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**The City of New York
Community Board 8 Manhattan
Transportation Committee**
Wednesday, December 7, 2022 6:30 PM
Conducted Remotely on Zoom

Minutes

Present: Mohit Agrawal, Michele Birnbaum, Lori Bores, Alida Camp, Rebecca Dangoor, Craig Lader, Rebecca Lamorte, Valerie Mason, John McClement, Jane Parshall, John Phillips, Sharon Pope-Marshall, Rita Popper, Barbara Rudder, Judy Schneider, Cos Spagnoletti Russell Squire, Charles Warren, Stephanie Reckler (public member)

Absent (Excused): Billy Freeland, Paul Krikler, Peter Borock (public member),

Resolutions for Approval:

Item 1: Disapproval of new 5G LinkNYC Kiosks within Community District 8 (unanimous)

Item 2: No Parking Zone change request at 828 Madison Avenue (unanimous)

Item 3: Ambulette Only Parking change request at 993 Park Avenue

The meeting was called to order at 6:33 PM.

Item 1: Public Presentation: The Office of Technology and Innovation and CityBridge will present new sites for LinkNYC kiosks

Representatives from the NYC Office of Technology and Innovation (OTI) and LinkNYC Contractor CityBridge, including Brett Sokoff (OTI Executive Director of Franchise Administration), Ryan Birchmeier (OTI Deputy Commissioner, Public Information), Leslie Brown (OTI External Affairs Associate), Nick Colvin (CityBridge CEO), Rob Sokota (CityBridge Wireless President), Nicole Robinson (CityBridge External Affairs Director and primary liaison to the community) presented their plans to install 18 LinkNYC 5G (Link5G) structures across Community Board 8 in three general areas – 5 in the Upper East Side Historic District in the East 60s, 3 in the vicinity of Cornell/NY Presbyterian Hospital and the Hospital for Special Surgery, and 10 in the Carnegie Hill neighborhood.

Mr. Sikoff began the presentation by explaining that OTI oversees franchises that provide telecommunications and utilize NYC property to do so, and that CityBridge is the contractor for the public communications structures franchise, which authorizes and facilitates the investment of telecom infrastructure that aim to provide a fully connected city.

Mr. Colvin then provided an overview the LinkNYC Link5G program and the proposal for Community District 8. After providing background on the evolution of wireless technology, and the transition from “Macro” Cell towers that provided sufficient coverage in the past to “Small” cell towers that are required due to NYC’s density to transmit 5G service from near ground level, Mr. Colvin described Link5G as purpose-fit built pieces of infrastructure, designed to allow all cellular carriers to provide service to their customers. He explained that Link5G is being deployed across NYC to address existing gaps in the wireless system, including locations where excess demand and a lack of capacity results in dropped calls and inability to connect to the internet. Since Link5G’s towers additionally support other cellular services, deployment can help take demand off of the bigger network across a larger geography and make more of it available to the public and customers of cellular providers many blocks away from where 5G towers are installed. Mr. Colvin referenced a survey that found that 88% of

New Yorkers support Link5G “coming to their neighborhood”, especially in “digital deserts” where residents are particularly vulnerable to unreliable cellular services.

He indicated that the Link5G infrastructure went through an extensive public design review process, and that every Community Board was invited to sessions to review designs. They worked with an antenna design firm who ensured that it fit within existing LinkNYC structures, and showed visual examples of 5G towers in other jurisdictions that were significantly taller and visually more impactful compared to Link5G, which has antennas and radios enclosed within the structure’s façade. There are extensive siting restrictions for Link5G – they are limited to 1 per block and must be at least 200 feet apart; advertising screens are prohibited from residential zones; overlapping site approvals are required by City Planning, the Landmarks Preservation Commission (LPC), and Parks Department.

Within Community District 8, Mr. Colvin stressed that each Link5G site proposed isn’t being driven by people asking for the free wi-fi or screens - it is based on locations identified by carriers in which they have coverage holes or lack of capacity, and emphasized that Link5G is the only current solution available to addressing these issues. Mr. Sokota was unable to point to any specific report or study confirming these gaps, and was not permitted to state which carriers have identified the lack of capacity driving these requests. Mr. Colvin said that CityBridge aims to minimize the number of new locations and maximize conversion of existing sites; two of the proposed Link5G sites are to replace and upgrade existing structures, and the remaining are new sites. Mr. Colvin noted that Link5G is one piece of the broader cellular puzzle, and that of the tens of thousands of locations where 5G infrastructure is needed only a few thousand will be able to be served by Link5G. The towers are 32 feet in height; and the towers except for those in residential zones will have digital screens similar to the existing LinkNYC kiosks.

In response to the presentation, representatives from the offices of NYC Council Member Keith Powers and Assembly Member Rebecca Seawright provided prepared statements critical of the proposal. Jessie Kay, on behalf of Council Member Powers, expressed concern that the towers would have adverse visual impacts and constituent concerns that they would interfere with streetscapes and be intrusive, and requested that they not be placed in residential areas. Courtney Ferrissey, on behalf of Assembly Member Seawright, expressed frustration about the lack of information provided by OTI in advance, and requested a moratorium of Link5G installations. She also referenced the recent installation of a 5G tower outside of 520 East 90th Street; although it was a different franchisee responsible for it, the lack of notice and the siting less than 10’ away from residences was seen as especially problematic and an example of how 5G is causing disruption and adverse impacts to the community.

Comments from the leaders of impacted community organizations also voiced strong opposition. Matt Bauer, President of the Madison Avenue Business Improvement District, focused on the inappropriate nature of electronic advertising screens on the kiosks proposed for the iconic Madison Avenue shopping district, and also took exception to towers being located in the Upper East Side Historic District. He noted that the zoning district and Special Madison Avenue Preservation District in which these towers are proposed specifically prohibit illuminated advertising, and referenced the Public Design Commission (PDC) hearing in which CityBridge presented their proposal and specifically excluded advertising screens in all historic districts and residential districts. He also noted that some of the proposed towers would be taller than adjacent buildings, and that there were residences in buildings adjacent to some of the proposed locations that were not prior pay phone locations and should not be subject to a new Link5G tower. Lo van der Valk, President of Carnegie Hill Neighbors, emphasized the infrastructure is not needed and not wanted by residents of Carnegie Hill. He spoke of a need for a broader proposal for the entire neighborhood to be provided, and more specificity as to whether all of the structures at currently proposed locations are expected to be installed and how they will be used once in service. He echoed Mr. Bauer’s concerns regarding inappropriate historic district siting, and noted past issues in Carnegie Hill in which people would camp out at LinkNYC kiosks and use the services inappropriately. In response, Mr. Colvin indicated that the PDC presentation was “confusing” and subsequently modified, and that the PDC ultimately approved siting rules that allow Link5G screens in commercial districts even if they are also historic/preservation districts, though all individual sites must be ultimately approved by the LPC. Only 2 locations were replacement of pay phones. 1115 5th Ave. isn’t listed in the letter as being in a historic district. Mr. Sokota added that the sites identified are those with the most immediate needs, and that CityBridge’s strategy was to focus on immediate needs and minimizing installations to the fullest extent possible.

Over 100 public attendees participated in the meeting, with over 30 speakers all expressing opposition to the proposal. Many of the comments referenced the visual blight impacts that Link5G towers would have, especially in areas renowned for their aesthetic beauty and historical significance, and the inappropriateness of bright advertising screens on residents and the streetscape. Impacts the structures would have by creating obstructions on sidewalks was highlighted by multiple speakers, as were concerns regarding how the screens would be used and the likelihood that it would not provide connectivity benefits to local residents, employers and visitors. There were medical professionals who referenced potential health issues stemming from the signals that would be emitted, along with potential environmental concerns, impacts on pets, and a range of neuroethical issues. Site specific concerns were raised at most of the locations in Carnegie Hill and in the 60s, including 1040 Park Ave., 1050 5th Ave., 807 East 62nd St. In addition to questioning the need, there were comments inquiring as to why the technology has to be above ground.

There were a few speakers who were residents of 520 East 90th Street that shared their experiences with a 5G tower that was installed without notice and in violation of siting requirements. Though separate from the Link5G project, the franchisee responsible for this installation is a contractor under OTI, and the concerns in regards to 5G in terms of health and environmental impacts are shared. In the case of 520 East 90th St., Mr. Sikoff explained that while all siting and noticing requirements were adhered to, as it was 10.4 feet away from the residential building, a larger foundation was required and resulted in the distance from the building being under the 10' threshold that would trigger noticing to residents and the Community Board. Mr. Sikoff further stated that OTI has since changed its noticing requirements as a result of this incident, and that 10' is a bureaucratic requirement unrelated to health and safety, but that if in the future a foundation pushes a tower to a distance closer than 10' it will still be permissible to construct and operate it. He explained that the FCC has the sole authority to regulate all emissions from cellular towers, and that the siting guidelines being followed in NYC for 5G are in strict adherence and have been extensively tested to ensure that the microwaves emitted won't be a danger to nearby residents or people at street level. One of the Co-Chairs pushed back on Mr. Sikoff's response, pointing to examples in other states in which stricter siting requirements that provide more allowance for distance from people and suggesting that NYC should follow their lead, and requested that OTI take a second look at 520 East 90th Street and ideally move it so it isn't so close to the building.

Members of Community Board 8 also expressed strong opposition to the OTI Link5G proposal on similar grounds to those expressed by the public. They took exception to the proposed placement of the infrastructure in historic districts where they would be inappropriate from an aesthetics perspective and both towers and screens along Madison Ave. where any storefront seeking to have illuminated window displays must receive LPC approval, along with general objections to the appearance, height and size of the 5G towers both with and without screens. Some members expressed apprehension towards federal guidelines and scientific findings that 5G signals do not pose health and environmental dangers, suggesting that there is inadequate research and that some researchers have issued papers suggesting risks are present both to the general public and specifically young children, seniors and persons with medical implant devices. There was frustration that OTI and CityBridge couldn't specify which carriers have expressed the need for added capacity, and the only mention of potential service deficiencies was near HSS & Cornell/NYP Hospital. Multiple members expressed confusion as to how one supposed purpose of Link5G is to provide free wi-fi to digital deserts, yet the proposed sites didn't include areas of need such as near the Stanley Isaacs/Holmes Towers housing complex. Concerns were also raised regarding the lack of mention of privacy and security and preventing potential hacking, clear path sidewalk requirements and ensuring that 5G structures will not allow 8' clearance to be met if outdoor dining structures are nearby, and rats being able to take refuge in the base of the towers. Another member questioned the need to place this infrastructure above ground and suggested that there is the ability to bury it so as not to disrupt the aesthetics of the streetscape. There was also discussion regarding the CityBridge contract with OTI and the revenues that CityBridge has made from LinkNYC and 5G, and it was indicated by OTI & CityBridge that the investments made have yet to be fully recouped, and the broader LinkNYC/Link5G initiative comes at no cost to NYC taxpayers based on how the contract was developed.

In addition to comments provided throughout the meeting, public comments should be directed to Community Board 8.

The following resolution was then put forward by Community Board 8:

WHEREAS; New York City, through its Office of Technology and Innovation (OTI), has contracted with CityBridge to install and operate a citywide wireless communications network; and,

WHEREAS; CityBridge installed its LinkNYC network as the initial deployment of the citywide wireless communications network intended to replace outdated public pay phones; and

WHEREAS; LinkNYC provided free 4G wireless cellular connectivity using towers placed on sidewalks throughout NYC, many of which include electronic display screens; and

WHEREAS; Community Board 8 and constituents of its district have reported adverse impacts resulting from existing LinkNYC infrastructure, including visual impacts, inappropriate usage, impacts on sidewalk clearances, and rat infestation; and

WHEREAS; CityBridge is now in the process of upgrading its LinkNYC network to Link5G to accommodate technological upgrades that have recently become commonplace in cellular communications; and

WHEREAS; Link5G infrastructure is a 32' tall tower that is installed on sidewalks in the public right-of-way; and

WHEREAS; Link5G towers in commercial districts include electronic screens similar to those found on LinkNYC kiosks that display advertising and public information; and

WHEREAS; the design of the Link5G towers has been approved by the Public Design Commission; and

WHEREAS; Link5G must adhere to siting requirements determined by NYC Department of City Planning, and must obtain Landmarks Preservation Commission approval if sited in historic districts; and

WHEREAS; CityBridge and OTI have proposed 18 sites across Community District 8;

WHEREAS; CityBridge and OTI have stated that the siting of proposed Link5G towers in Community District 8 are based on gaps in coverage and locations where excess demand for the network exists as determined by commercial cellular carriers; and

WHEREAS; 15 of the 18 sites proposed are in or near either the Upper East Side Historic District or the Carnegie Hill Historic District, where renowned architecture and iconic streetscapes would be interfered with if Link5G structures were installed; and

WHEREAS; locations proposed along Madison Avenue would be in conflict with strict guidelines for illuminated storefronts and signage, and would be in conflict with the Special Madison Avenue Preservation District's design standards that specifically prohibit illuminated advertising; and

WHEREAS; residents of Community District 8 have strongly objected to the design and the visual impacts that Link5G towers would have on streetscapes, both with and without screens; and

WHEREAS; there are widespread concerns that 5G towers will be constructed at distances considered too close to adjacent buildings, as has already occurred in front of 520 East 90th Street, and

WHEREAS; 10' of distance from a tower to a residence that is permitted is extremely insufficient and should be revisited as a policy; and

WHEREAS; there are no reported issues by residents of Community District 8 of cellular gaps and frequent dropped calls that would justify Link5G being installed in the proposed locations; and

WHEREAS; the proposed sites for Link5G don't include any locations in areas known to be potential digital deserts within Community District 8; and

WHEREAS; OTI and CityBridge have not provided detailed plans regarding the full build-out of Link5G, both within Community District 8 and in areas north of 96th Street and in the outer Boroughs; and

WHEREAS; there is a desire for any telecommunications infrastructure to be buried underground both for reliability purposes and to minimize visual impacts; and

WHEREAS; there have been questions raised by some residents as to whether sufficient research has been performed to fully assuage concerns that the radiation emitted by 5G infrastructure won't have any long-term impacts on public health or the environment, including young children, seniors, people with medical implant devices, pets, plants, and parks;

WHEREAS; the community-at-large has expressed their views that Link5G is unnecessary and unwanted in Community District 8 at present and until many of the issues identified have been resolved;

WHEREAS; New York City is in control of this process through its contract with the provider;

THEREFORE BE IT RESOLVED, that Community Board 8 Manhattan disapproves the proposal as presented to install Link 5G towers in Community District 8; and

BE IT FURTHER RESOLVED, that a moratorium be placed on construction and planning of Link5G poles and devices in Community District 8 Manhattan.

Yes (17+1): Agrawal, Birnbaum, Bores, Camp, Dangoor, Lader, Lamorte, Mason, McClement, Parshall, Phillips, Pope-Marshall, Popper, Rudder, Schneider, Squire, Warren, Reckler (public member)

No (0): None

Abstain (0): None