

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONSUMER AFFAIRS AND
BUSINESS LICENSING

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October 3, 2019
Start: 10:20 a.m.
Recess: 11 a.m.

HELD AT: 250 Broadway - Committee Room
16th Floor

B E F O R E: RAFAEL L. ESPINAL JR.
Chairperson

COUNCIL MEMBERS:
Margaret S. Chin
Keith Powers
Peter Koo
Karen Koslowitz
Brad Lander
Justin Brannan

A P P E A R A N C E S (CONTINUED)

Ellen Canfield, Executive Director
Mayor's Office of Citywide Even
Coordination and Management

Robert Conwell, Captain
New York Police Department

Michael Clark, Attorney
New York Police Department

Barbara Valuchi [sp?]
Dyker Heights Civic Association

Josephine Beckman, District Management
Community Board 10

Lori Willis, Chair
Community Board 10

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2 SERGEANT-AT-ARMS: This is a sound check
3 for the committee on consumer affairs and business
4 licensing being recorded by Israel Martin is, former
5 policy analyst for the committee on this day, October
6 3rd, 2019. 16th floor. 250 Broadway committee room
7 scheduled for 10 a.m.

8 [gavel]

9 CHAIRPERSON ESPINAL: Good morning,
10 everyone. My name is Council member Rafael Espinal.
11 I am the Chair on the committee on consumer affairs
12 and business licensing. I'm joined today by my
13 colleagues on the committee. We have Peter Koo from
14 Queens and we have Justin Brannan from Brooklyn. In
15 today's hearing, we will hear testimony on Council
16 member Brannan's bill, Intro number 1657 that looks
17 to prohibit street vending on certain streets in
18 Dyker Heights beginning on Thanksgiving Day until New
19 Year's Day. Street vendors are crucial to the fabric
20 of New York City and in vibrancy and diversity to the
21 retail and food landscape. They also contribute
22 markedly to the city's economy. Although data is
23 hard to come by, the 2012 study concluded the direct
24 effect of street vendors could be estimated to be
25 more than 16,000 jobs, 78.5 million dollars in wages

1 and an 82 million dollar economy. Street vending is
2 also a vital source of income for many people,
3 especially newly arrived or long-term immigrants.
4 Traditional brick-and-mortar outlets are typically
5 costs prohibited for people entering the market, but
6 street vending offers and entrepreneur alternative
7 and an avenue for economic independence. Despite the
8 benefits, street vending in New York City is also
9 contentious. As the most densely populated city in
10 the country, street and sidewalk space in New York is
11 a rare and valuable commodity, however, vending is
12 usually not a problem in predominantly residential
13 neighborhoods that lack foot traffic. An exception
14 to this is Dyker Heights during the holiday season.
15 It has become a tradition for residents of this
16 neighborhood to adorn their homes and festive lights
17 and decorations. The event have us become so popular
18 over the last few years that it now attracts a
19 whopping 150,000 visitors each season and with these
20 crowds, of course, come the savvy street vendors,
21 came to capitalize on the increased foot traffic.
22 Who can blame them? While we admire their
23 entrepreneurial spirit, we have to make sure that the
24 residents of Dyker Heights can still go about their
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2 regular day-to-day activities. Unfortunately, we
3 have heard numerous complaints about food trucks
4 parking driveways and vendors operating illegally,
5 increased garbage and fumes and pollution from vendor
6 trucks and carts. For this reason, intro 1657 seeks
7 to establish street vending restrictions in parts of
8 Dyker Heights during this particularly busy time. We
9 look forward today to hear from the administration,
10 Dyker Heights residents, and businesses, as well as
11 street vendors themselves, about their
12 recommendations regarding this bill. Before we
13 begin, I'd like to invite the bill sponsor, Council
14 member Brannan, to say a few words.

15 COUNCIL MEMBER BRANNAN: Thank you,
16 Chair Espinal, for hearing this bill today. When
17 most people talk about Christmas in New York City,
18 they will usually mention the Rockefeller Center
19 Christmas tree, the holiday windows at Saks or maybe
20 the Rockettes at Radio City. Meanwhile, some 14
21 miles from midtown Manhattan, there is a magical
22 place in Brooklyn that puts them all to shame. For
23 decades, homeowners in Dyker Heights have decked out
24 their homes with spectacular Christmas light
25 displays. In recent years, this uniquely local

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2 hometown tradition has gone from a small Christmas
3 time stroll around the neighborhood to a world-
4 renowned must-see destination, attracting hundreds of
5 thousands of tourists onto the narrow residential
6 sidewalks at Dyker Heights for about 40 days,
7 starting in December. Starting the day after
8 Thanksgiving, the Dyker lights fanfare begins anew.
9 Widely publicized on social media, radio, and every
10 morning from here to Germany as the thing you
11 absolutely must check out this holiday season. Over
12 the past few years, as the Chair mentioned, savvy
13 charter tour bus companies and private commuter vans
14 discovered a very big money making opportunity and
15 flooded this otherwise quiet, residential area with
16 busloads of visitors from Long Island, New Jersey,
17 and overseas. Brooklyn was already a scorching hot
18 tourist destination, so the Dyker lights sightseeing
19 packages quickly exploded in popularity. But local
20 residents who, for so many years, have loved viewing
21 the Christmas light displays now feel completely
22 overwhelmed by these tour buses that bring hundreds
23 of thousands of tourists and a parade of ice cream
24 trucks and street vendors that combine to cause a
25 traffic congestion Christmas nightmare. This creates

1 a month-long street festival -like atmosphere in this
2 otherwise quaint, residential neighborhood. Just
3 imagine the joy of a 40 day unofficial street
4 festival happening outside your door on a quiet tree-
5 lined block or the noise and fumes from an idling ice
6 cream truck for 10 hours a day. It's not exactly the
7 Norman Rockwell Christmas of your dreams. Over the
8 last few years, local leaders have joined together in
9 an effort to get a handle on all of this. After
10 dozens of public meetings and outreach to local
11 residents, last year, community board 10 applied to
12 City Hall for a street event permit, hoping to bring
13 some order to the event while prohibiting the illegal
14 vendors that overwhelm the neighborhood. But NYPD--
15 the law department, NYPD, denied the application,
16 they argued, because they could not issue a permit
17 for an event that technically took place on private
18 property. They compared Dyker lights to tourists
19 visiting Times Square to see the billboards.
20 Naturally, community board 10 contended that Dyker
21 Heights is not Times Square and as one of the safest
22 police precincts in New York City, we simply do not
23 have the resources afforded to the crossroads of the
24 world to safely handle the hundreds of thousands of
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1 tourists that common charter buses, vans, or cars
2 every December to Dyker Heights. NYPD maintained
3 that charter buses are exempt from NYC DOT rules and
4 therefore can traverse local, residential streets
5 with sugarplum impunity. While the vast majority of
6 residents and private homeowners still love the
7 lights and cherish their tradition, it is the sheer
8 volume of visitors that overwhelm their small
9 residential neighborhood that exhausts them. Some
10 say they feel like prisoners in their own homes and
11 have to schedule their daily lives around the tour
12 buses and tourist who are not always mindful or
13 respectful of private property in driveways. Others
14 complain of being, literally, choked by ice cream
15 trucks that are idle for 10 hours a day, seven days a
16 week outside their house. The 2018 Dyker lights were
17 bigger than ever and what did we learn? For one, we
18 cannot have giant tour buses snarled in these
19 residential areas creating insane gridlock and
20 blocking any chance of an emergency vehicle getting
21 through. We also cannot have ice cream trucks idling
22 for 10 hours a day and illegal vendors turning Dyker
23 Heights into Times Square. This bill we are hearing
24 today would put in place a protected zone
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1 encompassing the central area of the Dyker lights
2 that would bar vending during the Dyker lights
3 season. By barring vending, we would eliminate food
4 trucks from idling nonstop in front of people's homes
5 and reduce mountains of trash that goes all over the
6 streets, as well as stabilize traffic and safety for
7 pedestrians, is there will be less double parked and
8 illegally parked vending trucks. It's fantastic that
9 hundreds of thousands of tourists want to come see
10 Dyker lights, but at what cost to the residents who
11 live in this great community the other 365 days a
12 year? It is completely unfair to them. First and
13 foremost, it is our job as elected officials to care
14 about the residents of the city and keep them happy
15 and safe. Hopefully this bill will make sure that
16 2019 is different. Thank you very much.

18 CHAIRPERSON ESPINAL: Thank you, Council
19 member. I would like now to call up the first panel.
20 We have Ellen Canfield, the Mayor's Office Citywide
21 Event Coordination Management, managing attorney
22 Michael Clark, NYPD, Captain Robert Conwell from
23 NYPD. May you please raise your right hand so that
24 we can administer the oath before you testify?

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2 LEGAL COUNSEL: Do you swear or affirm
3 to tell the truth and the whole truth and nothing but
4 the truth before this committee and to answer Council
5 member questions honestly?

6 [background comments]

7 CHAIRPERSON ESPINAL: All right.

8 LEGAL COUNSEL: Thank you.

9 CHAIRPERSON ESPINAL: Thank you. You may
10 know me in new testimonies. Just please state your
11 name for the record.

12 ELLEN CANFIELD: Thank you so much. Good
13 morning--

14 CHAIRPERSON ESPINAL: Hit the red button
15 on the mic. Yeah.

16 ELLEN CANFIELD: There we go. Good
17 morning, Chairman Espinal, Council member Brannan,
18 and other members of the committee on consumer
19 affairs. My name is Ellen Canfield. I am the
20 executive director of the Mayor's Office of Citywide
21 Event Coordination and Management. Thank you so much
22 for having us this morning. As you mentioned,
23 Chairman, I am doing this morning by Captain Robert
24 Conwell of the 68th precinct in Brooklyn which covers
25 Dyker Heights. I am here to testify this morning on

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2 behalf of Intro 1657 to prohibit street vending on
3 certain streets in Dyker Heights in Brooklyn
4 beginning on Thanksgiving Day until New Year's Day.

5 I will start by explaining a bit about the mission
6 and operations of citywide event coordination and
7 management which I'll refer to as CECM and our
8 involvement in this neighborhood. CECM provides
9 oversight and interagency coordination for events and
10 activities taking place in streets, plazas, and other
11 public spaces throughout the city. This includes
12 coordination and oversight of procedures and
13 operations in relation to event permitting and
14 operations. CECM also encompasses the Street
15 Activity Permit Office, SAPO, not Sapo as some of you
16 like to call us, which issues permits for street
17 festivals, block parties, farmers markets, commercial
18 and promotional events, and other activities on
19 streets, sidewalks, and pedestrian plazas. In
20 addition to coordination and permitting, we play a
21 primary role in communication with residents,
22 community boards, and other community-based
23 organizations with the intent of ensuring that public
24 events are safe, properly permitted and in the best
25 interest of all. A display of holiday decorations in

1
2 Dyker Heights is a local tradition that, over the
3 years, has become a highly popular attraction for New
4 York City residents, as well as local and
5 international tourists. Many homeowners put these
6 decorations up the week after Thanksgiving and they
7 remain up until New Year's Day. The prime viewing
8 area for these lights is on 83rd and 84th streets
9 from 11th to 13th avenues in Dyker Heights, Brooklyn.
10 The lights, as they are commonly referred to, are now
11 advertised by tour operators and receive a
12 significant amount of media attention. Viewing the
13 lights has become a prominent public event throughout
14 the holiday season with thousands of residents
15 touring the neighborhood at peak times. As the
16 crowds have grown, residents and community members
17 have raised a number of valid concerns stemming from
18 traffic and pedestrian congestion, primary among
19 these concerns is an increased presence of mobile
20 food vendors which further exacerbate crowding and
21 have resulted in the following conditions.
22 Crosswalks, driveways, and fire hydrants being
23 blocked by the trucks themselves and by the cues and
24 crowds they create. Residences have observed
25 ambulances being delayed in reaching homes and are

1 concerned that fire trucks and other emergency
2 vehicles may be delayed. Residents being blocked
3 from entering their homes. Normal food vendors
4 idling for hours emitting bothersome and dangerous
5 exhaust fumes. Vending taking place in already
6 prohibited areas, including private driveways and
7 front lawns, and pile up of trash and food waste. In
8 2017, community board 10 in the Dyker Heights Civic
9 Association pursued conversations with CECM to
10 explore if a SAPO permit could be granted for this
11 community activity, giving the community board and
12 the Dyker Heights civic Association greater prevue in
13 managing activities. However, SAPO rules are not
14 designed to address activities on private property.
15 In 2018, community board 10 and Council member
16 Brannan's office posted a series of meetings for
17 which CECM support was requested to coordinate
18 relevant city agencies to address non-SAPO permit
19 mechanisms for addressing concerns. The meetings
20 focused on vending, public safety, and traffic
21 control. In coordination with the Council member and
22 local community boards, CECM organized a task force
23 consisting of the following agencies that provide
24 permitting and enforcement of vending activity.
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2 NYPD, Department of Sanitation, Department of Health
3 and Mental Hygiene, Department of Environmental
4 Affairs, and the Department of Consumer Affairs. The
5 objective of the task force was to examine concerns
6 raised by the community and to issue violations to
7 vendors where appropriate. A full inspection was
8 completed on Saturday, December 22nd, 2018 resulting
9 in violations being issued to a number of mobile food
10 vendors by relevant agencies. However, significant
11 vending activity continued to take place and the
12 stated concerns persisted. In conclusion, CECM
13 supports the goals of Intro 1657 and believes that it
14 will aid in alleviating some of the safety and
15 quality of life issues raised by community members
16 and observed by CECM in our several years of
17 involvement with the Dyker Heights lights. CECM
18 looks forward to our working partnership with--
19 continuing our working partnership with Council
20 member Brannan, community board 10, and the Dyker
21 Heights civic Association and all of our partner
22 agencies to ensure that the Dyker Heights lights can
23 be a safe and enjoyable activity for all. I'm happy
24 to take any questions and thank you so much.

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2 CHAIRPERSON ESPINAL: Thank you. I just
3 have one question. With the time of-- With the work
4 that the city has done to address the issues in that
5 area, is there a number of violations that have been
6 given?

7 ELLEN CANFIELD: So, the violations
8 differ by agency. Because my office and agency is
9 not a violation in giving office and we don't have an
10 enforcement mechanism, I can't speak to, you know, a
11 specific number given by our office, but there
12 certainly have been violations given by the various
13 enforcement agencies over the past years. We can
14 certainly follow up her ask to get those specific
15 numbers, but I can't testify to the specific agencies
16 violations.

17 CHAIRPERSON ESPINAL: Any challenges that
18 the NYPD might've had with enforcement in the area?

19 ELLEN CANFIELD: Captain, do you want to
20 speak to that and I can tag on a bit?

21 CAPTAIN CONWELL: Yes. So, the NYPD
22 issued a handful of violations last year to vending.
23 The majority of those violations were oath summonses.
24 Some were parking summonses. And they were really in
25 regards to distances. So we found early on that the

1 same for food trucks that were there or license, so
2 they were licensed and their trucks were properly
3 licensed, but the violations we issued early on that
4 with distances from driveways, fire hydrants,
5 crosswalks, and from homes. Once we started issuing
6 the summonses with the vendors, they would find
7 places where they were not in violation of those
8 laws.

10 CHAIRPERSON ESPINAL: Have there been
11 instances where homeowners might have been given a
12 violation because of, for example, trash that was
13 left by--

14 CAPTAIN CONWELL: Well, there was a-- so,
15 throughout last year's event, primarily, one
16 homeowner was selling-- He built a stand on his
17 property and was selling, I believe it was primarily
18 hot chocolate most nights. The legal Bureau in the
19 NYPD had advised us that we do not enforce-- NYPD
20 cannot enforce vending rules on private property.

21 CHAIRPERSON ESPINAL: Okay. Thank you.
22 Council member Brannan?

23 COUNCIL MEMBER BRANNAN: Yeah. As far
24 as SAPO is concerned, do you feel-- and I guess NY--
25 a question for NYPD legal, too. Do you feel that

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2 this bill would give you the tools that you need to
3 make this work? I mean, I guess that-- Like, I
4 think some of the stuff that we are trying to
5 correct, there's a gray area as to whether or not
6 this was even legal in the first place, right? So,
7 we're trying to really zero in on that to, you know,
8 in a very specific area, obviously. And I guess it's
9 more for NYPD legal, but do you feel that, as this
10 bill is passed, it will give the cops the tools they
11 need to enforce what we are looking to enforce?

12 MICHAEL CLARK: Well, in terms of SAPO,
13 I don't think this bill would change the calculus
14 around SAPO because that SAPO requires some on street
15 activity which isn't happening on the Dyker Heights
16 lights of end. I do think-- and Captain Conwell can
17 correct me if I'm wrong or-- that--

18 CAPTAIN CONWELL: Yeah. Like if the bill
19 makes it illegal to vend in that area, absolutely.
20 100 percent it will help us enforce that.

21 COUNCIL MEMBER BRANNAN: Yeah. I
22 think, I mean, just more broadly with food vending, I
23 think an issue that we have always struggled with and
24 frustration we have is, if a food truck is-- we just
25 had an incident that we took care of where a coffee

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2 cart set up outside a school and we couldn't tell if
3 it was school property or parks property. There was
4 a lot of gray area. But, the issue that we have is
5 that, when a resident or someone thinks that a food
6 vendor might be out of order or breaking the law, it
7 touches so many different agencies as sometimes
8 whoever responds to it, whether-- not just the cops.
9 Whether it's DOH goes out there or FDNY, whoever it
10 is, it's hard to figure out what laws they are
11 breaking and who can enforce those laws and you can
12 write a ticket for them. I mean, has there been any
13 discussion around trying to consolidate that a little
14 bit?

15 ELLEN CANFIELD: Would you like me to
16 take that, Michael?

17 MICHAEL CLARK: Sure.

18 ELLEN CANFIELD: I can't speak--

19 COUNCIL MEMBER BRANNAN: Yeah. I know
20 that's not really your--

21 ELLEN CANFIELD: Yeah. Vending. Vending
22 legislation. So, Council member, I think that's a
23 really valid question and I can echo your
24 observations and what I have observed--

25 COUNCIL MEMBER BRANNAN: Right.

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2 ELLEN CANFIELD: at Dyker Heights and in
3 other areas that the degree of different agencies who
4 are involved in the enforcement and permitting for
5 the food vendors as part of what makes it extremely
6 difficult to move them, particularly in real time,
7 during a congested activity, such as the lights.

8 MICHAEL CLARK: And I think there is a
9 multi-agency, at least around the lights effort, that
10 your office is leading to address all these issues.
11 Not just vending, but traffic and the fumes and
12 making sure this is-- You know, the NYPD's primary
13 goal is safety--

14 COUNCIL MEMBER BRANNAN: Sure.

15 MICHAEL CLARK: of all the people who
16 are there. The 150,000 people getting them in and
17 out safely. So, there is a multi-agency effort
18 around this and I understand vending, in general, is
19 very complicated outside of this event and I know--

20 COUNCIL MEMBER BRANNAN: Yeah. I just
21 think it speaks to-- I mean, for us or for me, it
22 speaks to a larger issue of sort of figuring out, you
23 know, there are so many different entry points and
24 sometimes the cops are called and they don't know,
25 you know, the law about how close a vendor needs to

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2 be from a fire hydrant or how close they need to be
3 from the nearest whatever it is. And some of that is
4 what is happening here, right? I mean, some of the
5 stuff, the laws are already on the books, but
6 Department of Health goes out there and they don't
7 see anything wrong, but then FDNY goes out there and
8 they do. So, I think it is something to look at
9 maybe to consolidate this stuff so that there is one
10 sort of Bill of Rights for these guys so they know
11 what's wrong and what is right, but then also, when
12 agencies go out there, they all know what to be
13 looking for when a lender is, you know, illegally
14 placed somewhere or whatever it may be.

15 MICHAEL CLARK: Yeah. I mean, that
16 seems like a much larger conversation to have
17 citywide.

18 COUNCIL MEMBER BRANNAN: Yeah. Right
19 on.

20 MICHAEL CLARK: [inaudible 00:20:46]

21 COUNCIL MEMBER BRANNAN: Yeah.

22 MICHAEL CLARK: this specific issue,
23 but--

24 COUNCIL MEMBER BRANNAN: Yeah. It's
25 just--

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MICHAEL CLARK: [inaudible 00:20:49]

there.

COUNCIL MEMBER BRANNAN: This bill was

sort of born out of the fact of the frustration that
it seemed lying these guys were already doing-- they
were already vending illegally, but in order to
actually get something done, we had to write a bill
that only encompasses four blocks, right? It wasn't
that-- it was pretty clear-- I mean, we've got
tickets written from PD and the Department of Health
was out there, too. So, clearly, they knew that
these guys were illegal enough that they were getting
tickets.

MICHAEL CLARK: But like the Captain

said, from our standpoint, they were at-- early on
vending illegally. Not that they were legal vendors,
they were set up in the wrong locations. But once we
even citations, they moved to correct locations
within the law. So, after that point, they were
vending legally as far as where--

COUNCIL MEMBER BRANNAN: No. I mean,

they weren't. In the residential areas, they
definitely weren't. That was-- that's a problem.
Anyway, I'm not looking to, you know, do an autopsy

1 here on it, but I'm just hoping that this-- you
2 know, we're doing this bill for a reason, so we are
3 hoping that it's going to give the police the tools
4 they need to get this done paying cons, honestly, saw
5 last year like their hands were tied. They knew what
6 to do. They wanted to do the right thing, but they
7 couldn't, you know, because other agencies are
8 telling them, no, they are okay. We had a guy from
9 the Department of Health out there telling them, you
10 know, actually, he's allowed there and other guys are
11 saying he is not. Like no one knew what the rules
12 were and it was very frustrating. So, hopefully,
13 this bill will fix that.

14
15 CHAIRPERSON ESPINAL: Council member Koo?

16 COUNCIL MEMBER KOO: Hi. My question is
17 are veterans exempted from these bill? From the
18 enforcement? Because usually, veterans, they can
19 bend most of the places. You know?

20 MICHAEL CLARK: Right. I would think
21 the veterans, they have their ability to vend through
22 state law and they would be exempted by city
23 regulations.

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2 COUNCIL MEMBER KOO: So, what happens if
3 they go there, then you cannot enforce the law,
4 right? To them?

5 MICHAEL CLARK: Yeah. I mean, I think
6 there can be other regulations we can enforce against
7 them, but the general band that this bill would
8 contemplate what it apply to veterans.

9 COUNCIL MEMBER KOO: Okay. Thank you.

10 CHAIRPERSON ESPINAL: Thank you. Thank
11 you, guys.

12 CAPTAIN CONWELL: Thank you.

13 CHAIRPERSON ESPINAL: Thanks for
14 testifying.

15 ELLEN CANFIELD: Thank you.

16 CHAIRPERSON ESPINAL: I appreciate it.
17 You are free to go. We have Barbara Valuchi from the
18 Fran Vella Marone [sp?] Dyker Heights Civic
19 Association. Lori Willis, Chair of community board
20 10. And Josephine Beckman, community board 10.
21 Thank you. Just take a seat and make sure the red
22 button is ne and state your name for the record
23 before you testify.

24 [Background comments]

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2 BARBARA VALUCHI: Good morning. My name
3 is Barbara Valuchi. I am on the executive board of
4 community board 10 and of Dyker Heights Civic
5 Association. So, today I am giving it testimony on
6 behalf of Fran Vella Marone, the president of Dyker
7 Heights Civic Association. Fran and I would like to
8 take this opportunity to thank the committee for
9 holding this hearing regarding Intro number 1657. We
10 also thank Councilman Justin Brannan for sponsoring
11 it. The Dyker Heights community has a long tradition
12 of celebrating the Christmas season with outstanding
13 Christmas displays that have become world-renowned,
14 so much so that, during the time between Thanksgiving
15 and New Year's Day, the neighborhood is are in the
16 moniker Dyker lights. As magnificent and magical as
17 this time can be, it is also become a congested and
18 sometimes dangerous environment for the residents, as
19 well as those who come to take in the displays. Each
20 year the displays draw thousands of people, including
21 those arriving via tour buses. We need to remember
22 that this area is a residential community and not an
23 amusement park. As the popularity of the displays
24 have grown, so of the problems. The Dyker Heights
25 Civic Association has worked closely with community

1 board 10 to try to address the issues facing the
2 event and such problems such as traffic congestion,
3 sanitation, and overall safety. We have tried with
4 the assistance of the NYPD and local elected
5 officials to balance the concerns of the residents
6 with the safety of the visitors. It must be
7 understand that this is an organic event occurring as
8 a result of homeowners expressing their faith and joy
9 for the season that is turned into a full-blown New
10 York City event, marketed throughout the city, the
11 nation, and around the world. It is not being
12 marketed by the community itself, but rather outside
13 entities. However, because New York City does not
14 recognize Dyker lights as an actual event under the
15 permitting process, it is become more and more
16 difficult to manage and this caused a tremendous
17 strain on this community. By eliminating vendors in
18 the affected area beginning on Thanksgiving Day until
19 New Year's Day, Intro number 1657 will have a great
20 impact on improving conditions. Vending has an
21 overwhelming negative impact by creating chokepoints
22 on sidewalks and streets, as well as litter, air and
23 noise pollution. The presence of vendors produces a
24 commercial like atmosphere that does not belong in a
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2 residential community. Creating a vendor free zone
3 would alleviate many of the problems plaguing the
4 event. It will give the NYPD the opportunity to
5 focus on the traffic plan that will keep attendees
6 moving along as they simply view the displays. It
7 will also help to keep the area clean. On behalf of
8 the members of Dyker Heights Civic Association and
9 the Dyker Heights community, Fran and I ask the
10 community [inaudible 00:28:02] consider Intro number
11 1657 and that the full council vote to make it law.
12 I as in Fran, would also impress upon you the
13 expediency that it is desired to in order that this
14 measure be in effect for the upcoming season it is
15 our hope that the Dyker Heights Christmas displays
16 will be safe and enjoyable for all. Again, thank you
17 for your consideration.

18 JOSEPHINE BECKMAN: Good morning, Chair
19 Espinal, Councilman Brannan, and members of the
20 committee. My name is Josephine Beckman and I am the
21 district manager of community board 10. I want to
22 first thank the committee for holding this hearing
23 today on Intro of 1657. I am happy to be here to
24 testify in support and grateful to Council member
25 Justin Brannan for his hard work on this intro and

1 all the efforts to improve street safety conditions
2 during the Dyker Heights Christmas light display
3 season, locally known as Dyker lights. Dyker lights,
4 as everyone has said, is an organic straight event
5 that draws thousands of tourists and local residents
6 to about a 15 block radius in Dyker Heights,
7 Brooklyn. It's tree lined streets with narrow
8 sidewalks are easily filled to the curb with families
9 and tourists who come to gaze at the magnificent
10 Christmas light displays affixed to residential
11 homes. This begins the day after Thanksgiving and
12 continues to about January 2nd. This has been a
13 local tradition for many decades, but in the last few
14 years, it has grown to overwhelm this local
15 residential neighborhood. These residents have
16 sought help from government with crowd control and
17 safety. The director of CECM spoke about how the
18 board reached out for assistance because this tourism
19 boom is really the result of growing social media
20 publicity, news media, I think every day on channel 5
21 news it's announced. Charter tour buses that began
22 advertising in September, NYC Go, Manhattan hotels
23 and nearby states have created a must-see buzz. In
24 recent years, food vendor trucks and general vendors
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1 transform this once local light display into the feel
2 of a commercialized street festival, which it is not.
3 Last year, frustrated residents and community leaders
4 reached out, once again, to our local city Council
5 member Justin Brannan to secure additional city
6 resources to aid in pedestrian and vehicular safety
7 and crowd control. He was able to advocate for
8 additional police resources for traffic control. In
9 addition, a charter bus diversion plan to nearby 86th
10 street to unload passengers requires police officers
11 to direct traffic and work to keep pedestrians and
12 tourists safe. The feedback from the 2018-19 season
13 included calls for increased traffic control and
14 police to address the problems caused by vendors who
15 continue to commercialize this unpermitted event,
16 organic event. The vendors idle in front of homes
17 for 12 hours per day for the 40 day duration spewing
18 fumes into neighboring homes, making noise on
19 weekdays and weekends, the ice cream trucks with
20 generators create choke points, forcing pedestrians
21 into the street. I have photos that show blocked
22 intersections, illegally parked ice cream trucks, and
23 one resident submitted a video to our office of the
24 fire department who had to walk to a call because
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2 they could not get through the intersection. It is
3 our hope that the ban of vendors from the prime
4 viewing area, which entails the very concentrated
5 area of 81st to 86th streets, 10 to 13th Avenue will
6 improve pedestrian safety, reduce noise and fumes
7 impacting local homes, and remove the street festival
8 feel to this organic, local event. Thank you. I do
9 have photos I'll give to the Sergeant-at-arms later.

10 LORI WILLIS: Hi. Good morning. My name
11 is Lori Willis. I would like to thank Justin Brannan
12 who has worked with community board 10 on this issue
13 and also for the Council for hearing me today. I am
14 the chair of community board 10 in Brooklyn.
15 Throughout 2017, 2018 I was the vice chair and also
16 the chair of the police and public safety committee.
17 So, community board 10 had many discussions, votes,
18 meetings, interagency meetings with the police
19 department, Captain Conwell, Councilman Brannan on
20 this issue and this is continued to be in acute,
21 recurring problem for our district. I don't want to
22 repeat what everyone else said, but this collective
23 display, neighborhood display of lights and
24 decorations has created an atmosphere akin to an
25 unpermitted street fair, which goes on virtually all

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2 day for a little bit over a month in this narrow area
3 of a residential district. I just want to know that
4 the vendors that are vending here are not typical
5 vendors, the type of which may provide, you know,
6 food service is in an area which may be underserved.
7 The residents report that the vendors are serving hot
8 chocolate, popcorn, cotton candy, little lights and
9 trinkets, holiday balloons, things of this nature.
10 They are setting up on sidewalks, in driveways,
11 taking up residence in the streets. Consuming
12 parking spaces during the day because they vie for
13 spots, so they tried to stay there throughout the
14 duration, if they can. You know, if enforcement
15 doesn't chase them away, they have taken up residence
16 there, in effect. These are the things that I have
17 heard from people who have come to the community
18 board. The residents do not know how to enforce
19 this. They have reached out to us in the various
20 agencies. As Councilman Brannan has pointed out,
21 there is confusion as to what is legal, what is
22 illegal. Confusion as to whether or not they have to
23 display a license and if they too, often times
24 enforcement is unclear as to whether or not the type
25 of license they have, which, from what I've been told

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2 is rare, is permitted at these times, in these areas,
3 etc. The effect upon the quality of life of these
4 residents, I don't really want to get into what
5 everyone else has repeated, but I'll just recount a
6 few items that have not been mentioned. With regard
7 to the fumes, these are diesel fumes from trucks
8 which are operating for hours and hours. The main
9 congestion occurs, pretty much, around sundown which,
10 you know, at this time of year can be as early as
11 4:30 p.m. and the trucks run until whatever time the
12 viewers leave. And so, this could go into the wee
13 hours, especially on the weekends. I had a very
14 disturbing account from a resident who had asthma who
15 could not escape the fumes. He said, I had nowhere
16 to go. I was in my own home choking. The noise and
17 the vibrations from these trucks running all night
18 disturbed people. People, when they come home from
19 work, cannot-- After a long day of work, they cannot
20 get down their blocks to get to their houses. When
21 they have holiday celebrations with their family,
22 their family members have to get either-- You know,
23 get out of their Lyft or their ride or whatever
24 public transportation they have taken. This is not
25 an area that is heavily served by public

1 transportation, blocks and blocks away where
2 elderly-- they say my elderly relatives can't come
3 for a holiday meal because we can't get into our
4 area. There is garbage and litter all over because
5 we are not outfitted with receptacles to accommodate
6 this type of traffic and fights between vendors is
7 broken out on numerous occasions, residents tell me,
8 because they are vying to market here. And the
9 effective enforcement, I know that the efforts have
10 been made. As we said, there've been many meetings,
11 but they are unfelt. There is been no palpable
12 effect and the residents have experienced very, very
13 little recourse. I believe that this is a smart,
14 simple, narrowly tailored piece of legislation that
15 will go a very long way to address these-- not only
16 the quality of life issues, but the safety issues.
17 As district manager Beckman pointed out, she has
18 photographs. Emergency response and police cannot
19 get down these streets. It will make it safer for
20 all people who are there. In the huge number of
21 visitors, if you look at this street, it is packed.
22 It looks like, you know, the San Gennaro Festival.
23 So, it is a huge safety issue and I-- and I've been
24 told by the residents that the congestion caused by
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2 the vendors who are seemingly unregulated will go a
3 very long way to increase the safety and their
4 quality of life and I thank you very much for
5 listening to me today.

6 CHAIRPERSON ESPINAL: Thank you so much
7 for testifying. I don't have any questions, but I
8 just want to assure you that Justin's doing
9 everything he can to get this bill passed. We
10 actually put this bill on the agenda as early as we
11 can so that we can get it into effect before this
12 holiday season. Any other colleagues have any
13 questions? Justin.

14 COUNCIL MEMBER BRANNAN: Josephine,
15 what was the biggest issue? And I don't know if it
16 relates to SAPO, obviously, as I was saying before,
17 but I know last year one of the issues was that some
18 of these vendors had permits, but they weren't
19 citywide permits, but the issue there was that DOH
20 was having trouble delineating if they were allowed
21 to be there. Or what was the--

22 JOSEPHINE BECKMAN: Well, it was
23 difficult to get DOH to come out because they have
24 limited inspectors, so I think there was-- As Ellen

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2 said, there was one day on December 22nd, you know,
3 about 23 days into the--

4 COUNCIL MEMBER BRANNAN: Yeah.

5 JOSEPHINE BECKMAN: event. And several
6 of the vendors had restricted permits, meaning they
7 had licenses, but those licenses limited the areas
8 where they could vend and they could not vend unless
9 there was a street permitted event, which we know
10 that there wasn't here. So the police department
11 legal division spoke with the Department of Health
12 because they were even unclear about it and they told
13 us that those vendor trucks were licensed and legal
14 to be there when Department of Health told us no,
15 they were not. So, for all of those days, three of
16 the trucks had restricted-- and I have copies of the
17 permits. They were restricted to only operate in
18 street events where, you know, they were able to
19 vend. There was one citywide. A citywide vendor
20 permit could be anywhere. So, there were several
21 trucks that were there that were idling for all those
22 hours that were not permitted to be there. And that
23 came out following the event when we had the follow-
24 up meeting that Ellen helped coordinate for us and it
25 was at that meeting the Department of Health said no.

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2 They should've not been there. Those types of
3 permits are not permitted. So, again, it's that
4 ambiguity.

5 COUNCIL MEMBER BRANNAN: Yeah.

6 JOSEPHINE BECKMAN: It's amongst
7 agencies and they're not familiar with the roles and
8 they vary across different agencies. We also have
9 the Department of Environmental Protection who also
10 is limited number of inspectors to go out. They
11 issued violations for fumes, but on one day when, you
12 know, the residents had to experience these fumes in
13 their homes for the duration of the Dyker lights
14 displays.

15 COUNCIL MEMBER BRANNAN: And has PD
16 done a good job with keeping the buses primarily on
17 86th Street and not turning into the residential
18 area?

19 JOSEPHINE BECKMAN: Yes. I would say
20 yes. For the large tour buses, they have a very good
21 system, but, yet, there were a few that--

22 COUNCIL MEMBER BRANNAN: slipped by.

23 JOSEPHINE BECKMAN: that slipped by. I
24 mean, it's very labor-intensive. You know, I think
25 the detail last year at about 10 to 12 officers and

1 auxiliaries to complement their efforts and still it
2 was very, very, you know, difficult and now we have
3 commuter vans, in addition to the large tour buses
4 and the commuter vans don't have to adhere to the
5 86th Street rule. So they're traversing the streets
6 and making it very difficult. It's very labor-
7 intensive for PD to do crowd control.

9 COUNCIL MEMBER BRANNAN: And what we've
10 always heard from the city is that there is nothing
11 we really can do as far as these buses are concerned.

12 JOSEPHINE BECKMAN: Correct.

13 COUNCIL MEMBER BRANNAN: Right.

14 JOSEPHINE BECKMAN: Because they are
15 chartered buses and they are permitted to be on
16 residential streets.

17 COUNCIL MEMBER BRANNAN: Okay. Okay.
18 I am good, Chair. Thank you.

19 JOSEPHINE BECKMAN: Thank you.

20 CHAIRPERSON ESPINAL: Thank you all.
21 Thank you for testifying.

22 COUNCIL MEMBER BRANNAN: Thank you.

23 CHAIRPERSON ESPINAL: With that said,
24 this hearing is adjourned. Thank you.

25 [gavel]

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[background comments]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date October 12, 2019