

**Environmental Committee
Community Board Ten
April 5, 2005**

Present: Fran Vella-Marrone, Greg Ahl, Gloria Melnick, Judy Grimaldi, Stella Kokolis, Mary Nolan, Larry Stelter

Excused: Joanne Seminara

A quorum was present.

Guests Present: Josephine Beckmann (CB 10 District Manager), Gerry Kelpin (DEP), Lillie Farrell (DEP), Battalion Chief Brian Lanci (FDNY), Julia Glauboch (FDNY Community Affairs), Stephanie Giovinco (Representing Councilman Gentile), Residents from 601 79th Street.

Meeting Location: Basement meeting room of 601 79th Street..

The meeting commenced at 7:15 PM and ended at 8:15 PM

This meeting was called in response to complaints from the residents of a multiple dwelling located at 601 79th Street regarding smoke emissions from an outdoor wood-burning fireplace a/k/a Chiminea used by the private homeowner adjacent to the premises in the backyard of 635 79th Street. Residents of 601 79th Street have complained that the outdoor fireplace is on several hours per day and many times is unattended. The smoke and emissions from the outdoor fireplace travel into their apartments and cause the residents to have burning eyes, breathing problems and headaches. The apartment residents have expressed that the resulting conditions have caused an overall health problem as well as a lowering their quality of life.

At present, these outdoor fireplaces are legal in the City of New York and are basically treated in the same manner as an outdoor grill or barbeque. However, as a result of recent complaints, the need has arisen to address these complaints.

Fire Battalion Chief Brian Lanci stated that the FDNY has come up with interim guidelines for use of outdoor fireplaces and provided the meeting with these guidelines and actions to be taken when the guidelines are not adhered to. They are as follows: (read attached sheet provided by FDNY)

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A discussion took place concerning these interim guidelines and the following is a list of items that were asked to be considered as part of the guidelines:

- 1) Stipulations pertaining to unattended fires
- 2) Consideration of Vertical Footage between an outdoor fireplace and an adjacent dwelling
- 3) Consideration of proximity of the outdoor fireplace to a multiple dwelling and the effects of wind carrying smoke from the five-foot stack of the outdoor fireplace to a large multiple dwelling complex.
- 4) Require Carbon Monoxide Reading in affected apartments to trigger violation
- 5) Hours of Operation

The residents also felt strongly that a clear distinction should be made between a barbeque and an outdoor fireplace. An outdoor fireplace burns on average 6 to 7 hours and propels thicker, heavier smoke into the atmosphere. Barbeques burn short-term and have lids and the level of smoke differs significantly.

The DEP stated that their agency has jurisdiction relating to the odors and smoke emanating from the outdoor fireplace. It is treated as a short-term smoke condition. There are currently no direct guidelines at DEP for outdoor fireplaces and that they are treated as barbeques. They also noted that it is an arduous process to arrive at a nuisance level as a case has to be raised which may involve multiple summonses. However, DEP did issue 2 summonses to the owners of 635 79th Street in violation of Section 141 NYC Air Codes (strong odor and fumes emitting into apartment from portable outdoor fireplace). A hearing was held on March 29, 2005. No decision as of yet.

The residents want the DEP to monitor the smoke for detection of carbon monoxide and other particulates.

In addition, the residents complained that they could not get a DEP inspector to respond on the weekends. DEP stated they would set up a call system with the tenants with a response time of less than 6 hours on the weekends.

As a result of the health concerns described by the tenants, the committee believed it to be import to ask the NYC Health Department to become involved with this matter.

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A motion was passed unanimously by the committee to write to the FDNY, DEP and DOH requesting that the recommendations as discussed at the meeting be incorporated into the rules and regulations for outdoor fireplaces. And it was further motioned that CB 10 should monitor the situation for consideration of further action such as recommending legislation to address the matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Frances T. Vella-Marrone', written in a cursive style.

Frances T. Vella-Marrone
Environmental Committee Chair



FIRE DEPARTMENT
9 METROTECH CENTER BROOKLYN, N.Y. 11201-3857

Guidelines for the use of portable wood-burning outdoor fireplaces in the City of New York.

- Fireplaces must be placed a minimum of ten feet from any building, structure, fences or property lines.
- Fireplaces cannot be used in or on balconies of multiple dwellings.
- Fireplaces must be placed on ground level.
- Fireplaces cannot be used under overhangs or where overheads objects exists. (such as utility lines and wiring.)
- Only natural wood or manufactured fireplace logs may be burned. No leaves, papers, rubbish or treated wood may be burned.
- There must be available for use a garden hose attached to a water supply or at least 16 quart pail of water.

Action to be taken by Administrative Units if or when the above guidelines are not adhered to and when the fireplaces are used in an unsafe manner.

- Issue a forthwith violation order or request the owner to discontinue use of the fireplace.
- The violation order should read: "In the interest of Public safety".
- Forthwith discontinue the use of the fireplace in an unsafe manner. (Indicate which of the guidelines caused the unsafe condition.)
- Forthwith means immediate.