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CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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July 1, 2021

Edward Greyson  
Commissioner  
NYC Department of Sanitation  
59 Maiden Lane, 5<sup>th</sup> Floor  
New York, NY 10038

Melanie La Rocca  
Commissioner  
NYC Department of Buildings  
280 Broadway, 1<sup>st</sup> Floor  
New York, NY 10007

Henry Gutman  
Commissioner  
NYC Department of Transportation  
55 Water Street, 9<sup>th</sup> Floor  
New York, NY 10041

**Re: MCB4 Comments on Proposed Rules for Building Waste Management Plan**

Dear Commissioners Greyson, La Rocca, & Gutman,

Manhattan Community Board 4 (MCB4) thanks the New York City Department of Sanitation (DSNY) for the opportunity to comment on its proposal to amend its rules to require certain buildings to submit a building Waste Management Plan (WMP). MCB4 applauds this initiative which is in line with our study of the problem and our recommended solutions. Nonetheless, we request that the proposed rules first be strengthened and clarified, and that a parallel action be undertaken by the Department of Buildings (DOB)<sup>1</sup>.

According to DSNY, when large new residential buildings are designed, there currently is no requirement that such buildings consider waste management planning and incorporate measures

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<sup>1</sup> This letter passed unanimously at MCB4's Executive Committee Meeting on June 26, 2021 and is subject to ratification at the July 28<sup>th</sup> Full Board meeting.

for managing the substantial amount of refuse and recyclables generated by residents of such buildings. Curbside placement of piled bags of refuse generated at such buildings for collection by DSNY, given their large size, results in mounds of black bags placed along the curb on the sidewalks, not only obstructing pedestrian flow, but also impacting the quality of life of the surrounding area, especially in the summer months and after delayed collection during the winter months due to snow. These bags are also a huge food source for rats.

To correct this situation, §2. Chapter 1 of Title 16 of the Rules of the City of New York would be amended by adding a new Section 1-02.2, Waste Management Plan. The proposed rule would require owners and/or managing agents of certain new residential multiple dwellings and commercial buildings to submit a building Waste Management Plan, which is subject to the approval of DSNY.

Given the large number of high rises in our district, MCB4 spent one year with a planning fellow to research best practices in refuse management nationally and internationally<sup>2</sup>. Based on this research, we suggest the following amendments to the rules:

1. **Threshold Applicability:** as proposed, the applicability of the WMP would be limited to buildings of 150 units or more. However, according to a 2020 report by the Rent Guidelines Board<sup>3</sup>, the 63 multifamily building permits issued in Manhattan in 2019 had an average of 83 dwelling units. (The average was 31 in the Bronx and less than 20 in the other boroughs.) We recommend that the threshold for the number of units be set at 50.
2. **Building Design:** As proposed, the WMP would require compliance with the current building code regarding waste storage. However, that code section is sparse and largely outdated.
  - There should not be any cap to the required space: the building code states that the required waste storage space is to be 1.5 sf per dwelling unit, or 350 sf, *whichever is less*. If a compactor is included, the required space is reduced to 1.0 sf per unit.<sup>4</sup> because of that 350 sf cap with or without a compactor, the developer is disincentivized from including one for any building with more than 235 units.
  - The calculation should be based on the number of bedrooms, as a proxy for the number of residents, not on the number of dwelling units. On average, a 3-bedroom will generate substantially more waste than a studio.
  - There should be a requirement to include a compactor: the building code currently leaves it entirely up to the developer to decide whether they want to put one in at all, let alone its size. This has a large impact on the volume of trash put on the street.
  - Internal containerization should be planned for either now or in the future. The building code does not mention accommodating containers that could be filled inside

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<sup>2</sup> <https://cbmanhattan.cityofnewyork.us/cb4/wp-content/uploads/sites/10/2020/01/Building-Code-CaseStudies-Presentation.pdf>

<https://cbmanhattan.cityofnewyork.us/cb4/wp-content/uploads/sites/10/2020/01/Storage-and-Service-Delivery-of-Residential-Waste-in-Developing-Neighborhoods-Case-Studies.pdf>

<sup>3</sup> <https://rentguidelinesboard.cityofnewyork.us/wp-content/uploads/2020/05/2020-HSR.pdf>

<sup>4</sup> This means that the required square footage remains at 350 sf for any building with over 235 units ( $350/1.5 = 235$ ), or over 350 units if a compactor is included

the building and wheeled into the street. It is critical that new buildings include this requirement and provide appropriate egress to allow such in the future.

The DSNY proposal uses the existing building code as a reference for the WMP. This will have the effect of further institutionalizing an older code section that is demonstrably inadequate for the current purpose. It is imperative that, prior to finalizing this proposal, the relevant section of the building code be updated with substantial input from DSNY, based on their considerable expertise.

3. **Timing of refuse staging on sidewalk:** large residential and commercial buildings generally have staff on site. Putting the garbage out at 8pm or later would free the sidewalk of significant and unpleasant obstructions during rush hours when there is more pedestrian congestion.
4. **Clear Pedestrian Path:** as superintendents are not traffic experts, it is important to provide unambiguous guidelines. The sentence “may not impede the flow of pedestrian traffic or otherwise constitute a sidewalk obstruction” should be clarified using the current DOT guidelines, as follows: “must leave an 8-ft wide pedestrian path clear of refuse and obstructions on the sidewalk.” If the sidewalk configuration makes it impossible, the rules should recommend that refuse be staged in the parking lane.

Thank you for your consideration on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Kern', with a long horizontal flourish extending to the right.

Lowell D. Kern  
Chair  
Manhattan Community Board 4