

CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR

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JEFFREY LEFRANCOIS
Chair

JESSE R. BODINE
District Manager

June 22, 2023

Jessica S. Tisch
Commissioner
NYC Department of Sanitation
59 Maiden Lane, 5th Floor
New York, NY 10038

Re: NYC Department of Sanitation Proposed Amendments to Rule Relating to the Use of Certain Receptacles for Food-Related Businesses

Dear Commissioner Tisch,

While Manhattan Community Board (MCB4) applauds the NYC Department of Sanitation (DSNY) for proposing a rule amendment that mandates all food-related businesses to set out any solid waste, including refuse and organic waste, at the curb for private carter collection in rigid receptacles with tight fitting lids, MCB4 is concerned about the unintended consequences of the proposed rules for storage of commercial trash containers: "If other storage areas on the premises are not available, receptacles may be stored in the area within 3 feet of the building line on the sidewalk."

At MCB4's June 21st Transportation Planning Committee meeting, the Committee voted unanimously¹ to recommend that as an alternative, DSNY require them to store containers inside until their scheduled pickup times or explore other alternatives to allowing containers to be stored on the sidewalk.

With the increase in outdoor dining, sidewalk cafes, and the proliferation of sandwich boards there is an ever-increasing amount of competition for sidewalk space. For example, on Ninth Avenue in Hell's Kitchen, food establishments occupy approximately 90% of ground floor retail spaces, so there ostensibly could be trash receptacles every few feet for many hours of the day

¹ Due to the NYC Department of Sanitation deadline for comment, this letter is being sent immediately and is subject to ratification at the next regularly scheduled Full Board meeting on Wednesday, July 26, 2023.


without proper DOT clearance for pedestrians. Ninth Avenue has narrow sidewalks, so adding a significant number of trash containers would likely add more congestion for pedestrians.

We note that this change is unnecessary: The change from bags to containers will not take more space inside a restaurant since the health department already requires that trash be kept in sealed containers when inside (NYC rules section 14-1-150) and that (d) A sufficient number of containers are to be provided to hold all the garbage and refuse that accumulates between periods of pickup and removal.

As an alternative, DSNY should require them to store containers inside until their scheduled pickup times, or explore other alternatives to allowing containers to be stored on the sidewalk.

We commend Commissioner Jessica Tisch and DSNY for continuing to reform New York City's sanitation practices.

Sincerely,



Jeffrey LeFrancois
Chair
Manhattan Community Board 4



Christine Berthet
Co-Chair
Transportation Planning Committee



Jesse Greenwald
Co-Chair
Transportation Planning Committee