



New York State Legislature
State Senator Brad Hoylman
Assembly Member Harvey Epstein



United States Congress
Congresswoman Carolyn B. Maloney



City of New York
Council Member Keith Powers

January 19, 2021

Melanie La Rocca
Commissioner
New York City Department of Buildings
280 Broadway
New York, NY 10007

Dear Commissioner La Rocca:

We write today to bring to the attention of the Department of Buildings (DOB) a situation in Stuyvesant Town regarding two proposed combined heat and power (CHP) plants. At this point in time, Stuyvesant Town and Peter Cooper Village (STPCV) management has been granted permits to begin construction on these CHP plants by DOB, DEP and DOT. It is our understanding that DOB has accepted the project as Use Group 2 for the Avenue C Plant but that no zoning determination has been issued for 20th Street Plant. We respectfully request that DOB issue a determination regarding these CHP plants as to whether they are a permitted use on this zoning lot.

Background

In 2018, the management of Stuyvesant Town announced the construction of a CHP to be located on Avenue C, between the buildings at 245 and 271 Avenue C. The plant would produce steam for 24 buildings, and the electricity generated would go back to Con Ed to offset management's electricity costs. The Department of Buildings granted approval for the construction of that facility under Use Group 2.

This year, management announced a second CHP plant on 20th Street with a chimney attached to two adjacent residential buildings (410 and 430 East 20th Street) and a cooling tower on 430 East 20th Street. The second plant would produce steam for the remaining 86 buildings in Stuyvesant Town and Peter Cooper Village. All of the electricity generated would be sold to Con Edison. Tenants have been told that the primary purpose of the CHP plant is to generate electricity, but that the electricity generated will not be used on-site, and excess steam will be exhausted through a cooling tower. Because it cannot be designed without appreciable expense to conform to high performance standards with respect to the emission of objectionable effluences, we believe that it is a manufacturing use under Use Group 18.

No Determination of Zoning Compliance

We are very concerned that the DOB has not issued a determination as to whether the construction of a CHP complies with applicable zoning. The Department of Environmental Conservation has not yet issued an overall air pollution control permit for either of the plants, but the type required is a “state facility permit” described by DEC as a generally large facility from which annual actual emissions of high toxicity air contaminants equal or exceed the applicable thresholds.¹

Instead, without an overall zoning determination, the DOB is routinely permitting ancillary jobs related to the CHP Plant (see <https://www.stuytown.com/chp> for a list). We believe that an overall zoning approval should be issued before work is allowed to continue.

Department of Buildings Permits and Approval

The Department of Buildings, according to its stated mission, focuses on safety, service, and integrity, through enforcement of the City’s Construction Codes, Zoning Resolution, and the New York State Multiple Dwelling Law. The Department enforces compliance with these regulations through its review and approval of building plans, permitting and licensing functions, and inspections. This includes continuously assessing the *equitable* distribution of resources to meet the safety and permitting needs of residents across all five boroughs.

In keeping with the agency’s stated mission, we ask that DOB inform elected officials and residents of Stuyvesant Town and Peter Cooper Village whether the CHP Plant proposed on 20th Street complies with the zoning resolution. If it does not have the requisite information to make this determination, we would ask that DOB does not grant any permits related to the CHP Plant on East 20th Street until it has received information from the owners sufficient to make this determination about the legality of the underlying proposed use, pursuant to zoning. We believe that DOB last granted a permit for this site, allowing excavation, as recently as November 30, 2020. Moreover, we would appreciate knowing what kind of job application needs to be filed to authorize the change of use in Garage 1 to accommodate the 20th Street CHP.

We thank you for your work on behalf of all New Yorkers and look forward to continuing our discussion on this matter.

Sincerely,



Keith Powers
Council Member



Carolyn Maloney
Congress Member



Brad Hoylman
State Senator



Harvey Epstein
Assembly Member

¹ <https://www.dec.ny.gov/chemical/8569.html#Title>