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**The City of New York  
Community Board 8 Manhattan  
Transportation Committee**  
Wednesday, May 3, 2023, 6:30 PM  
*Conducted Remotely on Zoom*

*Please note: The resolutions contained in the committee minutes are recommendations submitted by the committee co-chairs to the Community Board. At the monthly full board meeting, the resolutions are discussed and voted upon by all members of Community Board 8 Manhattan.*

**Resolutions for Approval:**

Item 1: Addressing the issue of Scaffoldings (unanimous)

Item 3: Disapproval of a 5G Street Pole attachment on 85<sup>th</sup> St. bet. Madison and 5<sup>th</sup> Avenues (unanimous)

**Minutes**

*Present:* Mohit Agrawal, Michele Birnbaum, Lori Bores, Lorraine Brown, Rebecca Dangoor, Billy Freeland, Craig Lader, Rebecca Lamorte, John McClement, Rita Popper, Judy Schneider, Cos Spagnoletti, Charles Warren, Shari Weiner, Peter Borock (public member), Stephanie Reckler (public member)

*Absent (Excused):* Paul Krikler, Valerie Mason, Sharon Pope-Marshall

**Item 1: Presentation by Council Member Keith Powers and Chris Carroll, Policy Director to the Manhattan Borough President, discussing the adverse impacts of scaffolding on our streetscape and the proposed package of legislation to address the proliferation of sidewalk sheds on our streets.**

Council Member Keith Powers discussed a package of proposed legislation intended to address the proliferation of scaffoldings and sidewalk sheds across New York City, issued alongside a report he published in conjunction with the office of Manhattan Borough President Mark Levine; Chris Carroll, Policy Director to the Manhattan Borough President, was also present to address questions.

Council Member Powers explained how scaffoldings have visual and safety impacts due to their unsightliness, are also costly for buildings and their management companies to install and maintain, and often remain standing for too long - some have been in place since 2007. He also noted that they negatively impact businesses, as scaffoldings can impact their visibility and the amount of foot traffic they receive.

Council Member Powers stated that the proposed legislative package identifies numerous approaches to addressing the situation, including programs for buildings that can't afford to do the work and remove scaffolding, using drones for visual inspections, providing sufficient lighting under sidewalk sheds, and addressing scaffoldings that are in publicly owned buildings. He emphasized that these proposals aren't meant to eliminate the presence of scaffoldings and recognizes their importance from a safety perspective, but that if enacted will help to manage their presence and address the aspects that most affect everyone.

The package of bills is as follows:

- A. [Introduction 970](#) will establish new design requirements for scaffolding, such as allowing the structures to be painted in several different colors and raising their minimum height to 12 feet, as well as creating alternatives to scaffolding (such as mesh netting).

- B. [Introduction 972](#) will create timelines for the removal of scaffolding if no active construction is taking place over an extended period of time. Instead, the City would be allowed to step in and correct unsafe conditions on building facades, and then bill the property owner.
- C. [Introduction 973](#) will allow newly constructed buildings to have their first facade examination take place in 8 years instead of 5 since they use safer materials. It would also require the Department of Buildings to coordinate inspections on the same block so facade repairs happen simultaneously.
- D. [Introduction 971](#) will protect our tree cover. It will require any trees that are damaged or removed when setting up equipment to be repaired or replaced within 6 months.
- E. [Introduction 452](#) will allow the City to establish a pilot program to use drones, in conjunction with physical examinations, for the inspection of building faces.
- F. [Introduction 954](#) protects our city's green spaces by requiring scaffolding to avoid obstructing playgrounds and parks. Scaffolding in these areas would have to be a minimum of 12 feet high and avoid use of cross-bracing.
- G. [Introduction 955](#) makes scaffolding brighter and safer - especially at night - by updating lighting requirements to LED lights that have at least 90 lumens per watt as opposed to the current 45.
- H. [Introduction 956](#) establishes penalties for property owners who fail to apply for a work permit within 6 months of installing scaffolding.
- I. [Introduction 966](#) requires the Department of Buildings to inspect scaffolding every six months and issue an administrative fee per inspection.

Hayden Spitz, CEO and founder of Boston Drone Productions, provided a presentation depicting how drones can be used to conduct visual inspections of buildings, which can eliminate the need for scaffoldings to be installed. He explained that drones have the capability of inspecting building facades and roofs, and collecting 4K quality video that can be used to compare current conditions to previous examinations and for insurance purposes; they also can be equipped with thermal and infrared capabilities. Drone photography and videos can also be orders of magnitude less expensive than manual inspections, especially if an inspection identifies work that needs to be done only on one side of the building; it would also identify the specific side of the building where scaffolding is needed and preserve the sidewalks elsewhere. This could be very helpful for Local Law 11 compliance purposes. Drones can also inspect taller buildings, but may need FAA approval to operate above certain heights depending on their location. The other benefit of drones is that they can be deployed quickly, whereas traditional building inspections requiring scaffoldings have lengthier timeframes.

It was emphasized that the package of bills is intended to address the most serious issues regarding scaffoldings, but that scaffoldings are still an essential tool to providing safety to those working on building facades and pedestrians at street levels, and that these challenges are not entirely unique to New York City, but Local Law 11 has had an impact on the amount of scaffoldings and the length that they are in place. One constituent mentioned how boom cranes can also be effectively used for building work and prevent the need for scaffolding. One member expressed concerns about Intro 970's allowance of scaffoldings being painted in different color as opposed to requiring consistent color schemes that would be less visually disruptive; a concern with that same bill was raised regarding the 12 feet requirement and how it may adversely impact people who reside on the second floor of a building. A concern was raised about the costs that may be associated with Intro 972. Mr. Carroll further explained how the bills attempt to address costs and how to finance repairs for buildings that are unable to afford to perform work and construct scaffoldings. One member indicated it wasn't clear if Intro 954 includes public plazas (i.e. POPS), and an answer will be provided. An attendee raised concerns about privacy if drones are flying near windows of residences. One member raised a concern that drones could result in less work for those who did the inspections.

Mr. Carroll indicated that he was hoping Community Board action can help build support for the broader plan to address scaffoldings, and to demonstrate support for City Council hearings on the subject matter.

The following resolution was then put forward by Community Board 8:

**WHEREAS;** The proliferation of scaffoldings and sidewalk sheds is a major quality of life issue in Community District 8; and

**WHEREAS;** Scaffoldings and sidewalk sheds within Community District 8 are often unsightly and contribute to visual blight; and

**WHEREAS;** Scaffoldings and sidewalk sheds reduce natural light and have detrimental impacts on plantings and trees that beautify and absorb heat; and

**WHEREAS;** Scaffoldings and sidewalk sheds result in poor lighting and limited visibility at night and contribute to perceptions of diminished safety; and

**WHEREAS;** the duration of time that many scaffoldings remain standing is often too lengthy, resulting in increased costs and inconvenience; and

**WHEREAS;** Building façade inspection requirements mandated under local law 11 currently require the use of scaffolding and new building construction also requires scaffolding and sidewalk sheds; and

**WHEREAS;** the use of drones to assist in the building inspection process, which could provide opportunities to reduce inspection costs and allow them to be done without the need for scaffolding and sidewalk shed installation is worthy of further study and consideration; and

**WHEREAS;** the New York City Council is considering a package of proposed bills to attempt to address the issues regarding scaffoldings and sidewalk sheds; and

**WHEREAS;** Community Board 8 believes that the package of bills should be debated and seriously considered;

**THEREFORE BE IT RESOLVED,** that Community Board 8 supports efforts of the City Council to address the issue of excessive and unsightly scaffoldings and sidewalk sheds that adversely impact the quality of life of residents, visitors and businesses, and urges hearings and consideration of the package of bills introduced by Keith Powers and others that aim to address the subject matter in a comprehensive manner.

*Yes (13+2):* Agrawal, Birnbaum, Bores, Brown, Dangoor, Lader, Lamorte, McClement, Popper, Schneider, Spagnoletti, Warren, Weiner, Borock (public member), Reckler (public member)

*No (0):* None

*Abstain (0):* None

## **Item 2: Discussion of Residential Parking Permit Programs**

This item was requested by a member of the Committee in response to a proposal made by the New York State Senate in March 2023 related to the State Budget, which did not get incorporated into the ultimate budget agreement that was passed into law. The proposal would have provided the New York City Council with the authority to develop a residential parking program that would be implemented in certain neighborhoods. Since the Committee member who requested the discussion was unable to attend, it was decided that this item would be postponed until a future meeting.

## **Item 3: Discussion of proposed "5G" Street Pole Attachments located within 10 feet of an adjacent building on East 85th Street between 5th Avenue and Madison Avenue**

The New York City Office of Technology and Innovation (OTI) submitted notification to CB8M of a request by one of its partner Mobile Telecommunications Franchisees to install a 5G street pole attachment on the north side of the midblock of East 85<sup>th</sup> Street between 5<sup>th</sup> Avenue and Madison Avenue. As this 5G attachment would be

situated under 10' from an adjacent building, OTI is required to solicit written comments from Community Boards on such requests.

Community Board 8 Manhattan passed a resolution in March 2023 in response to similar requests submitted at the time, which stated that any siting of 5G equipment should not be within 10' of a building. This followed a more extensive discussion on concerns regarding the placement of 5G infrastructure that was held in December 2022, at which time a separate resolution was passed "requesting a moratorium be placed on construction and planning of Link5G poles and devices in Community District 8".

A public attendee who has been a leading anti-5G infrastructure advocate in New York City provided some updates, and referred to recent legal findings concerning environmental reviews pertaining to 5G.

The following resolution was then put forward by Community Board 8:

**WHEREAS;** the NYC Office of Technology and Innovation (NYCOTI) is required to inform Community Boards of proposed 5G street pole attachment locations only if they are proposed within 10 feet of nearby buildings; and

**WHEREAS;** NYCOTI has notified Community Board 8 of the proposed installation of a 5G street pole attachment within 10 feet from a nearby building on East 85<sup>th</sup> Street between 5<sup>th</sup> Avenue and Madison Avenue; and

**WHEREAS;** Residents of Community District 8 have previously raised and continue to express concern about previously installed 5G street pole attachments; and

**WHEREAS;** the appropriateness of the siting of 5G infrastructure locations must be fully considered by Community Boards; and

**WHEREAS;** 5G street pole attachments 10' or less from nearby buildings is perceived as being too close, regardless of the proposed location;

**THEREFORE BE IT RESOLVED,** that Community Board 8 disapproves the NYCOTI proposed 5G street pole attachment within 10 feet of buildings on East 85<sup>th</sup> Street between 5<sup>th</sup> Avenue and Madison Avenue.

*Yes (12+2):* Agrawal, Birnbaum, Bores, Brown, Dangoor, Lader, McClement, Popper, Schneider, Spagnoletti, Warren, Weiner, Borock (public member), Reckler (public member)

*No (0):* None

*Abstain (0):* None

#### **Item 4: NYCDOT Updates**

Colleen Chattergoon, NYCDOT Senior Borough Planner and Liaison to CB8M, reported that NYCDOT is looking to initiate the long-delayed York Avenue Traffic Study, and is planning to conduct a site visit and walk-thru with stakeholders. NYCDOT is currently developing its list of stakeholders, which will include the major medical institutions in the area.

#### **Item 5: Old and New Business**

A Board member inquired about the status of sidewalk shelters associated with NYCDOT's temporary Open Restaurants Program that are not in compliance with regulations. Ms. Chattergoon indicated that NYCDOT continues to investigate such structures when complaints are submitted. She also noted that the details of the permanent Open Restaurants Program are still being worked on, but will not allow for permanent structures. She also said that once the permanent program details are finalized, NYCDOT will shortly thereafter present them to Community Boards.

A public attendee expressed frustration that NYCDOT ignored Community Board 8's resolution from November 2022 in regards to the truck share program to be operated by Truqit.

A Committee Co-Chair noted that the MTA announced at its April 2023 Board meeting that their OMNY fare payment system would be in place on the Roosevelt Island Tram by the end of the 3<sup>rd</sup> Quarter in 2023.

A public attendee raised concerns about the proliferation of e-bikes and e-scooters that operate at speeds similar to mopeds and are comparable weights, and the lack of registration requirements; it was suggested that CB8 should consider a resolution that they should be registered, licensed and insured. This will be discussed at a future Committee meeting.

A public attendee pointed out that there are no alternate side parking requirements currently in place along Lexington Avenue, resulting in the street not being cleaned. One of the Co-Chairs pointed out that Lexington Avenue parking regulations changed in conjunction with the introduction of the dedicated bus lane to prioritize commercial loading during AM hours when street cleaning typically occurs, and that this issue wasn't pointed out when it was originally discussed in June 2019. He also noted that other Avenues with bus lanes, like 1<sup>st</sup> Avenue, have 30 minutes on most weekdays in which alternate side parking is in effect, and that this issue is also present along some other blocks in the district, especially in the lower 60s. The Committee has raised the issue with NYCDOT that streets without alternate side regulations are not being cleaned, and this will be discussed at a future meeting.

A committee member asked Ms. Chattergoon about NYCDOT's Summer Streets Program on Park Ave., and expressed her opposition to it and asked NYCDOT to provide advance notice of this year's program to allow for community feedback.

There being no further business, the meeting was adjourned at 8:57 PM.

Respectfully submitted, Charles Warren & Craig Lader, Co-Chairs