

16   West Side Highway, where there are buildings

17   between the highway and river.

18   And so, when I bike down there, I say

19   "Oh, I can just enjoy the river," and one

20   helicopter after the next comes overhead.

21   And I stopped going there because it's not

22   enjoyable to be there, but I used to make the

23   joke to people from the beginning, I said,

24   "It's like sitting under a runway at the

25   airport," until I realized it is a runway.

1   It's a runway to the heliport on 30th Street

2   and that's exactly what it is. And sometimes

3   there's two or three helicopters, but I no

4   longer go there. So, now I go to Central

5   Park and I like to visit Rambles every day.

6   And I don't know if you've ever been there,

7   birds are chirping, there's streams running

8   by, it feels almost like in Vermont, I can't

9   hear the City, and then every few minutes a

10   helicopter comes by, all the sounds are

11   blocked out.

12   And the same helicopter disturbs tens

13   of thousands of people enjoying the park, and

14   for what, so that three tourists can look

15   down over the park. So, these helicopters

16   infiltrate the spaces that contradicts the

17   very purposes that these spaces were built

18   and exists.

19   So, in conclusion, I implore that you

20   listen to the concerns of residents who live

21   here. There's so little we can do to reduce

22   noise pollution. It keeps getting worse. We

23   can't stop commercial jet aircraft. We can't

24   stop army and police helicopters. We can't

25   stop loud trucks or motorcycle. Perhaps the

1   only thing we could do at this point is stop

2   tourist helicopters.

3   So, I ask you to please make a

4   responsible and compassionate choice by not

5   allowing tourist helicopters to throw this

6   approach.

7   Thank you.

8   THE CLERK: Thank you.

9   Jonathan Baum, please provide your full

10   name and affiliation for the record.

11   MR. BAUM: Thank you. My name is

12   Jonathan Baum. I work for Stop the Chop

13   doing some videos for them. But I also live

14   right here, right actually down the block. I

15   wasn't going to come to this meeting, but as

16   I started to read the e-mail, I felt I

17   should. So, here's some of my thoughts.

18   I'm here to testify to the fact that

19   sightseeing flights now takes place six days

20   per week. When I moved down here almost

21   30 years ago, it was mostly quiet during the

22   days and weekends here. Nowadays, air

23   traffic has multiplied significantly.

24   My apartment faces the Brooklyn Bridge,

25   my windows, so almost each and every day I

1   can hear helicopters going back and forth.

2   They sometimes pause, so they could take

3   pictures of the bridges, circle sometimes

4   over and over to get those Instagram-type

5   shots that everyone is looking at on their

6   phone all day.

7   But for the people that live here, and

8   some do work from home like me, it could be

9   truly difficult because these choppers create

10   noise, excessive noise pollution, that you

11   can hear from the inside of your apartment.

12   One thing also is, I will say, I'm working

13   from home. After this I was working in an

14   office, I worked from home since the pandemic

15   to do sound. I can't do any kind of sound

16   today anymore, unless I built in a studio.

17   I'm in an apartment. I used to be able to do

18   it. Those days are kind of over.

19   The Lower Manhattan heliport East River

20   appears, sees 30,000 helicopters take off

21   each year, according to the EDC. While east

22   at least 34 helicopters have capped by 28,000

23   flights annually. I'm sure you all know

24   this. After a decade, it just seems

25   (inaudible) complaints rarely received more

1   than a thousand complaints a year. 2020 saw

2   ten thousand complaints about helicopters.

3   Last year, the number rose to 26,000, so you

4   can see a lot of New Yorkers are not happy

5   about this situation.

6   Imagine trying to have a peaceful meal

7   inside your apartment and you have these

8   choppers hovering outside, and you hear this

9   noise rumble, which sometimes shakes the

10   building.

11   So, I'm asking you here to limit the

12   amount of nonessential flights in Lower

13   Manhattan all the way in order to improve the

14   quality of life for those of us who live and

15   work in Lower Manhattan.

16   Thank you so much. I appreciate it.

17   THE CLERK: Thank you.

18   Javi (inaudible), please provide your

19   full name and affiliation for the record.

20   SPEAKER: Hi there. My name is Javi

21   (inaudible). I'm an acoustical consultant by

22   profession, though I'm just representing

23   myself as an individual. But for the record,

24   I'm listed in the New York City Environmental

25   Protections list of approved noise

1   consultants.

2   And I'd like to register my opposition

3   to entering into this concession agreement

4   with Saker Aviation. I'm opposed for two

5   sort of distinct reasons. As others have

6   noted, there's a well-established negative

7   health effect of helicopter noise and noise

8   in general. And helicopter noise is a big

9   contributor, especially in Downtown

10   Manhattan. And then, just because of the

11   general degradation of the Urban Soundscape

12   from idling flying helicopters, frankly,

13   helicopter noise is obnoxious and an

14   imposition on New York City residents.

15   Secondly, the diesel pollution and

16   subsequent CO_2 emissions caused by

17   helicopters, it is the height of

18   irresponsibility to allow frivolous and

19   unnecessary recreational helicopter flying

20   when the effects of climate instability

21   caused by greenhouse gas emissions are

22   increasingly and dismaying evident.

23   I ask that this agreement will be

24   wholly and cheerfully rejected.

25   Thank you.

1   THE CLERK: Thank you.

2   Luca Benedetti, please provide your

3   full name and affiliation for the record.

4   MR. BENEDETTI: Thank you.

5   My name is Luca Benedetti. I'm

6   representing myself, my partner. We have

7   been in New York for about 20 years. We

8   recently moved to Red Hook a year and a half

9   ago where we were already visiting Portland.

10   And since living there, we can attest to the

11   fact that traffic at first wasn't as audible

12   as it became in the fall of 2022, so and now

13   it seemed to have died down, but the poor

14   quality is (inaudible) first helicopters. So

15   we kind of have a before and after

16   perspective. I expect it to be back at some

17   point.

18   It's incredibly disruptive. There's

19   birds around (inaudible) that part of New

20   York and also Governor Island in order to

21   seek respite from the chaos of the city. I'm

22   a musician, so I do appreciate some silence

23   at time. And we noticed at times you could

24   download flight radar app. As many as 12

25   helicopters at one time used to hover above

1   Governor's Island and the Statue of liberty.

2   It's a good resource to check just how many

3   helicopters are flying over New York. We

4   noticed over Prospect Park as well and it's

5   simply unnecessary.

6   I support all the statements to reject

7   this agreement. I just want to testify this

8   (inaudible) have went up and have gone down

9   considerably just out of perspective, as many

10   helicopters as there have been. One day I

11   remember about eight hours straight -- I

12   remember because I had to make a social media

13   post, ranting about eight hours straight

14   about incessant helicopter traffic

15   (inaudible).

16   So, please be responsible. These are

17   luxury emissions, extravagant pumping of

18   harmful greenhouse gas into the atmosphere,

19   exasperating family crisis for a marginal

20   benefit to a small group of individuals.

21   Thank you very much.

22   THE CLERK: Thank you.

23   Was anyone missed that wanted to

24   testify?

25   (No response).

1   THE CLERK: Okay. We have now heard

2   all testimony on this calendar item. For

3   those who want to, you may submit written

4   testimony to FCRC at mocs.nyc.gov until

5   9 a.m. tomorrow morning. You can also hand

6   written testimony to me at the close of the

7   hearing.

8   CHAIR HEINZEN: Thank you.

9   Before we conclude, does any of the

10 agencies present want to make a statement

11 today, for the record?

12   (No response).

13   CHAIR HEINZEN: Okay. Hearing none, no

14 one else wishes to speak, that concludes

15 today's hearing.

16   We ask that the reporter make the

17 entire public hearing agenda, which was made

18 publicly available and distributed at this

19 hearing, part of the final record of this

20 proceeding.

21   The hearing is now closed. Thank you.

22   (TIME NOTED: 3:00 p.m.)

23

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 1                    C E R T I F I C A T E

 2

 3    STATE OF NEW YORK)

 4                        :SS

 5    COUNTY OF QUEENS)

 6

 7          I, Sabrina Brown Stewart, a shorthand

 8    reporter within and for the State of New York, do

 9    hereby certify that the within is a true and

10    accurate transcript of the statement taken on

11    July 12, 2023.

12          I further certify that I am not related to

13    any of the parties to this action by blood or by

14    marriage, and that I am in no way interested in the

15    outcome of this matter.

16          IN WITNESS WHEREOF, I have hereunto set my

17    hand this 31st day of July, 2023.

18

19

20                        Sabrina Brown-Stewart
                          Sabrina Brown Stewart

21

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23:15 (6)

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