



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**CHRISTINE BERTHET**  
Chair

**Jesse Bodine**  
District Manager

January 16, 2015

Hon. Gale A. Brewer  
Manhattan Borough President  
1 Centre Street, 19th Floor  
New York, NY 10007

Re: Resolution To Support Passage of A5355/S3076

Dear Manhattan Borough President Brewer,

Manhattan Community Board 4 (MCB4) is pleased to provide its recommendation on the Manhattan Borough Board's resolution in support of Assembly Bill Number 5355 and Senate bill 3076 in 2015.

The bills, sponsored respectively by, among others, Representative Richard Gottfried and Senator Brad Hoylman, seek to amend the Public Service Law, in relation to the siting of electric substations. The Borough Board resolution supports the bills.

A public discussion of the proposed Borough Board resolution was held by Manhattan Community Board 4's Clinton/Hell's Kitchen Land Use and Zoning Committee on December 10, 2014. Manhattan Community Board 4 at its Full Board Meeting on January 7, 2015, by a vote of 34 for, 0 against, and 0 present but not eligible, recommended that the Chair of MCB4 vote not to approve the Borough Board's resolution unless the following actions are taken:

1. The following sentence is deleted from the resolution: "... Substations generate electro magnetic fields, which are thought by some to increase the risk of certain cancers;"; and,
2. There is a review to determine if 500 square feet is the proper threshold for a facility in which electric current is transformed to be described as a "major utility transmission facility."

**The Borough Board Resolution**

The New York State Assembly and Senate bills the Borough Board resolution supports seek to amend Article VII of the Public Service Law ("Siting of Transmission Facilities") by adding a third category to section 2 ("Major utility transmission facility" means:) The third category would be: "c. a facility in which electric current is transformed from the transmission system to the distribution system or a facility within the distribution system that is larger than five hundred square feet and in which electric current is transformed."

Put more simply, the third category expands the definition of a "Major Utility transmission facility" to include electric substations. (A substation is used to step down high voltage (generated in power stations) for domestic and commercial usage. A typical substation includes power lines, transformer, and switches and relays).

According to the bills sponsors, this would mandate that a public review of the siting of electric substations be required by law.

The Borough Board's resolution to support passage of the bills contends:

WHEREAS, Siting a substation is within the unreviewed discretion of a utility; and

WHEREAS, no procedure exists for the siting of electric substations, even though a utility can take property for a substation site by condemnation; and

WHEREAS, These substations can have significant impacts on the surrounding communities, especially in densely populated areas; and

WHEREAS, Substations generate electro-magnetic fields, which are thought by some to increase the risk of certain cancers; and

WHEREAS, Electric substations should be subject to Public Service commission review, just as power plants and transmission lines are; and

WHEREAS, A5355 introduced in the Assembly by Assembly Member Richard Gottfried and S3076 introduced by Senator Brad Hoylman in the Senate would;

Expand the definition of major utility transmission facility to include a facility in which electric current is transformed from the transmission system to the distribution system or a facility within the current distribution system that is larger than 500 square feet and in which electric current is transformed. Extend all the requirements of Article VII to electric substations. Set out a procedure for the granting of a certificate of environmental capability and public need before a facility can be built. Include environmental impact studies, public hearings, and judicial review of the decision.

#### **MCB4 COMMENTS**

##### **Electro-Magnetic Rays and Cancer**

MCB4 does not doubt that "some" may think that electro-magnetic rays "increase the risk of certain cancers." The Board, however, finds no conclusive evidence to justify such a belief.

According to the National Cancer Institute at the National Institute of Health (<http://www.cancer.gov/cancertopics/factsheet/Risk/magnetic-fields>) while "several early epidemiologic studies raised the possibility of an association between certain cancers, especially childhood cancers, and extremely low frequency electric and magnetic fields (ELF-EMFs), most subsequent studies have not shown such an association." And that "Studies of animals exposed to

ELF-EMFs have not provided any indications that ELF-EMF exposure is associated with cancer, and no mechanism has been identified by which such fields could cause cancer."

The Cancer Research UK (United Kingdom) supports this contention: "Research has looked into the electromagnetic radiation (EMR) produced by electricity in the home and from overhead power lines as a possible cause of cancer. No conclusive link has been found so far. The most recent research studies seem to show that this type of electromagnetic energy does not increase the risk of cancer." (<http://www.cancerresearchuk.org/about-cancer/cancers-in-general/cancer-questions/does-electromagnetic-energy-cause-cancer>)

### **Public Review**

While MCB4 finds the call for public review to be an worthy goal, we note that The New York City Zoning Resolution 74-61 Public Transit, Railroad or Electric Utility Substations already deals with the siting of electrical utility substations:

In all #Residence# and #Commercial Districts#, and in M1 Districts in the #Special Downtown Jamaica District#, the City Planning Commission may permit electric utility substations (including transformers, switches, or auxiliary apparatus) or public transit or railroad electric substations, limited in each case to a site of not less than 40,000 square feet nor more than 10 acres, provided that the following findings are made:

- (a) that there are serious difficulties in locating such #use# in a nearby district where it is permitted as-of-right;
- (b) that the site for such #use# is so located as to minimize the adverse effects on the integrity of existing and future development;
- (c) that the architectural and landscaping treatment of such #use# will blend harmoniously with the rest of the area; and
- (d) that such #use# will conform to the performance standards applicable to M1 Districts.

And although it doesn't require an environmental study, the Zoning Resolution states that the City Planning Commission "may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for soundproofing of electric substations, for the construction of fences, barriers, or other safety devices, for surfacing of all access roads and driveways, for shielding of floodlights or other artificial illumination, or for landscaping or screening."

An enterprising and eagle-eyed public member of the Clinton/Hell's Kitchen Land Use and Zoning Committee also points out that section 93--054 exempts Hudson Yards Special District from section 74-61 and instead uses 93-19 Authorization for Electrical Utility Substations:

Electrical utility substations shall be allowed in the #Special Hudson Yards District# in order to serve the needs of the Special District, and the regulations thereof shall be modified as necessary to accommodate the operational needs of the substation, upon authorization of the City Planning Commission which shall be issued upon finding, with respect to a proposed site, that:

(a) to the extent reasonably permitted by the operational needs of the substation, the architectural and landscaping treatment of such #use# will blend harmoniously with the abutting area; and

(b) if the site proposed for such #use# is Subareas D4 or D5 of the Hell's Kitchen Subdistrict D of the #Special Hudson Yards District#, that there are difficulties in locating such #use# in other Subdistricts of the #Special Hudson Yards District#.

The City Planning Commission may, consistent with cost-effective operations and capital planning, and the operational needs of the substation, prescribe appropriate conditions and safeguards on matters necessary to effectuate the provisions of paragraph (a) of this Section which are not regulated by other applicable codes, laws, rules or regulations. The applicant shall provide the Department of City Planning with a general description of such codes, laws, rules or regulations and a certification that the proposed substations shall comply therewith.

It also should be pointed out that the Borough Board resolution does not note that certain substations are subject to BSA special permits (Secs. 73-14, 73-15 and 73-16). And both the BSA and CPC special permits are subject to an environmental (CEQR) review as they are discretionary actions.

#### **Space and Time**

MCB4 is not convinced that a "facility" only 500 square feet or larger is of a sufficient size to be considered a "major utility transmission facility." We suggest a review to determine if 500 square feet is the proper threshold. We also suggest the bill include time frames for the scheduling of public review.

Manhattan Community Board 4 hopes a revised Borough Board resolution will be one we can vote to support.

Sincerely,



Christine Berthet  
Chair



Jean-Daniel Noland  
Chair, Clinton / Hell's Kitchen Land Use Committee

cc : NYS Assembly Member Richard Gottfried  
NYS Senator Brad Hoylman  
NYC Council Member Corey Johnson