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## COMMUNITY BOARD NO. 2, MANHATTAN

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March 25, 2022

Hon. Joann Ariola  
Chair, Committee on Fire and Emergency Management  
New York City Council  
250 Broadway, Suite 1555  
New York, NY 10007

Dear Council Member Ariola:

At its Full Board meeting March 24, 2022, Community Board #2, adopted the following resolution:

### **Resolution Objecting to the Permanent Authorization of Liquefied Petroleum Gas in Propane Tanks for Outdoor Dining: Intro 0029-2022 Outdoor gas fueled heating devices**

1. **Whereas** liquefied petroleum gas, known as propane, is illegal to possess, use, or store in a cylinder or container per New York City Fire Code;
2. **Whereas** the use of liquefied petroleum gas in portable outdoor heating devices, known as propane heaters, for outdoor dining setups is not currently authorized under the New York City Fire Code;
3. **Whereas**, currently, only two forms of portable heating devices are allowed in outdoor dining setups:
  - Piped natural gas is allowed for use in portable heating devices used in outdoor dining setups and electric heaters,
  - Electric heaters are allowed for use as portable heating devices used in outdoor dining setups;
4. **Whereas** Intro 00229-2022 seeks to permanently amend the New York City Fire Code to authorize the permanent use, possession, and storage of liquefied petroleum gas in portable outdoor heating devices;
5. **Whereas** in its testimony to Manhattan Community Board 2 (CB2) on December 7, 2020, FDNY recommended that restaurants participating in the Temporary Open Restaurants program

should stick to electric heat or piped natural gas heat as allowed during the pre-pandemic Sidewalk Café program;

6. **Whereas** in its previous testimony to CB2 on December 7, 2020, FDNY testified that a portable heating device fueled by liquified petroleum should be a minimum of ten feet (10') from any building entrance, window, or ventilation, and the proposed legislation only calls for a five-foot (5') clearance from buildings/structures and exits with no mention of clearances for windows and/or ventilation;
7. **Whereas** in its previous testimony to CB2 on December 7, 2020, FDNY also testified that if chairs and tables were made of combustible materials that a five-foot (5') clearance should be maintained between the portable heating device filled with liquified petroleum gas and the combustible-material chairs and tables, however, the proposed legislation only calls for a five-foot (5') clearance to combustible decorations, combustible overhangs, combustible awnings, combustible sun-control devices, and/or combustible attachments to materials or structures;
1. **Whereas** in its previous testimony to CB2 on December 7, 2020, FDNY further testified that one (1) portable heating device filled with liquified petroleum gas should have a five-foot (5') clearance from another separate portable heating device filled with liquified petroleum gas, however, the proposed legislation does not include any language to designate clearances between portable heating devices;
8. **Whereas** the Environmental Protection Agency (EPA) estimates that a single eighteen-pound (18 lbs.) propane tank emits .024 metric tons of carbon dioxide<sup>1</sup>, which is equivalent to driving 60 miles in a car or charging a smartphone 3,061 times, which would excessively contribute to environmental pollution and accelerate climate change;
9. **Whereas** climate change is a critical issue for Manhattan Community Board 2;
10. **Whereas** there are buildings that are not up to fire code, due to their existence prior to the creation of the New York City Fire Code, that would be adjacent to propane heaters;
11. **Whereas** the volatility of liquified petroleum gas on the streets of the city presents a danger to public safety and was attested to by FDNY at both the October 27, 2021, and December 7, 2020 CB2 Reopening Working Group meetings on outdoor dining;
12. **Whereas** the temporary use of liquified petroleum gas last winter, per Mayoral Executive Order 153, resulted in illegal on-premise storage of propane tanks in cages directly adjacent to residential entrances within buildings and in basements and also illegal use of propane heaters in roadway dining setups, creating a hazardous environment;
13. **Whereas**, on Thursday, October 21, 2021, the previous New York City Administration, based on their consultation with FDNY, commented that the FDNY is the expert on health and safety

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<sup>1</sup> [Outdoor Heaters and Climate Change, New York Times, November 27, 2020.](#)

when it comes to propane and expressed agreement with FDNY's strong position that propane needs to be phased out.<sup>2</sup>

**14. Therefore, Be It Resolved,** Manhattan CB2 strongly opposes Intro 0029-2022 Outdoor gas fueled heating devices which would authorize the use, storage, and possession of liquified petroleum gas by amending the New York City Fire Code;

**Vote:** Passed, with 36 Board Members in favor.

1 Against (R. Sanz)

2 Abstain (R. Kessler, K. Shea)

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Jeannine Kiely, Chair  
Community Board #2, Manhattan



Valerie De La Rosa, Chair  
Reopening Working Group  
Community Board #2, Manhattan

JK/EM

c: Hon. Eric Adams, New York City Mayor  
Hon. Mark Levine, Manhattan Borough President  
Hon. Adrienne Adams, New York City Council Speaker  
Hon. Erik Bottcher, New York City Council Member  
Hon. Christopher Marte, New York City Council Member  
Hon. Carlina Rivera, New York City Council Member  
Hon. David M. Carr, New York City Council Member  
Hon. Carmen N. De La Rosa, New York City Council Member  
Hon. Oswald Feliz, New York City Council Member  
Hon. James F. Gennaro, New York City Council Member  
Hon. Robert F. Holden, New York City Council Member  
Hon. Keith Powers, New York City Council Member  
Hon. Lincoln Restler, New York City Council Member  
Hon. Kevin C. Riley, New York City Council Member  
Hon. Lynn Schulman, New York City Council Member  
Hon. Marjorie Velasquez, New York City Council Member  
Hon. Kalman Yeger, New York City Council Member  
Hon. Brad Hoylman, New York State Senator  
Hon. Brian Kavanaugh, New York State Senator

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<sup>2</sup> [NYC to reinstate ban on propane heaters, NY1, October 21, 2021](#)

Hon. Deborah Glick, New York State Assemblymember  
Hon. Yuh-Line Niou, New York State Assemblymember  
Hon. Harvey Epstein, New York State Assemblymember  
Laura Kavanagh, Acting FDNY Commissioner