



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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COREY JOHNSON
Chair

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

February 13, 2012

Hon. Amanda M. Burden, Chair
New York City Planning Commission
22 Reade Street
New York, NY 10007-1216

Re: Proposed Green Text Amendment – N 120132 ZRY

Dear Chair Burden:

At the January 11, 2011 joint meeting of Manhattan Community Board 4's (CB4) Chelsea Preservation and Planning (CP&P) and Clinton/Hell's Kitchen Land Use (C/HKLU) Committees, the Department of City Planning (DCP) presented the proposed Green Text Amendment. At its regularly scheduled meeting on February 1, 2012, on the joint recommendation of the CP&P and C/HKLU Committees, the Board voted to approve the following the proposed Green Text Amendment subject to the following conditions.

1. Energy-Efficient Building Walls

While CB4 agrees with creating incentives to improve building insulation and applauds the reasoning behind this provision we are concerned that it would have undesirable consequences in high density districts without overall height limits. For a small building on a small lot, the amount of floor area to be recovered from 8" exterior walls would be minimal, but for a large building on a large lot the potential results are additional floors and increased height.

Consider, for example, a 100' square lot zoned for a Floor Area Ratio (FAR) of 10 with required setbacks at sixty and one hundred feet, with 10 foot high stories. If both setbacks are ten feet and are on all four building faces, the floor area recovered from the 8" walls would permit a 15 story building instead of a 14 story building. If instead the first setback is 15 feet, the result would be 20 stories instead of 18.

CB4 believes that because of the cost savings resulting from insulation, owners of large buildings will not need significant incentives to increase energy efficiency; therefore these additional stories are an unnecessary price to pay in high density districts. CB4 requests that DCP study the effects of this provision in high density districts and suggests that it be modified so as not to permit an increase in building height for buildings of greater than a defined FAR.

2. Solar Energy

CB4 questioned the restriction on solar panels to 25% roof coverage and appreciates the clarification that the 25% restriction applies only to that portion four feet or more above roof level in order to reduce visibility from the street, and that there is no limit to roof coverage by solar panels less than four feet above roof level.

3. Other Rooftop Equipment

CB4 has an ongoing problem with the use of outdoor spaces on or associated with buildings for bars, restaurants and parties. Rooftop venues, both licensed establishments and private spaces used for parties, have been especially disruptive because noise can disturb people who are at a great distance from the actual party space. CB4 understands that roofs can be made accessible without the addition of decks, that decks that do not exceed the building height limit are already permitted and that decks can have beneficial uses, such as aiding in the capture of storm water with blue-roof systems. However, CB4 is concerned that permitting decks above the building height limit will exacerbate the growing problem of noisy, disruptive outdoor spaces and understands that other community boards have expressed similar concerns. CB4 requests that DCP study this effect of the provision to see if this non-beneficial impact can be reduced or eliminated.

4. Rooftop Greenhouses

Zoning Resolution (ZR) Section 75-01 provides a certification process by which a rooftop greenhouse will be excluded from the definition of FAR and may exceed building height limits. CB4 welcomes the placement of greenhouses on rooftops and agree with its restriction to buildings without residences. CB4 also agrees with the other general provisions of the section with the exception of ZR § 75-01(f)(3). ZR § 75-01(f)(3) permits accessory office or storage space, limited to 20% of the floor space of the greenhouse, to be exempt from the transparency requirement of ZR § 75-01(d). CB4 is concerned that an office in a rooftop greenhouse may be viewed as an attractive amenity for a building or that a building would use the greenhouse for general storage. In each case, transparency would be reduced for uses unrelated to the greenhouse itself. CB4 is also concerned that storage space occupying the permitted 20% of greenhouse floor space could take the form of shelving or other thin storage along multiple sides of the greenhouse, thus significantly reducing transparency.

CB4 requests that the text be modified to:

- Require that the office or storage space be accessory to the greenhouse itself, not to the building on which the greenhouse rests; and
- Require that the office or storage space be configured and positioned to occlude the minimum amount of transparent wall, for example not to exceed a percentage of linear wall space equal to the percentage of floor space it occupies.

5. Wind Energy

While CB4 supports the development of sustainable energy sources, the Board cannot support the use of

wind turbines in a dense urban setting. During the review of this amendment CB4 learned that wind turbines are already permitted on buildings and that the purpose of the amendment is to set limits on turbine height and diameter, and to establish minimum setbacks. The selection of buildings and the determination of the number of turbines to place on a building and their positioning are left to owners and installers.

In a community where building heights and setbacks are established through a rigorous process that includes multiple stakeholders, including DCP and the Community Board, CB4 is sensitive to the potential impact large wind turbine structures could have on undermining the existing zoning restrictions and regulations.

Furthermore, despite assurances that the economics of small, building-mounted turbines in NYC are unfavorable, that it is difficult to find optimal wind conditions in a built-up area, and that buildings need special engineering to handle the lateral forces generated by turbines, CB4 remains concerned that future inducements could spur the proliferation of turbines despite these factors, increasing the likelihood of accidents and unacceptable noise. CB4 understands that Department of Buildings (DOB) and Department of Environmental Protection (DEP) are charged with regulating these issues, respectively, but the Board has found that enforcement by these two agencies can be problematic, especially during periods of budget distress. For both safety and noise reasons, CB4 requests that at the very least wind turbines not be allowed on or close to residential buildings. At a future date, the Board would be glad to reconsider its position against wind turbines on residential buildings, if and when it becomes clear that the technology is effective, safe, and quiet.

Thank you for the opportunity to provide comments and submit recommendations on this important zoning.

Sincerely,



Corey Johnson, Chair
Manhattan Community Board 4



Jean-Daniel Noland, Co-Chair
Clinton/Hell's Kitchen Land Use Committee

[signed 1/9/2012]

Gretchen Minneman, Co-Chair,
Clinton/Hell's Kitchen Land Use Committee



J. Lee Compton, Co-Chair
Chelsea Preservation and Planning Committee

[Signed 2/13/12]

Bret Firfer, Co-Chair
Chelsea Preservation and Planning Committee

cc: NYC Council Speaker Christine Quinn
Manhattan Borough President Scott Stringer
NYS Senator Thomas K. Duane
NYS Assemblyman Richard Gottfried
NYS Assemblywoman Linda Rosenthal
Congressman Jerrold Nadler