



BOARD OF DIRECTORS

CHAIRMAN

Trish Preston

PRESIDENT

Lo van der Valk

VICE PRESIDENT

Mark L. Goldsmith

TREASURER

Kevin Roe

Sarah Bramwell

Heather Brandes

Jenifer Brooks

Anthony Chedid

Barbara Coffey

Jennifer Garrett

Susan Gottridge

Sada Grieve

Anne Haubenstricker

Diane E. Jaffee

Linda Kurtz

Nicole Mellody

Ginger Pitman

Molly Rand

Jason Schwalbe

April Shelton

George Stonbely

EMERITUS

David Balderston

Cynthia MacGrath

Ronald Spencer

EXECUTIVE DIRECTOR

Joanna Cawley

Mr. Matthew Fraser
Chief Technology Officer
NYC Office of Technology & Innovation
2 MetroTech Center, P1
Brooklyn, NY 11201

January 16, 2023

Regarding: The Proposal to Place Ten 32-Foot 5G Towers in the Historic Carnegie Hill Neighborhood

Dear Mr. Fraser,

Carnegie Hill Neighbors (CHN) is a not-for-profit, historic preservation and quality of life organization founded in 1970. We work to preserve the residential character and architectural heritage of Carnegie Hill and administer quality of life programs that maintain the neighborhood as a safe and beautiful place to live. Our primary constituency consists of the over 400 buildings in the neighborhood and the more than 10,000 residents who call Carnegie Hill home.

As part of our mission, we spearheaded working with the City through the Landmarks Preservation Commission (LPC) to designate the Carnegie Hill Historic District and its expansion (1973, 1994) and the Park Avenue Historic District (from 79th to 91st Street; 2014) as well as many individual landmarks in the area. Our catchment area extends from 86th Street to 98th Street, from the east side of Fifth Avenue to just west of Third Avenue. Additionally, CHN worked with the New York State Historic Preservation Office to successfully nominate the Carnegie Hill Historic District (2003) and the Park Avenue Historic District (2010) for inclusion on the New York State and National Registers of Historic Places.

CHN is writing in response to the invitation to comment per the OTI letter of November 16, 2022 announcing the 60-day comment period regarding the 18 5G towers proposed for the Community Board 8 Manhattan Community District (M8CD). We recognize that our comments are also meant for the Public Design Commission (PDC) which in its September 12, 2022 meeting charged OTI to seek out reactions from the public to the design and placement of the 5G towers and report back to the Commission.

CHN's Response to the 5G-Tower Proposal

While CHN supports the goal of bridging the digital divide espoused by the City, we object to the path chosen by OTI. It has not demonstrated that a digital gap exists in Carnegie Hill or in the CB8 district. To the contrary, OTI and CityBridge confirmed that they did not have evidence to show any gap in service. Therefore, it is not justified to place the 10 proposed towers in our neighborhood, and this part of their project should be abandoned. The deleterious effects of these towers on Carnegie Hill's historic streetscape, neighborhood character and quality of life far outweigh any possible benefits to the area.

Wider Community Concerns

As part of its mandated community outreach, OTI presented to Manhattan Community Board 8 (MCB8). CHN and many residents of Carnegie Hill participated in the December 7, 2022 Transportation Committee and December 14, 2022 full board MCB8 hearing, which overwhelmingly rejected the proposal with a vote on its resolution of 40 against and 2 for. The resolution (attached) both rejected the 18-tower proposal and called for a moratorium to allow for a fuller evaluation. Among MCB8's main objections are:

- The towers at 32 feet in height are too large and bulky and inappropriate for a residential or historic zone and detract from their character;
- They detract from the historic character in the historic neighborhoods with their iconic architecture;
- They are sited too close to residential and historic buildings—some approaching the 10-foot distance, the minimum allowed by OTI;
- They obstruct pedestrian traffic and present safety concerns in the narrow sidewalks already cluttered by street furniture;
- They present health safety concerns to humans, flora and fauna; and
- OTI had not demonstrated that there was a gap in digital access in the CB8 district and therefore is unable to make the case that there is a need for the towers.

Carnegie Hill Specific Concerns

Our objections largely mirror those of MCB8. Moreover, because 9 of the 10 towers sited in CHN's catchment zone fall within historic districts in close proximity to each other and concentrated on the three important avenues—Fifth, Madison and Park—the towers are even more objectionable.

1. The towers, with their massive size and industrial design, will overwhelm and degrade the historic context and streetscape visuals on every block where they are placed.
2. Within NYC historic districts, every proposed exterior alteration is carefully examined for appropriateness by the Landmarks Preservation Commission. The property owners of Carnegie Hill accept the responsibility of this significant level of government oversight in return for the long-term benefits that historic district designation brings; the protection of the physical character of the neighborhood, the opportunity to have a voice in how the neighborhood is developed, the perpetuation of visual continuity with the neighborhood's visible past and the enhancement of long-term real estate investment. The imposition of these towers within the historic district not only negatively impacts all these benefits, it undercuts the commonly understood standards of appropriateness and encourages an environment hostile to future adherence to those standards. How can a private citizen be asked to conform to a higher standard of appropriateness than the City?
3. As this proposal is a large departure from the original LinkNYC kiosk design (which did not exceed 10 feet in height), CHN feels strongly that a full environmental review should be undertaken to ensure that the recognized historic character of the Carnegie Hill and Park Avenue Historic Districts are not negatively impacted by this governmentally-permitted proposal. Regardless of previous determinations, the scale of these proposed constructions should trigger a full review.
4. The tower proposed for 2 East 91st Street (aka 1095 Fifth Avenue), the Carnegie Mansion, is wholly unacceptable. It will be placed on the south side of 91st Street, near the corner with Fifth Avenue. This is the front of the mansion. It will require the destruction of a part of the original, historic sidewalk consisting of granite slabs that extend to the street curb. It will have a

deleterious visual impact on this National Historic Landmark (which is the highest level of historic recognition and protection awarded by the United State Department of the Interior).

5. The proposed site at 1115 Fifth Avenue shares the block with the Warburg Mansion (at 92nd Street), an individual landmark, now the Jewish Museum. The common block-front has a wide sidewalk, devoid of clutter. The 5G tower to be placed in front of the building next to the prominent landmark will visually impose on it when approaching it from the north.
6. The large poles will add to the clutter of street furniture, especially on Madison Avenue, and inhibit the safe flow of pedestrian traffic. CHN is concerned that inadequate study has been given to the effects of these large additions to the highly-used sidewalks within the residential district, particularly near schools where children and young adults gather.
7. Although OTI has stated that in historic districts, multi-media ad displays will not be allowed, they already exist on the smaller LinkNYC kiosks in other historic districts. We have little guarantee that they will not be added at a future date to increase advertising revenue. As the previous iteration of this program proved financially unsustainable and displays screens are a modular add-on, we feel this is a reasonable concern. Additionally, no media display should be allowed for 1190 Madison Avenue, which is only just outside the historic district. Because of its close proximity, it can be argued the site falls within the area of protection.
8. The keypads and small screens are also not wanted: It appears all towers in the historic districts will still have a keypad with display. Experience has shown that these features negatively impact residential quality of life by encouraging loitering and noise pollution, especially during quiet nighttime hours. These services are readily available on the nearby commercial strip on Third Avenue, which has a much-higher after-hours public safety environment.
9. An additional adverse impact arises because the towers are mostly placed near corners where they stand out and their degrading visual impact is accentuated. Towers are required to be no less than 10 feet from corners. But because towers seek out the corners to increase their effective reach they will typically be placed between a building's entrance and the nearby corner adding to physical and visual obstruction. This is true at 1050 Fifth Avenue and 1040 Park Avenue, both at 86th Street. It is also true of the other two locations on Park Avenue—1105 at 89th Street and 1175 at 93rd Street.
10. The reach for the corners also has a deleterious impact on the storefronts of Madison Avenue obstructing a clear view of their show windows: as is true of the storefronts of 1190 near 87th Street and 46 East 91st Street, with the tower on Madison Avenue.
11. A note of clarification—Carnegie Hill has 10 proposed 5G towers, not 9. The inclusion of the 5G tower opposite the Guggenheim Museum (on the west side of Fifth Avenue) had mistakenly been identified in the November 16, 2022 OTI letter as located at 1000 Fifth Avenue, the address of the Metropolitan Museum of Art.

Inequitable Distribution

Of the 18 proposed 5G towers proposed for M8CD (the district of CB8-Manhattan), 10 are in Carnegie Hill, and 9 of these are in our historic districts. Carnegie Hill constitutes only 15% of the M8CD, but has been targeted with 50% of these constructions.

OTI's LinkNYC project seeks to bridge the digital divide with the current phase to place 2,000 towers with only 10 percent placed below 96th Street and 90 percent in the digitally challenged communities above 96th Street and in the outer boroughs. At the September 12, 2022 PDC meeting it appeared the immediate goal would be to place 200 towers as part of a pilot program, roughly divided equally

between the digitally challenged neighborhoods and the more advantaged communities. At that meeting OTI stated that in order to get carriers to invest in towers in challenged communities, OTI had to “incentivize” the carriers by allowing them to invest in the advantaged communities. This is not an instance of fair share or of all advantaged neighborhoods sharing a burden. The City, as the permitting agency, is ultimately in control of what is placed on its streets and where. If CityBridge cannot financially afford this contract, then the City should find another contractor who can. Under this current plan, the price to be paid by the advantaged communities in this “business model” is the blight that will be visited on them by the unneeded and unwanted towers. We do not have the details of the current approximately 200-tower pilot program, nor the number and locations of sign-ons in the challenged communities, but it seems that the current effort benefits only the contractors and carriers.

Health Concerns and Property Devaluation

While CHN has not focused on health concerns and the potential effects of this proposal in our outreach efforts, we have been made aware that these concerns resonate deeply among our residents. Fears of physical injury, especially to children, are real. Such fears are not easily assuaged given the current lack of trust in institutions in general and claims by the FCC and OTI. These fears can translate into a loss of property values, to say nothing of the very real visual blight these towers will inflict on the bottom floors of buildings. Apartments which previously had desirable park views may now be blocked by these massive protrusions. It is worthwhile to note that the FCC in its charter legislation of the 1930s is tasked, in whatever it does or supports, to safeguard human health and property values.

Possible Alternatives

CHN recently learned that in 2020, the City began placing 11,600 4G/5G Small Cells mounted on city light poles. That number has increased to 13,600 (registered). This may help account for the lack of a digital gap.

Additionally, the importance of fiber optic cables as an option cannot be ignored. It is reliable and in principle poses no environmental or health risks. It is not as far a reach as most assume. Few people realize that the current LinkNYC program is heavily reliant on fiber optics. Each 5G tower is fed by a fiber optic line. Fiber optics seem a more logical solution for high density areas such as Carnegie Hill and MCB8 where tall buildings interfere with 5G signals, requiring even more 5G towers. Because each tower must be fed by fiber optic lines which are underground, it seems the next logical step would be to connect directly the nearby buildings with the fiber lines and dispense with the towers. That would keep the telecommunications infrastructure underground without any visual impacts.

To underscore the importance of using fiber over wireless, former FCC Chairman, Tom Wheeler, in his March 2021 Congressional testimony stated that, to have broadband with speed and capacity means having a fiber first policy for the nation, and described fiber as “future proof,” with wireless only as a last resort. Wheeler’s statements point to the fact that wireless and fiber are not equivalent broadband media, and that fiber’s speed, capacity and cyber security exponentially exceed those of wireless, including 5G. Also, fiber lines can last up to 50 years, while wireless equipment requires continuous periodic maintenance and replacement. Who will pay for that? Clearly, fiber has been federally recognized as the superior choice, including for bridging the digital divide.

Verizon has apparently already built out fiber to many parts of the City, and CityBridge has been reported trying to connect to Verizon's already existing fiber. Additional fiber is being deployed by Verizon to half a million homes as part of a recent settlement agreement with the City.

We have come to understand that 5G infrastructure requires an enormous amount of energy consumption, far in excess of its predecessors, which should trigger a full review of its environmental impact even before its deployment.

The National Telecommunications and Information Administration ("NTIA") in implementing the federal Infrastructure and Jobs Act has decided to prioritize fiber optics over wireless in creating a national future-proof technology grid. The City should do the same, or be left behind.

Conclusion

To repeat: Carnegie Hill has no gap in digital service. It does not need these towers and does not want them.

Carnegie Hill Neighbors strongly supports a moratorium on the planning and construction of new 5G tower installations. This was proposed by MCB8 in their resolution. It would allow the creation of a type of commission to examine all the issues, consider expert opinion and take a nuanced view of this complex project. Working groups with multiple stakeholders might also be created to solve particular problems. The objective would be to reach a consensus in support of a solution that all stakeholders have participated in. We feel confident that this is a better way forward for all New Yorkers.

Sincerely,



cc:

Mayor Eric Adams
First Deputy Mayor Sheena Wright, City Hall
Deputy Mayor Maria Torres-Springer, City Hall
Hon. Erik Kulleseid, NYS Historic Preservation Office
Hon. Keith Powers, City Council
Hon. Mark Levine, Manhattan Borough President
Sreoshy Banerjea, Public Design Commission
Sarah Carroll, Landmarks Preservation Commission
Russell Squire, Chair, Community Board 8

Russell Squire
Chair

Will Brightbill
District Manager



505 Park Avenue, Suite 620
New York, N.Y. 10022-1106
(212) 758-4340
(212) 758-4616 (Fax)
www.cb8m.com – Website
info@cb8m.com – E-Mail

**The City of New York
Community Board 8 Manhattan**

December 20, 2022

Edward F. Pincar
Manhattan Borough Commissioner
Department of Transportation
59 Maiden Lane, 37th Floor
New York, NY 10038

Matthew C. Fraser
Chief Technology Officer
NYC Office of Technology & Innovation
2 MetroTech Center, P1
Brooklyn, NY 11201

RE: Disapproval of new Link5G Kiosks within CB8

Dear CTO Fraser and Commissioner Pincar,

At the Full Board meeting of Community Board 8 Manhattan held on December 14, 2022, the board approved the following resolution by a vote of 40 in favor, 2 opposed, 0 abstentions and 0 not voting for cause:

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 wireless internet 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; Neither CityBridge nor the cellular network providers that Link5G service is intended to supplement have provided any evidence that dropped calls and limited capacity are present at the proposed Link5G locations;

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.

Please advise us of any action taken on this matter.

Sincerely,

Russell Squire

Russell Squire
Chair

Craig Lader and Charles Warren

Craig Lader and Charles Warren
Co-Chairs, Transportation Committee

cc: Honorable Eric Adams, Mayor of the City of New York
Honorable Carolyn Maloney, 12th Congressional District Representative
Honorable Mark Levine, Manhattan Borough President
Honorable Liz Krueger, NYS Senator, 28th Senatorial District
Honorable José M. Serrano, NYS Senator, 29th Senatorial District
Honorable Edward Gibbs, NYS Assembly Member, 68th Assembly District
Honorable Dan Quart, NYS Assembly Member, 73rd Assembly District
Honorable Rebecca Seawright, NYS Assembly Member 76th Assembly District
Honorable Keith Powers, NYC Council Member, 4th Council District
Honorable Julie Menin, NYC Council Member, 5th Council District