



Testimony of Roland Lewis, President and CEO

THE METROPOLITAN WATERFRONT ALLIANCE

Before the New York City Planning Commission

Regarding the Proposed Waterfront Zoning Text Amendment

March 4, 2009

Thank you for the opportunity to submit this testimony. I am Roland Lewis, President of the Metropolitan Waterfront Alliance, a coalition of over 380 organizations working together to transform the New York and New Jersey waterfront and its waterways into a world class resource for work, play, transit and education.

The Metropolitan Waterfront Alliance commends the NYC Department of City Planning for its work and development of the new waterfront zoning text amendment. There is much to like about this amendment and much that we regard as cutting edge, providing a large step forward in giving all New Yorkers the great waterfront they deserve.

On behalf of the thousands of waterfront users represented by our partner organizations, MWA would like to speak to the providing of more public access, boating access and emergency access along the New York City coastline as well as requiring the

construction and improvement of the city's maritime infrastructure. "Maritime infrastructure" refers to bollards and cleats at the water's edge that allow boats to be moored, including human-powered water craft and boats arriving during emergencies.

Improving maritime infrastructure also includes ensuring that gates and fencing along the water can be opened to allow boaters to enter and exit the waterfront access areas. At present, this is not the case. In the event our region faces a crises that prevents transportation of food, water or supplies by vehicle – or if areas of the city have to be evacuated by boat such in as Lower Manhattan on September 11th, 2001 – gates and fences along the shoreline must able to be opened by emergency personnel.

MWA's Waterfront Action Agenda, created through the collaboration of 240 waterfront organizations, calls for the development of a waterfront where New York residents and visitors can do more than just admire the metropolitan area's unique cityscapes. MWA and its partners envision a city that functions as a waterfront town, where people can travel to and from amazing waterfront destinations via accessible and affordable waterborne transportation. To achieve this, MWA recommends further integration of the City's waterways into its public transportation system, public encouragement of the use of personal watercrafts, and greater incentives for small-scale commercial development (such as cafes, restaurants, etc.) at locations accessible by boat.

MWA's specific comments on the waterfront text amendment are as follows:

Requirements for Shore Public Walkways

The Metropolitan Waterfront Alliance testifies that under Section 62-421, a new subsection (section h) titled “Maritime Infrastructure” be added to the “Design Requirements For Shore Public Walkways And Supplemental Public Access Areas.”

This new section should specify that cleats and functional bollards are required along the shoreline and on sea walls, or other shoreline barriers, every 15 feet regardless of the presence of get-downs along shore public walkways. It should be further required that gates are able to be opened by all individuals and, at a minimum, by emergency officials. Bollards and cleats must be placed between gates and the shoreline, not between gates and the walkway, so they are accessible to boats and emergency vessels at all times.

Because of the importance of providing water access for water craft under emergency and non-emergency circumstances, the Metropolitan Waterfront Alliance testifies that under Section 62-421(g)(iii), “get-down” steps to facilitate access to the water should be a requirement, thus appearing as a stand alone subsection under Section 62-421. Such “get-down” steps to facilitate access to the water should be required where the vertical distance from water to land does not exceed 10 feet.

Under Section 62-421 (d), “Permitted reduction in minimum required planted area,” the Metropolitan Waterfront Alliance testifies that the minimum planted area should not be reduced “by 10 square feet for every linear foot of shoreline improved for boat tie-up or with architectural features designed to facilitate direct, pedestrian access to the water such as steps or similar ‘get-downs.’” Instead, as we testify above, maritime

infrastructure should be required.

Furthermore, the term “boat tie-ups” should be formally redefined as “maritime infrastructure” which refers to cleats, bollards, and openable gates. It is imperative and important to reemphasize that all gates along the shoreline are able to be opened at a minimum by emergency officials, if not non-emergency individuals, and that cleats, bollards, and gates are required along the shoreline and on sea walls or other shoreline barriers every 15 feet regardless of the presence of get-downs along shore public walkways and supplemental public access areas. Furthermore we reemphasize that bollards and cleats must be placed between gates and the shoreline, not between gates and the walkway, so they are accessible as tie-ups for boats and emergency vessels.

Design Requirements for Public Access on Piers

Under Section 62-431, “Design Requirements For Public Access on Piers,” a new subsection should be added to require cleats and bollards, and openable gates if gates are present, every 5 feet on piers to allow for docking of emergency and non-emergency water craft.

Design Requirements for Public Access on Floating Structures

Under Section 62-441, “Design Requirements For Public Access On Floating Structures,” a new subsection should be added to require cleats and bollards and openable gates, if gates are present, on both sides of floating structures to allow for docking of emergency and non-emergency water craft.

Design Requirements for Guardrails, Gates and Other Protective Barriers

Under Section 62-621, “Guardrails, Gates and other Protective Barriers,” gates and other barriers at a minimum must be able to be opened from both landside and waterside by emergency personnel. Furthermore, requirements for “bollards,” as described under subsection (b) should be referred to as requirements for “decorative bollards” to distinguish them from functional bollards that can be used for boat tie-ups. This distinction is unnecessary if it is required that all bollards are located close enough to the shoreline, and not hindered by gates or fences, to be usable by water craft.

The MWA also urges the proposed waterfront zoning text amendment to reflect the comments regarding storm water abatement submitted by the Storm Water Infrastructure Matters (SWIM) Coalition to the City Planning Commission February 23, 2009. The capture of storm water and the mitigation of combined sewer overflow is one of the most important factors toward complying with the Clean Water Act and making our waters swimmable and fishable. SWIM and MWA urge that this waterfront zoning text amendment comport with the goals and requirements of the Mayor’s Office of Long Term Planning and Sustainability’s Sustainable Storm Water Management Plan, issued in December 2008, which calls for “design requirements for plantings and buffer areas in public access areas that would improve the quality of plantings and encourage permeability in new developments.” SWIM and MWA call for the waterfront text amendment to parallel the recently adopted parking lot text amendments in terms of storm water management.

Finally, the MWA urges the City Planning Commission through this text amendment and in all subsequent waterfront applications and actions to be vigilant protectors of our working waterfront. Especially in this time of economic duress, the good jobs, economic diversity and ecological benefit that the waterfront maritime industry brings to our city makes it a precious resource. The City Planning Commission must be a strong line of defense to prevent any further loss of maritime business to residential or retail development.

Thank you for the opportunity to testify today and I'd be happy to answer any questions you might have.