

Community Board 7 Brooklyn
Special Committee on Last Mile Trucking Facilities
March 23, 2022

Committee Members In attendance:

Katherine Walsh
Cynthia Felix
John Fontillas
Cynthia Gonzalez
Sam Sierra

Not in attendance:

Nick Azadian
Stacy Boyd
Gladys Bruno
Christina Lem

Katherine Walsh, Chair, Committee on Last Mile Trucking Facilities

- Gives a quick recap May 6th - 1st Meeting to hear from community on impacts, concerns about these facilities. We heard about many of the issues, growing impacts, and what's to come, compounded with all the challenges we have.
- We met with neighboring CB6 Red Hook in July; we heard from Department of Transportation, Dept of City on what they could do; their response was very little bc "as of right"
- Community Board 7 October - we heard from Assembly Member Mitaynes office to explore the types of legislation that could be posed; also from UPROSE on "special permit" text; we also heard a case study from California
- When CB7 met as a full community board - passed a letter in December - types of meetings we have had, calling on leadership - elected representatives and the agencies, what action would be possible? With current regulation?

Where are we today?

- We have a few different legislative options. Presentation by City Council city and state. We also will hear about organizing at local level with orgs like UPROSE, etc. This is not a complete picture.
- **What is the role of the community board role?** Role in bringing together, demonstrating what types of steps need to take place, to address the challenges we face - safety, transit, traffic
- We have an April meeting - DCP, DOT is coming

PUBLIC COMMENT

Jim Tampakis - Red Hook resident, in western side, Amazon sites being built, RXR (tomorrow) doing a BSA variance to take over a street that intersects their property. They want to 1.1 million

sq foot if it gets approved, 7 stories, if it gets approved, empties would go to Hamilton to 3rd avenue and entering on 60th to hit Verranzao; our problem is your problem. All these sites are right on the water. We need these developers to think about water; NYEDC looking at waterfront plan - get the facilities to do this.

Robert Kunkel - First Harbor Navigation, products across Long Island Sound to CT. On hybrid catamaran. No environmental impact. Joined the meeting - Carolina from Portside told us. Waterborne transportation of last mile trucking products, 2 years Long Island, we plan to move into NYC, Brooklyn area, trying to remove congested, electric bicycles from last mile, we move it to the water. Bring the boat down, bring a tour on the vessel. Using waterborne transportation, no environmental impact, lithium batteries, 50 passengers, talking to EDC and IKEA on their waterborne areas, want to see how people are dealing with this.

Follow-up after:

During the public comment period, we advised everyone of a documentary filmed about our Connecticut and New York operation. I am providing the YouTube Link to The Last Line below. If anyone who attended the webinar last evening has questions or comments, please do not hesitate to contact me. The link: <https://youtu.be/0ljinR3BDsvg>

Sacha Bien Aime - resident on 20th street - I live up the block. My concern is traffic traveling down 20th, this has been a problem with truck traffic. It's a home run that facility; is there a way to implement exits from the BQE - 39th street; is there any way to build the access to keep trucks on the highway?

Ruben Colon - Grew up in Sunset Park, don't live there now, CB11
Union organizer, NYC District of Carpenters

My concern is responsible development. Labor standards building these sites. Test boring before test piling. East Coast drilling on the 20th site. Then red hook after. FYI, they are being investigated for wage fraud and endangering workers, unfair labor; close to bringing a case against them with district attorney office. Dov Hertz owns site 20th street, one is Amazon, Bay Street and 640 Columbia; both went non-union. 271 Richards. Is any of these two sites, are they going to be Amazons?

Presentation, Council Member Alexa Aviles Office - Christina Bottego - no slides

As we talk about this, how to broaden our reach. Hear ideas folks in this group we need to broaden to more city council districts. City planning will be sticklers on this if it's just about sunset park. The councilmember has been thinking about this every day since Jan. From the start, we thought about doing this as a text amendment and a special permit. The city council is limited in its ability to pass text amendments for special permits. We will be supportive of this.

We have thought of creative ways where we have jurisdiction, and what we have is that we have come up with a license structure. The way a laundromat does this; license we will likely introduce this legislation in early April, still talking to advocates about it.

What's in the legislation broadly?

- (1) First they will be defined - thinking about that
- (2) Established a license structure - because city council is limited in its jurisdiction. We can't require environmental govt bc we are pre-empted by federal govt, another piece due process - we can't treat this business differently than other businesses, the license structure requires the commissioner grant a license only those to the applicants who have not violated city, state or federal govt, so long as they haven't violated labor or environmental laws. This helps us avoid these issues. 1000 license renewed each year; would be retroactive, existing facilities need to apply, and going forward, another big issue is clustering, we don't want these facilities, traffic, environmental, strain. Hard to get at clustering, hopefully this works with text amendment;
- (3) Commissioner on consumer affairs - to come up with a cap within each community district, those two commissioners want informs that cap, the existing facility about traffic, emissions, etc, all of t? Caps would be required for each year, every time a district boundary, hope this limits the number of facilities being built
- (4) Vehicular traffic - to submit a transportation safety plan, planned routing and scheduling, including analysis of the volume, reduction plan for the number of deliveries, reduce traffic death, this traffic plan will also inform the caps

Creative approach that the city can have jurisdiction over a complicated issue. All hands on deck; all strategies, one tool in the toolbox. We're excited to work with community partners, expand the conversation, citywide issue to present a strong plan to city council.

This legislation was informed by preemption and due process, what does that mean?

Preemption - if a municipality wants to make a law, does it interfere with state or federal? The city can't come up with muni law, we are blocked from creative certain legislation because it might violate

Due process - we can't treat a business like a business, we have no reason to act with prejudice towards them. So first we need to define last mile facilities - this allows us to say they are a bit different, so we can address legislatively.

Question: do you have the right kind of state laws to do this licensing?

Answer: we are relying on existing law. Municipal home rule - says we narrowly craft legislation about one issue. We like to get at labor standards; but we need to stay focused because of municipal home rule. In this legislation, we can't introduce within it, a whole new body of work. We can do last mile issues, but we can't do labor. As legislation goes through the process, if we get a hearing, we'll hear labor and environment issues. We hope through that, we'll hear what needs to be improved. If something comes up that we have jurisdiction over then we can introduce legislation to address these in the city; then if there are state issues, we will work with state level electeds, in the hearing we heard improvements on "x" we will tell them.

Jenny Zhang, Chief of Staff, New York State Assembly Mitaynes office

- State level intervention - we're building support, almost ready to introduce legislation

4/19/22 THIS LEGISLATION HAS NOW BEEN INTRODUCED:

https://assembly.state.ny.us/leg/?default_fld=&leg_video=&bn=A09799&term=0&Summary=Y&Memo=Y&Text=Y

- Indirect Source Rule -
- We need to slow down or stop proliferation
- This is what we know - 6 between Sunset Park and Red Hook; will continue unless we stop it (shows slides below)

MAP OF FACILITIES

Planned or Likely Logistics Properties in D38

UPS
(522,000 sf / M2-1)

280 Richards
(335,000 / M3-1)
32, 352 Leitch (Hart)

640 Columbia
(176,000 / M3-1)
64, 342 Leitch (Hart)

Buckeye Terminal
(835,000 / M3-1)

Sunset Industrial Park
(690,000 / M3-1)
*1000 sq ft, 1000 sq ft (DH);
1000 sq ft, 1000 sq ft (DH);*

Don Herb (DH) has potential 3+ stories facility in Staten Island 190th Street (via route by rail) nearby Amazon's JFK's fulfillment warehouse & NY Container Terminal

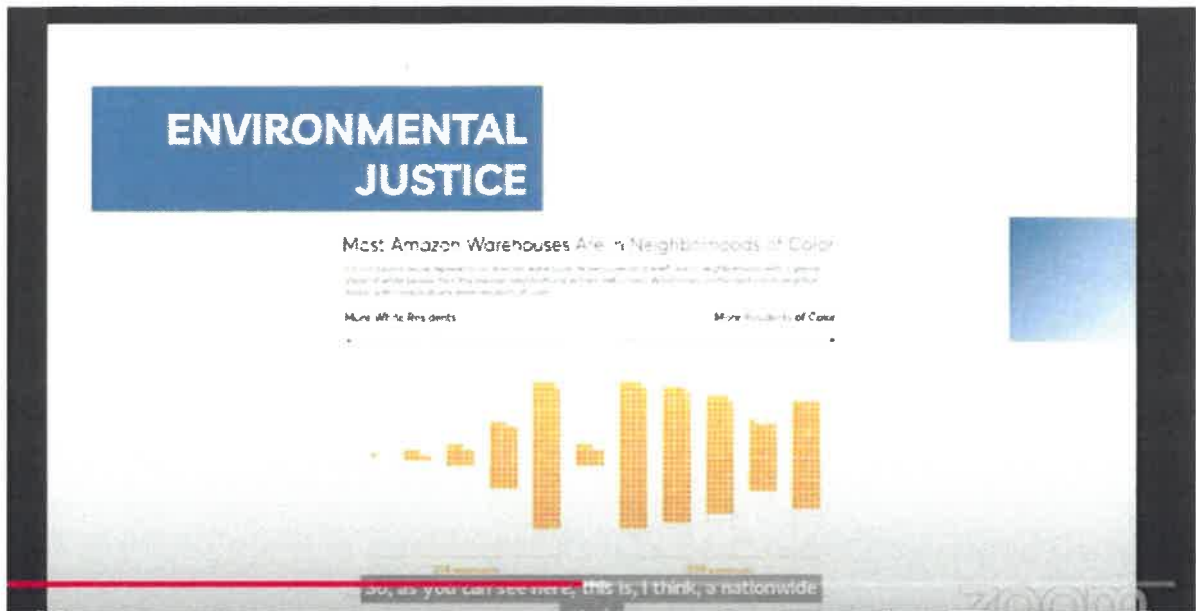
Address	Owner	Lot Area (sf)	Developable area (est. of) Lot area Zoning
280 Richards	Thy E Builders / Grant / Amazon	330,000	975,000 Red Hook M3-1
640 Columbia	Don Holdings / Don Herz / Amazon	176,000	362,000 Red Hook M3-1
537-555 Columbia	Don Holdings / Don Herz / Amazon	88,000	88,000 Red Hook M3-1
719 Sullivan Street 200 and 242 Coffey Street and 89 and 105 Ferris Street	UPS	522,000	1,044,000 Red Hook M2-1
720 Court	Buckeye Terminal	835,000	1,670,000 Red Hook M3-1
Total		2,846,219	2,854,000 Red Hook only
80 21st Street - Sunset Industrial Park		690,000	1,380,000 Sunset Park M3-1
Total		2,846,219	4,234,000 Red Hook & Sunset Park

that there's another site being looked at



Jenny Zhang, Chief of Staff, New York State Assembly Mitaynes office (continued)

- When we first came to CB7 we weren't sure which legislation - now we know
- PROPOSAL is live
https://assembly.state.ny.us/leg/?default_fld=&leg_video=&bn=A09799&term=0&Summary=Y&Memo=Y&Text=Y
- Where they are arriving often coming to low income communities color, close to industrial, and cheaper land
- Report from Consumer Reports - these last mile trucking facilities are an Environmental Justice issue - <https://www.consumerreports.org/corporate-accountability/when-amazon-expands-these-communities-pay-the-price-a2554249208/>
- Study found where Amazon facilities exist around the country; in neighborhoods low income residents and communities of color



State level - what interventions make the most sense?

- Air Quality Permitting: If you are a stationary facility - you are required that you have to meet state level requirements. You have to be approved to start operations; only applies to “stationary” doesn’t not take into account trucks “mobile” facilities
- Facilities themselves don’t emit a lot of pollution - it’s the trucks in/out
- What is the process that will regulate the ‘indirect’ sources (i.e. trucks)
- Which govt has what level of authority to regulate parts of our lives. Federal Clean Air Act - gives us the ability to do restrictions and requirements under an Indirect Source rule. This has only been implemented in California - south coast management. Being pursued in other places
- At the end of last year as the intervention that made the most sense. We discussed “emergency moratorium” when we were investigating if this is possible; bc the facilities are not regulated (not under oversight of state) first we need to regulate than we can have something like a moratorium; need to lay down regulatory framework, etc.
- Coalition partners, UPROSE, the point in the bronx what could an indirect source rule look like.

PROPOSAL FOR INDIRECT SOURCE RULE

PROPOSAL

- We are proposing Indirect Source Rule legislation that would require DEC establish rules and procedures for:
 - 1) Facility-by-facility **review of existing warehouses**
 - DEC is instructed to consider review requirements such as an air emissions reduction & mitigation plan for each facility
 - 2) Permitting process for any **new developments or major modifications**
 - A permitting process would trigger SEQR review and give the public opportunity for input
 - ~~3) Annual, publicly disclosed reporting of truck trips, routes, jobs, and~~

1. Facility by facility review
2. Permitting process - environmental impact studies would have to happen; public would have chance. Ex: Astoria Fracked Gas Plant - need to have Public review - by creating a formal process this allows the public to be engaged; to build momentum to stop these facilities.
3. Annual publicly disclosed trips, routes, jobs,

UNIVERSE: Who does this rule then apply to for the last mile trucking facilities?

UNIVERSE

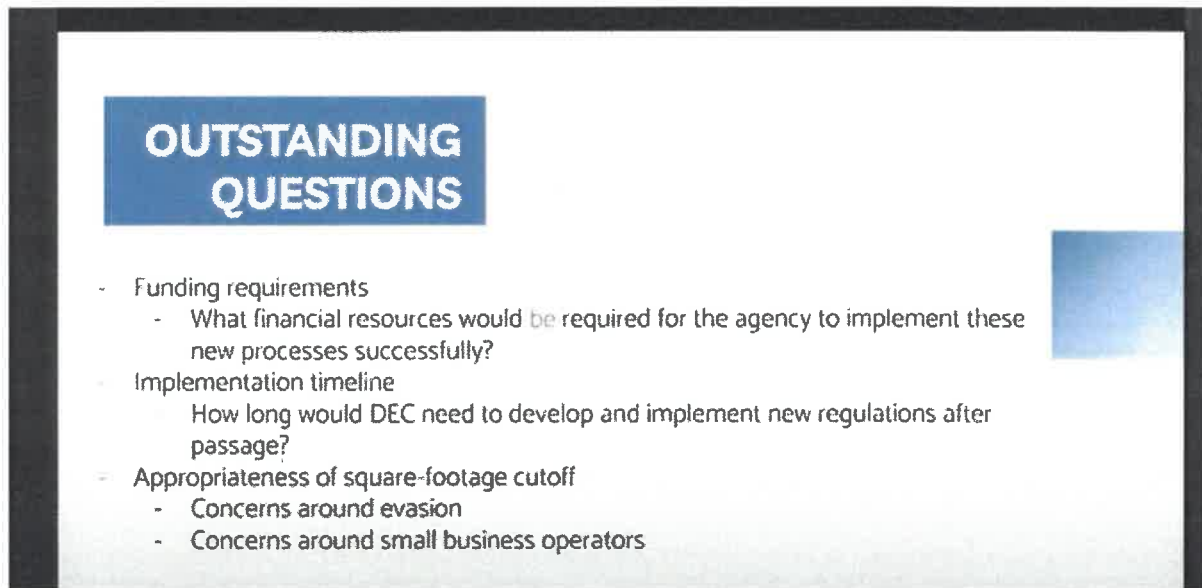
- These new review, permitting and reporting processes would apply to any “**Heavy distribution warehouse**”, defined as:
 - Any warehouse **50,000 sqft** or greater that is *also* a:
 - **Fulfillment center** - stores and distributes e-commerce goods to end users
 - **Parcel hub** - processes or redistributes goods to consumers or end users
 - **Parcel sorting facility** - sorting or redistributing goods from fulfillment centers to parcel hubs

Who is the universe?

- Fulfillment center, parcel hub, parcel sorting (“adjacent to last mile”) We know there are other warehouses out there, we want to capture all of the facilities that would demonstrate similar usage patterns and traffic patterns.

Who has to comply?

- Any entity that does the day to day; including operations like third party contractors. You can't get out of the law - bc you're outsourcing, etc.



OUTSTANDING QUESTIONS

- Funding requirements
 - What financial resources would be required for the agency to implement these new processes successfully?
- Implementation timeline
 - How long would DEC need to develop and implement new regulations after passage?
- Appropriateness of square-footage cutoff
 - Concerns around evasion
 - Concerns around small business operators

NEXT STEPS

- Stakeholder engagement
 - Community groups
 - Labor
 - Industrial jobs / community development organizations
 - State agencies
- Identification of key legislative champions
 - NYS mapping project underway
- Formal introduction (targeting post-budget)
- Organizing & public education (ongoing)

Board Members Comments/Questions

Cynthia Gonzalez, one of the things with the partnerships going, who knows about these problems. My point is: I understand these facilities are coming to black and brown communities. Behind all of this is the issue of space; in order for them - they need space. Identifying partners that are going to come in for us for this endeavor - we can send them a message "no space to build schools, not for housing" but yet spaces for these facilities. Putting the word out to legislators in those communities - what might be coming to them next will end us in this campaign on raising awareness.

UPROSE, Summer Sandoval

Spring 2022 Updates



across the country to address last mile

Launched in December 2021 - last mile coalition have been focused on introducing a zoning text amendment; it's coordinated by New York Community Justice Alliance



Last Mile Coalition

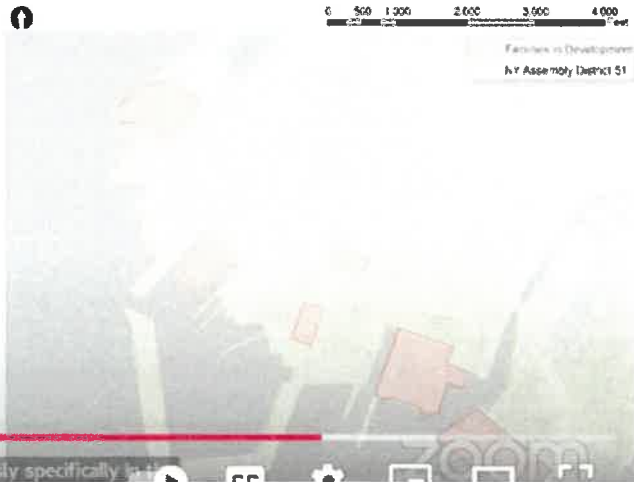
Addressing the disproportionate impact of last mile trucking facilities in environmental justice communities



Leading to massive amounts of clustering, it's happening because it's as of right

What Is Happening?

- Rise in buying and selling of goods online
 - Huge increase since COVID-19 pandemic
- Over 2 million packages delivered everyday in New York City
- Giant facilities are clustered and overwhelmingly sited in environmental justice communities like Sunset Park & Red Hook



Citywide issue

this, obviously specifically in

Why Is This Happening?



- New York City Department of City Planning treats “Last mile trucking facilities” as “warehouses”
- Facilities are built “as-of-right”
- These last mile facilities have significantly worse impacts on health, safety, local economy, and environment than traditional “warehouses”



The impact is significant

What Does This Mean?



- Increases in
 - Truck traffic
 - Noise
 - Air pollution
- Safety concerns
- Clustering of facilities in EJ communities

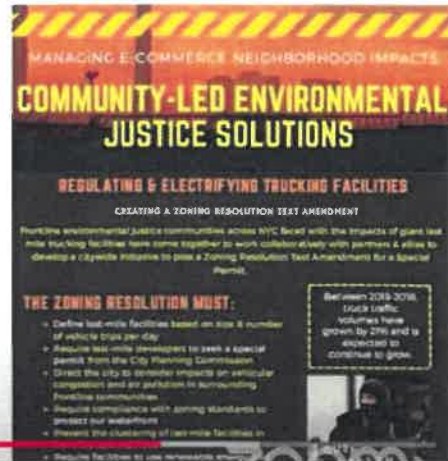


We want to have a zoning text amendment to include the following:

Zoning Text Amendmen



- Define last-mile facilities
- Require a Special Permit
- Proof & reporting
- Prevent clustering
- Alternative modes of delivery
- Introduce state legislation



We have been focused on doing the anaintroducing city support

Defining “Last Mile Wareho



“Last mile warehouse” as a warehouse that:

- Contains at least 50,000 square feet of total floor space that is used for warehouse activities;
- Has as its primary purpose the processing or redistribution of goods for delivery directly to consumers or end-users

Timeline & Next Steps



Put together application to City Planning Commission for a Zoning Text Amendment & Special Permit

Community engagement & build support for the application



We are preparing to submit the application for this zoning text amendment in coming weeks. We need to have strong support - we want to do in coordination with you all. FactSheets on this issue. Sooner we can get something onto go live, political and community support and these efforts.

Hilary Aidun, EarthJustice

- What we're doing is using typically done by developers - we're using this process that is open to everyone to allow the community to participate to develop our zoning regulations

"How are we responding to the emergency?"

UPROSE, Summer Sandoval

- We're responding as quickly as we can - especially with the timeline to build this

Alok Disa, EarthJustice

- What's going to get them over the top - this is a political calculation, a lot more reporting on this issues, so national and international issue.
- Other people in other parts of the country "shared experience" more likely to get wings that we need. In Hudson Valley, they were through planning board - temporary planning board. We need to do the citizens / interest for the State
- Dept City Planning is not going to roll out the red carpet for us on this topic.
- All of these are needed and urgent - State process might take a second; We are telling DEC to do it. But technically, DEC could do it, but they're not jumping to do it.

A couple of follow-ups that came after the meeting on this topic / point raised:

- **Engagement with DEC for an ISR.** I don't think there's a single "point person" for this policy, especially since it involves technical and political dynamics within multiple offices in the agency. But here are some folks who might be good to engage with:
 - **Mobile Source Bureau.** They are the team that actually develop regulations to address vehicle emissions. Here's who we've met with before: James Clyne - Director (james.clyne@dec.ny.gov), Jeff Marshall (jeff.marshall@dec.ny.gov), James Symon (james.symon@dec.ny.gov), Khai Gibbs (khai.gibbs@dec.ny.gov). They said the ISR is on their radar, but they aren't actively working on it – as confirmed by the fact that there's no mention of the ISR in their annual [regulatory agenda](#) for 2022. I know they would particularly keen to hear from labor voices in support of these rules, if you know of any.
 - **Division of Air Resources (air.regs@dec.ny.gov).** This is the team that implements policies regarding New York State's attainment of federal air quality standards. They've recently acknowledged that they are "evaluating" an "ISR for warehouses to consider emission reduction opportunities" – see p. 73 of this [document](#). Christopher LaLone – Director, Division of Air Resources (christopher.lalone@dec.ny.gov), Robert Bielwa – Chief, State Implementation Plan Division (robert.bielawa@dec.ny.gov), Scott Wadja-Griffin (scott.griffin@dec.ny.gov).
 - **Office of Climate, Air & Energy.** Jared Snyder – Deputy Commissioner (jared.snyder@dec.ny.gov). He's influential as a higher-up in DEC. He's been representing DEC on a lot of the CLCPA implementation work.
 - **Office of Environmental Justice.** Adriana Espinoza – Deputy Commissioner, Equity & Justice (I don't have an email, but she's on Twitter at [@adriana_olivia](#)).
 - **Commissioner.** Basil Seggos – Commissioner (basil.seggos@dec.ny.gov).
- **Engagement to Climate Action Council re Draft Scoping Plan.** Right now there's an ongoing comment period regarding the state's [draft Scoping Plan](#) which will set a blueprint for climate action in New York State. The chapter on Transportation is a mixed bag. Some nods to the need to address emissions in disadvantaged communities, but silent on warehouses and ISR. General information on the process can be found [here](#) and you can file a comment [here](#).
 - **Milestones:**
 - Comment Deadline: June 10th.
 - Hearings: April 5th – May 11th. [10 hearings](#), including one in Brooklyn (Tuesday, May 3rd at 4 PM at City Tech) and two virtual hearings (Saturday May 7th at 10 AM and Wednesday May 11 at 4 PM).

John Fontillas, Land Use Chair

- We just had a text amendment - it was done by the hotels; community boards together M1; community board members came together.
- In my own humble opinion, I think this could be a good route forward on the "special text amendment" to band together with our community boards to make this happen

Hilary Aidun, EarthJustice - text amendment would include maritime