



STATE SENATOR LIZ KRUEGER'S

# Neighborhood Update | 9.08

## CITYWIDE

### Construction safety.

The unprecedented number and severity of construction related accidents which have taken place in the last year—including the crane collapses on East 51st Street and East 91st Street—have been disturbing on many levels.

Indictments of a number of Department of Buildings (DOB) staff, revelations about fraudulent certification of crane officers, and examples of numerous building permits having been approved incorrectly have revealed corruption and negligence at the DOB and in much of the industry.

But beyond the corruption, there is also a mismatch between the rate of construction and the capacity of the City to provide meaningful oversight. While the construction industry is a key part of the City's economy—and the City desperately needs more affordable housing—construction can no longer be allowed to take place at the expense of safety and our communities.

The legislature did pass a new law increasing penalties for building inspectors who falsify reports or accept bribes. But clearly more needs to be done. After the first crane collapse back in March, I called for passage of a number of bills that would:

- Eliminate “self-certification”—the practice introduced by the Giuliani Administration where engineers and architects hired by developers declared their own plans safe and conforming to legal standards;
- Increase penalties and professional sanctions for repeat violations;
- Require the DOB to re-inspect and abate hazardous violations and significantly increase the oversight of development sites, prioritizing the

frequency of inspections to those sites with histories of violations;

- Mandate clear lines of responsibility for developers, contractors and their subcontractors.

The Mayor and City Council have developed legislation to address many of these issues, which I hope will be acted on in the near future.

But I believe that they either need to enhance dramatically the capacity of the Department of Buildings to monitor construction or we must slow dramatically the pace of construction until we are sure it can be conducted in a safe manner.

## TURTLE BAY

### Con Ed site rezoning.

In March, after months of hearings and negotiations, the City approved the rezoning of the nine-acre former Con Edison Waterside property, on the East River between 35th and 41st Streets just south of the U.N.

Given the sheer size of the property, it was essential that the site be rezoned in the context of the area's overburdened infrastructure and desperate need for open space, new school facilities, affordable housing, and access to the waterfront.

After years of discussions and community meetings, I and my fellow East Side elected officials, Community Board 6, and many neighborhood organizations developed and fought for a sustainable community plan.

After extended negotiations with the City Council, the developer agreed to reduce substantially the density of permitted development, a sizable reduction in the heights of the proposed buildings, the creation of a independent board to oversee the management of the five acres of open space on

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There are three ways I try to keep constituents informed: Albany Update and Neighborhood Update, which are mailed about twice a year to voters in the 26th Senate District; and Community Update, which is a monthly email sent to those who opt-in by sending a message with “subscribe” in the subject line to [lkrueger@senate.state.ny.us](mailto:lkrueger@senate.state.ny.us)

the property, and the relocation of buildings to prevent shadows from being cast on surrounding parks.

The developer also committed to participate in the City's inclusionary zoning program, which will lead to the creation and renovation of about 580 affordable homes, a contribution of \$10 million to the future construction of bridges over the FDR Drive to the waterfront, and—perhaps most important—the construction of a 630-seat public school during the first phase of construction.

While the final plan isn't perfect—no zoning plan is—these changes will help to ensure that the new development is a vibrant mixed-use area that contributes to the larger community.

## CITYWIDE

### Feeding New York's hungry.

Since March 2007, the Bureau of Labor Statistics reports that the price of eggs has jumped 35 percent. A gallon of milk, 23 percent. A loaf of white bread, 16 percent. The higher costs of food and the deteriorating economy have resulted in more New Yorkers needing more help. Between 2007 and 2008, meals served at local soup kitchens in March and April increased by 9 percent—an increase of 167,000 meals.

The Food Bank for New York City is the major local source of over 68 million pounds of food annually to more than 1,000 soup kitchens, food pantries, shelters, low-income child care centers, Kids Cafes and senior, youth, rehabilitation and outreach centers throughout the five boroughs.

It's easy and important to get involved; you can help by contributing money, food or time—and any kind of help goes a long way:

- A donation of \$25 can provide a family of four with over 100 meals, feed a senior couple for three weeks or a child for more than a month.
- Donations of food by a company, farmer, or individual.
- Volunteers are also essential for serving meals, repackaging and distributing food, and raising awareness.

If you'd like a list of local pantries or shelters, visit my site at [www.nyssenate26.com](http://www.nyssenate26.com). You can also find out more at these nonprofits' web sites: Food Bank of NYC: [www.foodbanknyc.org](http://www.foodbanknyc.org); City Harvest: [www.cityharvest.org](http://www.cityharvest.org); NYC Coalition Against Hunger: [www.nyccah.org](http://www.nyccah.org); Hunger Action Network: [www.hungeractionnyc.org](http://www.hungeractionnyc.org).

## {2} UPPER EAST SIDE AND MIDTOWN Relieving school overcrowding.

While the agreement for a new school at the Waterside site was an important victory, it's only a small step in addressing the overcrowding faced by schools on the East Side and in Midtown.

On the Upper East Side, seven public elementary schools are now operating at 129% of capacity. In Midtown, P.S. 116 is operating at 118% of capacity. And overall Community School District 2 school enrollment (which encompasses both areas) is projected to grow by 24.7% between 2004 and 2014, according to the Department of Education.

I've been working with other elected officials to pressure the Department of Education to increase its efforts to identify new sites for schools and to collaborate with new developers to create schools within their buildings.

On a related point, I've strongly opposed proposals for the Dept. of Education to transfer the Julia Richmond Educational Complex to Hunter College, both because of the incredibly successful alternative schools now located in the building, and because it does not make sense for the Dept. of Education to be sacrificing school space on the Upper East Side when overcrowding is such an issue.

## YORKVILLE

### Marine transfer station.

I continue to oppose the City's misguided plan to reopen the East 91st St. Marine Transfer Station (MTS) as part of its Solid Waste Management Plan.

While marine transfer stations should be a part of the City's waste disposal solutions, I oppose their placement in any residential neighborhood. The proposed MTS at 91st St. is in a heavily residential neighborhood and would have extremely harmful effects on area parks, traffic, odor, noise, air quality and public health.

Unfortunately, one hurdle to the implementation of the City's flawed waste management plan was recently removed: over my strong objections, the state legislature passed a bill "alienating" part of the Hudson River Park on the West Side, thus allowing placement of a MTS on the Gansevoort Peninsula.

But the City can't begin to construct the East 91st St. MTS unless the State Department of Environmental Conservation (DEC) and the US Army Corps of Engineers issue a number of permits to the Department of Sanitation.

Along with all the East Side's elected officials,

I urged the DEC to deny the permits at hearings last fall and have repeatedly contacted both agencies to express my strong opposition.

The City has not yet submitted the necessary applications to the Army Corps of Engineers and we are still waiting for a final decision from the DEC. In addition, there are two lawsuits filed by community groups challenging the legality of the MTS which are still pending in the courts.

I'll keep you posted as events warrant.

## SECOND AVENUE

### Subway construction progress.

I'm increasingly concerned that the MTA's fiscal crisis may jeopardize Second Avenue Subway construction. In June, the MTA revised plans to the 72nd Street Station entrance by reducing the station's width and eliminating a storage track, which would have provided efficiencies in the subway's daily operations. This is not a change that would have occurred under more favorable budgetary conditions.

Governor Paterson's Commission on Transit Financing will be releasing its final recommendations to the public in November, which will open the next chapter of discussions on financing the transit system—and perhaps revisit congestion pricing as a revenue stream for transit.

## CITY WIDE

### Streets for people.

On September 9th, I hosted a Town Hall Forum on "Reshaping Our Streets to Reduce Congestion and Create a More Transit and Pedestrian Friendly City."

Fred Kent from the Project for Public Spaces presented on how cities have become more livable by redistributing street space dedicated to automobiles for pedestrian and transit uses. I believe there are many opportunities to create usable public spaces and improve pedestrian flow on the East Side and in Midtown, but I need your help to identify appropriate locations.

A great example of the results of this kind of planning can be seen at Madison Square at Fifth Avenue and 23rd Street, where lane closures have allowed for the creation of new pedestrian plazas and sidewalk extensions.

Later this fall, I'll host another community meeting with the Project for Public Spaces to brainstorm locations for future transformation. If you'd like to attend, please email or call my office.

## {3} YORKVILLE

### Finley Walk in Carl Schurz Park.

My office has been working with the City Dept. of Parks to address concerns regarding bike safety on Finley Walk in Carl Schurz Park.

The Parks Commissioner agreed to implement a safety education program for bike riders on the walkway, which took place this summer. I'm hopeful that these efforts will result in a safer environment for both pedestrians and bike riders.

## CITY WIDE

### Advancing historic preservation.

The legislature approved S5425, a significant expansion of the New York State Rehabilitation Credit, which will help advance the effort to preserve historic buildings throughout the city by broadening the income eligibility standards and the number of communities where the credits can be used.

## CITY WIDE

### Using apartments as hotel rooms.

In June I joined fellow members of the Illegal Hotels Working Group—made up of elected officials and tenant advocates—at a rally to call attention to the proliferation of illegal hotels, the practice of renting out apartments in residential buildings for short-term stays.



The rally was held to highlight a new report that documents this growing problem across Manhattan which estimates between 5,000 to 10,000 rental units have been lost to the illegal hotel business. An estimated 206 buildings are currently operating as illegal hotels in Manhattan. Amazingly, landlords of many of these buildings are also receiving tax subsidies and abatements intended for affordable housing!

The biggest obstacle in ending the practice of illegal hotels is that there is no disincentive for operating one. Under existing laws, if landlords are caught operating illegal hotels they are only subject to a one time, maximum \$800 fine.

As the ranking Democrat on the Senate Standing Committee on Housing, Construction and Community Development, I'll be working on legislation that will put an end to illegal hotels.

Do you know a high-schooler interested in public service? DEMOCRACY 101, my Civics Education Project for high school students (public and private) begins this fall. Call my office for info: (212)490-9535.

Fall, 2008.  
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Besides the steps that can be taken by the State there are also a number of initiatives that the City should take on. The Mayor's Office is looking into ways to change the zoning codes and Councilwoman Gale Brewer has introduced a bill (Intro 534) that would create a per unit, per day fine structure to deter landlords from operating illegal hotels.

**CITYWIDE**  
**Mold: the silent threat.**

New York State created a Toxic Mold Task Force to address the absence of mold remediation guidelines. Currently there are only advisory guidelines issued at the local level. Statewide guidelines would go a long way toward ensuring that mold is remediated safely and effectively.

In July, the NYS Dept. of Health had the third meeting of the Toxic Mold Task Force, focusing on New York City, since the problem is especially acute here and the number of complaints made annually are higher than in any other part of the State. While a number of important and critical issues were raised in the areas of health, code enforcement and remediation standards, concerns were expressed by many tenants and advocates about the limited opportunities for public testimony because the hearing occurred during the day.

As a result of the requests of various environmental, children's health and housing advocates and my office, the DOH's next meeting will be held on Tuesday, Sept. 23rd from 11 a.m.-7 p.m. with a location to be determined. If you would like to attend and for further information, please



*In April, over 400 people attended my 2nd Annual Resource Fair for Seniors and Caregivers at Temple Emanu-El where the had the opportunity to meet with representatives from 50 organizations offering a range of services and information.*

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contact Sarah Brazzell at the NYS DOH at [seb03@health.state.ny.us](mailto:seb03@health.state.ny.us) or (518) 402-7511.

This is a good opportunity for any member of the public who has been directly affected or cares about this issue to learn more about it and to submit comments they have or to inform the task force members about their experiences.

I'm also working on a bill for the next legislative session that will set standards for mold remediators similar to laws Louisiana and Texas have passed.