

## **2.0 APPROVALS, PUBLIC REVIEW AND ALTERNATIVES**

This chapter identifies the public approvals required for the Proposed Action, describes how the Environmental Impact Statement is used in the public review process, and identifies the Alternatives to the Proposed Action that have been selected for a comparative analysis.

### **2.1 PUBLIC APPROVALS**

Public agency discretionary actions and approvals that have been identified for the Proposed Action include:

#### **2.1.1 New York City**

##### *Department of Sanitation*

- Capital Construction Contracts and related funding for garage and salt shed.

##### *City Planning Commission (CPC)*

- Site Selection and Acquisition approvals for a capital project (garage) and Site Selection for salt shed.
- Disposition of City Property (i.e., a portion of the garage site) to accommodate UPS use.
- Special permits under the flexibility afforded for large scale development (greater than 1.5 acre) under Zoning Resolution (ZR) §74-743 for relief from ZR §43-43 which requires initial front setbacks of a certain distance with a street wall height no higher than 85 ft above curb level, and sets a sky exposure plane to be maintained above that level; and for relief from the Rear Yard requirement (ZR § 43-20).
- Authorization for two curb cuts on a wide street: West Street/Route 9A for garage, and Spring Street for salt shed (two existing curb cuts to be reduced to one) pursuant to ZR §13-553.
- Consistency review with respect to the City's Local Waterfront Revitalization Program.

##### *Art Commission*

- Approval of facility designs.

## 2.1.2 New York State

### *Department of Environmental Conservation*

- Possible State Air Facility Permit for building HVAC system (minor source).

Ministerial approvals would include a demolition permit for the MN 1 Garage, building permits, New York City Department of Environmental Protection (NYCDEP) water supply connection approval and Industrial Pretreatment Program approval for connection to the sanitary sewer system, New York State Department of Environmental Conservation (NYSDEC) registration of underground storage tanks, coverage under a general permit for construction-related stormwater discharges under the State Pollutant Discharge Elimination System (SPDES) program.

Certain other DSNY actions will not be analyzed in this DEIS, as they are not dependent upon the Proposed Action and have been or will be analyzed separately, or are exempt from review. These actions include the relocation of the MN 4 Garage operations from DSNY's facility on Gansevoort/Pier 52 to the MN 4/4A/7 Garage at West 57th Street and 12<sup>th</sup> Avenue in 2008; the use of the Gansevoort/Pier 52 facility as temporary swing space for MN 1 Garage operations (along with the MN 5 Garage) until 2012; and the relocation of MN 6 Garage operations currently at West 30th Street between 11th Avenue and 12th Avenue to the MN 6/8/8A Garage planned for reconstruction at 525-545 East 73rd Street in 2012. The discontinuation of DSNY use and physical removal of DSNY facilities from Gansevoort/Pier 52 and preparation of the site as parkland have already been mandated by State law, and thus require no further environmental review.

## **2.2 THE ENVIRONMENTAL IMPACT STATEMENT IN THE AGENCY AND PUBLIC REVIEW PROCESS**

As noted in Chapter 1, the SEQRA (Environmental Conservation Law §8-101 *et seq.* and its implementing rules 6 NYCRR §617) and New York City's CEQR procedure provide a means to consider environmental impacts of a proposal so that they can be weighed with other social and economic objectives, to identify practicable measures to mitigate adverse environmental impacts that are found to be significant, and to consider reasonable alternatives to the Proposed Action. The environmental review process is guided by SEQRA, the SEQRA rules and the CEQR rules. The "lead agency" is responsible for conducting the environmental review. Typically, the lead agency is the entity principally responsible for implementing, funding, or approving the Proposed Action. The DSNY is the lead agency for the proposed MN 1/2/5 Garage and Salt Shed.

Once the lead agency is established, the lead agency determines whether the Proposed Action may have a potentially significant adverse impact on the environment. Certain actions are more likely to have the potential for significant adverse impacts pursuant to SEQRA/CEQR and are thus deemed “Type I” actions. Under CEQR, the siting of a Sanitation Garage is a Type I action. Based on a preliminary Environmental Assessment Statement (EAS), DSNY determined that the Proposed Action may result in a significant adverse impact with respect to traffic, air and noise, and that a more detailed review, called an Environmental Impact Statement (EIS), will be prepared, following a public scoping process. DSNY duly issued a Notice of Determination/Positive Declaration on December 21, 2006, and prepared a Draft Scoping Document for the Draft EIS for public review and comment.

### **2.2.1 Scoping**

The process of scoping involves the preparation of a Draft Scoping Document that identifies the impact analyses, the methodologies to be used and the key issues to be considered in the DEIS. CEQR requires a public scoping meeting to be held to consider the Draft Scoping Document, and for a public comment period to continue after the public scoping meeting. DSNY published a combined Positive Declaration/Notice of Determination and Notice of Scoping Meeting in the *City Record* (December 27, 2006), *Daily News* (January 16, 2007), *Downtown Express* (week of January 19-25, 2007) and in the *Environmental Notice Bulletin* (January 3, 2007), and filed and circulated the Notice and Draft Scoping Document with the relevant Community Boards, City Planning Commission, and other interested parties. The Draft Scoping Document was also posted on DSNY’s website ([www.nyc.gov/sanitation](http://www.nyc.gov/sanitation)) beginning on December 28, 2006 and placed in the Project Document Repositories.

DSNY had copies of the Positive Declaration/Notice of Determination and Notice of Scoping Meeting and the Draft Scoping Document mailed on December 27, 2006 to the following agency and community representatives:

- Community Boards 1, 2 and 5
- New York City Department of City Planning
- New York City Department of Environmental Protection
- New York City Department of Citywide Administrative Services
- New York City Mayor’s Office of Environmental Coordination
- New York City Department of Transportation
- New York City Landmarks Preservation Commission
- New York City Law Department
- New York City Public Advocate
- Manhattan Borough President’s Office
- New York City Comptroller’s Office

- New York City Council Members
- New York State Assembly - Honorable Sheldon Silver
- New York State Assembly - Honorable Deborah J. Glick
- New York State Senate - Honorable Martin Connor
- New York State Department of Environmental Conservation (Region 2)
- New York City Libraries - Hudson Park and Jefferson Market
- United Parcel Service
- 438 West 19<sup>th</sup> Street, LLC.

The Notice included a Statement of Positive Declaration; the location, date and time of the Public Scoping Meeting; the public comment period on the Draft Scoping Document; the public repositories for the Proposed Action environmental review documents; website access to the Draft Scoping Document; a description of the Proposed Action, identification of project approvals, and contact information at DSNY for more information.

The Positive Declaration and Draft Scoping Document were made available at the following repositories open to the public:

- City of New York Department of Sanitation – Bureau of Legal Affairs, 125 Worth Street, Room 708, New York, New York 10013.
- Mayor’s Office of Environmental Coordination – 253 Broadway, 14<sup>th</sup> Floor, New York, New York 10007.
- Community Board No. 2 – 3 Washington Square Village, Apartment 1A, New York, New York 10012.
- Hudson Park Library – 66 Leroy Street, New York, New York 10014.
- Jefferson Market Regional Library – 425 Sixth Avenue, New York, New York 10011.

The Scoping Meeting was held on January 31, 2007 at Kimmel Hall, New York University, 60 Washington Square South in the Rosenthal Pavilion, beginning at 7:30 PM. Based on the attendance sheet that people were asked to sign, more than 160 people attended the meeting. DSNY supplied project fact sheets and set up poster boards of the Project for public review. The boards presented geographic, land use, zoning and preliminary design data on the Proposed Action. DSNY representatives gave a presentation on the proposal that discussed the Project purpose and need; Project description, the proposed Project schedule, SEQRA/CEQR process; the DEIS scoping process; and the public comment process and schedule.

The remainder of the meeting was allocated to public comment on the Draft Scoping Document. Elected officials, agency representatives and community board representatives were invited to speak first. A total of 30 people commented orally at the meeting; another six provided written comment that evening on comment forms that were provided. The meeting was transcribed by a stenographer. DSNY extended the public comment period on the Draft Scoping Document from February 12 to February 26, 2007. DSNY published notice of the public comment period extension on DSNY's website, as well as in the *Environmental Notice Bulletin* (February 14, 2007).

In response to comments received from other agencies and the public, DSNY revised the Proposed Action and adopted and circulated a revised Final Scoping Document on July 2, 2007. The major changes to the Proposed Action are:

- Proposing to site the salt shed on the current MN 1 Garage site (553 Canal/297 West Street) instead of on the site of an existing 400-space private parking garage at 575 Washington Street.
- Moving all existing and proposed underground storage tanks for vehicle refueling from the MN 1 Garage into the north side of the proposed MN 1/2/5 Garage, together with truck maintenance and washing operations.
- Equipping all DSNY diesel trucks garaged at the facility with USEPA-Certified 2007 Model Year Clean Diesel Technology or the equivalent retrofit or better, with advanced controls such as diesel particulate filters and selective catalytic reduction technology, and use of B5 biodiesel fuel.
- Incorporating "Green Building" design features into the garage with the goal of achieving LEED Silver certification from the U.S. Green Buildings Council.

### **2.2.2 Draft Environmental Impact Statement (DEIS)**

The DEIS is to be prepared in accordance with the Final Scoping Document. The content and format must comply with SEQRA/CEQR. The lead agency reviews the entire document, relying on other City agencies to assist, as appropriate. Once the lead agency determines that the DEIS is complete and ready for public review, it files and publishes a Notice of Completion and Notice of Availability of the DEIS and circulates the Notice and DEIS for public comment. When, as here, a Proposed Action involving a DEIS requires review and approval by the City Planning Commission (CPC) pursuant to the Uniform Land Use Review Procedure (ULURP), the completion of the DEIS is required before the ULURP Application may also be certified as complete by the CPC.

The DEIS public comment period affords involved agencies, interested agencies and the public the opportunity to review and comment on the DEIS either in writing or at a public hearing. When the CEQR process is coordinated with another city process that requires a public hearing, such as ULURP, the hearings are typically held jointly. DSNY will publish a notice of the DEIS Public Hearing at least 14 days before it takes place. DSNY will accept written comments on the DEIS for at least ten days following the close of the hearing. All substantive comments received during the public review period become part of the record and will be summarized and responded to in the Final EIS.

### **2.2.3 Final Environmental Impact Statement (FEIS) and Findings Statement**

The DSNY as lead agency prepares an FEIS after the close of the public comment period. The FEIS consists of the DEIS, copies of the substantive written comments received and responses to those written comments, and a summary of verbal comments received at the public hearing and responses to those comments. Revisions to text and graphics and/or supplemental analyses would also be included, as appropriate. Once DSNY determines that the FEIS is complete, it will issue and publish a Notice of Completion and file and circulate the Notice and FEIS. After a waiting period of at least 10 days after the filing of the FEIS, and prior to taking final action, the lead agency and involved agencies must each adopt a written Findings Statement, which concludes the environmental review process. Apart from the SEQRA/CEQR process there will be additional opportunities for public comment on the Proposed Action during the ULURP approval process involving the Community Board, the Borough President, the CPC, and the City Council.

## **2.3 ALTERNATIVES TO THE PROPOSED ACTION**

Several alternatives to the Proposed Action were considered. A discussion of the criteria used for screening potential alternative sites and of certain salt shed site alternatives that were considered, but not chosen for analysis appears in Chapter 24. Those Alternatives selected for review in the DEIS for comparison with the Proposed Action are:

- **No Action Alternative**

Pursuant to SEQRA/CEQR, the No Action Alternative must be analyzed. Under this Alternative, in 2012 the DSNY MN 1 Garage would still be at 553 Canal Street/297 West Street, and the garages for Districts 2 and 5 would remain on the Gansevoort Peninsula/Pier 52, together with the salt shed. (It is recognized that DSNY's presence past 2012 at Gansevoort would require payments in lieu of rent and possible amendment of the 2005 Consent Order between DSNY and the Friends of Hudson River Park.) The DEIS presents a condition termed the Future Without the Proposed Action utilizing a

Future No Build “soft site” approach, in accordance with the *CEQR Technical Manual*. It is based on the likelihood that by 2012 the proposed MN 1/2/5 Garage site would be developed as-of-right for commercial purposes while accommodating current UPS staging on site, if the Proposed Action were not built.

- **Alternative A - DSNY as Sole Occupant of MN 1/2/5 Garage**

This Alternative analyzes full DSNY occupancy of the proposed garage site, without UPS on the ground floor. This would allow for a smaller building.

- **Alternative B - Garage, Separate Truck Washing/Refueling Facility, and 575 Washington Street Salt Shed**

This Alternative would have the Proposed MN 1/2/5 Garage on the same site as the Proposed Action, but involves a Truck Washing and Refueling Facility on the site of the current MN 1 Garage. A salt shed would be built on the site of a private parking garage at 575 Washington Street, which would be demolished. (This was the original Proposed Action before it was modified during the Scoping process.)

- **Alternative C - Retain DSNY MN 1 Garage, Relocate MN 2 and 5 Garages to Block 675 (West 30<sup>th</sup> Street)**

This Alternative would include DSNY remaining at the MN 1 Garage, but relocating MN Garages 2 and 5 to the vicinity of West 30<sup>th</sup> Street between 11<sup>th</sup> and 12<sup>th</sup> Avenue (Block 675). This alternative is addressed qualitatively, with references to analyses done for the Hudson Yards Rezoning FEIS in 2005 and related approvals, which included the City’s proposal at that time to construct two DSNY Garages below grade at that location. A salt shed would be sited on a separate parcel.