



**BOROUGH OF STATEN ISLAND
COMMUNITY BOARD #3**

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**Land Use Committee
Public Hearing Report**

DATE: June 14, 2023

TIME: 7:00PM

IN PERSON: Yes

VIRTUAL: No

SPEAKER: Yes

Committee Members Present

Frank Morano, *Chairman of the Board*

Thomas Barlotta, *Chair*

Patrick Donahue

Jeff Geary

Celia Iervasi

Andrew V. Poznanski

Owen Reiter

Danny Venuto

Committee Members Absent

Gary Fleming

Wayne Rosenfeld

Board Members Present

Michael Cicciarelli

Carmine Gualtieri

James Pistilli

Patricia Conway

Harold Kozak

Anthony Rapacciuolo

Robert DiGennaro

Dennis McKeon

Anthony Riccardelli

John Felicetti

Nicole Nigro

Staff Present

Charlene Wagner, *District Manager*

Stacey Wertheim, *Community Coordinator*

Susan LaForgia, *Community Coordinator*

Guests

George Todorovic, Deputy Borough Commissioner, Department of City Planning (DCP)

Nilus Klingel, DCP

Rasika Girish Deosthali, DCP

Vincent Giordano, DCP

Anthony Santamaria, Nine Dot Energy

Frank Rapacciuolo, Rep. Councilman Joseph Borelli

Denise Pacheco, Rep. Assemblyman Michael Reilly

Anthony Reinhart, resident

Area Residents

Boy Scouts

Public Contact Session

Richmondtown-Clarke Avenue Civic Association submitted a statement which is annexed to this report.

Agenda

NYC Planning presented City of Yes, City of Carbon Neutrality.

Why Carbon?

- We are in a climate emergency.
- Carbon dioxide (CO₂) is the primary greenhouse gas (GHG) emitted through human activities.
- CO₂ is largely produced through the burning of fossil fuels.
- Paris Agreement aims to limit global warming to 2 degrees and avoid greater climate damage by curbing GHG.

Summary of Proposal

1. Rooftop solar: removing zoning impediments.
2. Solar parking canopies: remove zoning impediments to allow.
3. Solar: ensure standalone generation is allowed.
4. On-shore wind: add a new tool for the CPC to consider future applications.
5. Energy storage (ESS): add new rules to allow-grid-supporting ESS in a wide range of zoning districts.
6. Electrification retrofits: expand rooftop and yard allowances to accommodate increased need for outdoor electrified equipment like heat pumps.
7. Building exterior retrofits: fix rules to ensure that the widest range of exterior retrofits are allowed.
8. Fix Zone Green: update and improve this floor area exemption to ensure it continues to promote better-than-code performance.
9. Vehicle charging: expand allowance to all Commercial Districts.
10. Charge-sharing: allow a percentage of residential spaces to be shared with the public.
11. Parking flex: streamline car-sharing, car rental, and commercial parking rules.
12. Automated parking: expand rules to encourage more automated facilities.
13. Bike parking: add rules for storage and charging.
14. Porous paving: clarify language to ensure permeable paving is allowed.
15. Street Trees: update rules to accommodate new raingarden prototypes.
16. Organics: add new use regulations clarifying where composting and recycling are allowed.
17. Rooftop greenhouses: simplify the process to allow them as-of-right.

** Full Presentation on file in the Community Board office.*

COMMUNITY BOARD CONCERNS

ENERGY

- Rooftop Solar
- Solar Parking Canopies
- On-shore Wind
- Energy Storage (ESS)

BUILDINGS

- Envelope retrofits
- Promoting buildings that perform better-than-code

TRANSPORTATION

- Open-to-the-public EV charging facilities
- 20% or 5 spaces “accessory use” in R3-2, R4 zoning districts
- Commercial Fleet EV charging in both Accessory and Public Parking lots and garages
- Lowering maneuvering requirements for automated parking garages
- Creating a new commercial use for public bicycle and micro mobility parking

WASTE & WATER

- Permeable Paving in high water table areas
- Recycling facilities in commercial storefronts
- As-of-Right roof-top food production

Whereas, City Planning presented **City of Yes, Carbon Neutrality** to the Community Board 3 (CB3) Land Use Committee; and

Whereas, the Land Use Committee had many concerns and concluded that City Planning should withdraw the text amendment,

Now, Therefore be it Resolved, by unanimous vote, CB3 Land Use Committee **unanimously opposed** this application as presented.

Vote: In Favor 19; Opposed 0; Abstentions 0

Morano Y; Barlotta Y; Donahue Y; Geary Y; Iervasi Y; Poznanski Y; Reiter Y; Venuto Y; DiGennaro Y; Felicetti Y; Ciccirelli Y; Conway Y; Rapacciuolo Y; Riccardelli Y; Gualtieri Y; Kozak Y; McKeon Y; Nigro Y; Pistilli Y

Old Business:

None

New Business:

None

Respectfully submitted,



Thomas Barlotta, Chairman

Richmondtown and Clarke Avenue

Civic Association, Inc.
85 Clarke Avenue
Staten Island, New York 10306
718-667-4393

Re: **CEQR No. 23DCP135Y** **City of Yes for Carbon Neutrality text amendment**

While it is imperative that measures be taken to combat the climate crisis, there are a number of issues and questions relating to the City of Yes for Carbon Neutrality text amendment:

Energy Storage Systems (ESS):

- Legislators have been working to introduce legislation that would more tightly control location of energy storage systems. The proposed text, for example, would allow large facilities to obtain approval for an ESS once it obtains a Board of Standards and Appeal (BSA) special permit. Unfortunately, BSA permits have historically been seen as easily obtained "rubber stamps." Proposed energy storage systems that could potentially cause fires and release dangerous fumes, do not belong in residential areas. They need to be carefully regulated and monitored even if placed in a commercial or manufacturing district.

EV Charging Stations:

- How safe are EV car chargers that could be used by owners of EV bikes? How safe would EV car chargers be if placed in basements? How do you address the problems that would be faced by commuters, handicapped, and the elderly, who must rely on cars for transportation, if parking spaces are taken away? The text amendment indicates "... the Department of Transportation (DOT), which is collaborating with the Mayor's Office of Climate and Environmental Justice to expand access to public EV charging on streets across the five boroughs..." Staten Island does not have access to extensive commuter bus service or fast ferries, as is available in other boroughs.
- Other provisions impacting parking spaces:
 - How would street parking be affected by provisions for rain gardens and connecting tree beds? How safely would handicapped, elderly, and children be able to exit cars at a curb if there are extensive areas for rain gardens and for connecting tree beds?

Wind Turbines:

- Research from the scientific community must be considered before large-scale installation of wind turbines throughout NYC. Concerns remain regarding effects of the turbines on marine life, birds, and bats.
- Height and bulk of wind turbines: could potentially create large shadows that could impact neighboring parks, gardens, community open space, private residences, public buildings, unless limitations are set.

- Noise: What regulations would be instituted regarding noise pollution from wind turbines, if there is no solid regulation on where and how many turbines could be placed in a defined space?
- Wind turbines, according to the proposed text, would be allowed as "permitted obstructions beyond permitted building height and setback, and permitted obstruction within the required yards and other required open space..." Could a builder possibly use a development's yards or open space areas to "rent out" the spaces for wind turbines, claiming it was promoting "green energy"?
- Would there be restrictions for wind turbines at the shoreline, bay, or ocean?

Solar Power:

- The proposal would permit "solar energy systems to serve multiple zoning lots in the same ownership, on sites up to 10,000 square feet in residential districts **without size limits**". Could a developer potentially buy up multiple zoning lots to lease out space for solar energy systems? The history of developers has shown us that if developers are not given limits, they abuse the system.

Side Yards: Why would it be permissible to have a provision that **no side yards would be required (35-52)?** Hasn't City Planning advocated encouraging pervious surfaces on properties to capture rainwater?

Implementation of actions to improve the health of our planet require close collaboration with the scientific community, and respect for the safety and health of our citizens. Better energy systems can be encouraged, but appropriate regulations and limitations must be set.

Sincerely,

Carol Donovan
President