

30.0 RESPONSE TO COMMENTS

30.1 INTRODUCTION

The DEIS was issued on November 14, 2007. Pursuant to CEQR/SEQRA procedures, DSNY accepted public comments until 10 days following the public hearing. A joint DEIS and ULURP public hearing was held before DSNY and the City Planning Commission on August 27, 2008 in Spector Hall at 22 Reade Street in Manhattan at which oral testimony was received. DSNY accepted additional written comments by mail, email, and fax until the close of the comment period on September 8, 2008. The verbal comments and written submissions have been responded to and/or considered in the preparation of the FEIS. This Chapter summarizes and responds to substantive comments received on the DEIS together with the responses of DSNY as Lead Agency and is organized as follows:

- Section 30.2 provides an index of comments received, both orally during the public hearings or written, by source, organization and/or individual. The index refers the reader to the numbered comment where a response is provided. As numerous comments were received on the same issue, the submitted comments were condensed and distilled (See Section 30.3) in order to eliminate unnecessary repetition, while stating the essence of the commentator’s question or issue. A verbatim compendium of all the comments received in the form of transcripts of testimony at the public hearings is provided within Appendix H and a copy of all written comments submitted is provided in Appendix I to this FEIS.
- Section 30.3 contains the consolidated comments and responses, organized into the following major categories: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Archaeological Resources; Urban Design/Visual Resources; Neighborhood Character; Natural Resources; Hazardous Materials; Waterfront Revitalization Program; Infrastructure; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Odors; Noise; Construction Impacts; Public Health; Alternatives; Mitigation; Environmental Review Process; Location of Facilities; Building Design; and ULURP/Fair Share.

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| John McPeake | Resident | 27, 30, 31, 68, 131, 145, 233, 235, 344, 537 |
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| Robert Farrior | Resident | 69, 70 |
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30.3 RESPONSE TO COMMENTS

Land Use, Zoning, and Public Policy

1. Comment: The DEIS does not mention land use changes and zoning changes, such as the June 2008 rezoning of a two and a half blocks of Hudson Square, the four-block rezoning of the “Jack Parker” site to permit residential development in a prior manufacturing zone, and the rezoning of 45 blocks in North TriBeCa from manufacturing-zoned land to allow as-of-right residential development.

Response: The DEIS was issued on November 14, 2007, prior to the June 2008 rezoning mentioned above. Pertinent policy initiatives including the Hudson Square and North TriBeCa rezonings were described under the Public Policy subsection of Chapter 3 of the DEIS.

2. Comment: The DEIS does not mention the “Envisioning Hudson Square” Architectural Design Charette, conducted in October and November 2007, where five architectural and design firms showed their visions for the future of Hudson Square, all of which included mixed residential and commercial uses in the area of the UPS lot and St. John’s Center and pedestrian walkways to the waterfront.

Response: In accordance with the *CEQR Technical Manual*, the land use assessment under the Future No Build and Future Build conditions considered only those projects, initiatives and proposals that were reasonably expected to be completed by the build year for the Proposed Action. In addition, the referenced charrette, sponsored by local real estate interests, has no official standing, does not reflect public policy for the proposed site, and would not be consistent with the site’s zoning, which was reviewed and confirmed as appropriate by the NYCDCP and City Planning Commission in 2003.

3. Comment: The DEIS does not mention that the St. John’s building has considered building either a hotel or condominiums over its existing structure.

Response: See Comment 2 above.

4. Comment: The Future No Build scenario is inaccurate. It is likely that a residential development would be built at the UPS site to take advantage of prime waterfront views and to capitalize on the emerging residential nature of the primary and secondary study areas. It is probable that UPS would be willing to permanently vacate the site if given sufficient economic incentives, since it has agreed to temporarily relocate off its lot during the construction phase.

Response: Prior to the proposed garage development, UPS was actively seeking to develop the site. As discussed in the FEIS, it was assumed for the Future No Build condition that the site would be developed as an as-of-right commercial building in accordance with the existing M2-4 zoning, which currently prohibits residential uses. Residential uses at the site would require a zoning change. The UPS has also clearly indicated that it is their intent to continue their ongoing use of the site. The Future No Build scenario is therefore accurate considering the existing zoning designation. In addition, the Hudson Square Rezoning report, issued by the NYCDCP, indicated that the manufacturing districts in Hudson Square should be retained considering the new rezoning of C6-2A area south of Spring Street and east of Washington Street.

5. Comment: Although DSNY indicates that no significant land impacts would result from the garage’s height, the garage would be located next to the St. John’s Center, which is 75 ft high, and across from the UPS Package Distribution Facility, which is 52 ft high. The DSNY garage is proposed to be 140 to 150 ft in height, much higher than its neighbors.

Response: The applicable zoning district M2-4 has not height limit. The proposed garage would be less than 120 ft as opposed to the original 140 to 150 ft identified in the DEIS. As discussed in the FEIS, the proposed garage would be an as-of-right use that would have a net floor area of 427,250 sq ft in accordance with the allowable FAR of 5.0 in the M2-4 zone. The garage height of less than 120 ft would be comparable to recent residential development in the study area, including the Urban Glass House, which stands at a height of 120 ft in a C6-2A zone with a 120 ft height limit. The Holland Ventilation Building is approximately 122 ft in height. Although the other major industrial and commercial uses in the M2-4 district, specifically, the UPS Package Distribution Facility and the St. John's Center, are lower in height than the proposed garage, these buildings occupy a much larger footprint than the proposed garage.

6. Comment: The mass of the garage would be excessive. The garage would take up the entire footprint of the two-acre site; provide no rear yard or setbacks that a soft site commercial building would be required to provide; and eliminate visual and physical access to the waterfront that is required by Waterfront Revitalization Program policies.

Response: The proposed garage would be an as-of-right use consistent with the allowable FAR for the existing zoning. As identified in Chapter 13 of the FEIS, the Proposed Action would be consistent with WRP Policy 9 and would not result in impacts to scenic resources that contribute to the visual quality of the New York City coastal area. The DSNY has made application to the NYCDCP as part of its ULURP application for variances to several requirements (e.g., rear yards, setbacks) of the current zoning. The building would not be as tall as a commercial building that is projected for the site in the Future No Build.

7. Comment: The proposed garage would be 427,250 sq ft net and 438,250 sq ft gross. This is about 25 percent larger than the 347,250 sq ft soft site commercial building assumed under the Future No Build Scenario.

Response: The proposed garage would be an as-of-right use that would have a net floor area of 427,250 sq ft in accordance with the allowable FAR of 5.0 in the M2-4 zoning district. The soft-site assessed for the Future No Build scenario would be a 347,250 sq ft commercial building with an open area of 80,000 sq ft for UPS truck staging. The 80,000 sq ft for truck staging was not counted as floor area, to be conservative. If not counted, the commercial building would be taller.

8. Comment: DSNY has not supported its statement that, "It is unlikely that adding either a commercial as-of-right building or the proposed vehicle storage and maintenance use of the UPS vehicle and equipment staging use on Block 596, Lot 50 would significantly diminish such development pressures in the study area." (3.5.1, p. 3-29)

Response: Support for this statement is found in the FEIS analysis, which found no significant adverse impacts from the proposed commercial as-of-right building with UPS staging or from the proposed DSNY garage facility. Prior to the identification of the site as a potential DSNY garage, UPS was actively seeking to develop the site. The Proposed Action would involve the development of a utility vehicle storage and maintenance use at the existing UPS site, which is currently operates as an equipment and trailer staging area. In addition, a new salt shed would be developed at the site of the existing DSNY MN 1 garage. Development of the proposed garage and salt shed would not preclude future residential development in the neighborhood outside the manufacturing district. Residential development in the surrounding area had been ongoing for several years prior to the recent rezoning of a portion of the area to the immediate southeast of the site to permit residential uses with other uses in this formerly industrial-zoned area.

9. Comment: The DEIS did not evaluate the effect that a 75-foot high, open-sided salt shed, replacing a 22-foot high permanent structure, would have on land use and how would blend in with the area. It also did not evaluate the effect that salt entering the air, soil, groundwater, and surface water would have on land use and infrastructure.

Response: The proposed salt shed would be developed at the location of the existing MN 1 garage within an industrially-zoned district. The salt shed would be a permanent structure that would have solid walls on the three sides bordering West, Spring and Canal Streets. Road salt would be completely covered preventing exposure to wind, rain and snow. Gates around the salt shed would prevent the salt pile from being viewed by pedestrians. As discussed within the FEIS, potential shadow effects from the salt shed were evaluated and were determined to not have significant impacts. The construction of the shed and the adjacent Holland Tunnel Ventilation Building would prevent any wind-blown salt. As road salt would be covered it would not impact stormwater and the shed would also include a new concrete slab that would prevent potential impacts to groundwater. The salt shed would only be used intermittently, which would be approximately six to ten times year.

10. Comment: The DEIS did not evaluate the effect that salt shed operations and the shed's use by storm spreaders and front loaders below West 57th Street would have on land use and public policy. It did not evaluate the effect of the salt shed's 24/7 operation during storm emergencies and the 24/7 refueling of storm-use equipment at the MN 1/2/5 garage.

Response: Potential impacts from the proposed garage and salt shed to land use and public policy were evaluated according to *CEQR Technical Manual* thresholds. Land uses within a 400-foot and one-quarter mile radius of the Proposed Action were evaluated and the potential impact upon these was assessed.

The proposed salt shed would only be used approximately six to ten times annually based upon historic data. DSNY salt spreaders currently service MN 1 and MN 2 during storm events and these activities would not be new. As the need to utilize the proposed salt shed would be intermittent, impacts due to these operations would not be expected to result in adverse effects upon surrounding land uses. Equipment that would be assigned to the proposed garage and salt shed was evaluated as part of the overall FEIS. No additional equipment would be utilized.

11. Comment: The DEIS did not evaluate the effects that the salt shed would have along the routes of the salt spreaders from various districts below 57th Street that would use the Spring Street salt shed and MN 1/2/5 refueling station on land use and public policy.

Response: Salt spreaders are currently utilized within MN 1, MN 2 and MN 5 during snow emergencies. No new impacts due to these activities would occur. Road salt for these Districts is currently located on the Gansevoort Peninsula and would be relocated to the proposed salt shed. Refer to Comment 10.

12. Comment: Salt shed activity would not replace MN 1 activity. Salt shed activity would be incremental to activity at the MN 1 garage, which would be relocated across the street.

Response: The DEIS does not state that the activities would be an exact replacement of existing activities at the site. Truck activities expected at the salt shed would be far less than the daily activities occurring at the existing MN 1 Garage.

13. Comment: It is unreasonable to conclude that there would not be indirect residential displacement, reduced quality-of-life, loss of rental income, and erosion of real estate values as a result of the Proposed

Action. Such impacts should be considered significant and adverse, according to the CEQR Technical Manual (p. 3A-12, par. 410).

Response: As described within the FEIS, neighborhood character and socioeconomic conditions would not be affected by the Proposed Action and no significant impacts to public health would result. In addition, impacts from the increase in traffic would be fully mitigated. Residential development had been ongoing for several years before the Proposed Action was introduced and before the recent rezoning of portions of the area. As described in the Hudson Square Rezoning prepared by the NYCDCP, residential uses were being actively sought even when the area was a manufacturing district. The NYCDCP concluded that the manufacturing districts, including the M2-4 district in which the Proposed Action is located in, should be retained. The Proposed Action would not result in significant and adverse impacts or result in residential displacement, reduced quality-of-life, loss of rental income or erosion of real estate values.

14. Comment: The Proposed Action would result in lost opportunity costs. The rezoning of South Hudson Square, North TriBeCa, and part of North Hudson Square to permit mixed uses would be for naught. These areas would revert to industrial uses. Building on large footprints, such as the St. John's Center, would have no incentive to develop their property with mixed retail and residential use. Prospective Pier 40 developers would feel the effect as well.

Response: The purpose of the aforementioned rezonings was to generate changes in land use, as well as to facilitate and frame future development within these neighborhoods. More specifically, the Hudson Square rezoning was driven by from several land use issues including a shift in employment from printing and manufacturing to office-based uses, the associated investment and re-use of the loft style buildings that housed such uses, increased residential development, especially via zoning variances, and the presence of significant industrial uses such as Federal Express and UPS.¹ The intent of the Hudson Square rezoning was to support and retain existing industrial and commercial uses, as well as provide opportunities for new residential development in appropriate areas where there was no longer an existing commercial concentration.

The Proposed Action would represent a continuation of established transportation uses within the project study area. Residential, commercial, as well as industrial uses are well established and have co-existed within the project study area for a number of years. It is unlikely that the areas mentioned above would revert back to industrial uses in totality as it is not the City's intent.

Following the advice of the NYCDCP, the M2-4 zoning district encompassing the project site was intentionally excluded from the Hudson Square rezoning by design and has not been included as part of any subsequent rezoning. The project site remains unchanged in terms of zoning designation. The existing designation was maintained in order to continue to allow for a wide range of commercial and industrial uses which characterize the area proximate to the project site and have experienced continued investment, including UPS. Accordingly, the proposed use of the project site remains as-of-right and is consistent with the City Planning Commission's ("CPC") policy with respect to this parcel. Such zoning, which includes the St. John's Center, excludes residential development.

15. Comment: The DEIS fails to study the impact that the MN 1/2/5 garage and salt shed would have on land use, zoning, and public policy, including Fair Share principles, in conjunction with the marine transfer station that DSNY plans to build at Gansevoort Peninsula, to collect paper, glass, and plastic from

¹ The City of New York Department of City Planning. 2002 *Hudson Square Rezoning Study*. <http://www.nyc.gov/html/dcp/html/pub/hudsonsq.shtml> Adopted August 19, 2003.

DSNY trucks and paper from private carriers for all of Manhattan. These impacts include the immediate areas and along the routes traveled by MN 1, 2 and 5 trucks; along the routes taken by DSNY and private trucks to and from the Gansevoort marine transfer station; along the routes between the Gansevoort marine transfer station and the Spring Street refueling station; and along the routes of salt spreaders from various districts below 57th Street.

Response: The FEIS considered the potential impact of the Proposed Action on land use, zoning and public policy in accordance with the requirements of the *CEQR Technical Manual*. The proposed Gansevoort facility was disclosed within the DEIS. The details of the potential development of the Gansevoort recyclables marine transfer station, such as how many trucks, truck routes, etc., however, have not been finalized and could not be considered. In addition, development of the transfer station at Gansevoort would be a separate DSNY action, independent of the proposed MN 1/2/5 garage and would be subject to its own environmental review.

The project site is designated as an M2-4 zoning district which permits Use Groups 6 through 14 and Use Groups 16 and 17. A DSNY garage use falls under Use Group 16, which is an allowable use in the M2-4 zoning district. Since the Proposed Action is as-of-right and a permitted use, no zoning impacts would result. It is public policy for DSNY to remove its garage and salt shed from the Gansevoort Peninsula. The project would accomplish this.

16. Comment: DSNY should conduct a detailed land use assessment as required by the *CEQR Technical Manual* (p. 3A-5, par. 300).

Response: A detailed land use assessment was conducted for the Proposed Action and was presented within Chapter 3 of the DEIS.

17. Comment: DSNY's study areas were too small. DSNY should use a study area specified in the *CEQR Technical Manual*, which requires that the study area extends well beyond a primary area of 400 ft and a secondary area of 800 ft (p. 3A-6, par. 311).

Response: In accordance with the *CEQR Technical Manual*, the primary and secondary study areas were inclusive of a 400-foot and one-quarter mile radii of the Proposed Action, respectively. The potential for traffic impacts beyond one-quarter mile was also considered.

18. Comment: The Proposed Action should be viewed as an action that covers a substantial physical area or is a generic action. The Proposed Action covers a substantial physical area because it would generate significant route changes for MN 2 and 5; affect traffic patterns in Districts 1, 2, 4, and 5; alter garage operations for three Districts; and alter the routes of salt spreaders for multiple districts. The Proposed Action is also of a generic nature because the relocation of the garages and salt shed off Gansevoort Peninsula should not be considered independent of the relocation of the marine transfer station to Gansevoort, which will be used by all Manhattan districts (including commercial paper) for recyclables.

Response: The Proposed Action is not a generic action and would not generate significant route changes over a wide area. Trucks traveling to District 5 would exit the facility and use West Street/Route 9A to reach their service routes. West Street/Route 9A is an existing NYCDOT truck route. See Figures 1-10 and 1-11 of the FEIS for the principal routing from the garage to the various MN 2 and MN 5 sections and return routes.

The marine transfer station at the Gansevoort Peninsula was disclosed within the DEIS, but was not considered as part of the Proposed Action as it would be a separate DSNY action from the development of the proposed garage and salt shed and subject to a separate environmental review.

19. Comment: The creation of four or five new public schools is currently being studied by the NYC School Construction Authority since the DEIS was made public: three or four at Pier 40 and another at 75 Morton Street. All would be within the required study area. These are not currently included in the DEIS.

Response: The assessment of potential future development was conducted in accordance with the *CEQR Technical Manual*. Only those projects, initiatives and proposals that were reasonably expected to be completed by the build year were considered and included in the environmental review.

20. Comment: DSNY should be required to do a detailed land use assessment over a significant study area.

Response: A land use assessment was conducted in accordance with the *CEQR Technical Manual* and was presented within Chapter 3 of the FEIS. Land uses within a 400-foot and one-quarter mile radius of the Proposed Action were identified for the environmental review. A significant study area is not applicable to this project as the service routes of the three districts, MN 1, MN 2 and MN 5, would not be significantly altered by the Proposed Action and would therefore not result in impacts to land uses along the proposed truck routes.

21. Comment: The Proposed Action does not take surrounding residential uses into account.

Response: See response to Comment 16.

22. Comment: DSNY has not sufficiently studied the effects of the Proposed Action on land use concerning the public policy.

Response: The Proposed Action would be consistent with existing public policies as discussed within Section 3.3.3 of the FEIS. This section provides a review of public policy as it relates to land use, in addition to economic development, transportation strategy and City and community needs. In addition, a complete review of the Proposed Action's consistency with the New York City WRP was also conducted. See Appendix F of the FEIS for the WRP consistency assessment form. The Proposed Action would be an as-of-right use and would be consistent with public policies for the area and with the public policy of the Hudson River Park Act.

23. Comment: The redevelopment of Pier 40 is another factor that cannot be ignored when considering a project such as the combined Sanitation garage. Yet the DEIS makes absolutely no mention of this whatsoever.

Response: Redevelopment of Pier 40 is discussed in Sections 3.4 and 6.4 of the FEIS. The Hudson River Park Trust is currently in the selection process for a master developer for Pier 40. In August 2006, a Request for Proposals (RFP) for Pier 40 was issued by the Hudson River Park Trust. Two proposals of the four responses to the RFP were accepted for further review. In May 2007, a Public Meeting and Hearing were held and written comments were received, including a conceptual study that was submitted by the Pier 40 Partnership in December 2007. In a January 2008 meeting, the Hudson River Park Trust Board determined that neither of the two proposals or the Partnership's plan sufficiently met the Trust's requirements. Currently, no decision has been made and the Hudson River Park Trust is still reviewing the proposals.

24. Comment: The location of residential uses in the area should be indicated, including the new additions and contemplated buildings in the area and in CD 2.

Response: Refer to Figure 3-1 of the FEIS, which identifies the locations of residential uses within a 400-foot and one-quarter mile radius of the Proposed Action. Table 3-2 and Figure 3-4 within the DEIS identified projected development sites, including residential uses, that were evaluated under the Future No Build analysis.

25. Comment: The Future No Build scenario is inaccurate and does not consider the possibility of a residential development being built on the UPS lot or the UPS permanently vacating the site.

Response: The Future No Build scenario properly did not consider a residential development, as new residential development is prohibited under the existing M2-4 zoning for the site. In addition the NYCDCP concluded as part of its Hudson Square Rezoning study conducted in 2003 that such zoning is appropriate. UPS has made its intentions clear that the continued use of the site is critical for its large package distribution facility. Therefore the Future No Build properly included continued UPS staging as part of the commercial development projected for the site in the Future No Build.

Socioeconomic Conditions

26. Comment: In Hudson Yards, which has minimal residential use, NYC plans to create a boulevard, by cutting 800-foot-long streets into thirds. Also, in Hudson Yards, Sanitation originally proposed a two-district garage that would have been largely underground, beneath a public park. In the Hudson Square neighborhood DSNY proposes to build on the entire length of the property and provide no public space. Clearly, the City is more concerned about the real estate interests in Hudson Yards than about the residents in Hudson Square.

Response: DSNY's decision to abandon the prior proposal for a two garage site below-grade at West 30th Street was driven by economics, as below-grade construction was found to be prohibitively costly and it did not provide a solution for MN 1. An alternatives analysis, which considered sites other than the project site, was conducted as part of the Proposed Action in accordance with the SEQRA/CEQR (refer to Chapter 24 of the FEIS). Typically, the alternatives to be considered during an environmental review process should reduce or eliminate impacts of a proposed action, while substantively meeting the goals and objectives of the project. Alternatives demonstrate to the decision-makers and general public the possible options of the proposed action, in addition to providing a framework that is necessary to enable comparisons of potential impacts and effectiveness in meeting project objectives.² Site selection criteria consisting of the following parameters were established as part of the identification of alternative development sites:

- Appropriate zoning allowing the use.
- Adequate parcel size to accommodate a building with 60,000 to 100,000 sq ft of interior space.
- General compatibility with surrounding land uses.
- Ready access to arterial roadways and truck routes in order to operate efficiently and minimize routings on local streets.
- Proximate to the district(s) to be served to provide adequate service and to minimize truck miles traveled.

Alternative sites to the proposed site were assessed both against this criteria and other relevant factors. An alternative site located between West 29th and West 30th Streets and 11th and 12th

² CEQR Technical Manual, p. 3U-1.

Avenues was investigated for the MN 2 and 5 garages and an NYPD tow pound as part of the *No. 7 Subway Extension Hudson Yards Rezoning and Development Program Final Generic Environmental Impact Statement* (“Hudson Yards FGEIS”) in 2004. This alternative site is referenced in Chapter 24 of the FEIS as Alternative C.

The two-district DSNY garage and NYPD tow pound would have been constructed primarily below-grade under a public open space. This alternative was rejected for a number of reasons including:

- Prohibitive acquisition cost as this parcel has approximately 1 million sq ft of development rights.
- Engineering obstacles associated with below-grade construction including excavation, building beneath the water table and significant HVAC system requirements to ventilate a below-grade structure.
- No provision was made for relocating the Gansevoort salt pile. Storing salt spreaders for MN 2 and 5 garaged at this location with a salt shed not in close proximity would have been operationally inefficient.
- No space would be provided to accommodate MN 1 or its expansion needs.
- Increased overall travel distances.
- Increased operations and maintenance expenses, such as additional energy costs related to extra lighting due to the lack of natural light.

27. Comment: The Proposed Action could cause the socioeconomic decline of the neighborhood due to decreased property values and an exodus of residents from the area. If real estate values fall by 20 percent or more, many new residents would have mortgages that exceed the decreased property values. This could lead to a wave of foreclosures and losses to the City’s tax base.

Response: The *CEQR Technical Manual* states that socioeconomic impacts may occur when an action would directly or indirectly change population, housing stock, or economic activities in an area. In some instances, the *CEQR Technical Manual* advises that these effects can be substantial, but not adverse; in other cases, these changes may be beneficial to some groups and adverse to others.

Under *CEQR Technical Manual* guidelines, the Proposed Action would not involve primary displacement as no population or residences would be displaced. The potential for indirect displacement depends not only on the characteristics of the Proposed Action, but also on the characteristics of the project study area. The ability of an action to influence development trends depends, in part, on the type and extent of existing trends.³ The project site is currently utilized as an active industrial use and no residential uses are allowable by zoning. Accordingly, this development would not impede any future residential development on the project site since it is not permitted by zoning. The construction and operation of the new garage and salt shed is consistent with the existing uses on and in the vicinity of the project site. An existing transportation corridor composed of several distribution facilities is located within the project study area, as are commercial uses and residential developments. Impacts to these components of neighborhood character were analyzed and found not to be significant. Since these varieties of uses are already co-mingled and existing industrial uses have not hindered residential development in this area in the past, a climate of residential or community disinvestment resulting from the Proposed Action is unlikely.

³ *CEQR Technical Manual*, pp. 3B-5, 3B-6.

28. Comment: The economic impact to the area if the Proposed Action was built would make the area unlivable. An underground facility would lessen the economic impact on the neighborhood residents and businesses.

Response: The socioeconomic impact was found to be insignificant. See response to Comment 27. DSNY does not favor an underground facility at this location due to cost considerations and concerns about truck elevators and flooding. As previously mentioned, consideration was given to an underground facility on West 30th Street. Refer to Chapter 24 of this FEIS and Comment 26 for further details. In addition, the below-grade facility proposed as part of the Hudson Yards rezoning and development would have resulted in the displacement of numerous businesses and employees located within this specific block, as well as the larger Hudson Yards project study area.

29. Comment: DSNY's proposal would waste taxpayer's money. DSNY has not adequately considered cost-saving alternatives, such as moving the CD 5 garage to CD 6's current location; storing infrequently used equipment, such as salt spreaders, at another site; refueling at a large gas station instead of at Spring Street; and eliminating employee parking at the garage.

Response: An alternatives analysis was conducted as part of the environmental review associated with the Proposed Action, which considered a number of sites other than the project site (see Chapter 24 of the FEIS). Additionally, during the alternatives evaluation process, consideration was given to constructing three separate district garages for MN Districts 1, 2, and 5 in independent buildings plus a salt shed facility. DSNY determined that acquisition expenditures in Manhattan and construction costs associated with three facilities would render this option cost prohibitive and infeasible. The Proposed Action is more cost-effective than the alternatives that have been examined as part of the alternatives analysis and pragmatic in that the proposed facility would achieve an economy of scale by consolidating DSNY district operations into a single facility.

The project site was ultimately selected as the preferred site for the Proposed Action for various reasons (refer to Comment 26 for site selection criteria). This site met the locational criteria better than the alternative sites in that it is closer to arterial roadways and the DSNY districts to be served. This site would also avoid the engineering or construction staging difficulties associated with constructing the Proposed Action below-grade, or on waterfront parcels as certain of the alternative sites would have engendered. The dimensions of the project site are ideal since it is large enough to accommodate the programmatic and operational needs of DSNY.

DSNY believes providing employee parking is fully justified due to DSNY worker's early schedules and emergency duties. The New York State Public Employees Relations Board and the New York City Office of Collective Bargaining have concluded that where employee parking has been provided, the removal of such parking is a mandatory subject of bargaining. DSNY employees assigned to Gansevoort have benefited from employee parking for their personal vehicles. The elimination of this parking with the proposed relocation of Gansevoort operations to Spring Street would therefore become a mandatory subject of bargaining.

30. Comment: Construction of the proposed DSNY garage and salt shed would be a disincentive for potential future residents to invest in the neighborhood.

Response: Refer to Comment 27. As previously stated, the Proposed Action is an as-of-right use that is permitted under the M2-4 zoning designation. In addition, the project site is located in a zoning district specifically allocated for industrial uses including transportation and distribution facilities. The project site was retained as an M2-4 zoning district as part of the Hudson Square

rezoning as the intent of the CPC was to maintain existing industrial and commercial uses in portions of the Hudson Square neighborhood. The proposed use is similar to the long-standing uses on-site, which have co-existed with residential, commercial and industrial uses in this neighborhood. Impacts to traffic, noise, air and neighborhood character would not be significant. Accordingly, the Proposed Action would not significantly alter economic investment in this neighborhood.

31. Comment: The proposed facility will discourage the growth of residential and retail investment within the community.

Response: The uses associated with the Proposed Action are consistent with existing uses and zoning. Currently, the project site is actively utilized for an industrial use in an active transportation district along West Street/Route 9A. The existing uses in the area have not discouraged prior residential or retail investment within the community. Accordingly, the Proposed Action, as a similar use to existing, is unlikely to significantly discourage residential or retail investment within the project study area.

32. Comment: The proposed consolidated three-district garage would inhibit redevelopment, future economic potential, and the likelihood of tenants relocating to the revitalized St. John's Center.

Response: See responses to Comments 27, 29, and 32.

33. Comment: As required by CEQR, DSNY should conduct an assessment of indirect displacement.

Response: A socioeconomic assessment is typically conducted under the following circumstances: 1) if an action would directly displace residential population so that the socioeconomic profile of the neighborhood would be substantially altered; 2) if the action would directly displace substantial numbers of businesses or employees or it would directly displace a business or institution that is unusually critical to the community; 3) the action would result in substantial new development that is markedly different from existing uses, development, and activities within the neighborhood.

According to CEQR, in all cases, the potential for indirect displacement depends not only on the characteristics of the Proposed Action, but also on the characteristics of the larger study area. The development associated with the Proposed Action is not markedly different from existing uses on or in the immediate vicinity of the project site. In addition, the Proposed Action would not directly displace local residents, alter local businesses patterns or harm specific industries (see Chapter 4 of the FEIS). Since the characteristics of the Proposed Action compared with the conditions in the project study area clearly shows that the action's effects would not be significant in the context of existing conditions and future trends, a detailed indirect impact assessment was not warranted under CEQR guidelines.⁴

34. Comment: DSNY's statement on page 4-16 (4.5) is erroneous. The sanitation garage would result in a reduction in real estate value from 20 to 30 percent, which would significantly reduce personal wealth and City tax revenues, halt new real estate development, halt investments in local businesses, and lead to an exodus from Hudson Square and North TriBeCa.

Response: As previously stated, the array of residential, commercial, and industrial uses found within the project study area have been living together for quite some time. The proposed use of

⁴ CEQR Technical Manual, pp. 3B-5, 3B-6.

the Project Site would be similar to the existing uses presently found on-site and consistent with explicit public policy for the site and its M2-4 district. These uses in combination with other distribution facilities, such as Federal Express and UPS, located in the area have not resulted in a destabilization of the real estate market or impeded investment in the neighborhood.

35. Comment: DSNY does not support its comment that the Proposed Action would not result in significant socio-economic impacts or result in substantial direct or indirect displacement of populations

Response: See response to Comments 27 and 33. Refer to Chapter 4 of the FEIS for the socioeconomic assessment conducted in accordance with suggested *CEQR Technical Manual* guidance.

36. Comment: The analysis of socioeconomic conditions was based on the analysis of population and housing on two census tracts with 50 percent of the tracts within the secondary study area.

Response: The socioeconomic analysis included both the primary study area and secondary study area, which extended 400 ft and one-quarter mile, from the project site. The population and housing analysis, conducted in Chapter 4 of the FEIS, was based on U.S. Census data and private sector data from Claritas. The census data were gathered at the census tract level for 1990 and 2000, respectively. Census tracts that had at least 50 percent of their area contained within the project study area were assessed.

In order to present more current data and assist in providing a more comprehensive understanding of demographic changes within the project study area, supplemental demographic data from 2000 and 2006 were obtained from Claritas, a private sector data company. Claritas data for 2006 were based on Census 2000 data updated with various data sources including local government and planning agencies, U.S. Postal Service data and household counts from the Equifax TotalSource consumer database.

Although the Census 2000 data utilized for the socioeconomic analysis of the Proposed Action represents the sum of census tracts 51 and 53, the Claritas data represents the aggregation of block groups within both the 400-foot primary study area and one-quarter mile radii extending from the project site. Employee and business sector data were obtained from U.S. Census zip code data. Additional information pertaining to housing was obtained from the New York City Department of Finance Real Property Assessment Data (“RPAD”).

37. Comment: Would a two-district garage have less of an impact on the redevelopment of the St. John’s Center?

Response: The potential redevelopment of the St. John’s Center was not in the scope of analysis included in the DEIS. However, as the impacts from the Proposed Action were found not to be significant, it can be assumed that a two district garage would be similar.

38. Comment: Queuing sanitation trucks is not compatible with the use of the Hudson River Park and will significantly diminish the appeal of the St. John’s Center to office and retail tenants.

Response: The limited queuing of up to seven DSNY trucks along West Street/Route 9A that may occur for brief periods would not conflict with the Hudson River Park. It would not be dissimilar to the transportation activities occurring at existing distribution facilities within the project study area. The proposed fueling queue on the west side of the garage along West Street/Route 9A is sufficiently large to meet DSNY fueling requirements. Queuing would not be constant, only occurring at the end of each shift (6 AM to 8 AM, 12 PM to 2 PM, or 1 PM to 3 PM).

3PM and 11 PM to 12 AM). No additional queue of trucks is anticipated to occur during the remainder of the day. Any truck queue would not be anticipated to exceed 30 minutes in duration. Any trucks unable to wait in the queue because of insufficient space along West Street/Route 9A would be directed to enter the garage and park. In such an occurrence, the truck would be refueled when leaving the garage to be relayed or during the start of its next working shift.

The queuing situation at the proposed garage differs from typical practices at DSNY facilities situated in the outer boroughs. These facilities generally require accessory parking yards and queuing would take place within this space. The proposed garage has no accessory yard resulting in limited queuing off-site. The large frontage along West Street/Route 9A and the existing parking lane configuration allows a truck to queue without impacting through traffic on West Street/Route 9A.

The limited queuing that would take place along West Street/Route 9A is unlikely to diminish the appeal of the St. John's Center or other properties to prospective office and retail tenants. Additionally, the construction of the proposed garage would render the current storage of collection trucks along West Street/Route 9A at this location unnecessary.

Community Facilities and Services

39. Comment: Additional traffic in the area could impact community facilities and individuals traveling to these facilities, such as Visions, a rehabilitation center for the visually impaired and The Harry and Jeanette Weinberg Center for the Mentally Ill and Special Needs People.

Response: As stated in the *CEQR Technical Manual* and Chapter 5 - Community Facilities and Services in the FEIS, an analysis to determine the level of impacts resulting from a proposed action, "generally occurs when a project either physically displaces or alters a community facility or causes changes in population that could affect the service delivery of a community facility, as might happen if a facility is already overutilized or if a project is large enough to create a demand the could not be met by the existing facility." Based on the thresholds in the *CEQR Technical Manual*, a detailed analysis of communities is not required for the Proposed Action since it would neither physically alter nor displace any community facilities. In addition, the Proposed Action would not affect existing pedestrian crossings in the area. See response to Comment 223 for additional information on the safety of pedestrians in the study area resulting from increased traffic due to the Proposed Action.

40. Comment: The report should include the locations of all community facilities in the area.

Response: Refer to Figure 5-1 and Table 5-1 of the FEIS. The figure and table identify the locations of community facilities within a 400-foot and one-quarter mile radii from the Proposed Action.

Open Space

41. Comment: Set back the building along Spring Street and incorporate green space with community access.

Response: The building would have a small setback along Spring Street and street trees will be planted along the three street frontages. Open space and recreational uses are provided through the Hudson River Park and Canal Park located west and south of the Proposed Action. As identified in Chapter 6 of the FEIS, there are several open space and recreational areas within a one-quarter mile radius of the Proposed Action for the public to use.

Although no community access would be compatible with the proposed garage, DSNY would incorporate community-friendly, environmentally sustainable design “Green Building” elements in the garage with the goal of attaining LEED Silver status. Among other features, DSNY would seek to incorporate recycled materials, energy efficiency, low toxicity materials, solar design features and a green vegetated roof area as part of the design.

42. Comment: Create a community friendly design with recreational space for community on the roof of the new facility.

Response: The Proposed Action would be located in a manufacturing district where open space and recreational uses are not conducive with the industrial and commercial uses located in the designated district. Open space and recreational uses are provided through Hudson River Park and Canal Park located immediately west and south of the Proposed Action. As identified in Chapter 6 of the FEIS, there are several open space and recreational areas within a one-quarter mile radius of the Proposed Action for public use. In addition, DSNY would vacate the Gansevoort Peninsula as part of the Proposed Action, which would allow for the development of six acres of the Hudson River Park.

43. Comment: DSNY’s mega-garage and salt shed would reindustrialize the portion of our neighborhood near the waterfront and create barriers to park access. For example, 107 vehicles would enter or exit the DSNY garage on a Saturday afternoon between 12 PM and 1 PM, when the park – including the new TriBeCa segment and the Pier 40 ball fields – are widely used.

Response: The proposed garage and salt shed would be located within a manufacturing district that allows industrial uses and would enable Hudson River Park development to proceed at Gansevoort. The Proposed Action would be an as-of-right use and would be compatible with the industrial and commercial uses within the designated manufacturing zoning district. The proposed operation of the garage would not affect the use of parks and recreational amenities in the immediate vicinity of the Proposed Action. No pedestrian crossings to the park would be significantly impacted as a result of the Proposed Action as the two nearest pedestrian crossings are located at the south side of Canal Street (no new truck trips proposed there) and at West Houston Street (relatively small numbers of MN 2 and 5 trucks at off-peak hours). As noted in Section 18.3 of the FEIS, the Proposed Action is not located in the immediate vicinity of existing pedestrian access to the park and would, therefore, not affect the use or access to the park. Trucks leaving the garage for MN 5 and two sections of MN 2 would travel along West Street/Route 9A, an existing truck route to their respective service routes.

44. Comment: DSNY has proposed no public spaces at the Spring Street garage.

Response: See response to Comment 42 above.

45. Comment: The Hudson River Park has been a great improvement to the lives of the people living in and near to the Hudson Square community. The Proposed Action would adversely affect the abilities of local residents to use the park and the adjacent Hudson River. In proximity to the Gansevoort Peninsula, the water and air qualities are diminished. If the Proposed Action was built, the adjacent Hudson River Park and the nearby water, air and wildlife would be similarly affected as would the quality of life in downtown New York City.

Response: The Proposed Action would enable DSNY to comply with the Hudson River Park Act and allow Hudson River Park construction to proceed on the Gansevoort Peninsula. This would result in a significant addition of open space and recreation and public access to the Hudson River.

In addition, the proposed garage and salt shed would be physically separated from Hudson River Park by West Street/Route 9A, a vegetated median and a bicycle/pedestrian pathway. Pedestrian access to Hudson River Park, in the vicinity of the project site, is provided by a crosswalk at the south side of Canal Street and at West Houston Street. As noted in Section 18.3 of the FEIS, the project site is not located in the immediate vicinity of pedestrian access to the park and would, therefore, not affect local residents' use of or access to the park.

As noted above, the project site would be physically separated from the Hudson River and would not involve any waterfront construction or use and would, therefore, not result in direct or indirect impacts to the Hudson River or wildlife that use the river.

46. Comment: The West Side has become one of the most beautiful and progressively green stretches of the city. Why would anyone want to stop this?

Response: The Proposed Action would not significantly impact any of the existing open space, community facilities or parks, but would enable Gansevoort Peninsula to be developed as parkland.

47. Comment: The proposed facility will ruin the long-term vision and effort, creativity and money that have been used to revitalize the Hudson River Park and integrate it into Manhattan as a major, public amenity for the entire City.

Response: The Proposed Action would not hinder, but will foster the advancement of the Hudson River Park expansion. As noted in Section 6.5 of the FEIS, the Proposed Action would not introduce a significant new residential, worker or visitor population that would place a measurable demand on these open space resources, including Hudson River Park. Potential traffic, odor, air quality and shadow impacts were assessed and were determined to not result in significant impacts on the Hudson River Park. Likewise as noted previously, the Proposed Action would result in the removal of DSNY operations from the Gansevoort Peninsula, which would allow for the expansion of Hudson River Park.

48. Comment: How much are the fines currently being paid until 2013 by Sanitation to the Hudson River Park?

Response:

The City of New York agreed to pay the Hudson River Trust a sum of \$21,500,000. The payout would be made in installments as identified below (after an initial payment, all remaining payments would be made semi-annually, half on January 10 and half on July 10):

| | |
|-----------------|--------------|
| Initial payment | \$6,000,000 |
| 2006 | \$3,100,000 |
| 2007 | \$3,100,000 |
| 2008 | \$3,300,000 |
| 2009 | \$3,300,000+ |

(If DSNY fails to relocate all operations from Pier 97 by January 1, 2009, payment for subsequent years will be increased to an amount determined by the Court. Current plans have the DSNY occupying Pier 97 until July 2009).

| | |
|------------|---|
| 2010 | \$1,800,000 |
| 2011 | \$1,805,000 |
| 2012 | \$1,850,000 |
| 2013 | \$2,725,000 |
| 2014 | \$3,270,000 (or a greater amount as the Court may order) |
| 2015 . . . | 20% above previous year or such greater amount as the Court may order |

49. Comment: We heard testimony that the settlement was not fully carried out by the Hudson River Park in informing the community about the project. Do you know if that is so?

Response: This testimony was incorrect. Please see Response to Comment 485.

Shadows

50. Comment: The salt shed will place shadows on the landmark Holland Tunnel Ventilation Building. DSNY indicates that shadows on the Holland Tunnel building would be no greater than 30 ft (FEIS, p. 8-10). However, that does not seem possible, since the eastern wall of the salt shed would be 30 ft and its western wall would be 70 ft high.

Response: The proposed salt shed would have a roof height peak of approximately 62 ft along its West Street/Route 9A frontage with the roof sloping to approximately 30 ft at its eastern end adjacent to the Holland Tunnel Ventilation Building. As a point of comparison, the existing MN 1 Garage has a height of approximately 27 ft along its West Street/Route 9A frontage. The proposed salt shed would have a roof peak at its highest point approximately 35 ft higher than the existing MN 1 structure. The incremental shadows generated by the proposed salt shed on the lower portion of the western wall of the Holland Tunnel Ventilation Building would not exceed a height of 30 ft (the same height as the 30-foot salt shed wall) during the winter months when shadows are longest. This would represent an estimated eight-foot incremental shadow increase compared to the existing MN 1 garage wall. Due to the close proximity of these structures, the shadow cast by the salt shed would not be readily visible to the public. In addition, the shadow generated by the salt shed to the west would be encompassed by the existing shadow cast by the approximately 122 foot high Ventilation Building.

According to suggested CEQR guidance, the sensitivity of a historic structure to sunlight depends on its design, setting and whether the characteristics that make the resource historically significant dependent on sunlight.⁵ The Holland Tunnel Ventilation Building adjacent to the existing MN 1 garage is classified as a contributing element to the tunnel complex. The ventilation structure itself does not have historical significance as an architectural resource with sunlight-sensitive detail. The significance of the structure is in its mechanical function as part of the Holland Tunnel that is representative of the clinical research and ventilation design mentioned above. As stated in Chapter 7 of the FEIS, no significant adverse shadow impacts to the Holland Tunnel Ventilation Building are anticipated to result from the Proposed Action.

51. Comment: Due to the excessive size of the garage, it will cast shadows onto surrounding properties that will result in a severe impact to the surrounding area.

Response: Since the publication of the DEIS in November 2007, the design of the proposed garage building has been refined decreasing it's height to less than 120 ft. Accordingly, any project-generated shadows discussed in Chapter 7 of the FEIS and in the comments below would be reduced and even less significant due to the decrease in building height.

⁵ CEQR Technical Manual, p. 3E-9.

The shadow analysis conducted as part of the environmental review of the Proposed Action was conducted according to the shadow assessment methodology contained in the *CEQR Technical Manual*. CEQR identifies the following situations when a significant adverse shadow impact may occur:⁶

- Substantial reduction in sunlight where a sensitive use is already subject to substandard sunlight (i.e., less than the minimum time necessary for its survival).
- Reduction in sunlight available to a sensitive use from more than to less than the minimum time necessary for its survival.
- Substantial reduction in sunlight to a sun-sensitive use or feature.
- Substantial reduction in the usability of the open space.

Shadows generated from the proposed MN 1/2/5 Garage would fall on limited portions of Hudson River Park, but would not result in a significant adverse impact based on the CEQR shadow impact threshold, specified above. Refer to the shadow analysis conclusions contained in Chapter 7 of the FEIS. The incremental increases in shading from the Proposed Action from current conditions would be limited in duration and extent and would not hinder the utility of the park. Such shadows would be greater under the Future No Build Condition. See response to Comment 50 in regards to project-generated shadows and the Holland Tunnel Ventilation Building.

52. Comment: The DEIS does not call for a full shadow study and its impact on the Hudson River and Canal Street Parks and the surrounding area.

Response: A detailed shadow study was conducted. As described in the *CEQR Technical Manual*, a shadow assessment is required if a Proposed Action would result in new structures that are tall enough for shadows to reach an open space, natural feature or historic resource. An assessment is also required as the Proposed Action would result in the construction of new structures that would be taller than 50 ft in height. The baseline is the Future No Build condition, which for this site is projected to involve an as-of-right commercial building 165 ft high. A more detailed analysis is warranted if the initial screening analysis indicates that one or more of the sun-sensitive resources noted above would be exposed to incremental project generated shadows. In the event that shadows encompass a resource, then an additional level of assessment is conducted to determine: (1) the extent and duration of project shadows; and (2) the effect of these shadows on sunlight-sensitive features of historic resources or on uses and vegetation.

As the Proposed Action would result in the construction of two new structures greater than 50 ft in height and due to the presence of open space and historic resources within the project study area, a shadow screening analysis was conducted in accordance with CEQR guidelines to determine those shadow-sensitive resources that could potentially be affected by shadows from the Proposed Action. The screening procedure notes that the longest shadow that any building could cast is 4.3 times its height which occurs at the start and end of the December 21 analysis period. An approximately 140-150 foot building height was used for the proposed garage and 75 ft for the proposed salt shed. These heights generated shadow study area radii of approximately 645 ft for the proposed garage and approximately 323 ft for the proposed salt shed from the respective building footprints of each proposed building. A total of six possible sun-sensitive resources were identified through the initial shadow screening consisting of four historic resources including the James Brown House, Holland Tunnel Land Ventilation Building, 486 and 488 Greenwich Street as well as Canal Park and Hudson River Park, two open space resources. Four of these possible resources including the James Brown House, 486 and 488 Greenwich

⁶ *CEQR Technical Manual*, p. 3E-19.

Street and Canal Park were screened out due to their location relative to the location of the Proposed Action. The southerly location of these resources with respect to the project site ensures that no project-generated shadows could fall in the direction of these resources.⁷ Refer to Chapter 7 of the FEIS.

Shadow analyses were prepared for four representative dates in order to establish the times of the year when shadow impacts may occur. The months of interest for a shadow-sensitive resource encompass the growing season from April through October and December, representing a cold-weather month producing the longest shadow of the year. Accordingly, as suggested per the *CEQR Technical Manual* guidance, the shadow analysis for the Proposed Action considers three representative dates of the growing season and one date in December to demonstrate conditions during the winter months. The following four representative dates assessed for project-induced shadow impacts:⁸

- March 21, the vernal equinox;
- May 6, the midpoint between the equinox and summer solstice;
- June 21, the summer solstice and the longest day of the year; and,
- December 21, the winter solstice and the shortest day of the year.

Given the criteria for determining adverse shadow impacts, the shadows generated by the proposed garage and salt shed would not have a significant adverse impact on Hudson River Park. The shadows cast by the proposed garage would affect Hudson River Park in the mornings once per day with the longest shadows occurring during the winter, as represented by the December 21st shadow diagram. Typically, open space and outdoor recreational resources are less visited during the winter season due to colder weather. In addition, shadows generated during this time period would not infringe on the growing season which runs from April to October. Shadows generated during the early spring, represented by the March 21st shadow diagram, would be cast on limited portions of the park including the paved Route 9A bike path and landscaped median during the morning period. Shadows cast onto sidewalks and paved streets are not considered significant under the *CEQR Technical Manual* guidelines. The median found alongside the bike path would not be adversely impacted as it is capable of thriving in an urban environment and does not require abundant amounts of sunlight.

The Proposed Action would not affect the features, sun-dependent uses, or significantly impact or adversely compromise the overall utility of Hudson River Park. As stated in Chapter 7 of the FEIS, no significant shadow impacts to open space resources would result from the Proposed Action.

53. Comment: The long shadows from the garage and salt shed would affect aquatic life in the Hudson River, wildlife, and park uses in the TriBeCa segment of the Hudson River Park.

Response: Since the publication of the DEIS in November 2007, the design of the proposed garage building has been modified in height to less than 120 ft. Accordingly, any project-generated shadows would be decreased and less significant due to the reduction in building height of the proposed garage. The incremental shadows generated by the Proposed Action would shade a small portion of the Hudson River during the 9 AM time period on December 21st. This would be less than the shadows cast by the commercial building in the Future No Build. Refer to the December 21st shadow diagram in Chapter 7 of the FEIS for a depiction of shadow conditions.

⁷ *CEQR Technical Manual*, p. 3E-1.

⁸ *CEQR Technical Manual*, p. 3E-8.

The shadow cast by the proposed garage on Hudson River Park and a portion of the Hudson River would be of limited duration lasting approximately 3 hours and 10 minutes, from 7:40 AM to 10:50 AM. This intermittent, short-term shading would not represent a permanent shadow resulting in total loss of light that would cause detrimental effects to or composition shifts in the existing aquatic community. In addition, the shadows will be no greater than shadows cast by other existing residential buildings under development to the south and north along West Street.

As specified in the responses to Comments 51 and 52, the utility of park and its uses would not be hindered as a result of the Proposed Action.

54. Comment: Since shadows would endanger the aquatic life in the Hudson River, affect wildlife along the river's shoreline, and reduce the usability of the TriBeCa segment of the Hudson River Park, shadows would substantially reduce sunlight to sun-sensitive uses and features. DSNY should, therefore, classify the Proposed Action as having a significant shadow impact requiring alternatives, as required by the CEQR Technical Manual (p. 3E-19, par. 400).

Response: See response to Comments 51, 52 and 53.

Historic Resources

55. Comment: DSNY considered only the effect of construction on historic resources within a 400-foot radius of the Proposed Action. DSNY should be required to study the effect that the new DSNY routes, including incremental traffic resulting vibration levels would have on historic resources (e.g., the Charlton-King-Vandam Historic District).

Response: The FEIS considered potential impacts of the Proposed Action upon historic resources and this analysis was conducted in accordance with the *CEQR Technical Manual*. As discussed within the traffic section of the FEIS, the majority of DSNY collection vehicles traveling within Community Board 2, which contains the Charlton-King-Vandam Historic District, are existing trips that occur today. Incremental changes in DSNY collection vehicles would largely occur in close proximity to the proposed site and major changes are not expected to occur within the limits of this historic district. As a result, no further analysis of potential impacts due to traffic vibration were required and no significant impacts would be anticipated.

56. Comment: The DEIS understates the effect on visibility of the ventilation building: the salt shed would not merely reduce the building's visibility; it would practically erase it.

Response: As noted within the FEIS, the Holland Tunnel, including the Ventilation Building, was listed as a National Historic Landmark based upon Criteria A and C. Criterion A relates to associations that have made a significant contribution to broad patterns of our history. Criterion C is focused upon the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possesses high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction. Neither of these criteria is primarily driven by the visibility of the Ventilation Building and, therefore it would not be affected by the development of a proposed salt shed at the site of the existing MN 1 Garage. The 30-foot driveway or apron at the salt shed located along Washington Street would be open air and would provide visual access to the Ventilation Building from Canal Park and West Street/Route 9A.

57. Comment: The wind-borne salt escaping from the open side of the salt shed would have corrosive effects on the Ventilation Building's façade and on the air intake and exhaust fans. The salt would also

clog the fans, rendering them inoperable. Furthermore, salt entering the Holland Tunnel would have corrosive effects on the tunnel's landmarked interior, which is expensive to maintain and replace.

Response: The DSNY has proposed an enclosed and covered salt shed at the location of the existing MN 1 garage. The salt storage areas will be completely covered and protected from the elements. The proposed salt shed would have solid walls on the three sides bordering West, Spring and Canal Streets. A roof would attach to these and cover the entire area contained within these walls. The construction of the shed and the adjacent Holland Tunnel Ventilation Building will also prevent any wind-blown salt. The 30-foot driveway between the Holland Tunnel Ventilation Building and the salt shed would serve as an apron where salt would be delivered and moved into the shed and where salt spreaders would be loaded. Sliding gates on Canal and Spring Street would complete the enclosure of the salt operation. Wind-blown salt would, therefore, be minimized and no impacts to the Holland Tunnel or the Ventilation Building would be expected.

Archaeological Resources

58. Comment: New York State Historic Preservation Office (SHPO) has changed their position from not having any archaeological concerns, to agreeing with the concerns raised by NYCLPC. Therefore, SHPO would like copies of all documentation relating to the archaeological review process, including the monitoring plan, reports of any finds, and the final report for their review. They will also coordinate any review of archaeological deposits that may be identified with New York City LPC.

Response: In accordance with the comments received from SHPO, DSNY will provide copies of all documentation related to the archaeological review process including the monitoring plan, reports of any finds and the final report prepared for the site that are developed as the design plan for the development of the site is advanced.

59. Comment: Given the proximity of the proposed construction of the salt shed to the National Historic Landmark Holland Tunnel, SHPO requests plans and renderings to illustrate siting, scale and massing for the salt shed. They will review these plans to ensure that there are no visual effects to the historic structure.

Response: DSNY will provide plans and renderings that illustrate the siting, scale and massing of the proposed salt shed to SHPO for review and consideration when these are available.

60. Comment: SHPO requests a construction protection plan to be developed to protect historic resources within 90 ft of the proposed construction.

Response: In accordance with the request of SHPO, the DSNY will have a Construction Protection Plan prepared for the proposed development, which will describe measures, as applicable and appropriate, for the protection of historic resources located within 90 ft of the proposed garage and salt shed.

61. Comment: Will the project seek Landmarks approval since it is adjacent to many landmark buildings and close to a landmark area?

Response: As indicated within the FEIS, the DSNY contacted the NYCLPC and SHPO regarding the Proposed Action. Copies of correspondence received from these agencies were included within Appendix A of the FEIS. The NYCLPC and SHPO requested that certain measures and studies be implemented during the development of the Proposed Action and the DSNY has committed to these, which are summarized within Section 8.5. The DSNY has

committed to the implementation of an archaeological review process and the development of a Construction Protection Plan for historic structures within 90 ft of the Proposed Action. No specific NYCLPC approval is required for the project as it does not involve alterations to a listed property or to a historic district.

Urban Design/Visual Resources

62. Comment: The height and overall size of the proposed DSNY garage would be out of context with the surrounding buildings, including the developing residential areas directly to the north and south of the Proposed Action.

Response: The building would be less than 120 ft tall. Currently, a variety of architectural diversity and building scales are present in the vicinity of the project site. A number of high-rise buildings ranging between 60 and 120 ft are located proximate to the UPS Equipment Staging Lot with mid- and high-rise buildings located along Washington Street towards Canal Street. Along West Street/Route 9A existing buildings are long and oriented towards the highway. A cluster of small scale commercial properties are also located on Spring Street east of the Holland Tunnel Ventilation Building, which is also a fairly tall building at approximately 122 ft.⁹

The design of the Proposed Action is intended to be compatible with the area's waterfront location, the industrial/transportation corridor along West Street/Route 9A and existing residential uses in other portions of the project study area. The massing and scale of the garage, while necessarily substantial, would be in character with existing structures in the neighborhood, which features a number of larger industrial loft buildings. The design and scheme of the garage would blend with the newer skyline forming in CDs 1 and 2 by integrating modern architecture and sustainable design elements with the diverse, existing urban landscape.

63. Comment: The proposed garage and salt shed would not reinforce the developing residential nature of the area to the south and east.

Response: As previously stated, the Proposed Action would be constructed as-of-right in an M2-4 zoning district. The uses associated with the Proposed Action would be consistent with the existing transportation, as well as other distribution facility uses within the project study area. The presence of these long-standing uses immediately surrounding the project site have not hindered or limited residential development in the past. Impacts to neighborhood character were found not to be significant.

64. Comment: The garage would eliminate whatever park and river view corridors currently exist and eliminate the sunlight that is unblocked by the current UPS lot.

Response: The development of the Proposed Action from public streets or open spaces would not affect view corridors. It would cause some adjacent properties to experience diminished views. However, the majority of properties immediately adjacent to the project site are comprised of non-residential uses such as the St. John's Center and the Holland Tunnel Ventilation Building in addition to the West Side Highway. Additionally, any potential reduction in views that the above-mentioned industrial and transportation uses would experience would not significantly affect the utility, existing operation, or industrial character of these uses. The garage would not

⁹ United States Department of the Interior, National Parks Service. *Holland Tunnel National Historic Landmark Nomination*. March 1993. p. 5. <http://pdfhost.focus.nps.gov/docs/NHLS/Text/93001619.pdf>

eliminate significantly more sunlight than would the taller commercial building projected for the site in the Future No Build Condition.

65. Comment: DSNY does not indicate how this large open salt shed could possibly blend into the area.

Response: The final design of the salt shed is ongoing, but it will be compatible with the site's industrial zoning and will be an attractive building subject to approval by the Public Design Commission. However, the proposed salt shed structure would have solid walls on three sides bordering West, Spring and Canal Streets. A roof would cover the entire area contained within the walls. An approximately 30-foot wide driveway would be situated between the existing Holland Tunnel Ventilation Building and the proposed salt shed. This driveway would serve as an apron where salt would be delivered, as well as for salt spreader loading operations. The driveway area would not be roofed over. The open air driveway design would serve a number of functional purposes such as providing the ability for vehicles delivering salt to raise containers and dump salt. This driveway design would result in lower construction costs and also require less lighting and annual maintenance costs. In addition, the open air driveway design would also make a larger area of the historic Holland Tunnel Ventilation Building visible from Canal Park and West Street/Route 9A.

Sliding gates opposite the Canal and Spring Streets curb cuts would completely enclose salt shed operations. The storage of salt would not be visible to pedestrians with the gates closed. Given the location of the proposed shed, consideration will be given to the design aesthetic and finishes of the gates and whether these structures should have solid, transparent or translucent qualities. In addition, the construction of the shed and the adjacent Holland Tunnel Ventilation Building would shelter the site from wind and prevent fugitive salt.

As previously mentioned, activity related to the proposed salt shed would only occur when the shed is filled or when salt spreaders have to be loaded in order to spread salt during the winter storm season. Eight separate sites were studied for the relocation of the salt shed. Of these, five met DSNY siting and operational criteria and were included in the alternative site analysis contained in Chapter 24 of the FEIS. All of these sites are in private ownership and closer to residential neighborhoods, businesses, schools, and other sensitive receptors than the proposed salt shed site at Canal and West Street/Route 9A. The proposed salt shed location provides as good or better access to Route 9A than each of the alternatives.

66. Comment: DSNY has not detailed how the project would fit into the urban design of the area. DSNY incorrectly states that no adverse impacts to urban design and visual resources are expected from implementation of the garage and salt shed and that no mitigation is required.

Response: The *CEQR Technical Manual* suggests that urban design characteristics of a neighborhood are the various aspects of the buildings and streets of the area including: building bulk, use and type; building arrangement; block form and street pattern; streetscape elements; street hierarchy; and natural features. The Proposed Action would result in development that differs in bulk, form and scale than that which currently exists on-site. However this development would be similar in use to the existing mix of industrial, commercial and transportation uses proximate to the project site including the St. John's Center, Federal Express Operations Facility, and UPS Package and Distribution Facility. Moreover, the relevant comparison is to what is projected for the site in the Future No Build condition, namely a large commercial as-of-right building. Accordingly, an urban design and a visual assessment was performed to determine the potential impacts of the Proposed Action on the existing built environment. The urban design assessment examines how the Proposed Action would relate to the built form of the project study area in terms of bulk and use; streetscape elements; building

arrangement; street hierarchy and natural features. The visual resources evaluation considers the potential impact of the Proposed Action on visual resources, which are comprised of the project study area's important or unique viewsheds or natural or built resources. Refer to Chapter 9 in the FEIS for the urban design and visual resources assessment.

The Proposed Action would alter the urban design features of the project study area, since it would result in new structures that would modify the appearance of the existing condition. However, according to the *CEQR Technical Manual* a significant change in urban design is not necessarily considered a significant adverse impact as urban design is subjective.¹⁰ Similarly, according to *CEQR Technical Manual* guidance, a Proposed Action may affect visual character significantly, but not adversely. A project may greatly improve the appearance of an abandoned or underutilized lot. In these instances, under CEQR, a major new structure that may be larger or have a different appearance than the surrounding area would not have an adverse impact on visual character.¹¹ As stated in Chapter 9 of the FEIS, the Proposed Action would not represent a contradictory change of use on the project site and would not change the site's context in relation to the mix of other prominent features within the project study area, some of which include long-standing industrial and transportation uses.

As stated in Chapter 9 of the FEIS, the proposed facility would blend in with the architectural variation of the surrounding properties through a design that would be neither over imposing nor out of character with existing and proposed buildings within the project study area. While lacking the setbacks at 85 ft above curb level that the Future No Build commercial building would have, the garage would be considerably shorter (115 to 120 ft) at about three-quarter the height or less of the commercial building (165 ft or more).

Additionally, the inclusion of sustainable design features into the Proposed Action has influenced the overall massing, material selection, daylighting, and landscape features such as green roof elements. In addition, garage design would utilize solar fins that would track sunlight and rotate accordingly in order to maximize the energy efficiency of the structure. DSNY would also seek to incorporate recycled materials, and utilize low-emitting materials to the greatest extent possible. The principal design goals and objectives of the Proposed Action have incorporated green building design criteria equivalent to a Silver rating under the LEED Green Building Rating System, which is consistent with the objectives outlined in the City's *PlaNYC* initiative (see Chapter 1 of the FEIS). The project will not result in adverse impacts to urban design.

Neighborhood Character

67. Comment: The residents of the Urban Glass House and employees of St. John's Center and Park-It Management will be adversely affected by the scale, design and architectural harmony among buildings in the neighborhood.

Response: The proposed garage would be less than 120 ft high, which is comparable with many of the existing structures in the surrounding area including, but not limited to, the Urban Glass House (120 ft), the Holland Tunnel Ventilation Building (122 ft) and several other commercial and residential buildings located along Spring Street. In addition, the footprint of the proposed garage would be smaller than the footprints of the existing UPS Package Distribution Facility and the St. John's Center. Please see responses to Urban Design above.

¹⁰ *CEQR Technical Manual*, pp. 3G-5, 3G-6.

¹¹ *CEQR Technical Manual*, pp. 3G-5.

68. Comment: The garage would be much higher than any of the commercial buildings to its north and east and would fill the entire footprint of the two-acre UPS lot. Its footprint would be many times larger than the footprint of the largest residential buildings to its south.

Response: The proposed garage would be largely developed within the limits of the current zoning (M2-4) of the site. The proposed garage would be less than 120 ft high, which would be comparable to several existing structures within close proximity to the site, including the Urban Glass House and the Holland Tunnel Ventilation Building and less than many buildings in the vicinity along Greenwich Street. Likewise, while the overall footprint of the proposed garage would be greater than several commercial buildings to the south, it would have a much smaller footprint than many of the commercial and industrial buildings located to the north and east of the site that are also located within the M2-4 zoning district.

69. Comment: A three district DSNY garage at Spring Street would alter the dynamic and feel of the neighborhood.

Response: See response to Comment 69.

70. Comment: The Hudson Square neighborhood has gone through much development, at a great expense, to turn it into a revitalized family and residential neighborhood with many new businesses and community services for residents. If the proposed garage was built, it would permanently damage the neighborhood and its future growth.

Response: The UPS staging lot is going to get developed with a larger building with or without the Proposed Action. The proposed garage would be developed within an existing M2-4 zoning district that allows for an FAR of 5.0. Construction of the garage would eliminate the need to park DSNY collection vehicles on several streets adjacent to the existing MN 1 Garage, which would improve existing conditions. All DSNY collection and other vehicles would be stored within the fully enclosed garage. In addition, UPS was actively seeking to develop the site before DSNY identified it as a potential garage location.

The development of the surrounding neighborhood has grown and even flourished over the past several years even with the ongoing industrial and commercial uses located north of Spring Street within the M2-4 district that would encompass the proposed garage, as well as the M1-6 district east of the proposed site. Residential uses were being actively pursued within this area prior to the recent rezoning of a portion of this area to C6-2A. In addition, the NYCDCP Hudson Square Rezoning report indicated that the manufacturing zones in proximity to Hudson Square should be retained. As a result, it is unlikely that the development of the proposed garage within an existing manufacturing zoned district would result in long term damage to the surrounding neighborhood and its future growth.

71. Comment: The DEIS assumes an incorrect Future No Build Action (10.4, page 10-4):

- First, DSNY assumes that the MN 1 garage would operate in the same way as it currently does, with vehicles and equipment parked on the local streets. It seems likely that DSNY would reconstruct its aged, existing MN 1 garage, including providing on-site parking, if it were to remain at its current site, since there is no requirement under the Hudson River Park Act for it to move.
- Second, DSNY assumes that the UPS site would be an as-of-right commercial building with 1,389 employees. Yet, the Future No Build scenario would more likely have residential uses.

- Third, DSNY assumes that UPS would continue to operate at the new commercial building. However, since UPS is able to relocate its operations during the planned construction period, one can assume that it could and would permanently relocate if given sufficient financial incentive.
- Fourth, DSNY assumes that current land use changes and general development patterns would continue under the Proposed Action, with residential uses occurring outside the M2-4 zoning district and the M1-5 and M1-6 districts. This assumption is incorrect.

Response: The Future No Build Action described within the DEIS is accurate. Under the Future No Build Action, the MN 1 District Garage would continue for the foreseeable future. As noted within the FEIS, the existing MN 1 site is small and it would be infeasible to develop a proposed garage that would be able to house all of the existing MN 1 equipment on the current site. In addition, UPS was actively pursuing the potential redevelopment of the site prior to the proposed MN 1/2/5 Garage. The Future No Build Action therefore was advanced based upon the current zoning designation of the site, which is M2-4. This zoning designation would allow for the as-of-right development of a commercial or industrial building with a FAR of 5.0. The soft site development discussed within the FEIS Future No Build Action was developed based upon the requirements of the UPS to continue their use of the site and the development of a proposed structure that would be consistent with existing development requirements under the M2-4 designation. Development of the site for residential uses would require a longer rezoning and was, therefore not considered as part of the Future No Build Action. UPS has also clearly indicated it required the continued use of the existing site for trailer storage and it was further indicated that any temporary move of these operations during the construction of the proposed garage must be minimized to the extent possible. As a result, it is fully expected that UPS wishes to continue its use of the site and this was, therefore, included within the Future No Build Action. Finally with regard to development patterns and land use changes, the FEIS assumed that future developments would occur within the limits of existing zoning designations. Development of residential uses within industrial-zoned areas would continue to be the subject of various other approvals, such as the Board of Standards and Appeals, and existing commercial and industrial uses within the manufacturing-zoned districts would continue.

72. Comment: The DEIS assumes an incorrect Future Build Scenario - DSNY fails to recognize that its proposed garage would add significantly more employees and equipment to the site on a 24/7 basis. During storm emergencies, the salt shed site would have significant activities 24/7.

Response: The impact of additional employees and equipment was evaluated as part of several environmental categories within the FEIS including, but not limited to, socioeconomics, open space, and community facilities. The total number of employees working on a peak day over three shifts would be 158 and the peak number of employees during any individual shift would be 108. This would represent a small increase based upon the total employment within the surrounding area. In addition, employees associated with MN 1 and MN 2 are already located within Community Board 2 at the MN 1 District Garage at Canal and West Street/Route 9A and the Gansevoort Peninsula (MN 2).

Operation of the salt shed would occur only during storm emergencies with the exception of deliveries of road salt, which would be intermittent. It is expected that the salt shed would be utilized between six to ten times during the winter season to respond to storm events based upon historic records. The salt shed would not add additional employees, as staff assigned to the proposed garage would generally be responsible for this location.

73. Comment: DSNY incorrectly states that the proposed garage would be comparable to recent residential development in the study area (10.5, page 10-5), and that its length and width would be compatible with the St. John's Center and the UPS Package Distribution Facility.

Response: The proposed garage would be less than 120 ft high. This would be comparable in height to the Urban Glass House and the Holland Tunnel Ventilation Building, as well several existing and recent residential developments along Spring Street which are also of comparable height. As noted within Section 1.2.2 of the FEIS, the proposed DSNY garage would extend approximately 413 ft along Washington and West Street/Route 9A and would range between 190 and 220 ft in width. This would be smaller in size than the existing UPS Package Distribution Facility, which is approximately 950 ft long and 160 ft wide and the St. John's Center, which is approximately 800 ft long and 220 to 280 ft wide. These structures are comparable or larger in size than the proposed garage.

74. Comment: DSNY notes that a new condo-hotel on Spring Street will be 450+ ft high (10.5, page 10-6), but fails to state that the project is located at the outer edge of DSNY's secondary study area, and neighborhood residents and several local elected officials have expressed serious objections to that building's out-of-character height.

Response: The proposed condo-hotel project was illustrated on Figure 3-4 of the FEIS and was also discussed within the text of the FEIS.

75. Comment: DSNY states that there would be no substantial direct changes to a public view corridor and vista or to public access to such a feature under the Proposed Action (10.5, page 10-6). However, this is based on DSNY's assumption that the Future No Build scenario would be a commercial L-shaped building occupying almost all the footage fronting West Street/Route 9A.

Response: Existing visual access along Washington Street to the waterfront is already limited at the proposed garage and salt shed sites due to existing UPS operations (e.g., parked trailers and trucks), the existing MN 1 Garage and by West Street/Route 9A, which physically separates the Proposed Action from the waterfront. Views along Spring Street will remain open as a view corridor. The Hudson Square Rezoning report, issued by the NYCDCP, concluded that the manufacturing districts in Hudson Square should be retained. The commercial building and UPS staging considered under the Future No Build scenario would be an as-of-right use under the existing M2-4 zoning and was projected using the existing floor area ratio of 5.0 for the zone. It is expected that development would be concentrated along West Street/Route 9A, as this side with river views is the most valuable, and the Washington Street side would be needed for UPS truck staging activity related to the Package Distribution Facility across the street to the east.

76. Comment: DSNY has not supported its conclusion that the Proposed Action "would not result in significant adverse impacts either individually or cumulatively, on the characteristics of neighborhood character (10.5, page 10-8)."

Response: The Proposed Action would not result in significant impacts to Neighborhood Character as discussed in detail within Chapter 10 of the FEIS. No impacts due to noise or air would occur due to the Proposed Action. In addition, impacts identified as part of the Traffic analysis presented within Chapter 17 of the FEIS would all be mitigated (Section 23). Likewise, no impacts to socioeconomic, open space and community facilities would occur due to the Proposed Action. Finally, the development of the new garage and salt shed would be consistent with existing zoning and urban design within the study area. The location of the Proposed Action is within a manufacturing-zoned district, which allows for the proposed use as-of-right. The scale of the proposed garage and salt shed would be consistent with surrounding industrial uses and

would be of a comparable height (less than 120 ft) to many of the existing and proposed residential and commercial buildings along Spring Street.

Natural Resources

77. Comment: Shadows being cast from the proposed salt shed and garage could negatively impact the thriving wildlife in the Hudson River Park.

Response: As discussed in Chapter 7 of the FEIS, the longest shadows cast on the Hudson River would occur in the late fall and winter from the proposed garage and during the winter for the proposed salt shed with an estimated duration of one hour. The shadows analysis conducted in the FEIS considered the proposed garage to be 160 ft. As discussed in the FEIS, the DSNY has revised the garage building to be less than 120 ft, which will substantially reduce the shadows on the Hudson River. No significant impacts to wildlife within the Hudson River would be expected due to the very limited duration of shadows from the Proposed Action. Such shadows would be less than those from an as-of-right commercial building projected for the Future No Build.

78. Comment: The proposed garage and salt shed would endanger ecological systems within the coastal area by casting shadows on the Hudson River. The up to 516-foot shadows, assuming a garage height of 120 ft, could affect the habitats of aquatic life in the Hudson River, the organisms that live on the Pier 34 pilings, and the birds that nest along the river's edge.

Response: See response to Comment 77.

79. Comment: An analysis should be performed by an estuarine expert regarding the impact of the proposed project upon estuarine life within and without the Estuarine Sanctuary established under the Hudson River Park Act.

Response: As discussed within the Natural Resources chapter of the FEIS, no direct or indirect impacts would occur to the Hudson River or any other natural resources identified within the study area. As there is no waterfront construction or new discharges to the Hudson River, no significant impacts to the river would occur.

Hazardous Materials

80. Comment: Large-scale underground fuel tanks should not be stored near residential buildings. World Trade Center fuel storage led to the building collapse and the air quality impacts that resulted.

Response: In response to prior comments from elected officials and the public during the scoping process, the DSNY re-evaluated its anticipated fuel needs for the proposed garage. As a result, the DSNY reduced the total volume of fuel that would be stored at the site and also moved the location of this storage to the northernmost portion of the site. No residential buildings are adjacent. All fuel storage facilities that would be constructed as part of the garage would be developed in accordance with federal, state and local requirements and would be subject to the review and the approval of New York City Fire Department. In addition, the National Institutes of Standards and Technology (NIST) issued a report in late August 2008 that indicated that diesel fuel fires were not responsible for the collapse of 7 World Trade Center. Instead fires started by debris from the collapse of the World Trade Center towers unrelated to the storage of diesel fuel at the site were the primary cause of the collapse.

81. Comment: The safety of storing 34,000 gallons of fuel at the garage site, and a combined 80,000 gallons of fuel and oil being stored between the garage and St. John's building is a concern. In addition,

fuel storage at the gas station on the other side of the Holland Tunnel in combination with the DSNY and St. John's Center fuel storage could be a likely terrorist target.

Response: All fuel storage facilities at the proposed garage would be developed in accordance with federal, state and local requirements and would be subject to review and approval of the New York City Fire Department. By comparison, it is not unusual for many of the industrial, commercial and residential buildings within the study area to be heated by fuel oil (particularly since steam is not readily available from Con Ed within the western portion of the project study area) or to maintain fuel storage to run backup generators.

The gas station located on the south side of Canal Street near West Street/Route 9A is more than 625 ft southwest of the fuel storage location at the proposed garage and it is unlikely that any potential event that would involve either site would affect the other. See also response to Comment 80.

82. Comment: The safety of storing large quantities of fuel is a concern because the storage of large quantities of diesel fuel contributed to the collapse of 7 World Trade Center. The presence of jersey barriers surrounding 60 Hudson Street is evidence that the City acknowledges the dangers that such storage poses.

Response: See response to Comments 80 and 81.

83. Comment: DSNY indicates that 34,000 gallons of fuel and oil would be stored at the MN 1/2/5 garage in nine underground tanks (12.6, p. 12-7). This would be 278 percent more fuel and oil than is currently stored at the MN 1 garage.

Response: The proposed MN 1/2/5 garage would service three separate DSNY Districts. The existing MN 1 District Garage currently only serves one DSNY district. As a result an increase in the total volume of fuel and other petroleum products would be required to support the DSNY equipment that would be assigned to the proposed garage. All petroleum products would be stored in accordance with applicable federal, state and local requirements and required fire control systems would also be integrated into the proposed garage. As a result no significant impacts to the environment or public safety are anticipated.

84. Comment: A large amount of fuel storage is unacceptable at a location so close to the Holland Tunnel, a recognized terrorist target, the Route 9A corridor, and adjacent to a mixed residential-commercial zoned area.

Response: See response to Comments 80 and 81.

85. Comment: Although DSNY recognized a safety concern related to fueling near the Holland Tunnel, DSNY has failed to recognize the safety concerns related to fueling at the north end of the UPS site, since the St. John's Center has existing basement tanks that contain 40,000 gallons of diesel. Nearly 80,000 gallons would be stored on the two sites combined. One block further north is the UPS Fueling Depot at Houston Street, and one block further north is the Fed Ex Fueling Depot. The cumulative amount of fuel storage would be many times greater than the amount of fuel that was stored at 7 World Trade Center before its collapse.

Response: All fuel storage at the proposed garage would be in accordance with applicable federal, state and local building and fire code requirements. This would include appropriate and required fire protection systems for the control of potential fires. See response to Comment 80.

86. Comment: DSNY should be required to submit a plan to the Office of Emergency Management for evacuating area residents, Hudson River Park users, Holland Tunnel drivers, DSNY, UPS and St. John's Center employees, pedestrians, and others in the event of a catastrophe at the refueling station. DSNY should also be required to assess whether the heat of a fire, the smoke in the air, or vibrations from an explosion could affect the structural integrity of proximate residences and the Holland Tunnel and the air that they breathe. Given that the Holland Tunnel is classified as a potential terrorist target, DSNY should also be required to report, following consultation with the Department of Homeland Security, on the possibility that an incident at the Holland Tunnel could result in ignition of fuel and oil at the DSNY site and the possibility of its spread to the St. John's Center. It should also assess the impact that an incident would have on the Route 9A corridor. Further, it should assess the impact that a Holland Tunnel collapse would have on lower Manhattan and the financial markets.

Response: The City and private fueling stations are closely regulated and pose little risk of catastrophe. DSNY's garages are not known to be terrorist targets. The City of New York has developed contingency plans to address a broad range of potential events that may occur due to severe weather, fires, terrorist events and other situations. These plans lay out specific actions that would be undertaken to address a significant event, if one were to occur. In addition, as noted previously, all petroleum product storage would be subject to the review and approval of the New York City Fire Department.

Based upon the distance of the proposed fuel storage areas from the Holland Tunnel, it is considered unlikely that these would be adversely impacted if a terrorist event were to occur at the Holland Tunnel. A detailed risk analysis or assessment is considered to be beyond the scope of the environmental review.

87. Comment: DSNY should be required to specify how it would prevent seepage of heavy metals into the City sewer system. According to Policy 5 of the Waterfront Revitalization Program policies, heavy metals from items, such as compact fluorescent light bulbs, would not be captured by oil/water separators.

Response: The proposed garage would store DSNY collection and other vehicles assigned to MN Districts 1, 2 and 5. Limited preventive maintenance activities would occur at the proposed garage and municipal waste would not be stored, disposed or transferred at the site. DSNY-collected waste could be stored within some collection vehicles for short periods of time, generally less than eight hours, prior to its transport to an off-site waste management or disposal location. As a result, it is not expected that heavy metals would be discharged from the proposed garage. DSNY would, however, be required to acquire sewer connection approvals from the NYCDEP prior to the discharge of any wastewaters to the municipal sewer system. As part of this approval process, DSNY would need to indicate the waste streams that would be discharged to the sewer system and the measures to be implemented in order to meet NYCDEP requirements (e.g., concentration of heavy metals and other parameters) for the acceptance of these.

88. Comment: Prior studies indicate that historic uses of the properties are likely to have left contamination in the groundwater and soil and merit further investigations.

Response: Results of the Phase I Environmental Site Assessment for the Proposed Action did not identify major concerns with regard to hazardous materials at the proposed garage or salt shed locations. As part of the development of the proposed facility, DSNY will implement measures (such as worker health and safety plans), or conduct further investigations, as necessary and appropriate. This will include soil and groundwater sampling for both geotechnical reasons and to prudently manage risk of liability, and will be done in coordination with NYCDEP.

89. Comment: Groundwater data was not reported for the monitoring wells identified on the subject property.

Response: The spill on the subject property that necessitated the installation of the monitoring wells has been closed by the NYSDEC meaning that the records and data submitted to the NYSDEC indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, therefore the inclusion of the groundwater data is not necessary.

90. Comment: No follow up was made to gather information for spills reported on Garage 1, adjacent, and nearby properties.

Response: The status of the spills on the subject property and surrounding properties was updated on August 25, 2008. All spills on the subject property have been closed by the NYSDEC indicating that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary.

91. Comment: Since substantial construction will occur for this project, a Phase II investigation is necessary to ascertain the soil and groundwater conditions throughout the affected area.

Response: DSNY will conduct additional investigations as part of the development of the site, as necessary and appropriate, in coordination with NYCDEP.

92. Comment: Fully developed remedial plans and impact assessments should be included in the DEIS for public comment. It is inadequate to state that they will follow applicable rules for site cleanups.

Response: Based on the Phase I Environmental Site Assessment no significant issues associated with contaminated materials were identified, therefore remedial plans and impact assessments are not necessary. Please see response to Comment 88.

93. Comment: The Phase I has not been shared with the community.

Response: The Phase I Environmental Site Assessment (ESA) was included as Appendix B of the DEIS.

94. Comment: The report for the Route 9A construction identified contaminants from prior uses and a high water table. If there was a category 1 or 2 hurricane, there would be devastating effects on the water quality from both the salt shed and refueling station. This was not taken into account in the DEIS.

Response: The proposed garage and salt shed will be built on new concrete slabs and will be constructed with limited excavation. The salt will be staged in an enclosed area and will not be exposed to the elements. All tanks associated with the refueling facility will be installed according to federal, state and local regulations. Flood gates will be provided for both sites in accordance with building codes.

95. Comment: DSNY should not be permitted to conduct fueling of any DSNY public agency vehicle, including CNG, at Spring Street because it would avoid the potential dangers involved with storing large amounts of fuel near a sensitive terrorist target, near residential buildings, and adjacent to a building that also stores quantities of fuels and it would avoid further air quality deterioration near Canal Street and Route 9A, which are highly trafficked, polluted regional roadways.

Response: All fuel storage at the proposed garage would be in accordance with applicable federal, state and local building and fire code requirements. Appropriate fire protection systems for the control of potential fires would be required.

96. Comment: Please identify and provide the location of gas stations, underground fuel storage, and other existing fuel, flammables, and potentially explosive materials in the area of the proposed facility's stored fuel, waste oil, etc.

Response: The Phase I ESA, which was included as Appendix B of the DEIS, presented the results of a search of the standard record sources required for a Phase I ESA. A detailed survey of the location of gas stations, underground fuel storage and other existing fuel, flammables, and potentially explosive materials in the vicinity of the Proposed Action was not within the scope of the EIS. However, information concerning the location of other storage tanks within the vicinity of the Proposed Action were provided within Chapter 12 – Hazardous Materials of the DEIS. In addition, the Phase I Environmental Site Assessment for the Proposed Action contained additional information with regard to the location of some of these facilities.

97. Comment: The DEIS should detail which of the materials are flammable and where storage will be and what protection is provided for underground storage tanks.

Response: All materials will be stored in accordance with federal, state and local regulations. All fuel storage at the proposed garage would be in accordance with applicable federal, state and local building and fire code requirements. This would include appropriate and required fire protection systems for the control of potential fires. All fuel storage at the proposed garage would also need to be reviewed and approved by the New York City Fire Department prior to construction and operation.

98. Comment: How will waste oil be disposed of?

Response: Waste oil will be handled and disposed of in accordance with federal, state and local regulations. Waste oil would be collected and stored within a designated waste oil storage tank that would be located at the proposed garage. DSNY maintains contracts with outside vendors for the removal and proper management of waste oil from DSNY facilities on an ongoing basis. Used oil is typically recycled.

99. Comment: How will groundwater be protected from contamination?

Response: Any underground storage tanks will be installed and monitored as required by federal, state and local regulations with double walls and leak detection systems. In addition, as part of the construction of the proposed garage and salt shed, a new concrete slab would be constructed beneath the ground floor of each structure. This concrete slab would prevent the potential contamination of groundwater. All wastewaters generated from the proposed garage would be routed to the municipal sewer system.

Waterfront Revitalization Program

100. Comment: DSNY should be required to specify how it would not violate the City guidelines for compliance with the Waterfront Revitalization Program Policy 1.

Response: As part of the FEIS (see Chapter 13), DSNY reviewed the Proposed Action's consistency with the policies and subpolicies identified within the City's WRP. It was determined from this review that the Proposed Action would be consistent with Policy 1. The Proposed

Action would be an as-of-right use within a M2-4 zoning district. As the policy states, “redevelopment should be encouraged on appropriately located vacant and underused land not needed for other purposes, such as industrial activity or natural resources protection.” The existing zoning designation for the Proposed Action does not allow for residential development. In addition, the Proposed Action would not occupy waterfront property as it would be separated from the Hudson River by West Street/Route 9A and Hudson River Park. In addition, the Proposed Action would not be located on lots identified as being vacant or underutilized. Both project sites are currently being used for parking or vehicle storage or transportation and utility uses. The Proposed Action would be consistent with this policy.

101. Comment: Covering the ventilation building would violate Policies 9 and 10 of the Waterfront Revitalization Program.

Response: As noted within the FEIS, the Ventilation Building was listed as a National Historic Landmark based upon Criteria A and C. Criterion A relates to associations that have made a significant contribution to broad patterns of our history. Criterion C is focused upon the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possesses high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction. Neither of these criteria is primarily driven by the visibility of the Ventilation Building and, therefore it would not be affected by the development of a proposed salt shed at the site of the existing MN 1 Garage.

As discussed within Chapter 13 of the FEIS, the proposed salt shed would be located adjacent to the landmark building; however, the salt shed would not cause significant impacts to views. DSNY has committed to the SHPO and NYCLPC in protecting the landmark building. SHPO will be provided design data for review and comment to ensure that the design of the facility is consistent with the WRP and SHPO standards. In addition, DSNY has committed to performing the recommended archaeological monitoring at the initiation of the project as any discoveries may enhance knowledge of the history of the shoreline area and has also committed to the development of a Construction Protection Plan for historic structures located within 90 ft of the Proposed Action.

See also response to Comments 50 and 56.

102. Comment: The DEIS indicates that the Proposed Action is consistent with the New York City Local Waterfront Revitalization Program Policies 1, 5, 7, 8, 9, and 10, since it would improve the visual quality and scenic resources of the waterfront. This assessment is disingenuous.

Response: The Proposed Action is not identified in Chapter 13 of the FEIS as improving the scenic resources of the waterfront. The statement made under Policy 9 in Chapter 13 of the FEIS discussing the improvement of visual quality and scenic resources is directed toward the removal of DSNY’s garage and salt storage facility at the Gansevoort Peninsula, which is located directly on the waterfront and not the Proposed Action. The Proposed Action would result in the discontinuation of on-street DSNY truck parking, employee vehicle curb parking and equipment storage that currently exists at the MN 1 Garage, which would improve the visual conditions in the immediate vicinity of the Proposed Action.

103. Comment: DSNY fails to account for the waterfront impacts of the marine transfer station that will be constructed on the Gansevoort.

Response: The construction of the marine transfer station at the Gansevoort Peninsula is not part of the current Proposed Action and would be assessed under a separate environmental review.

104. Comment: Covering the ventilation building would violate Policies 9 and 10 of the Waterfront Revitalization Program.

Response: See response to Comments 50 and 101.

105. Comment: DSNY incorrectly claims that the garage and salt shed would be compatible with Policy 1, including Subpolicy 1.1. DSNY would violate Policy 1, because it would eliminate all opportunities for housing and economic development, even though private interest has been expressed in developing the UPS site for commercial and residential development.

Response: See response to Comment 100.

106. Comment: DSNY errs in its claim that the garage and salt shed would be compatible with Policy 8, including subpolicies 8.1, 8.2 and 8.3. DSNY would violate those policies as well as Subpolicy 8.4. DSNY would violate Subpolicy 8.2 by failing to create new opportunities for public access. The scale and design of DSNY's project would block existing views and would fail to provide new opportunities for visual access. DSNY did not address Subpolicy 8.4, but such a policy would also be violated.

Response: The intent of Policy 8 is "to provide both physical and visual public access in a manner that balances the interests of public and private waterfront use." The proposed garage and salt shed would not be located on the waterfront. The policy description goes on to state that "although waterfront zoning regulations do not require public access in connection with industrial development, there are often appropriate opportunities for physical or visual access along the working waterfront. Where there is no risk to public health and safety or to industrial operations, this policy would encourage public parks, public piers and bikeway routes along the industrial waterfront." Public access to the proposed garage and salt shed would not be appropriate for the public and would affect the efficiency of the proposed operations at these facilities.

107. Comment: DSNY's action would violate Policy 9. DSNY has made no attempt to preserve open space or maximize views to the park and waterfront. It has also made no attempt to retain views of a national landmark, the Holland Tunnel Air Ventilation Building and its companion building located in the Hudson River.

Response: See response to Comments 101, 50 and 56. The Proposed Action would result in no effects to the second ventilation building located in the Hudson River. In addition, the Proposed Action would not directly affect an existing open space use or preclude the development of new open space uses, such as ongoing development of Hudson River Park. The salt shed design preserves principal views of the Ventilation Building.

108. Comment: DSNY's action would violate Policy 10. The salt shed, at 75-ft high would block almost the entire view of the Holland Tunnel Ventilation Building, and it would have corrosive effects on the tunnel's façade, interior and air intake and exhaust fans.

Response: See response to Comments 101, 50 and 56.

109. Comment: DSNY did not address Policy 4 in the DEIS. DSNY's proposal would violate this policy as well for the following reasons:

- DSNY's proposal could potentially alter the saline level of the Hudson River estuary, rendering it toxic to the marine life that depends on its delicate saline balance.

- The wind-borne salt escaping from the open side of the shed can enter the air, soil, groundwater and surface water. In addition, the road salt applied to Route 9A can enter the air, soil, groundwater and surface water from direct or snowmelt runoff and from release from surface soils and/or wind-borne spray.
- Salt both from the open-sided shed and from the salt applied to Route 9A could affect aquatic life and wildlife at the estuarium planned for Pier 26 (between North Moore and Hubert Streets); the ecological pier planned at Watts Street for Pier 32, which is severed from the shoreline and used by birds and other wildlife; and the pile field between the north and south walkways of the old Pier 34, by the Holland Tunnel ventilation shafts, which serves as an ecological habitat.
- The salt could also be ingested by dogs using the dog run that will be located at the entrance of Pier 26.
- The effects of salt could threaten the suitability of the habitat of the shortnose sturgeon and other aquatic life.
- Melted snow could also endanger aquatic resources. If the hot, melted snow, containing small debris and salt, is released into the combined sewer overflow at the Hudson River and Canal Street, instead of at the Newtown Creek, Hudson River fish and plankton could be harmed.

Response: The Proposed Action will move the salt facility off of the Gansevoort Peninsula and put it further upland. The proposed salt shed would have solid walls on three sides bordering West, Spring and Canal Streets. A roof would attach to these walls and cover the entire area contained within the walls. There will be a 30-foot wide driveway between the existing Holland Tunnel Ventilation Building and the salt shed. This driveway will serve as an apron where salt would be delivered and moved into the shed and where salt spreaders would be loaded. The driveway will not be covered, allowing tractor trailers/trucks delivering the salt the ability to raise their containers and dump the salt. There would be gates opposite the Canal Street and Spring Street curb-cuts. The construction of the shed and the adjacent Holland Tunnel Ventilation Building will prevent any wind-blown salt. The actual salt pile would be completely protected and not exposed to wind, rain or snow. Therefore, the potential for salt to directly migrate to the Hudson River or become airborne is extremely low. In addition, the proposed salt shed would be located approximately 350 ft east of the Hudson River and separated from the river by West Street/Route 9A, a pedestrian/bicycle path and Hudson River Park.

The location of the proposed salt shed would not affect the quantity of salt used on the roadways during storm events. Road salt application would be consistent with how these operations are currently implemented and have been for many years. Salt placed within the DSNY spreaders would not be released until the trucks reach their destination. No new impacts to the Hudson River would result from the Proposed Action.

110. Comment: DSNY is mistaken in its comment that flood gates would not be required at Washington Streets because flooding would not be expected to exceed 6-inches. Canal Street is notorious for water and sewerage backups during heavy rains. A flood of six or fewer inches could result in significant runoff from the salt pile, as indicated by excerpts from the “Storm Mitigation Study Area (SMSA) Report” prepared by the Mayor’s Office, Flood Mitigation Taskforce,” dated April 2008.

Response: The proposed garage building would incorporate “green building” features, such as a green roof that would assist in reducing the generation of stormwater runoff. Design features of the structures would comply with applicable federal, state and local regulations governing construction within a designated floodplain. The proposed salt shed would be equipped with flood

gates that would serve to prevent flood waters from entering the structure during a significant storm event.

111. Comment: DSNY's action would violate Policy 5. DSNY ignores the fact that the oil/water separators do not separate out heavy metals, such as mercury, from water used for washing DSNY trucks.

Response: Wastewater and water from equipment washing at the proposed garage would be conveyed through a sand filter and an oil/water separator to the existing municipal sewer system, and subsequently to the Newtown Creek WPCP. The management of all wastewaters would be conducted in accordance with local, city and state regulations. DSNY would be required to comply with NYCDEP requirements concerning the concentrations of various pollutants prior to the discharge of wastewaters to the sewer system. Local road surfaces accommodate DSNY trucks without significant damage.

112. Comment: DSNY's action would violate Policy 7. Under no circumstance should DSNY store salt in a shed with an open side. Salt should be stored in a fully enclosed, locked, permanent structure.

Response: The Proposed Action is consistent with Policy 7. The salt pile would be covered by a roofed structure that has three solid sides bordering West, Spring and Canal Streets. There will be a 30-foot wide driveway between the existing Holland Tunnel Ventilation Building and the salt shed that will serve as an apron where salt would be delivered and moved into the shed and where salt spreaders would be loaded. The driveway will not be roofed over in order to allow tractor trailers/trucks delivering the salt the ability to raise their containers and dump the salt. The construction of the shed and the adjacent Holland Tunnel Ventilation Building will prevent any wind-blown salt. All salt would be maintained within the covered enclosure. As stated in the FEIS, the salt shed would also be equipped with flood gates to prevent flood waters from entering the salt shed, thereby eliminating the risk of runoff during potential flooding events. In addition, the facility would have a gate around the perimeter with a locked entrance only accessible by DSNY personnel.

113. Comment: DSNY should not be permitted to locate a salt shed at Spring Street, so close to the Hudson River. In addition, wherever a facility is located, less toxic salt alternatives should be used.

Response: As discussed in Section 11.5 of the FEIS, no impacts to the Hudson River would result from the Proposed Action. The salt shed would be physically separated from the Hudson River by West Street/Route 9A, a vegetated median and a bicycle/pedestrian pathway and Hudson River Park. The salt pile would be completely covered and protected from wind, rain and snow thereby minimizing impacts from runoff from the site. Currently, DSNY utilizes road salt, sand and calcium chloride for the management of snow and ice. These materials are currently utilized City-wide and have been used effectively by the DSNY for many years. The evaluation of the use of different alternatives for the management of snow and ice is beyond the scope of the Proposed Action.

114. Comment: The Proposed Action violates Waterfront Revitalization Program because it does not create new opportunities for waterfront access and view corridors.

Response: See response to Comment 106.

115. Comment: Because DSNY seeks zoning variances to permit building of a garage in excess of zoned height limits and to allow it to fill the entire two-acre lot without providing open space or setbacks would ignore Waterfront Revitalization Program policies to restore, revitalize and redevelop underutilized waterfront areas and to create new opportunities for visual, physical and recreational access.

Response: The Proposed Action would not involve “underutilized waterfront areas” as they are not located directly on the waterfront and are actively occupied by transportation and utility and parking and vehicle storage uses consistent with the designated manufacturing zoning district that they are located in. The Proposed Action would represent an as-of-right use under the current zoning designation. See also response to Comment 106.

116. Comment: A garage should be built underground to provide for visual and physical access to Hudson River Park should be provided as required under the Waterfront Revitalization Program.

Response: The cost and environmental impact from the construction of an underground facility would be significant. Impacts would include, but are not limited to, an increase in construction costs, longer construction time and significant dewatering activities due to the high water table in the area. As stated within the FEIS, no significant visual impacts would occur and physical access to the park would not be impacted. Impacts associated with traffic would be mitigated as outlined in the FEIS. See also response to Comment 43.

117. Comment: The height of salt storage facility would violate Waterfront Revitalization Program, which requires protection of structures that are of significant in the history, architecture, archaeology or culture

Response: The Holland Tunnel, including the Ventilation Building, was listed as a National Historic Landmark based upon Criteria A and C. As discussed within the FEIS, neither of these criteria are primarily driven by the visibility of the Ventilation Building and, therefore it would not be affected by the development of a proposed salt shed at the site of the existing MN 1 Garage. See also response to Comments 101, 50 and 56.

118. Comment: DSNY would ignore the policies of the Waterfront Revitalization Program as DSNY seeks zoning variances to permit it to build a garage in excess of the zoned height limits and to allow it to fill the entire two-acre lot without providing open space or setbacks.

Response: The Proposed Action would comply with the WRP policies as the Proposed Action would be developed in accordance with existing zoning regulations. The WRP states “These zoning regulations establish public access requirements for most new residential and commercial development. Access is not required where it would be incompatible with the principal use of the site, or would be inappropriate for the scale of development.” A small setback will be provided along Spring Street. DSNY has made application to waive the rear yard and height and setback requirements for the Manhattan 1/2/5 Garage, under the flexibility afforded by general large-scale developments to result in achieving a better site plan and relationship to surrounding development than would otherwise be possible.

119. Comment: The garage should be built underground and visual and physical access to the Hudson River Park should be provided, as required under the Waterfront Revitalization Program. This would help to mitigate the effect of DSNY’s Proposed Actions on the local community.

Response: See response to Comment 116.

120. Comment: DSNY should be required to specify how it would not violate the Waterfront Revitalization Program Policies 1, 8, 9, and 10.

Response: DSNY has reviewed the Proposed Action’s consistency with the WRP policies, including 1, 8, 9 and 10. Refer to Chapter 13 of the FEIS for the complete review.

Infrastructure

121. Comment: Since infrastructure encompasses roadways (CEQR Technical Manual, page 3L-1), DSNY should assess the effect of the proposed daily vehicular trips on road conditions.

Response: The level of vehicular traffic due to the Proposed Action would not be significant in comparison to existing traffic levels. DSNY collection vehicles associated with MN 1 and MN 2 currently exist within these community districts and the routing of these vehicles would be altered slightly as discussed within the Chapter 17 - Traffic and Parking within the FEIS. Collection vehicles associated with MN 5 would travel north and south along West Street/Route 9A to their existing collection routes. Vehicle traffic associated with the proposed garage would not result in significant impacts to existing road conditions.

122. Comment: DSNY should assess the effect of road salt on infrastructure compared to alternatives. Cyanide in road salt damages vegetation, soil, water quality, aquatic life, vehicles and infrastructure.

Response: The DSNY currently utilizes road salt, sand and calcium chloride for the management of snow and ice. These materials are currently utilized City-wide including within MN Districts 1, 2 and 5 and have been used effectively by the DSNY for many years. No new potential effects due to the use of these materials would occur. The evaluation of the use of different alternatives for the management of snow and ice is beyond the scope of the Proposed Action.

123. Comment: The DEIS does not address the high water table in the area or the issue of runoff of salt and other contaminants and their effect on the Hudson River.

Response: All operations at the proposed garage would occur within a fully enclosed structure. As a result, no impact to stormwater runoff from the garage would occur. Likewise, salt storage at the site of the existing MN 1 Garage would occur within an enclosed and covered salt shed that is protected from the elements and constructed upon a new concrete slab. All road salt would be located under and within the proposed structure. As a result, no impacts to stormwater runoff would occur from this facility.

Construction of the proposed garage and salt shed would take into account the existing high water table. Both structures would be constructed with new pile-supported, concrete slabs on the ground floors that would eliminate the potential for impacts to groundwaters. All wastewaters that would be generated by the Proposed Action would be managed appropriately and routed to the municipal sewer system.

124. Comment: DSNY should be required to indicate how its Proposed Action would not further deteriorate local roads.

Response: See response to Comment 121.

125. Comment: The DEIS does not address sewage issues, such as backups, that are a real problem in the area.

Response: The DSNY would be required to acquire sewer connection approvals from the NYCDEP prior to the discharge of any wastewaters to the municipal sewer system. As part of this approval process, DSNY would need to indicate the waste streams that would be discharged to the sewer system, the estimated volumes (gpd) and the measures to be implemented in order to meet NYCDEP requirements regarding wastewater constituents for the acceptance of these. As

part of the sewer connection approval process, the NYCDEP would evaluate if the projected wastewater flows from the proposed garage and salt shed would result in impacts to the current municipal sewer infrastructure, i.e. the ability to accept these volumes. Although not anticipated, if improvements to the existing infrastructure are required these would be addressed by the DSNY and the NYCDEP as the Proposed Action is advanced.

126. Comment: There should be an evaluation of the condition of the ancient sewers and CSO, and the past history of flooding during rain storms, when Newtown Creek sewage treatment plan has been overwhelmed, and when high tide overflow gates are closed, resulting in backup into waste water systems of nearby residences. Also, the proposed facilities wastewater capacity requirements should be evaluated in light of Newtown Creek's capacity problems.

Response: The Proposed Action would not result in impacts to the existing capacity of the municipal sewer system. The Newtown Creek WPCP has more than sufficient capacity to handle the anticipated wastewater flows that would be generated by the Proposed Action. The WPCP has a permitted capacity of 310 mgd and it treated an average flow of 230 mgd in 2005 as discussed in Section 14.3.2 of the FEIS. See also response to Comment 125.

127. Comment: DSNY currently uses grease traps in their truck washing facilities, as all garages must, but that is not sufficient. Please describe how wastewater from the truck washing facility is to be handled.

Response: All process wastewaters from the proposed garage would be initially treated through the use of a sand filter and oil/water separator. These wastewaters, as well as sanitary wastewaters generated at the proposed facility, would then be routed to the municipal sewer system for ultimate treatment at the Newtown Creek WPCP.

Energy

128. Comment: DSNY makes an error by the following statement: "Using the CEQR Technical Manual guidance, the Proposed Action is not one that would consume large amounts of energy or affect the City or regional energy transmission system. Therefore, a detailed energy analysis is not warranted." (16.1, page 16-1) In fact, DSNY would use large amounts of energy:

First, the proposed garage would use about 2.369 billion BTUs per year for heat and hot water.

Second, the proposed garage would use significantly more energy than is currently used at the combined MN 1, MN 2 and MN 5 garages, because it would be 731% larger than the 44,200 SF of the current combined garages.

Third, considering that the existing garages use oil for heating, but the combined garage would be heated by natural gas or steam (22.3, page 22-2), the proposed increase in fuel storage is particularly baffling.

Response: The relevant comparison concerning project impacts to the City's energy infrastructure is between the Future No Build condition, with a commercial building on the UPS site, and the proposed action. As explained in the Energy chapter, the garage would have energy conservation features. These are proposed to include the use of active solar controls that would move to shade the building from solar heat gain in summer and allow such heat gain in winter. DSNY's current garages at Gansevoort and Spring Street store equipment outside due to insufficient garage space; at Gansevoort employee space is provided in trailers and a defunct marine transfer station. The new garage will provide proper indoor equipment storage and employee support facilities. The energy demand in the Future Build condition will not be significant with respect to the City's and the regional energy transmission system.

In addition, the proposed garage would primarily be heated through the use of steam provided by Con Ed. The need for increased storage of fuel and other petroleum products at the proposed site is based upon the needs of the DSNY collection and other vehicles that would be assigned to the proposed garage. Existing fuel storage at the MN 1 Garage is only for one DSNY District. The proposed MN 1/2/5 Garage would service three DSNY Districts and as a result would require an increase in the storage of fuel to support the DSNY vehicles associated with this.

129. Comment: The Proposed Action meets the CEQR requirements for a detailed energy assessment of energy impacts.

Response: Under the *CEQR Technical Manual* (Section N), a detailed assessment of energy impacts is required if a Proposed Action could significantly affect the transmission or generation of energy or may generate substantial indirect consumption of energy. The Proposed Action would involve the development of a new consolidated garage and salt shed and would not result in these effects. A detailed energy assessment is therefore not required. Please also see response to Comment 128.

130. Comment: What will be the impact on electric and water use in the area?

Response: The impact to electricity supply and water supply were considered in the relevant chapters and found not to be significant, using applicable criteria. The garage will incorporate energy conservation features and water conservation strategies, consistent with the plan to achieve LEED Silver status from the U.S. Green Building Council.

As discussed within the FEIS, the Proposed Action would have no significant impact on electric and water use in the area.

Traffic and Parking

Traffic

131. Comment: There are already too many trucks in Hudson Square; it is impractical to accommodate more than one additional district garage in this community.

Response: As discussed in the traffic analysis chapter, the proposed site is very advantageous with respect to avoiding truck traffic through residential areas. DSNY collection trucks serving MN District 1 would not increase truck travel in the Hudson Square area as the MN 1 garage is currently on Spring Street. Likewise, one section of MN District 2 accesses its service area via Spring Street at present; this would not change with the proposed facility. By garaging MN 2 trucks at the proposed location, the trucks for two other sections of MN 2 would exit directly to West Street and return via Washington Street, which avoid residence districts. Likewise, MN 5 trucks would also exit directly to West Street and return via Washington Street, avoiding residential areas of Hudson Square. The facility’s collection routes and peak hour (worst case) truck trips are presented below:

| Peak Hour DSNY Vehicle Trips Per Delivery Route | | | | | |
|---|---------------------------------------|------------------------|------------------------|------------------------|-------------------------|
| District/Section | Route | Monday | | Saturday | |
| | | AM (6:45 – 7:45) | PM (2:30 – 3:30) | AM (5:45 – 6:45) | PM (12:30 – 1:30) |
| Departing Routes | | | | | |
| Manhattan | 1-1, South on Washington Street, west | 7 | 0 | 10 | 0 |

| Peak Hour DSNY Vehicle Trips Per Delivery Route | | | | | |
|--|--|------------------------|------------------------|------------------------|-------------------------|
| District/Section | Route | Monday | | Saturday | |
| | | AM (6:45 – 7:45) | PM (2:30 – 3:30) | AM (5:45 – 6:45) | PM (12:30 – 1:30) |
| 1-3 | on Canal Street, south on West Street/Route 9A to start of collections | | | | |
| Manhattan 2-1 | South on Washington Street, east on Spring Street, north on Sixth Avenue to start of collections | 5 | 0 | 4 | 0 |
| Manhattan 2-2 | North on West Street/Route 9A, east on Clarkson Street to start of collections | 6 | 0 | 5 | 0 |
| Manhattan 2-3 | North on West Street/Route 9A, east on West 12 th Street, to start of collections | 6 | 0 | 5 | 0 |
| Manhattan 5-1 | North on West Street/Route 9A to West 14 th Street, to start of collections. | 3 | 0 | 5 | 0 |
| Manhattan 5-2 | North on West Street/Route 9A/12 th Avenue, east on West 42 nd Street, to start of collections | 3 | 0 | 5 | 0 |
| Returning Routes | | | | | |
| Manhattan 1-1 | West on Battery Place, north on West Street/Route 9A, to garage entrance | 1 | 4 | 0 | 4 |
| Manhattan 1-3 | West on Chambers Street, north on West Street/Route 9A, to garage entrance | 1 | 4 | 0 | 4 |
| Manhattan 2 (All Sections) | West on Houston Street, south on Washington Street, west on Spring Street, north on West Street/Route 9A, to garage entrance | 3 | 14 | 0 | 9 |
| Manhattan 5 (All Sections) | South on West Street/Route 9A, east on Clarkson Street, south on Washington Street, west on Spring Street, north on West Street/Route 9A, to garage entrance | 5 | 6 | 0 | 6 |
| Note: Not all returning vehicles from a particular shift return during the same hour. | | | | | |

The *CEQR Technical Manual* provides (page 30-4): “generally, except for the intersections in the immediate vicinity of the proposed project site, intersections with fewer than 50 vph of project traffic can be screened out.” All intersections in the immediate vicinity were included in the analysis, and no other intersections outside the traffic study area are expected to experience an increase in traffic by more than 50 vph.

Intersections located on Spring Street, east of Hudson Street, were excluded from the analysis because only Manhattan 2 Section 1 (maximum of seven DSNY vehicles during peak hour) would affect these intersections. Similarly, intersections located further east on Clarkson Street were excluded from the analysis because a maximum of eight (8) DSNY vehicles (only those serving Manhattan 2 Section 2) would be expected to travel through these intersections. In addition, Manhattan 2 Section 2 currently uses Clarkson Street as part of their collection route.

No credit was taken at study intersections to be conservative. MN 5 trips currently exist north of 14th Street and no additional truck trips are expected.

132. Comment: DSNY truck trips do not take into account the number of vehicles that return to the garage for a lunch break. A business agent for the union indicated to one resident that 90 percent of employees return to the garage for lunch.

Response: The traffic analysis was revised in the FEIS to include employees returning to the garage for lunch.

133. Comment: It was requested that a full traffic study be undertaken with the full cooperation of all stakeholders that includes the present and future operations contemplated for the St. John's Center, the UPS Facility, Federal Express Distribution Facility and Pier 40 prior to any decision to allow special permits and authorizations and curb cuts on Canal, Washington and West Street/Route 9A.

Response: The traffic analysis incorporates all present operations within the traffic study area. All approved future operational changes scheduled to be implemented by the future project Build Year within the traffic study area are also included, in accordance with the *CEQR Technical Manual*.

134. Comment: Any other traffic pattern other than having DSNY and all other City vehicles enter and exit on West Street/Route 9A while the UPS vehicles enter and exit on Washington Street would conflict with the operations at the St. John's Center and at the UPS Distribution Facility. If the nominal additional mileage associated with this was deemed excessive, then working in conjunction with NYCDOT, create a cut through in the dividing island along West Street/Route 9A and the installation of a traffic lighted intersection opposite of DSNY's entrance/exit. In addition, the two way section of Spring Street, between Washington and West Street/Route 9A, could be a one-way street, thus limiting traffic to flow westwards along this one block portion of the street.

Response: UPS operations activity peaks at night, while DSNY activity peaks during the day, minimizing the potential for conflict. Having all DSNY vehicles enter and exit onto West Street/Route 9A would result in additional vehicle miles traveled by MN 1 vehicles. If MN 1 vehicles were required to enter and exit onto West Street/Route 9A, it would require the trucks to travel north on West Street/Route 9A and then travel south through CD 2, resulting in additional truck traffic in CD 2. In addition, as stated in the FEIS, the majority of DSNY vehicles would enter and exit the proposed garage during off-peak hours. The traffic impacts predicted can be mitigated without creating a cut through the median of West Street/Route 9A and adding a signal or making Spring Street one way for the block between West Street and Washington Street.

135. Comment: The elimination of the District 5 garage would result in reducing truck traffic by several thousand miles per year.

Response: The project will result in an overall reduction in collection truck travel of approximately 3,677 miles annually. DSNY trucks servicing MN District 5 would have to travel about one additional mile outside their current collection route. The majority of DSNY trips associated with District 5 occur during off-peak hours.

136. Comment: This area has severe traffic issues due to the proximity to the Holland Tunnel, Lower Manhattan Construction Command Center project routes, the potential expansion of Pier 40 parking and new hotels in the area. This proposal does not adequately address the additional truck traffic that will be introduced.

Response: As stated in the FEIS, the majority of trips associated with the Proposed Action occur outside the study area peak hours when traffic associated with the Holland Tunnel and other businesses are at their peak. Relatively few intersections in the area will be significantly affected by the Proposed Action. Mitigation for these impacts has been proposed. As indicated in the FEIS, the traffic analysis accounts for two consecutive peak hour trips generated by the proposed garage for each peak hour analysis time period to be conservative. It is unlikely that all peak hour trips associated with the Proposed Action accounted for in the traffic analysis would occur within the same hour period. It is expected that weekday AM garage peak-hour operations will occur between the hours of 6 AM and 8 AM based upon existing and proposed DSNY operations, earlier than the normal commuter peak period. Therefore, project peak AM background traffic volumes were chosen.

137. Comment: DSNY did not accurately estimate the number of truck trips on a peak day. It was estimated by the commenter that the number of truck trips would be between 600 and 700 daily trips, because DSNY did not accurately add together the 126 trips from MN 1, 158 trips for MN 2, 172 trips for MN 5 and does not account for the number of vehicles returning to the garage for lunch break.

Response: See response to Comment 132. The traffic analysis was conservative, as noted in the Traffic chapter and elsewhere in these responses.

138. Comment: The large number of vehicle trips would jeopardize the health of vulnerable residences, such as seniors and children and the TriBeCa residents who breathed in particles following the World Trade Center collapse, the users of Hudson River Park and the new TriBeCa segment and the Pier 40 baseball fields.

Response: Vehicles trips are spread out throughout the day, the majority of which occur during off peak hours. In addition, an analysis of potential air quality impacts due to the Proposed Action indicated that there would be no significant impacts. Please see responses to comments on the Air Quality Chapter.

139. Comment: DSNY indicates that 12 relay trucks would sit in the garage for up to eight hours each day. However, since DSNY reports that two-thirds of the MN 1 and MN 2 trucks are relayed, and the two districts have a total of 42 collection trucks, there would actually be up to 28 MN 1 and MN 2 trucks relayed on a peak day. In addition, MN 5 would have a number of relays. Assuming a low-ball estimate of one-third of MN 5 trucks relayed, that would mean up to 35 garbage-filled trucks would be relayed.

Response: This comment is incorrect, as relay figures presented and analyzed are quite conservative, for several reasons. First, recent DSNY overtime policy encourages DSNY staff to dump waste immediately following collection routes, which has reduced relays in the City. Second, relays associated with MN 5 refuse are included in the Future Build analysis, but would no longer be necessary (except for basket truck relays) once the East 91st Marine Transfer Station is operational; this is projected by the garage's build year, but no credit was taken. Third, no credit was taken for the Recycling MGP and paper relays which will no longer be necessary when the Gansevoort Recycling Marine Transfer Station is operational, as recently approved by an amendment to the Hudson River Park Act (that facility's build year will likely be after the garage's build year). As a result, from one third to one half of the relays assumed in the Future Build are expected to no longer be necessary, when these other facilities are operational. In addition, the majority of relay trips occur after 7 PM during off peak hours.

140. Comment: Children and adults in the area will be at risk due to additional truck traffic generated from the Proposed Action.

Response: See response to Comments 136 and 138. A review of the *CEQR Technical Manual's* Traffic and Parking Appendix 1 Recent High Pedestrian/Vehicle Accident Intersections and more recent figures provided by NYCDOT indicate that no study area intersections are high accident locations. In addition, no significant impacts to air quality would occur as a result of the Proposed Action.

141. Comment: The DEIS indicates that District 5 trucks will have to travel across two full Community Districts before they begin their route. Surely there is a more efficient way to serve this sanitation district that will limit the miles of truck travel and the areas adversely impacted.

Response: See response to Comment 131. Proposed MN District 5 trucks would exit to West Street/Route 9A along the edge of MN District 2 on a designated through truck route, avoiding travel across residence districts. North of MN District 2, MN District 5 trucks will travel on routes similar to those they already travel on today. Collection truck travel overall will decrease, although MN 5 travel would increase somewhat on arterial roadways.

142. Comment: The DEIS does not take into account truck traffic expected to be generated by the proposed Solid Waste Transfer Station on the Gansevoort Peninsula, hotels currently under construction and Pier 40 development.

Response: The traffic analysis incorporates all approved future projects scheduled to be implemented by the 2012 project Build Year within the traffic study area. In accordance with the *CEQR Technical Manual*, it was determined that the recommended CEQR background growth associated with Manhattan traffic exceeded the growth expected from future development sites. Therefore, it was assumed that each of the developments was included within the recommended background growth rate and these did not need to be superimposed on top of recommended growth. Information regarding No Build soft site development was obtained from the NYC Department of Buildings Information System, through interviews with NYCDCP staff, and other public agencies and sources. The Gansevoort Marine Transfer Station was referenced in the DEIS, however, the full nature of this action including the level of traffic anticipated has not been defined at this point in time. This action would be the subject of a separate environmental review. No credit was taken in the traffic analysis for reductions in truck trips (such as relay trips) expected as a result of this action. The projected garage project savings in vehicle miles traveled from current conditions (3,677 miles annual) takes into account the future Gansevoort recycling transfer facility.

143. Comment: If up to four schools are constructed at Pier 40, DSNY vehicles entering and exiting the garage at 3 PM in the winter would jeopardize the safety of the children leaving school. If other development occurs at Pier 40, the amount of traffic in the area could increase dramatically.

Response: See response to Comment 142. The project would generate few or no truck trips southbound along West Street/Route 9A at 3 PM. DSNY drivers are trained and instructed to obey all traffic laws and drive safely. Safety issues associated with other proposed actions are outside the scope of this environmental review.

144. Comment: Traffic studies used in the DEIS are more than three years old and obsolete according to CEQR guidelines. DSNY should be required to conduct new traffic studies.

Response: Traffic data collected in the DEIS were performed less than three years prior to the published date of the DEIS.

145. Comment: The Proposed Action will cause major gridlock and inefficiencies for DSNY operations because of already congested conditions existing on the streets near the Holland Tunnel.

Response: See response to Comment 136.

146. Comment: NYCDOT has reviewed the traffic analysis and proposed mitigation and finds it acceptable.

Response: Comment noted.

147. Comment: The creation of four or five new public schools is currently being studied by the NYC School Construction Authority since the DEIS was made public: three or four at Pier 40 and another at 75 Morton Street. The schools would place children and parents on the streets in the early morning and mid-afternoon hours when DSNY truck traffic would be at its highest.

Response: Please refer to response to Comment 19 and 143.

148. Comment: DSNY should be required to conduct new traffic studies as the CEQR protocols have not been followed, resulting in an underestimation of traffic volume and impact.

Response: The traffic study conducted in the FEIS followed methodology described in the *CEQR Technical Manual*. Weekday AM and PM (mid-afternoon) peak hours reflect similar peak hour operations for MN Garages 2 and 5 (See Table 17-6). As indicated in the FEIS, the traffic analysis accounts for two consecutive peak hour trips generated by the proposed garage for each peak hour analysis time period to be conservative. Furthermore, it is unlikely that all peak hour trips associated with the Proposed Action accounted for in the traffic analysis would occur within the same hour period.

149. Comment: CEQR guidelines say that traffic counts should not be taken on either the day before or after a holiday because the data does not represent a typical traffic day. According to the “Turning Movement Count Summary” (Appendix C in the DEIS), 15 minute turning movement counts were taken from 6:45 AM to 8 AM on Tuesday, January 16, 2007, the day after Martin Luther King Day. CEQR also provides (p. 30-8) that the traffic counts reflect a “representative day.” DSNY failed to take turning movement counts during its weekday PM peak.

Response: Please see Chapter 17 of the FEIS. Turning movement counts were collected in February 2007. The *CEQR Technical Manual* provides (p. 30-6) that the traffic analysis considers the condition that would reflect the worst impact condition, “the existing peak or the proposed action peak” if the two peaks are not coincidental or nearly coincidental. Project peak hours are expected to occur before the existing background peak hours. In addition, little activity is expected from the proposed garage during normal background peak hours. DSNY collected turning movement count data during project peak hour periods as this condition is expected to reflect the worst case condition. The proposed garage is expected to have little effect on the PM commuter peak hour.

150. Comment: The balance of turning movement counts was taken on Thursday, June 15, 2005 from 6:45 AM to 8 AM at Spring Street/West Street/Route 9A, Houston Street/Washington Street, West Street/Route 9A/West Houston Street, West Street/Route 9A/Clarkson Street, West Street/Route 9A/Canal Street, Canal Street/Washington Street, and Spring Street/Washington Street. This data count is understated because DSNY peak summer period occurs mid-day on Saturdays, not weekday mornings.

Response: Turning movement count data was collected and analyzed on both weekend and weekday DSNY peak periods which include the mid-day summer Saturday time period.

151. Comment: DSNY has different winter and summer trip patterns (e.g., DEIS Tables 17-6 and 17-7 show that more employees drive to work in the summer; summer work shifts start earlier than winter shifts; and more recycling collections occur in the summer peak). DSNY should, therefore, be required to conduct separate winter and summer studies of each intersection in order to accurately project future winter and summer traffic patterns.

Response: The traffic study performed already includes DSNY operations during the peak winter and summer condition.

152. Comment: The automated traffic counts taken from June 12 through June 17, 2005 were not representative of the winter traffic patterns. June traffic volumes are not representative of winter traffic patterns. As noted in the CEQR Technical Manual (p. 30-8), “[T]raffic counts should reflect typical conditions at the locations being analyzed,” and should not be taken when traffic volumes or patterns are unusually high or low, such as the peak pre-Christmas shopping season “or the last half of June and all of July when schools are closed and many people are away on summer vacation.”

Response: Traffic data was collected prior to the closing of New York City public schools and the start of summer as deemed acceptable by the *CEQR Technical Manual*.

153. Comment: DSNY has failed to include an adequate study area of traffic intersections.

Response: Please refer to response to Comment 131. Traffic study intersections were selected using criteria detailed in the *CEQR Technical Manual* and at intersections experiencing a large increase in project-related peak hour traffic.

154. Comment: There is no assessment of the Gansevoort MTS and of the Manhattan vehicles that currently go to New Jersey to dump recyclables, thus increasing the vehicular traffic along Route 9A and the refueling of vehicles using the Gansevoort MTS at the proposed garage.

Response: Please refer to responses to Comments 136 and 142. The Gansevoort Recyclables MTS will undergo a separate environmental review. Trucks using that facility from other districts would refuel at their own garages. The majority of vehicles currently going to New Jersey to dump recyclables will travel on routes to New Jersey similar to existing routes in the build year. It is expected that vehicles refueling at the existing MN 1 garage will continue to refuel at the proposed garage. No increase is proposed or expected in the number of other agency vehicles that fuel in the proposed garage compared to such activity at the MN 1 garage at present. The Gansevoort facility currently fuels approximately one other agency vehicle per day. Some other agency fueling is expected to shift to the West 57th Street DSNY Garage that will open in summer of 2008.

155. Comment: There is no assumption in the DEIS of growth in operations by UPS, Federal Express, or the Hudson River Park Trust which may impact traffic.

Response: Please refer to response to Comment 142. Non-project related growth was included in the 0.5 percent per year growth rate as per the *CEQR Technical Manual*.

156. Comment: The DEIS does not take into account the large number of hotels built or being built in the area. Hotel visitors have traffic patterns different from workers and residents. They enter and exit their hotel multiple times a day; they arrive and leave primarily by taxi; and their peak activity occurs

during the early- and mid-afternoon hours (for check-ins and check-outs), concurrent with the DSNY PM peak. Hotel traffic volumes and patterns should be incorporated into DSNY's traffic assumptions.

Response: Please refer to response to Comment 142. In addition, the majority of taxis are considered to be existing to the study area.

157. Comment: The DEIS traffic analysis does not take into account the large number of businesses moving into the neighborhood.

Response: Please refer to response to Comment 142.

158. Comment: The DEIS traffic analysis does not take the large number of new residential units and projected growth of residents. The CD 1 population is expected to double by 2013, which means increased DSNY sanitation and relay trips and employee vehicles resulting from the increased population.

Response: Please refer to response to Comment 142.

159. Comment: There is no analysis of the vehicles from the salt shed that would need to refuel at the proposed garage.

Response: A significant number of vehicles refueling from the salt shed is not expected and would likely occur during off-peak garage hours.

160. Comment: There is an unacceptable LOS (basically, delay/second per vehicle at an intersection) of E or F at several intersections, including Canal Street north/West Street/Route 9A during the weekday AM and PM peak hours; Houston Street/West Street/Route 9A during the weekday AM and PM peak hours and during the weekend midday peak hour; and Spring Street/Hudson Street during the weekday PM peak hour. The Proposed Action will worsen these conditions.

Response: The traffic analysis follows CEQR methodology (refer to page 30-27 in the *CEQR Technical Manual*) and recommends mitigation as per CEQR guidelines. Peak facility traffic hours would not coincide with background peak periods, as explained in the Traffic chapter. No intersection was found to be unmitigable under CEQR.

161. Comment: Several intersections are already operating at or near capacity in at least one direction, as measured by volume-to-capacity (V/C) such as, during the weekday AM peak hour at Canal Street north/West Street/Route 9A, Clarkson Street/West Street/Route 9A and Houston Street/West Street/Route 9A, with V/Cs of 0.91, 0.97, and 0.99, respectively; and during the weekday PM peak hour at Clarkson Street/West Street/Route 9A, Houston Street/West Street/Route 9A, and Spring Street/Hudson Street, with V/Cs of 1.0, 1.4, and 0.95, respectively. The V/C at these intersections will be made worse with additional traffic resulting from the Proposed Action.

Response: Please refer to response to Comment 160.

162. Comment: The DEIS does not assess the effect on traffic of a salt shed on Spring Street. It does not address the effect on traffic of the Gansevoort marine transfer station, which would accept paper, metal, glass, and paper recyclables from all Manhattan DSNY trucks and paper from all Manhattan commercial haulers.

Response: The traffic study analyzes typical peak garage operations. Salt shed operations would be limited to intermittent deliveries of road salt and the need to address snow emergencies so as to ameliorate traffic conditions. Based upon historic data, it is expected that no more than six to

ten snow events would occur per year. Therefore, a detailed traffic analysis of salt shed operations was not warranted. Please see response to Comment 142.

163. Comment: By placing a three-district garage, salt shed, and marine transfer station in the district of CD 2, there would be significant traffic changes along the routes traveled by MN 1, 2, and 5 trucks; along the routes traveled by all Manhattan DSNY and private recycling trucks to and from the Gansevoort marine transfer station; along the routes traveled by DSNY recycling trucks to the Spring Street refueling station; and along the routes of salt spreaders from various districts below 57th Street that would use the Spring Street facility. As a result, DSNY has failed to include an adequate study area.

Response: Please see response to Comments 131, 132 and 162. No significant impacts to traffic would occur as a result of the Proposed Action.

164. Comment: DSNY has failed to consider intersections with high accident rates involving pedestrians and motor vehicles, as required by the CEQR Technical Manual (p. 30-4). Based on a review of truck accident locations over the three years, three of the top five truck accident locations in Manhattan were on Canal Street.

Response: Please see response to Comment 140. Only a small segment of Canal Street (between Washington Street and West Street/Route 9A) will experience an increase in truck traffic during the AM garage peak hour time period. All other peak garage time periods will experience a decrease in truck traffic along Canal Street.

165. Comment: Current peak day trips are underreported. The 480 daily peak trips shown in Tables 17-6 and 17-7 of the DEIS do not include activities, such as supervisory personnel leaving the garage multiple times a day, employees and vehicles assigned for “parade” collections, public agency vehicles fueling at Spring Street, and collection trucks from other districts refueling at Spring Street before or after dumping their loads in New Jersey. The numbers also assume no MN 5 collection relays. The numbers further omit DSNY employees returning with their trucks to the garage for lunch break. Mr. Klein has advised the community that two-thirds of MN 1 and MN 2 employees return for break.

Response: The tables have been revised and are accurate. Other agency vehicles already fuel at the existing MN 1 garage and are included in the background traffic of the traffic analysis. Furthermore, such other agency vehicles will not fuel during garage peak hour periods. The traffic analysis was conservative in assuming additional agency vehicles refueling at the proposed garage. “Parade”-related collections would not reflect typical operations and would not generate significant trips during background peak hours. As explained in Comment 139, relay collection trip figures are very conservative and do assume MN 5 collection relays. It is not anticipated that additional collection trucks from other districts will refuel at the proposed garage. Employees trips returning for lunch are included.

166. Comment: In the DEIS, DSNY underestimates traffic impacts. For example, the No Build scenario, would more likely be residential, rather than a commercial building with 1,389 employees assumed by DSNY.

Response: Traffic impacts were identified and mitigated using criteria in the *CEQR Technical Manual*. The existing zoning at the proposed garage site does not currently allow for the development of residential uses, therefore a commercial development was assumed as part of the Future No Build. The estimate of total employees was consistent with the proposed redevelopment of the site as a commercial use.

167. Comment: The DSNY traffic analysis does not account for the large number of residential units being built in and near the immediate area. In addition to the large numbers of residential units being built in the area, a report prepared by the Manhattan Borough President's Office for Community Board 1 indicates that the CD 1 population is expected to nearly double from the years 2000 to 2013.

Response: An appropriate growth factor was applied. Please refer to response to Comments 142, 155 and 158.

168. Comment: DSNY did not account for an increase in the number of DSNY collection and relay trucks and the number of employees that would be required to serve the growing residential populations of the three districts under both the Future Build and Future No Build scenarios. It also did not account for increased collections to serve the multiple new schools that may be built in the districts, such as the elementary school planned at the site of the current Foundling Hospital on West 16th Street.

Response: DSNY does not anticipate significant additional collection trips as a result of growth within the study area by the future 2012 Build Year, based on waste projections in the SWMP, increases in recycling current truck tonnages collected and their overall capacities.

169. Comment: DSNY did not account for Pier 40 development in the DEIS. A decision may be made by the Hudson River Park Trust about Pier 40 development sometime in 2008. One proposal that was considered would have brought up to 8,000 people to the pier daily. The most recent proposal is for three or four schools, after-school basketball programs, and summer camps. As proposed, Pier 40 would also house 75,000 sq ft of retail space, 50,000 sq ft of event space, 600,000 sq ft of public open space and athletic fields, and a total of 2,400 parking spaces. Students would take school buses to and from the Pier during DSNY's peak weekday hours.

Response: Please refer to response to Comments 23 and 142.

170. Comment: The DEIS does not consider the effect that Pier 57 development will have on traffic at Gansevoort Peninsula, which could back up into the study area. One proposal that was considered would have brought 5,000 people to the Pier for one event. A recent RFP was issued for Pier 57, which is returnable in October 2008.

Response: Please refer to response to Comment 142.

171. Comment: Under the Future Build scenario, DSNY did not account for the effect of the salt shed. This could be significant, given that DSNY storm operations are extensive. Salt spreaders restocking salt south of West 57th Street could also use the MN 1/2/5 garage for refueling.

Response: Please refer to response to Comment 162. The salt spreaders assigned to MN 1, MN 2 and MN 5 would be stationed at the proposed garage and would not represent additional trucks. Fueling of salt spreaders south of West 57th Street is not expected to be a regular occurrence. In addition, refueling of non-MN 1/2/5 vehicles would generally occur during off-peak hours. Deliveries of salt to the salt shed would be intermittent and by private vendors, as required based upon road salt usage, and not by DSNY salt spreaders. These vendors would not be allowed to refuel at DSNY facilities.

172. Comment: Under the Future Build scenario, DSNY did not account for DSNY and private trucks using the Gansevoort marine transfer station and DSNY trucks using the Holland Tunnel that would refuel at the MN 1/2/5 garage.

Response: Please refer to response to Comments 139, 142 and 165. Refueling activities resulting from DSNY vehicles using the Holland Tunnel would remain the same as in existing conditions and was included in the traffic analysis.

173. Comment: DSNY's 2007 Annual Report indicates that DSNY maintains a fleet of approximately 500 Flexible Fuel Vehicles and dispenses ethanol from six locations citywide. Since the DEIS indicates that the MN 1/2/5 garage would have a 2,000-gallon ethanol tank (pp. 1-25 and 1-35), and since DSNY's only E85 fueling station in Manhattan is located at 301 West 215th Street, it appears that DSNY would use the Spring Street location to refuel all fuel E85-capable City vehicles below West 57th Street (assuming the MN 4/4A/7 garage at West 57th Street and 12th Avenue also has E85 fueling capabilities).

Response: DSNY does not expect that the proposed garage would fuel significantly greater numbers of other agency vehicles, including Flexible Fuel Vehicles (FFV) (which can take either E85 Ethanol or gasoline) than are currently fueled at the Spring Street MN 1 Garage. Since July 1, 2006 local law prohibits the City's purchase of such bi-fuel vehicles and generally requires that City fleets buy the cleanest light duty and medium duty vehicle in their respective classes, such as the Toyota Prius gasoline-electric hybrid. The fuel tanks and pumps at the proposed garage will be designed to dispense gasoline or ethanol fuel. Both the City's and DSNY's FFV fleet will decline by 2013 when this garage opens.

174. Comment: DSNY's 2007 Annual Report indicates that DSNY will have a total of 26 Compressed Natural Gas (CNG) collection trucks and 29 CNG powered mechanical brooms in 2008. DSNY should be required to indicate whether it plans to house CNG vehicles at Spring Street and where MN 1/2/5 CNG vehicles would refuel.

Response: DSNY does not plan to house CNG vehicles at the proposed garage.

175. Comment: The Mayor proposed to eliminate traffic congestion by charging vehicles entering and traveling within Manhattan weekdays from 6 AM to 6 PM, and encouraging the use of public transportation. However, DSNY would have most employees traveling to or from the area in order to utilize employee parking privileges in the Manhattan 1/2/5 garage on weekdays between 6 AM and 6 PM (Tables 17.6, p. 17-43) during the hours of the highest traffic congestion.

Response: The Canal Area Transportation Study identifies the background peak hour of the Canal Street area to be from 8-9 AM and 5-6 PM. Most employees associated with the proposed garage would have either arrived or departed the garage by the start of either peak hour. Furthermore, employees currently enter and travel within Manhattan to their existing garages. No increase in employee trips entering and traveling within Manhattan is expected. No credit was taken for any future successful congestion pricing initiative.

All of DSNY employees traveling to the proposed garage already travel to the existing MN 1 Garage at Spring Street or to Gansevoort Street, one mile from the proposed site. DSNY has witnessed more employees carpooling or using public transportation as the cost of driving (fuel) has increased. Any government program (congestion pricing) that increases the cost of driving would have a similar effect.

176. Comment: Employee vehicles would exacerbate the already-high levels of area traffic and congestions. DSNY should be required to eliminate employee parking from the proposed facility. City workers should not be encouraged to drive to and from work, while the Mayor discourages non-City workers from driving. Additionally, adequate public transportation is available to DSNY employees. Furthermore, in the event of a winter storm emergency, it would be safer and more reliable for the employees to take public transportation than to drive to work.

Response: Please refer to Comment 175. Car travel by DSNY employees traveling to the proposed garage would be expected to be similar to current employee commuting patterns to the existing MN 1 Garage at Spring Street and to the Gansevoort Peninsula facilities, one mile from the proposed site. DSNY employees often require cars due to their work schedule, which typically includes arrival before 6 AM, as well as evening and night shift work, plus snow emergency duty with extended shifts. DSNY has witnessed more employees carpooling or using public transportation as the cost of driving (fuel) has increased. Any government program (congestion pricing) that increases the cost of driving would have a similar effect.

177. Comment: DSNY employees that choose to drive to work during winter storm emergencies could have alternative side of the street parking restrictions waived on those days.

Response: There is not a significant amount of on street parking spaces available in the area. When alternate side parking is waived, those spaces would be needed and used by area residents.

178. Comment: DSNY has grossly underestimated traffic impacts under both the current Future Build and Future No Build scenarios.

Response: It was determined that the recommended CEQR background growth associated with Manhattan exceeded the growth expected from future development sites. Therefore, it was assumed that each of the developments within the study area was included within the recommended background growth rate and did not need to be superimposed on top of recommended growth as per CEQR. Information regarding the Future Build and Future No Build soft site developments was obtained from the NYC Department of Buildings Information System, through interviews with NYCDPC staff, and other public agencies and sources. Please also refer to response to Comment 142.

179. Comment: A NYMTC report, "Vehicle Classification and Occupancy Survey Report 2006," dated August 2008, shows that the only "off-peak" hours for the West Side Highway are from 12 AM to 5 AM, and the only "off-peak" hours for the Holland Tunnel are from 2 AM to 6 AM. Thus DSNY's shifts will intersect with the peak hours of these major roadways.

Response: Please refer to response to Comment 175. The referenced NYMTC report, "Vehicle Classification and Occupancy Survey Report 2006," dated, August 2008 only refers to Westside Highway traffic entering and leaving the Manhattan Central Business District in the vicinity of the 60th Street corridor. The information provided for the Holland Tunnel reflects traffic through the tunnel and not traffic at the proposed site. In addition, the traffic analysis incorporated the project peak hour conditions when determining the presence of significant adverse traffic impacts and proposing mitigation measures.

180. Comment: Annual miles calculated for MN 1, MN 2, and MN 5 would result in total savings less than 3,700 miles. Total miles driven by MN 5 vehicles would increase by more than 4,200 miles.

Response: Based upon the most currently available information, the DSNY has estimated that the Proposed Action would result in a net reduction of 3,677 VMTs. This has been reflected within the FEIS.

181. Comment: DSNY made errors in the analysis of the traffic impact of the facility by stating during the public hearing that the burden of traffic on Spring Street would be alleviated by redirecting the trucks to Canal Street, one of the most traffic burdened streets in New York City.

Response: The revised traffic analysis included in the FEIS eliminates the need for mitigation requiring a shift in DSNY traffic from Spring to Canal Street. Furthermore, the proposed routing reduces DSNY trucks traveling on Canal Street in the Future Build condition.

182. Comment: DSNY has underestimated the time that it takes for trucks to drive from the proposed facility to Community Board 5. Three minutes, as stated during the public hearing, is not enough time to drive from the proposed garage along West Street/Route 9A to the region between 14th Street and 23rd Street.

Response: MN 5 trucks currently start their route at Gansevoort Street and West Street/Route 9A. The additional travel time for MN 5 trucks to reach their service area from the proposed garage is approximately three minutes.

183. Comment: The statement that 142 non-DSNY vehicles that refueled at Spring Street the week of July 21st is inaccurate. The refueling of non-DSNY vehicles was not included in the study.

Response: The 142 non-agency vehicles refueling at Spring Street is accurate. These vehicles are included in the existing background traffic counts for the area and the numbers were further increased, to be conservative. Please refer to response to Comment 165.

184. Comment: The DEIS does not provide any justification for its reported reduction of 5,600 miles annually in vehicle miles of travel.

Response: Based upon the most currently available information, the DSNY has estimated that the Proposed Action would result in an overall reduction of 3,677 VMTs, compared to current conditions. The relevant analysis is included in the FEIS Appendix.

185. Comment: DSNY has incorrectly stated that there was no impact on the night delivery of sanitation and UPS trucks. This answer is not accurate because during snow days all the refuse is collected in lower Manhattan at night.

Response: DSNY collection activity can be temporarily impacted by severe winter weather events. The traffic analysis in the FEIS reflects normal and routine operations. Please refer to response to Comment 162.

186. Comment: A couple of speakers during the public hearing indicated that they have heard that City vehicles other than DSNY would be refueling at the garage facility; is that incorrect or correct?

Response: That is correct, and would not represent a material change from existing conditions at the Spring Street MN 1 Garage. Please see response to Comment 165.

187. Comment: What other City agencies would be using the facility for refueling?

Response: Routine users include mainly the Metropolitan Transit Authority and NYCDOT, with occasional use by NYCDPR, NYCDEP, Human Rights, City Hall, Corrections, Fire Department, Children's Services and Human Resources Agency.

188. Comment: Please provide a summary of the vehicles that will refuel at the garage from other City agencies other than the DSNY vehicles and which vehicles other than DSNY vehicles were assumed in the analysis to refuel.

Response: Please see response to Comments 165 and 187. The traffic analysis conservatively accounts for the total number of agency vehicles (other than DSNY) refueling during the project peak hours. The analysis does not require information regarding agency type.

189. Comment: During the public hearing, the traffic analyst said that DSNY has been able to mitigate some of the impacts and that there was some minimal impacts. Were traffic impacts able to be mitigated or not?

Response: Traffic impacts can be fully mitigated so that they are no longer significant, using standard impact criteria. A minimal level of mitigation (shifting of 3 seconds or less on a traffic signal) is required to mitigate the impact. Two intersections required such mitigation.

190. Comment: During the public hearing, the traffic analyst indicated that the MN 5 garage would add minimal trips. Are they minimal new trips or are they all new trips to the area?

Response: MN 5 trips are all new trips with the exception of employees already traveling through the study area. Credit was not taken for existing MN 5 employee trips to be conservative. MN 5 collection vehicles would travel on West Street/Route 9A to/from their existing collection routes. This limits the amount of new MN 5 trips to local neighborhood streets and would not involve MN 5 truck travel east of Washington Street in District 2. Please see response to Comment 131.

191. Comment: Is there a plan to change traffic regulations on West Street/Route 9A because of the existing parking lane on West Street/Route 9A? If it is a parking lane, there must be some regulatory sign to permit parking sometime – will that be eliminated so that there is not a situation where there could be a queue and cars actually parked on the curb where now the trucks are not along the curb? If parking was not permissible during the period of time where you believed the queuing will exist, no changes will need to be made? And if parking was permitted then DSNY would have to go to the NYCDOT to restrict parking and eliminate parking along that stretch? There would be no change in whatever regulations exist around the block?

Response: Parking is prohibited. However, currently DSNY already uses a portion of the lane to park DSNY trucks. Parking would continue to be prohibited with the Proposed Action.

192. Comment: How many vehicles will come back to have lunch at the facility? Was this analyzed in the DEIS?

Response: It is estimated that approximately 17 vehicles will return to the proposed facility to have lunch during the weekday. The weekday Midday was not analyzed in the DEIS, however the analysis in the FEIS was revised to incorporate lunch period trips.

193. Comment: How many trucks are envisioned at the height to be in a queue? How many of these on West Street/Route 9A?

Response: Four trucks can fuel at one time. Another seven to eight trucks can queue along the curb lane on West Street/Route 9A.

194. Comment: The CEQR protocols have not been followed. Refueling is an underestimation of the traffic volume and impact, and DSNY should be required to conduct new traffic studies, as there are (a), unrepresented time period samples; and (b), there is a failure to include an adequate study area of traffic intersections. CEQR requires that a mega project encompasses 100 or more intersections of study areas.

Response: The study area was sufficient. It is expected that weekday AM garage peak hour operations would occur between the hours of 6 AM and 8 AM based upon existing and proposed DSNY operations. Therefore, only a limited number of trips (if any) would be generated as a result of the Proposed Action during normal commuter traffic peak hours. In addition, the revised traffic analysis included in the FEIS analyzes the midday peak hour period. The study area was sufficient. Please refer to response to Comments 149, 153 and 165.

195. Comment: The DEIS does not consider unsafe and problematic locations and the high number of truck accidents and pedestrian accidents in the Canal Street corridor.

Response: Under the proposed routing, DSNY reduces the number of collection vehicles traveling along Canal Street. In addition, no study intersection was identified as a high pedestrian/vehicle accident intersection in the *CEQR Technical Manual* appendix.

196. Comment: The DEIS underestimated the current peak days and actual day trips.

Response: Please refer to response to Comment 165. The traffic analysis assesses two typical peak day scenarios.

197. Comment: In evaluating both the Future Build and No-Build scenarios, DSNY has underestimated traffic impact by not taking into account the following: There is no assessment of the Gansevoort MTS and the Manhattan vehicles that currently go into New Jersey to dump recyclables, although these vehicles using the Gansevoort MTS would refuel at the District 1, 2, 5 garage. There's no assumption of UPS or Federal Express growth.

Response: Please refer to response to Comments 139, 142, 154 and 155.

198. Comment: The DEIS is not taking into account nine hotels that have been or will be built in the area and the difference in traffic patterns of hotel guests from workers or residents – or the large number of businesses moving into the neighborhood, and the large number of new residential units being built in the area.

Response: Please refer to response to Comments 142 and 156. In addition, several of these locations were located outside the limits of the study area used for the environmental review.

199. Comment: There is no traffic salt shed analysis. Vehicles using the salt shed will also refuel at MN 1, 2, 5.

Response: Please refer to response to Comments 159 and 162. It is anticipated that the salt shed would be used between six and ten times per year for snow emergencies. The majority of vehicles that would use the proposed salt shed would be assigned to the new garage and were incorporated into the traffic analysis.

200. Comment: The mitigation proposed by the DEIS is inadequate. One solution to mitigate traffic at Spring Street is a second transfer of the green light from Hudson to Spring Street.

Response: The proposed mitigation has been reviewed with the City, NYCDOT and appropriate technical staff there have indicated that it will be sufficient. Please refer to response to Comment 160.

201. Comment: What kind of fuel is going to be at this facility? Is it just natural gas? Is it diesel?

Response: Fuel storage would be B5 biodiesel, gasoline, and E85 ethanol, in addition to motor oil lubricant.

202. Comment: How long does it take to fuel a truck and how many gallons does one truck take?

Response: It takes approximately three minutes to fuel an average collection truck. A truck fuel tank can hold as much as 50 gallons, although trucks being refueled at the end of their shift typically require less than this maximum. Refueling and moving a truck out of the way is conservatively assumed to take five to six minutes.

203. Comment: It is not understood how additional cars that show up or other vehicles show up to be fueled can be accommodated while fueling the trucks at the same time. There seems to be a queuing problem here. There is a tight situation to have another vehicle fuel there because there is no reserve space.

Response: Please refer to response to Comment 165. Other agency vehicles will refuel during off-peak hours, when DSNY trucks are not refueling.

204. Comment: Refueling of all City vehicles is not talked about in the DEIS. Refueling at the proposed project site should only be for DSNY vehicles.

Response: Please refer to response to Comment 165. Such trips were accounted for in the traffic analysis. Other city agency vehicles already refuel at the existing MN 1 Garage. Discontinuing such fueling would cause inconvenience to other agencies and likely cause more vehicle miles to be traveled, contrary to the City's sustainability goals.

205. Comment: DSNY has failed to include the impact of employee traffic at the facility as well as the traffic related impact of using the proposed facility to fuel official City vehicles.

Response: Please refer to response to Comment 165. Trips generated by employees were included in the traffic analysis.

206. Comment: Regarding on-site circulation of DSNY trucks, please provide the following for all three districts:

- How many shifts are in a day for each district;
- At what hours do shifts start and end;
- What happens to trucks half full of garbage at the end of a shift;
- What happens when trucks are full before the end of an 8-hour shift;
- When during a shift does truck washing and refueling take place;
- Where does queuing take place and for what periods;
- What routes do trucks from each district take for washing and refueling;
- Are DSNY employees permitted to wash personal cars in the truck wash;
- In between collection shifts, which district's trucks go to the marine waste transfer station at 91st Street and which to New Jersey; and
- How many vehicles from other City agencies are anticipated to refuel at the refueling facility and at what times?

Response: Please refer to Section 17.5.1 in the FEIS regarding DSNY working shifts.

All trucks either return to the garage or travel to the transfer station or disposal location at the end of the shift regardless of the amount of waste collected. Trucks are typically relayed on the

following shift. Trucks from one day shift (6 AM to 2 PM) would be relayed before the start of the next day shift; they would either be full or half full of garbage or recyclables. No trucks will store garbage overnight.

Please refer to Section 17.5.1 in the FEIS regarding truck washing. Trucks are scheduled to be washed every two weeks or more often if necessary. Truck washing generally occurs in the evening. Truck refueling occurs at the end of the shift when trucks return to the garage. Queuing may occur along West Street in the existing parking lane when trucks are being refueled at the conclusion of their shift.

No special route exists for truck refueling, since refueling occurs when trucks return to the garage. No assigned route exists for truck washing.

MN 1 and 2 trucks will continue to travel to New Jersey for disposal, while MN 5 would travel to the Marine Transfer Station at East 91st Street under the Proposed Action.

Approximately 20-25 other agency vehicles per day on average are anticipated to refuel at the facility (same as at the existing MN 1 facility) during project off-peak hours.

207. Comment: Regarding traffic and emissions associated with DSNY employees parking of personal vehicles:

- Please explain scheduling for all three shifts and anticipated routes;
- When would the peak shift of 108 employees be; and
- Of the employee vehicles, how many would be SUVs not subject to auto emissions standards?

Response: Please refer to Section 17.5.1 in the FEIS regarding scheduling for working shifts. Please refer to Section 17.5.2 of the FEIS regarding anticipated routes.

It is expected that the peak shift of 108 employees will occur during the AM weekend shift from 6 AM to 2 PM; this number is conservative, as explained above in the response to Comment 139.

The DSNY is not required to monitor the type of personal vehicles that its personnel use and does not have this information available.

208. Comment: There should be an off-site parking analysis, including the loss of parking due to construction.

Response: Please see Chapter 21 of the FEIS regarding construction related traffic and parking impacts. Construction of the Proposed Action is expected to be relatively short in duration. The *CEQR Technical Manual* states on page 3S-1 “If the duration of construction is expected to be short-term, those impacts are considered temporary and, therefore, not significant, and a detailed analysis is not needed.” Under *CEQR Technical Manual* guidelines, a detailed parking analysis is not warranted.

209. Comment: What are the total number and types of vehicles on-site including DSNY, employee vehicles, and UPS vehicles?

Response: It is estimated that a total of 128 DSNY vehicles will be assigned to the proposed garage. These vehicles include collection trucks, open dump trucks, flushers, front end loaders, salt spreaders, large wreckers, van transports, cargo vans, fork lifts, passenger cars, 4x4s, and haulsters. It is anticipated that approximately 75 employee vehicles will be parked at the garage during a working shift.

210. Comment: What will be the effect on the M-21 bus route that uses Greenwich Street and Spring Street?

Response: The traffic analysis considered the potential for significant adverse traffic impacts (if any) along Spring Street and Greenwich Street within the traffic study area. All adverse traffic impacts were successfully mitigated by proposed mitigation measures. Bus stops were included in the capacity analysis. Traffic on Spring Street will be similar to current conditions. No impacts on the M21 bus are anticipated. See response to Comment 131.

211. Comment: How will the coordination of traffic with the UPS facility be handled?

Response: Significant DSNY activity during peak UPS operations is not anticipated. DSNY will coordinate with UPS any anticipated traffic related conflicts with UPS operations on an as-needed basis. The DSNY has coordinated with UPS regarding expected short-term impacts during construction of the proposed garage. UPS has agreed to temporarily relocate its current operations within the UPS Trailer Storage Lot to the roof of the Package Distribution Building until such time that these trailers can be relocated to the first floor of the proposed garage site.

Parking

212. Comment: Employees should park personal vehicles at Pier 40 or at another location off-site instead of inside of the proposed garage.

Response: Removing employee parking from the small vehicle storage level of the proposed garage would not significantly change the height or configuration of the building, but would impose significant costs and inconvenience upon DSNY workers, who must start their shifts at 6 AM for much of the year, in many cases leaving home between 4 and 5 AM, and be available at all hours for snow emergencies. The entrance to Pier 40 is more than 1,500 ft from the employee entrance of the garage. The actual distance between the proposed garage and areas on Pier 40 where employees could park can approach one-half mile. DSNY employee parking at Pier 40 or another location off-site would compete with parking needs of area residents and businesses.

213. Comment: Revenues from DSNY employees using Pier 40 for parking instead of having employee parking inside of the proposed garage can be used as part of the Hudson River Park budget.

Response: DSNY does not believe the potential indirect benefit to Hudson River Park would justify the expense and inconvenience to DSNY workers from this suggestion. Please also see response to Comment 212.

214. Comment: The design of the facility to allow for employee parking goes against the Mayor's efforts to "green NYC" by encouraging employees to drive to work, which is in contrast to the Mayor's goal of reducing congestion. Removing employee parking from the site would be in-line with the Mayor's goal of a "green" New York and would reduce the height of the building.

Response: The Proposed Action will result in the annual reduction of approximately 3,677 collection truck vehicle miles traveled compared to current conditions, which supports the goal of a more environmentally sustainable NYC. The facility will be a "green" building and will provide proper support facilities for personnel who carry out the City's recycling efforts, a key component of such sustainability. DSNY's workforce assigned to the three district garages in question mainly live outside of Manhattan and include the surrounding counties where mass transit options between 4 and 5 AM are very limited and are subject to disruption during winter

emergencies when DSNY personnel are on call. Commuting by car to the facility will not add overall trips to the road network (no increase in such employee commuting is projected or proposed) and will occur in the AM before the peak background period, and before the peak congestion period in the PM for the Canal Street Area corridor. Eliminating employee parking would not lower the building's height, as a small vehicle parking level would still be required for DSNY's light duty vehicles.

215. Comment: The three lane ramps inside of the building add to the overall size of the building and are unnecessary given the low probability of on-ramp break downs.

Response: DSNY's architects and operations staff feel it is prudent to provide a by-pass lane on the ramps for the facility. As the detailed design process proceeds DSNY will continue to explore opportunities for cost savings, including possible reductions in building width. Therefore the analysis of the building scale and impacts in the EIS is conservative.

216. Comment: The DEIS states that 80 percent of its staff would travel in private vehicles, with an occupancy rate of 1.1 persons per vehicle. This makes it seem that employee parking will not only be for emergencies, as DSNY Commissioner Doherty has previously stated.

Response: DSNY has conservatively assumed that personnel commuting travel modes for the three district garages would not change from current conditions. Employee parking therefore would not be limited to emergency use. Please also see response to Comment 214.

217. Comment: DSNY should examine the possibility of a designated section of a local street that DSNY workers could utilize in emergencies.

Response: DSNY believes it would be impractical to seek to displace parking on local streets for its employees' vehicles during an emergency. Availability of curbside parking in the area also cannot be guaranteed in emergency situations.

218. Comment: In the revised July 2008 Table about peak day trips in the summer and winter months, DSNY arbitrarily reduced employee trips. DSNY indicated that this was the result of fewer employees driving to work due to high fuel costs, but the NYMTC reports a change in average weekday bus and rail ridership by 3.7 percent, not by 11 percent, as employee daily trips during the summer months were reduced in the July 2008 peak day trips in the summer.

Response: It would be incorrect to use the NYMTC report for mode split comparison since many more DSNY employees commute to work via auto when compared with a typical commuter in Manhattan.

219. Comment: DSNY's peak day numbers do not include employees and vehicles assigned to Districts 1, 2, and 5 for garbage collection after parades.

Response: The peak day numbers provided in the FEIS include employee and vehicles used on a routine/normal peak day. It does not include garage activity for snow emergency or post-parade cleanups. Winter emergencies can occur at any time. Post-parade cleanup occurs during the 4 PM shift and may carry over to the 8 AM shift. Post-parade activity has no impact on the day shift, when most DSNY traffic occurs.

220. Comment: If employee parking was removed from the site, could you then create the reserve spaces that are being requested? And would that, in turn, eliminate the need for queuing? Is there any possibility of creating reserve spaces? And in fact if they were created, that would mitigate the queuing situation?

Response: The area designated for small vehicle/employee parking is not directly connected to any of the large vehicle storage floors. This floor is not being designed to support the weight of DSNY trucks since only small vehicles would be parked on this level. The floor is only accessible from Washington Street. No reservoir space for trucks can be created on this level. No queuing of end-of-shift refueling collection trucks beyond the building frontage on West Street is anticipated or will be permitted.

Transit and Pedestrians

221. Comment: DSNY fails to note that the number of pedestrians is expected to increase under either the Future Build or Future No Build scenarios due to the following conditions:

- The half-mile long TriBeCa segment of the Hudson River Park, which opened on July 23, 2008 brought new tennis and basketball courts, a nature walk, and granite-paved esplanade;
- The opening of Piers 25 and 26 in early 2012 that will include a playground, skate park, basketball court, water taxi dock, dog run, lawns, and a community boat house;
- The future development of Pier 40, which may include up to four schools on the Pier, bringing large numbers of schoolchildren to the neighborhood and after-school programs and summer camps to the area;
- Each project envisioned under the “Envisioning Hudson Square” Design Charette, anticipated pedestrian access from the UPS site and/or the St; John’s Center to the Hudson River Park; and
- Continued residential development in the area will increase pedestrian volumes.

Response: Pedestrian conditions are not expected to deteriorate as a result of the proposed garage since the garage is not considered a significant pedestrian trip generator. Potential pedestrian impacts resulting from other planned developments should be addressed by the respective proposed project(s).

222. Comment: Currently, vehicles for DSNY’s existing MN 1 garage are parked on the Spring Street sidewalk from Washington to West Street/Route 9A and there is frequently a significant odor emanating from the MN 1 garage. These conditions discourage pedestrians from using that area.

Response: Under the Proposed Action, existing MN 1 garage vehicles that are currently parked on the Spring Street sidewalk and other streets within the area would be parked within the new garage. No street parking of DSNY vehicles would occur under the Proposed Action and therefore no adverse impacts to pedestrians would occur.

223. Comment: During and after the construction period, the increased number of vehicles that would result from the Proposed Action could increase the unsafe conditions for pedestrians at already-documented high accident location.

Response: The majority of MN 1 and 2 vehicles already exist in the study area. Overall, new MN 5 trips would avoid traveling through local residential streets and travel mainly on West Street/Route 9A to get to their existing collection routes. Furthermore, no study intersection was identified as a high accident location in the *CEQR Technical Manual* appendices.

224. Comment: DSNY’s Table 17-7 in the DEIS projects a total of 107 vehicles entering or exiting the garage from 12 PM to 1 PM on a summer Saturday, during a period in which the Hudson River Park has significant active and passive recreational use. There would also be significant use of Pier 40 from 12 PM to 1 PM, when summer school programs would be in session and camp programs and ball fields would be in uses. This could endanger pedestrians in proximity to the Proposed Action.

Response: Table 17-7 in the FEIS indicates a total of 99 vehicles entering and exiting during a summer Saturday between 12 and 2 PM. To be conservative, the traffic analysis assumed two hours of DSNY vehicle traffic when analyzing the garage peak hours. In addition, more than half of these vehicles are autos, and approximately 60 percent of collection trips already exist in the study area during this peak hour period.

225. Comment: As shown on DEIS Table 17-6, 86 vehicles would enter and exit the garage at 3 PM in the winter, when many children would be leaving school.

Response: Please refer to response to Comments 223 and 224.

226. Comment: There is no logic in having three new curb cuts on Washington Street when a brand new bike lane has just been created there.

Response: The bike lane is on the eastern side of Washington Street and would not be affected significantly by the proposed curb cuts on the western side of Washington Street.

227. Comment: More than 100 vehicles would enter or leave the garage on summer Saturdays between noon and 1 PM, increasing the accident risk to pedestrians and bicyclists going to the Hudson River Park and Pier 40 ball fields.

Response: Please refer to response to Comments 223 and 224.

228. Comment: A cross walk should be constructed at the intersection of West Street/Route 9A and the north side of Canal Street (west bound) and/or at the intersection of West Street/Route 9A and Spring Street.

Response: There is currently a cross walk on West Street at the south side of Canal Street. The suggested cross walk is not part of the scope of the project, which will not affect that location by sending additional collection trucks there. The issue of any new crossings of West Street to the Hudson River Park should be discussed with NYS/NYCDOT and the Hudson River Park Trust.

229. Comment: DSNY underestimates current pedestrian traffic and the resulting expected increase in pedestrians from new development in close proximity to the Proposed Action.

Response: Please refer to response to Comment 221.

230. Comment: Pedestrians are currently unwilling to use the west end of Spring Street due to the fact that DSNY trucks and employee vehicles are parked in the area and odors that emanate from the garage and trucks. A three-district garage would make these conditions even worse and would prohibit pedestrians from being in this area.

Response: Please refer to response to Comment 222.

231. Comment: The Department of Sanitation fails to take into account the ongoing change in the neighborhood and the resulting expected increase in pedestrians.

Response: Please refer to response to Comment 221.

232. Comment: The proposed three-district garage would have a tremendous impact on transit and pedestrians in the neighborhood. Not only would it endanger current and future pedestrians already in the area, it would deter a great number of others from visiting.

Response: Please refer to response to Comments 221 and 223.

Air Quality

233. Comment: The Hudson Square area is already an unacceptable threat to air quality and public health. Air quality, which leads to adverse health impacts, will be impossible to mitigate once the Proposed Action is constructed

Response: Air monitors throughout the City measure pollutant levels that relate to widespread areas (mesoscale). These pollutant levels are commonly called background levels, which determine the attainment/non-attainment status of an area. New York County is in attainment for all criteria pollutants except ozone, PM_{2.5} and PM₁₀. Based on the nature of the Proposed Action, CEQR requires a review of potential CO and PM₁₀/PM_{2.5} impacts. DSNY trucks/vehicles servicing MN 1, MN 2 and MN 5 are currently traveling the roadway network. Overall, the future Proposed Action located at Spring Street would reduce the amount DSNY vehicles travel in a year by 3,677 VMTs. In addition, DSNY is retrofitting its trucks with particulate traps and buying new trucks with factory-installed particulate filters. Reduced VMTs and cleaner trucks are expected to provide positive benefits to regional air quality for all three of the non-attainment pollutants. In addition, the FEIS presents results of the microscale air quality analysis, which concluded no significant localized adverse air quality impacts are expected due to the Proposed Action.

234. Comment: Garage will have major air quality impacts throughout lower Manhattan.

Response: The air quality analysis performed and summarized within the FEIS followed CEQR procedures, methodologies and requirements. The analysis concluded no significant adverse air quality impacts as a result of the Proposed Action are expected.

235. Comment: According to USEPA statistics, air quality in Hudson Square is the worst in Manhattan with the exception of the Queensboro Bridge. Air quality in Hudson Square is worse than the air quality in Harlem and all of the Bronx, including the South Bronx.

Response: The Proposed Action will result in lower emissions overall than at present. Please see response to Comment 233.

236. Comment: The Proposed Action flagrantly disregards the Mayor's PlaNYC goals to reduce greenhouse gas emissions and improve air quality.

Response: This comment is incorrect. The project will result in lower building and vehicle emissions than at present from the three existing garages, and will reduce annual collection truck travel by approximately 3,677 VMTs compared with existing conditions.

237. Comment: The Proposed Action would result in significant air quality degradation.

Response: The air quality analysis performed and summarized within the FEIS, followed CEQR procedures, methodologies and requirements. The analysis concluded no significant adverse air quality impact as a result of the Proposed Action is expected.

238. Comment: The air quality near Canal Street would be further eroded by DSNY's planned garage and City-wide refueling station at Spring Street.

Response: See response to 233. In addition, the incremental increase of project-related vehicles and the refueling of city cars on the roadway network concluded no localized significant adverse air quality impacts as well.

239. Comment: DSNY's proposals, including providing employee parking and moving the MN 5 garage further from its district, would further deteriorate air quality and increase global warming.

Response: DSNY trucks/vehicles servicing MN 1, MN 2 and MN 5 are currently traveling the roadway network. Overall, the future Proposed Action (MN 1/2/5) would reduce the amount DSNY vehicles travel in a year by 3,677 VMTs. Reduced VMTs are expected to provide positive benefits to regional air quality.

240. Comment: No air emissions are estimated from the solid wastes in DSNY's garbage trucks in the DEIS.

Response: CEQR guidance does not require an analysis to quantify air emissions from solid waste within DSNY's trucks. In addition, long-term storage of solid waste at the proposed garage is not expected with the exception of the short-term storage of relay trucks that would be removed in less than eight hours.

241. Comment: No emissions for the salt pile are mentioned in the DEIS. Road salt contains sodium ferrocyanide/ferric cyanide that can decompose with exposure to sunlight and release substantial quantities of hydrogen cyanide gas.

Response: Salt typically includes various anti-caking agents, some of which may contain cyanide compounds. These compounds are typically added to road salt at very low levels (e.g., 300 pounds for every 1,500 tons/3,000,000 pounds of salt). While it true that cyanide gas can be released upon exposure to sunlight, this process is very slow as ferrocyanide and ferric cyanide, which are complex cyanide compounds, are slow to react upon exposure to sunlight.

However, road salt would be stored within a proposed covered and enclosed structure. Road salt would not be exposed to sunlight and the concentration of anti-caking agent would be at extremely low concentrations, therefore the potential generation of cyanide gas would be insignificant and would not result in adverse impacts.

242. Comment: The proposed location for the garage and salt shed has the highest PM_{2.5} pollution in the City. Residents and workers in this area are already exposed to higher baseline levels of PM_{2.5} pollutants. The DEIS fails to address critical issues regarding PM_{2.5} particulates in an area that already exceeds all other areas of the City.

Response: According to USEPA statistical data, the highest PM_{2.5} levels are documented at 288 East 57th Street (near the Queensboro Bridge). Air monitors throughout the City measure pollutant levels that relate to widespread areas. These pollutant levels are commonly called background levels which determine attainment/non-attainment status of an area. New York County is in attainment for all criteria pollutants except ozone, PM_{2.5} and PM₁₀. Based on the Proposed Action, CEQR required a review of potential CO and PM₁₀/PM_{2.5} impact. DSNY trucks/vehicles servicing MN 1, MN 2 and MN 5 are currently traveling the roadway network. The Proposed Action would reduce the amount DSNY vehicles travel in a year by 3,677 VMTs. Reduced VMTs are expected to provide positive benefits to regional air quality for all three of the

non-attainment pollutants. The FEIS presents the results of the microscale air quality analysis, which concluded that no localized significant adverse air quality impacts would occur due to the Proposed Action. Moreover, fuel oil used at MN 1 would be discontinued in favor of steam supplied heat at the proposed garage, reducing emissions from the building.

243. Comment: An air quality analysis is needed using the following fuel and filter combinations: the consolidated garage project as proposed using trucks equipped with ULSD-ready engines and maximum efficiency filters; the project as proposed using trucks equipped with ULSD-ready engines and alternative filters, if any, now under consideration by DSNY; the project as proposed using trucks equipped with ULSD-ready engines without filter; and the project as proposed using trucks fueled by compressed natural gas.

Response: As discussed in the Air Quality Chapter, any pre-2007 DSNY diesel trucks (lacking factory installed particulate filters) are required by local law to use Best Available Retrofit Technology, which achieve emission levels comparable to those from CNG vehicles. Vehicles from the 2007 model year and newer will have factory-installed particulate filters. All diesel trucks will use ULSD, as mandated by local law and the federal Clean Air Act. Therefore the need for additional analysis is unwarranted. DSNY peak hour diesel truck trips at all intersections and road segments will generate emissions that are far below the NYCDEP guidance threshold for a potentially significant impact from PM_{2.5} or other criteria pollutants.

244. Comment: A description of the ventilation system for the proposed garage is needed that includes a description of where the exhaust vents will be located; if filtration will be used and if not, what is the efficiency of filters planned and what means would guarantee that filters are in use and cleaned properly.

Response: The building ventilation system will vent to West Street. Steam heat will be used rather than natural gas. No special HVAC filtration is proposed. Given the conservative vent analysis in the Air Quality Chapter, the fact that particulate filters are mandated for DSNY diesel trucks, and the fact that DSNY service passenger vehicles will mostly be gas-electric hybrid, partial zero emission vehicles that are expected to start and drive out of the building on electric power without turning on their internal combustion engines and that will return with hot stabilized catalytic converters operating at full efficiency, no additional analysis of filtration is warranted.

245. Comment: DSNY conducted a study in 2004 for putting the MN 2 garage on Block 596 (where the MN 1/2/5 garage is proposed) and an MN 5 garage at Block 1092, 1093 or 1042 as an alternative to constructing the two district MN 2/5 garage at Block 596 in Hudson Yards. DSNY concluded that placing the MN 2 garage at Block 596 would result in significant adverse stationary source air quality impacts due to the close proximity of residential land uses. The DEIS also stated that the stationary sources in the Block 596 alternative would result in significant adverse impacts as compared to the Proposed Action because existing residential uses would be located within close proximity to boiler stacks on the garages located on Block 596, and either Blocks 1092, 1093, or 1094. However, those adverse impacts would be even greater under DSNY's Proposed Action.

Response: The prior study done for Hudson Yards assumed fuel oil would be used to heat the proposed garage, which has much greater air emissions than gas or steam. The stationary source air quality analysis performed for the Proposed Action reviewed heat/hot water systems, as well as a roof-top vent. Based on CEQR screening for heat/hot water systems, the proposed building height, distance to the nearest building with equal or greater height and an assumption that the building will be powered by natural gas were considered and found that a significant adverse impact was not expected. Since release of the DEIS, DSNY has committed to utilizing steam to power the heat/hot water system resulting in no need for an analysis or screening. Based on

CEQR requirements, the vent analysis was performed and utilized USEPA's newest state-of-the-art air emissions model (MOBILE6.2), which was released in 2004. Based on the results of the CO vent analysis, no significant adverse impacts due to the Proposed Action are expected.

246. Comment: The level of Mean PM_{2.5} fine particles recorded at Canal Street exceeds the standard of 15 ug/m³. These statistics highlight why DSNY would jeopardize public health and welfare by locating its proposed garage in a neighborhood already at increased risk of respiratory problems due to existing conditions. The MN 1/2/5 garage would be built in addition to the borough-wide Gansevoort marine transfer station, which will accept recyclables from DSNY trucks as well as from private haulers, who are not required to use low-sulfur fuel. In addition, the diesel tug boats that will pick up the barges twice a day from the transfer station are not regulated for diesel exhaust.

Response: The Gansevoort recycling facility is a potential future DSNY initiative that would be considered under a separate environmental evaluation. Details of the number of trucks, barges, etc. that may ultimately be associated with this action are generally unknown at this time. CEQR required an air quality analysis based on potential impact of the Proposed Action, which focused on the MN 1/2/5 Garage. Results of the analysis of particulate pollutants indicated that the Proposed Action would result in no significant air quality impacts. DSNY collection truck travel will be reduced by 3,677 VMTs annually.

247. Comment: DSNY excluded UPS vehicles from its analyses under both the Future Build and Future No Build scenarios (19.2.1, p. 19-7).

Response: UPS vehicular activities are included in the background traffic for all scenarios. No UPS operational changes are anticipated.

248. Comment: The Future No Build scenario is incorrect, as it would likely be residential with UPS vacated from the site. As a result, the basis for the air quality analysis under the Future No Build scenario is also incorrect. Accordingly, DSNY should incorporate UPS vehicles in the Future Build Analysis, but not under the Future No Build scenario.

Response: The analysis was based on the information available at the time, which assumed that a commercial development would share the site with existing UPS staging operations under the Future No Build scenario. The Future No Build assumed the development of the UPS staging lot in accordance with its existing zoning (M2-4), which would not allow residential development as-of-right. The UPS had also been investigating the potential development of this site before the location was identified for the proposed MN 1/2/5 Garage and as part of this development, UPS would continue to use the site for its current operations in conjunction with a commercial redevelopment.

249. Comment: As discussed in the traffic section, DSNY has underestimated the number of vehicles and thus, the potential effects on air quality under both the Future Build and Future No Build scenarios.

Response: The air quality analysis was based on traffic estimates published in the DEIS and updated for the FEIS, using conservative assumptions. No significant impacts to air quality would occur due to the Proposed Action. Please also refer to response to Comments 155 and 165.

250. Comment: DSNY's analysis of air quality fails to account for the air quality effects of DSNY vehicles and vehicles of other public agencies that could queue outside the garage to fuel.

Response: The traffic figures included other agency vehicles in both the background counts (as they currently fuel at MN 1) and with certain vehicles added to peak facility hours to be

conservative. Within this area of New York City, CEQR requires an air quality evaluation outside the garage for proposed actions that produce 100 or more project-related vehicles (CO) and/or 21 or more project-related trucks or equivalent emissions (PM_{2.5}). Since the incremental vehicles related to the Proposed Action fall below both screening levels, a detailed microscale CO or PM_{2.5} analysis was not necessary. Queuing of vehicles are not accounted for within CEQR screening procedures. In addition, the City under NYC Administrative Code 24-163 prohibits the idling of stationary diesel vehicles for more than three minutes.

251. Comment: DSNY fails to address the possibility that ultra-low-sulfur diesel may clog the particulate filters in the start-and-stop operations of the sanitation trucks, making them malfunction.

Response: DSNY has extensive experience with particulate filters and has found that they function very effectively. USEPA has mandated them for all heavy duty diesel trucks made since 2007.

252. Comment: A 2006 study by INFORM questions whether the emissions resulting from diesel trucks using ultra low sulfur diesel fuel and retrofit pollution control technologies will be as effective as new natural gas trucks.

Response: While this debate continues, Local Law 39 requires DSNY trucks to be built to USEPA Model Year 2007 Standards for PM and oxides of nitrogen, utilizing ULSD fuel (15 ppm sulfur) with at least 5 percent renewal biodiesel content (B5) by 2012 or be fitted with particulate filters (BART) that achieve a certified reduction of 90 percent or more. Both the USEPA and the City Council are evidently convinced of the merits of Clean Diesel Technology.

253. Comment: DSNY does not state in the DEIS if and how the rooftop HVAC would capture diesel particulates from its collection trucks and diesel equipment used on-site as well as other emissions. If emissions from the rooftop HVAC would not be captured, they should be factored into the air quality analysis.

Response: Please see response to Comment 244.

254. Comment: DSNY's proposed use of the Spring Street location for refueling of ethanol-capable vehicles could further worsen air quality. The use of ethanol increases volatile organic compounds (VOC), nitrogen oxides, and toxic emissions during the summer months. VOC emissions further increase if ethanol-blended gasoline and non-ethanol-blended gasoline are combined in a vehicle's fuel tank. VOC from permeation, which is gasoline escaping through the walls of fuel line hoses and fuel tanks, is about 1.5 times greater with ethanol-based hydrocarbon fuel than fuel with no ethanol.

Response: CEQR requirements do not specify the need to analyze VOC emissions as a result of the Proposed Action. In addition, the DSNY fueling facilities would comply with applicable requirements for vapor recovery. Local law now prohibits the City fleet purchase of ethanol fueled bi-fuel vehicles, so their share of the DSNY fleet will decline by 2013.

255. Comment: Given that DSNY has used incorrect traffic volumes in its analysis, DSNY has incorrectly assessed the number of vehicle trips. DSNY should therefore be required to conduct a detailed mobile source CO analysis.

Response: Please refer to the response to Comment 249.

256. Comment: The validity of various assumptions that DSNY made for its air emissions assessment is questioned. It is unclear whether the high level assumed for background CO levels would understate the incremental effects. It is also unclear whether UPS vehicles were included in the calculations.

Response: UPS vehicles were not accounted for under the Future No Build and Future Build since the number of trucks involved in staging operations at the site are not expected to change under either scenario. The *CEQR Technical Manual* requires an air quality analysis based on the potential impacts of the Proposed Action, which includes the MN 1/2/5 Garage. The CO incremental increase from Future No Build to the Future Build is 0.06 ppm, regardless of the background levels of CO. The background is added to achieve an overall CO level, which is then compared to the NAAQS. The results of this analysis indicated that the Proposed Action would not result in significant impacts to air quality.

257. Comment: The DEIS for MN 1/2/5 does not propose to use advanced odor controls. It only says that the garage is being designed to achieve six air exchanges per hour and that sensors would trigger the HVAC system to supply fresh air and exhaust air from the garage due to CO buildup (p. 19-14 and 16.5, p. 16-3).

Response: The majority of DSNY collection vehicles that will be stored at the proposed garage would be empty using conservative assumptions. A maximum of 25 loaded collection vehicles about half containing paper and MGP recyclables and half with refuse could be stored at the garage at any one time for no more than eight hours. These would represent relay trips. Most collection vehicles travel to their designated disposal locations during the normal daytime shift. The remaining collection vehicles are unable to transport their collections to the disposal location during their shift and return to the garage. These loaded trucks are then transported during other shifts.

As the majority of vehicles will be empty when stored within the garage, the storage of some loaded vehicles will occur for less than eight hours, the outdoor storage of collection vehicles will cease and prior odor studies conducted by the DSNY indicated that odors from DSNY refuse trucks were very limited, no odor impacts to the surrounding community are anticipated and no odor controls are proposed for the ventilation system.

258. Comment: DSNY cannot assume the same conclusion that it reached under the SWMP. Under the SWMP, DSNY indicated that there would be no DSNY collection vehicles queuing on City streets. However, the DEIS indicates that queuing will occur at the MN 1/2/5 garage for refueling. Trucks waiting to refuel could cause significant odors.

Response: DSNY's analysis for the SWMP considered odor from up to 17 full collection vehicles on the ramp of the East 91st Marine Transfer Station, adjacent to a public playing field, and found, based on a detailed odor study, that the odor impacts from such vehicles would not be significant. Likewise, minor odor from up to seven (mainly empty or recyclables) trucks that may be allowed to queue along West Street at the end of the day shift, which would not last more than 30 minutes, would not be significant.

259. Comment: DSNY cannot assume the same conclusion that it reached under the SWMP. For example, the SWMP results for the existing garages showed detectible odor impacts at a non-peak hour. However, the SWMP odor tests were based on a small number of collection trucks at a garage. For example, the odor test taken at the MN 8 garage was based on 12 collection trucks, significantly fewer than the 62 collection trucks proposed for the MN 1/2/5 garage.

Response: As discussed in the Air Quality Chapter of the FEIS, the SWMP odor analysis took air samples involving an aggregate of 12 full collection trucks and found little or no detectable odor a short distance away from the trucks. The Proposed Action would not exceed 12 refuse full collection trucks in the garage, and therefore the SWMP analysis is applicable to the project's conclusion of no significant odor impacts outside the garage. At no time would the project result in 62 collection trucks on the street at one time and location. See also response to Comment 258.

In addition, DSNY currently stores MN 1 collection vehicles including relay loads, outside due to limited space at the existing garage. Under the Proposed Action, these collection vehicles would all be stored within the newly constructed garage. Only DSNY relays would return to the garage loaded for transport during a future shift. These collection vehicles, however, would be transported to their disposal locations primarily during the next shift, but in all cases would remain within the garage no more than eight hours. As relay trucks would remain within the proposed garage for a limited duration and all trucks would now be stored within a fully enclosed garage, significant odor issues are not anticipated and a separate odor study was not warranted. The majority of collection vehicles stored at the proposed garage would be empty. In addition, prior odor studies conducted for the DSNY as part of the SWMP indicated that the storage of DSNY collection vehicles within a garage did not result in significant odors within the surrounding areas. As a result, no significant impacts associated with odors are anticipated due to the Proposed Action.

260. Comment: There could be significant transitory odors from DSNY trucks, because of the large number of trucks using City streets in any given hour.

Response: While refuse trucks may cause some transitory odors on roadways, the Proposed Action would not increase the overall number of collection trucks on the road network. The rerouting of traffic would not lead to significant new sources of odor in the community, as DSNY collection truck trips would not increase overall east of Washington Street in CD 2. Collection trucks that are currently stored outdoors on the Gansevoort Peninsula and on public streets near the MN 1 Garage would be stored indoors, reducing the potential for odor impacts to the community.

261. Comment: DSNY should be required to conduct a detailed air quality analysis because the previous analysis was based on the results of the 2005 FEIS SWMP odor study and conclusions made for the Proposed Action would not have the same air quality impacts.

Response: Please see response to Comment 258.

A detailed air quality analysis, which looked at selected air pollutants, was conducted as part of the FEIS and is presented within Chapter 19.

262. Comment: The number of relay trucks is underestimated because DSNY does not assume increases in the number of relays over time due to an anticipated population increase of 85 percent in CD 1.

Response: Please refer to response to Comment 139. DSNY does not anticipate neighborhood growth by the 2012 Build year to result in an increase in DSNY relay trips. Relay trips were estimated very conservatively, and DSNY anticipates increases in recycling percentages and higher tonnages per truck.

263. Comment: In determining the number of relay trucks, DSNY assumes that there will be no MN 5 relays. This is unsupported because of the large number of miles that MN 5 collection and paper trucks

will have to travel compared to MN 1, which has relay trucks, and because MN 5 has a large number of parades. Relays will probably be required due to the shifting of crews to “parade” collections.

Response: Relays have been conservatively estimated. Please refer to response to Comment 139 in the traffic comment section. No collection crews are shifted for parades. Most parades occur on Sundays and holidays, when there are no regular collections. Additional crews and equipment are brought in from the borough to address the demands created by the parades.

264. Comment: Since the DEIS indicates that only 12 trucks would be relayed, DSNY should be required to revise the DEIS accordingly to accurately report the number of relays, and it should conduct an odor assessment based on that number. In addition, DSNY should be required to specify how, in the case of an emergency, it would handle refuse that is stored in relay trucks.

Response: The traffic analysis is not affected by relay trips since the majority of these occur during off-peak hours after 7 PM. Relay trip volumes were revised and are included in the FEIS. During snow emergencies, plowing and road salting take precedence over refuse and recyclables collections including relays.

265. Comment: The DEIS did not state whether the proposed three-district garage would be equipped with one or more back-up generators. If it would, DSNY should state how the generator(s) would be operated, maintained, and vented and whether the generator(s) would be used to operate HVAC equipment. Given that a truck can hold up to 12 tons (24,000 pounds) of refuse, a significant amount of refuse would be stored in relay trucks at any one time without proper ventilation in the event of a power outage.

Response: The garage will have back-up generator(s) for emergency building systems, including HVAC. Generators will exhaust directly to the outside. A power outage would not increase the number or parking time of relay trucks at the facility.

266. Comment: Worsening the air quality in Hudson Square may compromise the viability of the Holland Tunnel air exchange venting system.

Response: The air quality analysis, based on CEQR guidance, concluded that the Proposed Action would not have a significant adverse impact to air quality. Therefore, the Proposed Action is not expected to compromise the air exchange venting system of the Holland Tunnel.

267. Comment: The DEIS does not examine the possibility that there will be a reopening of the east bound Holland Tunnel to heavy truck traffic. This action has the potential to add thousands or hundreds of thousands of additional truck trips through the Holland Tunnel with the resulting emissions burdens on the community.

Response: CEQR air quality screening is based on the incremental increase resulting from the Proposed Action. This incremental increase is solely based on the Proposed Action, and does not depend on whether or not the Holland Tunnel is opened to heavy truck traffic in the future.

268. Comment: DSNY did not do any air monitoring as part of the DEIS. The DEIS created simulations of composite air emissions. It also used readings of particulate matter from the nearest EPA monitoring station. The EPA PM_{2.5} levels were 14.5, 15.7, 12.8, and 15.8 in 2004, 2005, 2006, and 2007, respectively. DSNY should be required to conduct air studies.

Response: CEQR screening level procedures do not require the monitoring of PM_{2.5} background levels. The screening analysis is not based on the background levels, but is instead based upon

the potential incremental increase due to the Proposed Action. Based on the traffic analysis, screening levels were not exceeded therefore no adverse air quality impacts would result from the Proposed Action as discussed within the FEIS.

269. Comment: The size of the study area used in the DEIS should have been at least 1,000 ft, but should in fact be one-half mile or 2,640 ft in radius to fairly evaluate the impacts of City activities on the community.

Response: A study area of this size is only required for large emission sources such as solid waste or medical waste incinerators, cogeneration facilities, asphalt and concrete plants or power generating plants. This was therefore not required for the Proposed Action.

270. Comment: The ventilation system for the garage meets the regulatory standards to be considered a stationary source for all emissions from trucks, solid waste content of the trucks, broilers, and stationary heating equipment, and any other air emission sources contained therein. The CEQR handbook states that enclosed garages should be treated as a stationary source. Therefore, a full inventory of ventilation and exhaust locations is necessary for the garage and that a full inventory and qualification of all emissions characteristics is required.

Response: CEQR guidance requires a review of stationary sources such as the vent for interior air and the heat/hot water systems to be reviewed independently. Pursuant to CEQR screening methodologies, the heat/hot water system emissions fueled by natural gas did not require an analysis. DSNY has subsequently committed to the use of steam for the heat/hot water system, which would result in a lower potential impact to air quality. The vent analysis that was performed accounted for all exhaust emissions from DSNY trucks, city cars and employee vehicles. CEQR does not require a separate analysis to account for solid waste contents within the trucks, nor would the Proposed Action involve the long-term storage of solid waste within the new garage. Based on the analyses completed and CEQR guidance, no significant adverse air quality impacts are expected due to the Proposed Action.

271. Comment: The enclosed garage required NYSDEC air permits under Part 201 and may require a USEPA PSD air permit for all air emissions, not sure for boilers and heating equipment.

Response: The Proposed Action would not be considered a new major stationary source, and therefore air permits under Part 201 would not be required.

272. Comment: The proposed project must also include cumulative source dispersion modeling using accepted AERMOD protocols for criteria and non-criteria pollutants that include the Holland Tunnel Vent Building and the DSNY garage and salt shed.

Response: AERMOD is necessary when projects require a refined air quality impact analysis. A refined air quality impact analysis was not deemed necessary for the Proposed Action since it fell below the screening levels using Figure 3Q-3 within the *CEQR Technical Manual*. Subsequent to the completion of the DEIS, DSNY has committed to utilizing steam, which eliminates the need for an analysis and screening.

273. Comment: The DEIS should include a thorough discussion and analysis of air emissions for road salt particulates, including possible hazardous substances at the maximum annual handling capacity of the storage shed.

Response: Based on CEQR guidance, such an analysis is not required. In addition, the salt shed would be enclosed and protected from the elements.

274. Comment: The DEIS ignores unburned hydrocarbons, organic HAPs, metal HAPs, and other hazardous air pollutants. No estimates are given for vehicle contributions of formaldehyde, acrolein, asbestos form fibers, and others.

Response: The air quality analysis discussed hazardous air pollutants and no significant adverse impacts were found.

275. Comment: EPA has revised and published its PM_{2.5} guidance for evaluating impacts since this DEIS was prepared. In the NSR Permitting Rule published May 16, 2008, at 73 Federal Register 28321, EPA revises downward 10 tons its PM_{2.5} significant source project threshold. DSNY must revise its air quality assessment using the new EPA requirements.

Response: The referenced rule is applicable for new, major stationary sources of PM_{2.5}. The Proposed Action is not a new, major stationary source and this rule is not applicable.

276. Comment: The modeling assumptions must include the UPS fleet emissions in the building in additions to the DSNY fleet. These emissions are an inherent part of the project and must be included in the analysis. DSNY may not use vehicle fleet emissions for its fleet projections as a surrogate for the UPS fleet and for the other sources, but must inventory those sources and establish appropriate emissions profiles.

Response: UPS vehicles were not accounted for under both the Future No Build and Future Build since the number of trucks currently involved in the staging operations at the site are not expected to change under either scenarios. CEQR requires that an air quality analysis be conducted in order to evaluate the potential new impacts associated with the Proposed MN 1/2/5 Garage and Salt Shed.

277. Comment: The DEIS uses MOBILE6.2 modeling for vehicles meeting 2007 standards or better. Since 2012 is well within the possible life of pre-2007 vehicles, this is an inappropriate assumption. Only if DSNY in the mitigations chapter makes an enforceable commitment to post-2007 emissions vehicles can it use the lower emission rate estimates.

Response: In 2012, all DSNY trucks on the road will be built to USEPA Model Year 2007 Standards for PM and oxides of nitrogen, utilizing ULSD fuel (15 ppm sulfur) with at least 5 percent renewal biodiesel content (B5) or be fitted with particulate filters (BART) that achieve a certified reduction of 90 percent or more. DSNY has already committed to this, as it is currently mandated by Local Law 39 of 2005.

278. Comment: Road dust estimates are not provided for hazardous air pollutants and not adequately discussed for the modeling assumptions in the DEIS.

Response: CEQR guidance does not require a road dust air quality analysis. During construction, dust control measures will be utilized to limit potential temporary effects associated with fugitive dusts.

279. Comment: UPS vehicle emissions are omitted from the analysis, even though they will be vented from the same structure. They must be accounted for in the project impacts and modeled.

Response: See response to Comment 276.

280. Comment: No estimates are provided for heavy truck trips associated with the delivery of salt to the salt shed, removing salt for distribution or road applications, deliveries of fuel to the consolidated garage, deliveries of calcium chloride to the salt shed, other heavy duty or light duty vehicle trips associated with the facility. UPS vehicles and fuel trucks and salt delivery vehicles cannot be treated for emissions estimating purposes as DSNY has treated its vehicles.

Response: The traffic study analyzes typical peak garage operations. Operation of the salt shed would be intermittent. During the winter season, it is estimated that it would be utilized between six and ten times per year. Deliveries of road salt and other materials would be very intermittent.

281. Comment: No emissions estimates are provided during site remediation projects.

Response: There has been no site remediation formally identified for either the UPS site or the proposed salt shed site. While minor decommission/close out of existing underground storage tanks at the MN 1 site may be necessary, these would be short term projects, which would not be expected to require a separate air emissions estimate.

282. Comment: A GEP stack height analysis should be done for the garage exhaust vent. The exhaust stack for the garage should be designed to vent at the GEP stack height.

Response: A GEP stack height analysis was not required since preliminary screening of the heat/hot water system fell below the threshold based on natural gas, stack height and distance to closest building of equal or greater height. Subsequent to the DEIS, DSNY has committed to utilizing steam, which eliminates a need for an analysis and screening.

283. Comment: The community will suffer the increased pollutant exposures resulting from effects of the complex urban air flow pattern.

Response: Air pollutant levels as a result of complex urban air flow patterns are not required by CEQR screening procedures.

284. Comment: DSNY must go beyond its simplistic air quality analysis and provide firm and enforceable mitigation measures to provide the community residents reasonable protections from a readily identifiable and credible public health threat posed by PM_{2.5}.

Response: The air quality analysis followed procedures, methodologies and guidance provided within the CEQR Technical Manual. For the Proposed Action, PM_{2.5} modeling was not required to demonstrate no significant adverse PM_{2.5} impact. With regard to public protection, by 2012 DSNY has committed to utilize trucks that meet or exceed the USEPA Model Year 2007 Standards for PM and oxides of nitrogen, utilizing ULSD fuel (15 ppm sulfur) with at least 5 percent renewal biodiesel content (B5) or be fitted with particulate filters (BART) that achieve a certified reduction of 90 percent or more as required under Local Law 39 of 2005.

285. Comment: Air quality in Hudson Square will be further eroded by exhaust from refueling of all City vehicles and regular deliveries by tanker trucks.

Response: The refueling of City vehicles and deliveries by tanker trucks are currently included within the existing background traffic volumes as these activities are occurring today. The traffic analysis included refueling trips of all city vehicles, as well as regular deliveries by tanker trucks. Based on the estimated incremental traffic volume increase due to the Proposed Action, no significant adverse air quality impacts are expected to occur.

286. Comment: An independent analysis should be made of the cumulative effects of the major pollution sources in the area, including traffic leading to and from the Holland Tunnel; exhaust from the Holland Tunnel Ventilation shaft; traffic on local streets, including Canal Street, Houston Street, Varick Street, and Broome Street; truck trips going to and from UPS and Fed Ex; telecommunications hotels using diesel-powered auxiliary generators; and unfiltered vehicular exhaust from UPS ventilation. Additional sensors will be necessary to obtain real world levels of PM_{2.5} along the affected routes leading to the proposed garage facilities and in the impact zones of the garage facilities.

Response: CEQR air quality screening is based on the incremental increase resulting from a Proposed Action. This incremental increase is solely based on the Proposed Action which includes the MN 1/2/5 Garage only. Independent major sources are not included in the screening procedures.

287. Comment: Please describe the relative air quality impacts of the project as proposed; the project incorporating District 1 only; and the no-build alternative.

Response: The air quality analysis was based on the Proposed Action, which includes the development of the new MN 1/2/5 Garage and Salt Shed. The analysis concluded no significant adverse air quality impacts would occur as a result of the Proposed Action. In addition, no significant adverse air quality impacts were expected under the Future No Build condition. As the development of a new garage that would only house MN District 1 would be smaller than the currently Proposed Action, which would result in no adverse air quality impacts, no significant adverse air quality impacts would be expected for this alternative.

288. Comment: Please address how DSNY's plan to seek special permits for height variance and relief from street wall and setback requirements for the proposed garage would exacerbate the air quality problems created by the facility by restricting air circulation.

Response: The facility would not be likely to significantly affect air circulation, compared to the Future No Build condition with a taller commercial as-of-right building on the site. The location gets ample air movement due to the proximity of the river. The garage will be less than 120 ft high, compared with 165 ft for the Future No Build commercial building. Along West Street, the garage's lack of a setback at 85 ft above curb height would not be expected to affect air circulation more than the taller building would, in view of the comparatively wide West Street/Route 9A and the presence of the park and river on the opposite side of the roadway, preventing any "canyon" effect. Along Spring Street, the garage would be opposite the relatively narrow Ventilation building with its ventilation fans operating constantly and the relatively low Salt Shed (roof angling from 30 to 62 ft high, with a 30-foot gap between the Shed and the Ventilation Building), affording ready air circulation toward the south. No residential or commercial development would take place there. Along Washington Street, the Garage would have a setback at about 90 ft high starting at the northern corner, before sloping up to approximately 112 ft above curb level. This partial setback would help ensure that air circulation along this elevation would not be appreciably worse than would be expected with a taller, as of right commercial building at this location. Finally, the garage would generate relatively little emissions as the HVAC system would be powered by steam, which is much cleaner than the Number 2 fuel oil used at the current MN 1 Garage, and the building vents would be directed to West Street, which has ample air circulation, as noted above. DSNY vehicles collection would be equipped with advanced diesel particulate filters which have been shown to reduce emissions to levels comparable to those from natural gas fueled vehicles, and DSNY light and medium service vehicles are required by local law to the cleanest in their class, such as partial-zero emission vehicles (PZEV) like the Toyota Prius gas-electric hybrid. NYCDEP's technical staff reviewed the air analysis and found that it was sufficient to demonstrate that the project would result in no

significant adverse impacts to air quality, based on the *CEQR Technical Manual* and applicable NYCDEP guidance.

289. Comment: An air quality analysis should be made comparing the project as proposed; the project incorporating District 1 only; and the no build alternative.

Response: See response to 287.

290. Comment: Because air pollution is not localized to the site of the Proposed Action, a larger study area is warranted, as specified in the *CEQR Technical Manual* (p. 3Q-8, par. 132).

Response: A large study area is required only of large emission sources such as solid waste or medical waste incinerators, cogeneration facilities, asphalt and concrete plants, or power generating plants. The Proposed Action would therefore not require a more extensive study area.

Odors

291. Comment: The existing MN 1 garage already has an obvious garbage stench. Therefore, the Proposed Action with three garages and many more trucks would result in significant odors.

Response: DSNY collection vehicles at the existing MN 1 Garage are currently parked on City streets due to a lack of space within the facility. These include at times relay refuse trucks with refuse. The Proposed Action would provide sufficient space for the indoor storage of all DSNY collection vehicles associated with DSNY Districts MN 1, 2 and 5. This would reduce the potential for odors so that they would not be significant in the community.

292. Comment: The 35 relay trucks sitting in the garage over an eight hour day would result in significant odors. The air ventilation system would do nothing to eliminate the rotting garbage in the trucks over the course of the eight hour shift.

Response: It is projected that a maximum of 25 relays trucks could be stored within the proposed garage for eight hours or less. These would include trucks with paper and MGP which are essentially hooded, and trucks with refuse, with refuse about half of relay trucks on a peak day. As relays are dumped on the next shift, the number of relay trucks at one time with refuse would be much less than 25. DSNY collection vehicles currently associated with the MN 1 Garage are largely stored on surrounding streets. This would cease with the development of the proposed garage. Likewise, these factors combined with prior odor studies conducted for DSNY collection vehicles and summarized in Section 19.5 of the FEIS indicated that no significant odor impacts would occur outside of the garage.

293. Comment: The DEIS based its odor impacts on a prior study of twelve relay trucks, even though the garage would store more than twice that number of trucks.

Response: The prior odor study conducted for the DSNY evaluated potential odor samples from full DSNY refuse collection trucks on hot summer days within an enclosed portion of a larger DSNY garage (MN 8). The study indicated that potential odors to nearby receptors outdoors when such collection vehicles queued outdoors was limited. Under the Proposed Action, all DSNY collection vehicles would be stored within a much larger, proposed garage. No on-street storage of DSNY collection trucks would continue under the Proposed Action. In addition, the temporary storage of waste within relay refuse collection vehicles in the garage would be of limited duration. Odors impacts would not result from the Proposed Action.

294. Comment: Please discuss how noxious odors from stored garbage and recyclables with food residues on them, etc. would be handled.

Response: As noted in the Air Quality Chapter of the FEIS, DSNY refuse and recycling trucks generate very little detectable odor, based on detailed odor studies completed for the SWMP. DSNY-collected waste and recyclables are transported to a designated waste transfer, disposal or recycling location as soon as possible after collection. This is typically done during the normal daytime shift (i.e. shift dump). Most DSNY collection vehicles will return empty to the proposed garage. However, some DSNY collection vehicles cannot be transported to their disposal location during the normal shift (i.e. relay trips). These refuse and recyclable collection vehicles would remain in the proposed garage for no longer than eight hours before being transported to their disposal or recycling location, typically on the next shift. As waste within these trucks would remain within the new garage for a limited duration and all of these vehicles would be stored within the fully enclosed garage, significant odor issues to the surrounding area would not be expected. No long term storage of refuse or recyclables would be associated with the proposed garage. DSNY washes its trucks on a rotating schedule about every two weeks.

295. Comment: Allergic reactions, including asthma attacks, are triggered by industrial perfumes used to mask odors from waste facilities, sewage treatment plants, etc. These perfumes would exacerbate respiratory conditions brought on by existing high levels of air pollution and 9/11 effects. Does DSNY plan to control odors by using industrial perfumes/masking agents?

Response: DSNY does not propose to use industrial perfumes/masking agents, as the odor analysis indicated odor impacts would not be significant without such measures.

296. Comment: DSNY did not conduct an odor assessment in the DEIS because it claimed that the one conducted under the 2005 Solid Waste Management Plan FEIS for 12 collection trucks is representative. However, the DEIS Table shows 18 relay trucks, not 12 relays. DSNY's revised Table, dated July 31, 2008, now shows 27 relay trucks. DSNY should be required to conduct an odor study.

Response: The table referenced in the comment includes relay truck trips summed over a 24 hour period and includes both paper and MGP regarding relay trucks and refuse relay trucks. At no time would DSNY have more than 25 relay trucks at one time in the Garage. Moreover, the SWMP FEIS considered up to 17 trucks filled with garbage queuing outdoors at a Marine Transfer Station, next to a public open space and found no significant odor impacts, whereas with the proposed garage, outdoor queuing of full refuse collection trucks along West Street/Route 9A would not exceed seven. Therefore, the need for a detailed odor study is unwarranted.

297. Comment: The conclusion that municipal solid waste contained in trucks sitting in the garage for hours will not result in any significant odor issues for the community is not credible.

Response: Please see response to Comment 296 above.

298. Comment: The DEIS ignores the factors in solid waste and diesel truck operations that are well documented in the literature to pose significant odor concerns.

Response: DSNY's air quality analysis contained in the FEIS acknowledges that collection trucks can generate odors, but concludes, based on a detailed odor study performed for the recently approved SWMP, that such odors would not be significant. DSNY will discontinue the current practice of storing collection trucks on public streets and at the Gansevoort Peninsula, which are a current potential source of odors. DSNY trucks will not generate significant odors from emissions, due to their mandated particulate traps and use of ULSD fuel.

Noise

299. Comment: The Proposed Action would result in significant noise pollution resulting from increased numbers of trucks and the facility mechanicals, such as HVAC units, etc.

Response: Regarding mobile source noise, the Proposed Action would increase the PCEs by 23 percent. Since this would be less than the 100 percent increase threshold noted in Chapter 3R (Section 200) of the *CEQR Technical Manual*, the traffic associated with the project would not have the potential to cause a significant noise impact.¹² Therefore, further detailed noise analyses are not required and no significant adverse mobile source noise impacts are expected as a result of the Proposed Action.

Regarding stationary source noise, the proposed garage complex would be enclosed, which would attenuate much of the noise associated with indoor garage activities. HVAC equipment located on the roof would be positioned to minimize sound levels at the neighboring residences and comply with the New York City Noise Code.

300. Comment: The DEIS does not deal with vibrations that may result from construction, sanitation trucks, or the operation of the Proposed Action.

Response: The *CEQR Technical Manual* does not require the analysis of vibration.

301. Comment: There is no consideration in the DEIS for additional noise resulting from new and proposed developments and resulting noise that will be constructed before the garage, such as increased traffic, bars and clubs and honking of vehicle horns.

Response: The traffic data utilized for the noise analysis accounts for noise that would be generated by proposed developments. Additionally, for a background noise level of 62 dBA or higher the *CEQR Technical Manual* defines a significant impact as an increase of 3 dBA. Therefore, additional noise associated with potential bars and clubs and honking of vehicle horns, not associated with this project, would not alter the findings of this study or result in a significant adverse impact.

302. Comment: Barrier walls to mitigate noise in the surrounding neighborhoods divert noise, which bounces back into the surrounding neighborhood. These will do nothing to reduce the noise from garage operations to the surrounding neighborhood.

Response: Noise barriers are not proposed as mitigation for this project.

303. Comment: In a study conducted in 2004, DSNY concluded that a single-district garage at the site of the proposed MN 1/2/5 garage would result in significant adverse noise impacts that would require 40 dBA window-wall attenuation at residential receptors. There would be even greater noise impacts if a three-district garage were constructed on the site.

Response: The location studied in the 2004 report is a different location than the one currently proposed. The results for the current site, as it is currently designed indicate that there will be no significant noise impacts. Therefore, mitigation is not required.

¹² *CEQR Technical Manual*, p. 3R-8.

304. Comment: DSNY has underestimated noise impacts from mobile sources at the proposed MN 1/2/5 garage. DSNY estimated noise levels from traffic sources (20.5.1, p. 20-9), but did not include the noise impacts from its vehicles braking and restarting at Spring Street stop signs or queuing for refueling.

Response: Following *CEQR Technical Manual* guidelines, the mobile source noise study was based upon an increase in traffic. Since the increase of 23 percent would be less than the 100 percent increase threshold noted in Chapter 3R (Section 200) of the *CEQR Technical Manual*, the traffic associated with the Proposed Action would not have the potential to cause a significant adverse noise impact.

305. Comment: DSNY has failed to account for the increased noise from engine fans caused by the diesel particulate filters on the vehicles that make the engines run hotter.

Response: Per suggested *CEQR Technical Manual* guidance, the mobile source noise study for the Proposed Action was based upon an increase in traffic. Since the increase of 23 percent would be less than the 100 percent increase threshold noted in Chapter 3R (Section 200) of the *CEQR Technical Manual*, the traffic associated with the project would not have the potential to cause a significant noise impact.

306. Comment: DSNY has failed to include the noise impacts of the projected growth of the Federal Express and UPS truck fleets by the year 2012.

Response: The traffic data used for the noise analysis does account for projected background growth. In addition, for a background noise level of 62 dBA or higher the *CEQR Technical Manual* defines a significant impact as an increase of 3 dBA. Therefore, additional noise associated with the growth of the respective Federal Express and UPS fleets, which are independent of this Proposed Action, would not alter the findings of this study.

307. Comment: DSNY has failed to include noise impacts associated with the proposed salt shed.

Response: The activities that would occur at the proposed salt shed would not be expected to generate a significant amount of noise. This area would also not be used on a regular basis. Typically this proposed facility would be utilized on an intermittent basis (six to ten times per year), which would occur during or in preparation for inclement weather.

308. Comment: DSNY failed to conform with the intent, if not the words, of CEQR, which considers a noise impact to be significant if the daytime period noise level significantly exceeds 65 dBA at a sensitive receptor (e.g., a residence or office) or 70 dBA in a commercial or manufacturing zone.

Response: Page 3R-18 of the *CEQR Technical Manual* states that if the no action noise level would be 62 dBA or more, a 3 dBA or greater change should be considered significant. This study was performed in accordance with this definition of significant impact.

309. Comment: DSNY states that the new facility should not be classified as a sensitive receptor and, thus, should not be subject to CEQR sensitive receptor noise exposure guidelines, as the project is predominantly garage space (20.2.2, p. 20-3). However, while the total space would predominantly be used as a garage, a significant number of sq ft would be allocated to DSNY for office/personnel uses (p. 16-4). As a result, the proposed garage should be considered a sensitive receptor for purposes of noise assessment.

Response: The proposed DSNY facility is not classified as a sensitive receptor. However, assuming the proposed garage was a sensitive receptor, the background sound level would be

measured at 67 Leq dBA, 70 L₁₀ dBA. This is within the Marginally Acceptable General External Exposure category of the *CEQR Noise Exposure Guidelines*. According to the suggested CEQR guidance, this would not be considered to be a significant adverse noise impact.

310. Comment: DSNY did not use a representative time period for its noise evaluation. DSNY indicates in the DEIS that its noise and traffic study on Saturday, March 10, 2007 showed an L_{eq} of 67 dBA at the receptor located at the residence on Spring Street. An increase of 3 dBA or more, to 70 dBA, would be considered a significant impact. To satisfy both standards, sound levels emanating from the project sites cannot exceed 70 dBA. Because the Spring Street noise receptor tested by DSNY showed an L₁₀ of 70 dBA, (i.e., the sound pressure level exceeded 70 dBA ten percent of the measurement period)(Table 20-4, p. 20-9), it seems reasonable to assume that the dBA would have reached an L_{eq} of 70 or greater during a weekday morning or afternoon when traffic is substantially higher.

Response: As stated on page 3R-12 of the *CEQR Technical Manual*, noise measurements should be made in accordance with the expected times that the proposed activity at the site would be greatest, or when surrounding receptors may otherwise be most likely to experience significant impacts because of the project. Given the traffic results, and the anticipated lower background sound levels, the Saturday time period was chosen to represent the worst-case scenario for causing an increase in noise. The reference to 70 dBA as the maximum level not to be exceeded applies only to the noise emanating from the Proposed Action, not the noise associated with background traffic.

311. Comment: Based on noise monitoring conducted for the Hudson Square Rezoning between August 27, 2002 and September 25, 2002, it appears that DSNY did not monitor noise at representative times. For example, the DEIS (p. 20-9) shows that volumes were taken at the residences on Spring Street (Urban Glass House), Canal Park, and the west side of Hudson River Park. The volumes were significantly higher in the noise monitoring conducted for the Hudson Square Rezoning than in the DEIS.

Response: As stated on page 3R-12 of the *CEQR Technical Manual*, noise measurements should be made in accordance with the expected times that the proposed activity at the site would be greatest, or when surrounding receptors may otherwise be most likely to experience significant impacts because of the project. Given the traffic results, and the anticipated lower background sound levels, the Saturday time period was chosen to represent the worst-case scenario for causing an increase in noise.

312. Comment: Noise increment resulting from the Proposed Action could be higher if a different time period were used. DSNY tested noise in winter, but based its study on summer peak hours, from 5 AM to 7 AM. DSNY should have tested a weekday period when large numbers of DSNY trucks are entering and exiting the garage.

Response: See response to Comment 311.

313. Comment: The noise increment would be higher if DSNY's Future Build and Future No Build scenarios had not underestimated traffic volumes.

Response: The Future Build PCEs were 23 percent greater than the Future No Build PCEs. According to the *CEQR Technical Manual*, a 100 percent increase would have the potential to cause a significant noise impact. A doubling of the project's projected traffic would be required to have the potential to cause a significant noise impact.

314. Comment: According to the *CEQR Technical Manual* (p. 3R-13, 331.2), the duration of the measurement period should be sufficiently long to include typical events and conditions, and it may be

necessary to take 24-hour noise measurements at one or more receptor locations if the Proposed Action is expected to generate traffic of stationary source noise over a 24-hour period. DSNY should, therefore, be required to conduct a noise assessment for a full 24-hour weekday.

Response: As stated on page 3R-12 of the *CEQR Technical Manual*, noise measurements should be made in accordance with the expected times that the proposed activity at the site would be greatest, or when surrounding receptors may otherwise be most likely to experience significant impacts because of the project. Additionally, the *CEQR Technical Manual* notes that it is generally not necessary to conduct noise measurements for more than a 20-minute period provided that a traffic count and vehicle classification is conducted simultaneously. Given the traffic results, and the anticipated lower background sound levels, the Saturday time period was chosen to represent the worst-case scenario for causing an increase in noise. Simultaneous traffic counts and vehicle classifications were conducted with the noise monitoring.

315. Comment: DSNY should be required to specify details about which noise attenuation measures would be installed and where; how noise levels would be measured; and how DSNY would comply with both CEQR and the Noise Code.

Response: Since details on specific HVAC equipment are not known at this point in time, a compliance specification will be used to ensure that noise emanating from the site will not exceed the standards of CEQR or the New York City Noise Code.

316. Comment: DSNY should incorporate into its analyses the effects, during the winter, of noise emanating from the area of the salt shed, due to the activities of salt front loaders and salt spreaders.

Response: See response to Comment 317.

317. Comment: DSNY has underestimated noise impacts, including its failure to account for increased noise from engine fans caused by diesel particulate filters, trucks braking and queuing, its study of non-representative time periods, and its underestimation of traffic volumes.

Response: Following the *CEQR Technical Manual*, the mobile source noise study is based upon an increase in traffic. Since the increase of 23 percent would be less than the 100 percent increase threshold noted in Chapter 3R (Section 200) of the *CEQR Technical Manual*, the traffic associated with the Proposed Action would not have the potential to cause a significant noise impact. Therefore, further detailed noise analyses are not required and no significant adverse mobile source noise impacts are expected as a result of the Proposed Action.

As stated on page 3R-12 of the *CEQR Technical Manual*, noise measurements should be made in accordance with the expected times that the proposed activity at the site would be greatest, or when surrounding receptors may otherwise be most likely to experience significant impacts because of the project. Given the traffic results, and the anticipated lower background sound levels, the Saturday time period was chosen to represent the worst-case scenario for causing an increase in noise.

The Future Build PCEs was 23 percent greater than the Future No Build PCEs. According to the *CEQR Technical Manual*, a 100 percent increase would have the potential to cause a significant noise impact. A doubling of the project's projected PCEs would be required to have the potential to cause a significant noise impact. Projected traffic volumes were conservative (see Traffic comments and responses).

318. Comment: DSNY should be required to conduct new noise studies.

Response: The noise study was performed in accordance with the *CEQR Technical Manual* standards. Additional studies are not required.

319. Comment: Does the NYCDEP have records of ongoing studies in the area to serve as background levels?

Response: Area sound levels were monitored for this project. NYCDEP records are not necessary.

320. Comment: Will there be noise studies done in impacted residences?

Response: No further noise studies will be performed.

321. Comment: There should be an analysis of ambient noise levels and decibel levels in the area since empty trucks are noisier than cars.

Response: An analysis of the ambient noise levels was performed, as described in the FEIS.

Construction Impacts

322. Comment: The residents of the Urban Glass House and employees of St. John's Center and the Park-It Management will be adversely affected by the obstruction of light and air resulting from the construction.

Response: Construction activity would temporarily change the character of the surrounding neighborhood due to the operation and visibility of construction equipment on the proposed site. Construction would be reduced once demolition, foundation and superstructure installation activities are completed. Construction activities would decrease during the installation of interior finishes, which would occur once the garage facility is enclosed.

Construction-related impacts would be intermittent and temporary in duration and efforts would be made to identify and implement measures to minimize disruptions and to ensure the safety of the surrounding community. Land use on the surrounding blocks would not change as a result of construction activity associated with the Proposed Action. No significant adverse impacts to land use during construction are anticipated. Temporary changes to urban design and visual resources are anticipated during the demolition, and construction of the site. Various types of construction equipment would be visible from the site including mobile cranes extending above construction fencing, trucks entering and exiting the site, safety barriers, and construction fencing. While plywood construction fencing around the perimeter of the site would screen construction activity from view, construction activity would remain visible from the upper floors of surrounding buildings. All construction would comply with applicable City air and noise codes and dust control measures will be in place to limit potential effects from fugitive dusts. No significant adverse impacts are anticipated as a result of construction activities.

323. Comment: DSNY presents an unrealistic construction time schedule.

Response: Comment noted.

324. Comment: The construction time schedule does not factor in mitigation of the potential hazardous materials at the current MN 1 garage or UPS lot and the fact that its West 57th Street garage is still not completed.

Response: As noted within the FEIS (Section 12.6), the DSNY would address issues associated with contaminated materials that may be encountered during the proposed construction, as well as during the removal and closure of existing fuel storage tanks at the MN 1 Garage.

325. Comment: The construction time schedule does not factor in potential archaeological resources. As specified in Appendix E of the DEIS, the site of the proposed MN 1/2/5 garage “has the potential to contain significant archaeological resources.” (Appendix E, page X-6).

Response: No significant excavation is proposed. Archaeological monitoring will be conducted for the potential c. 1805 landfill.

326. Comment: The time schedule does not factor in the longer-than-usual period of time that would be required to demolish the current MN 1 garage.

Response: The existing MN 1 garage is a small (less than 20,000 sf) one story garage with a two-story office/personnel area. There is no reason to believe it will require a longer than usual period of time to demolish.

327. Comment: DSNY should be required to specify details of how it plans to meet its optimistic construction schedule (e.g., if it plans for after-hours construction work on a regular basis). If this optimistic schedule cannot be supported, DSNY should be required to specify long-term construction mitigation measures.

Response: The construction schedule will be met with the use of performance incentive clauses and supervision.

328. Comment: DSNY incorrectly states that “construction noise at the project sites would be similar to that associated with other development projects in the City, and would not result in significant adverse impacts.” (21.2.5, Page 21-10)

Response: Comment noted. Construction methods to be employed for the development of the proposed site would be consistent with those used at multiple construction sites throughout the City of New York. All construction activities and equipment would need to comply with the applicable requirements of the City’s Noise Code, which were effective July 1, 2007, and are set forth within Title 15, Chapter 28 of the Rules of the City of New York.

329. Comment: DSNY inappropriately considers the construction impacts as though this were only one construction project. In fact, there are two separate and distinct construction projects occurring simultaneously. One project involves decommissioning and removing the existing underground storage tanks at the MN 1 garage, demolishing the garage, installing utilities for intermittent lighting and ventilation, and constructing the salt shed. The second project involves preparing the garage site, installing utilities, constructing the super-structures and installing the mechanical systems at the garage. The two sites, with different demolition/construction needs, should be evaluated for adverse impacts both separately and in aggregate, particularly given the super-size of the MN 1/2/5 site.

Response: The potential impacts due to the construction of the proposed garage and salt shed were presented within Chapter 21 of the FEIS. This presented the DSNY’s current schedule for construction activities associated with the garage and salt shed and the major construction activities that would occur.

330. Comment: DSNY fails to state whether perimeter noise barriers would be installed that meet the requirements of Title 15, Chapter 28 – Citywide Construction Noise Mitigation of the Rules of the City of New York (“Noise Code”), §28-107 and §28-109.

Response: Construction would comply with applicable and appropriate requirements for these activities within the City of New York as set forth within Title 15, Chapter 28 of the Rules of the City of New York.

331. Comment: Based on the timetable experienced for construction of the MN 4/4A/7 garage at 650 W 57 Street, the MN 1/2/5 construction impacts may be significantly longer than “short term” unless accelerated construction schedule is implemented. An accelerated construction schedule would require DSNY to seek authorization to conduct construction activities at the proposed sites after-hours weekdays and on weekends.

Response: DSNY believes the construction schedule is achievable without accelerated construction schedules. Unlike the MN 4/4A/7 garage project, there is no large building to demolish at the UPS site.

332. Comment: DSNY should be required to prepare detailed Noise Mitigation Plans for the construction sites that assume an accelerated construction schedule. The plans should be subject to community review and approval.

Response: Construction activities would comply with applicable and appropriate requirements for these efforts as set forth within Title 15, Chapter 28 of the Rules of the City of New York.

333. Comment: If DSNY acknowledges that the construction period could be longer lasting, it should conduct a detailed analysis of construction noise as required by the CEQR Technical Manual.

Response: The Proposed Action would represent a short term construction activity as discussed within the FEIS. Based on the New York City Noise Control Code, the Rules of the City of New York regarding City-wide Construction Noise Mitigation, and the USEPA’s noise emission standards for construction equipment, provisions and specifications would be made in the construction contract in an effort to minimize construction noise. These regulations mandate that certain classifications of construction equipment and motor vehicles must meet specified noise emissions standards; limit construction activities to weekday daytime periods between the hours of 7 AM and 6 PM, except under exceptional circumstances; and that construction material be handled and transported in such a manner as to not create unnecessary noise. Construction at all other times would require the subcontractor to obtain an after-hours variance from the City prior to the commencement of after-hours work. The Proposed Action would comply with the New York City Noise Code, USEPA regulations and New York City’s Rules for City-wide Construction Noise Mitigation, including the development and posting of a Construction Noise Mitigation Plan. Under the criteria set forth in the *CEQR Technical Manual*, if the duration of construction is short-term, construction impacts are considered temporary and not significant. Therefore, there would be no adverse noise impacts from construction at the proposed site.

334. Comment: DSNY should also conduct an assessment of potential air quality impacts from construction and construction traffic due to long-term construction schedules, as required by the CEQR Technical Manual.

Response: Significant air quality impacts during construction are not anticipated to occur due to the Proposed Action. The DSNY will require that all construction contractors comply with the requirements of New York City Local Law 77 of 2003 that requires the use of ULSD and “best

available technology” for reducing emissions from City construction projects, as well as other applicable components of the New York City Air Pollution Code. In addition, dust control measures will also be required during construction to limit potential fugitive emissions.

335. Comment: Even if it determined that DSNY’s construction period can be defined as “short term,” DSNY should be required to prepare the kind of detailed analysis for the MN 1/2/5 garage and salt shed as would be required by the CEQR Technical Manual for projects having an extended construction duration. That is because multiple construction activities could take place simultaneously at different portions of the mega-sized, two-acre garage site and at the current MN 1 garage, magnifying the effects on noise and air quality.

Response: In accordance with the requirements of the *CEQR Technical Manual*, potential impacts due to the construction of the Proposed Action were evaluated and were discussed in Chapter 21 of the FEIS. All construction activities would be conducted in accordance with applicable federal, state and city requirements for these activities, such as the City’s air and noise codes.

336. Comment: DSNY should require that all construction site vehicles and machinery use ultra-low-sulfur diesel fuel.

Response: New York City Local Law 77 of 2003 requires the use of ULSD and “best available technology” for reducing emissions of City construction projects. Accordingly, all on or off-road diesel construction equipment will use ULSD fuel, as required.

337. Comment: DSNY has failed to either provide a realistic construction schedule or adequately address construction impacts. It has also been silent as to why the City agreed to a Settlement Agreement to vacate Gansevoort that is clearly cannot fulfill.

Response: DSNY believes the construction estimate is realistic and that air and noise impacts will be adequately addressed by complying with applicable laws and codes.

338. Comment: Regarding construction, will DSNY monitor the state of the contractor’s equipment and compliance with the noise regulations that went into effect on July 1, 2007?

Response: DSNY’s construction manager will ensure that the NYC Noise Code is adhered to by project contractors. The DSNY will incorporate specific requirements into the construction specifications and contract documents for the Proposed Action that would require all contractors to comply with applicable requirements for the management of construction noise. All construction activities and equipment would need to comply with the applicable requirements of the City’s Noise Code, which were effective July 1, 2007, and are set forth within Title 15, Chapter 28 of the Rules of the City of New York.

339. Comment: Detailed construction and property cost estimates should be provided for both Block 675 and the current site on Spring Street.

Response: A detailed cost estimate for Block 675 and the proposed site is beyond the adopted Scope for the environmental review of the Proposed Action. Project design is ongoing and site acquisition costs have not yet been determined. As discussed in the Alternatives Chapter (Chapter 24), both site acquisition costs and construction costs for a below-grade two garage facility plus acquisition of off-road vehicle storage space for MN 1 equipment and a salt shed site are expected to be considerably greater for the Proposed Action.

340. Comment: What effect will the construction have on landmark buildings in the area?

Response: No adverse impacts to landmark structures in the vicinity of the Proposed Action are anticipated. The DSNY, however, has committed to the implementation of an archaeological review process as part of the development of the Proposed Action. In addition, DSNY will also develop a Construction Protection Plan at the request of SHPO that would describe the measures to be implemented for the protection of historic structures within 90 ft of the Proposed Action (see Section 8.5.1 of the FEIS).

341. Comment: Will there be pile driving, and if so, how will this affect the surrounding buildings?

Response: The construction of the proposed garage would require pile driving. Potential impacts associated with this activity would not be expected to result in impacts to surrounding buildings. DSNY has also committed to the development of a Construction Protection Plan, at the request of SHPO, that would address historic structures located within 90 ft of the Proposed Action.

342. Comment: Is dewatering contemplated and what effect would this have on adjacent properties?

Response: Dewatering during construction may be required due to an existing high water table. All dewatering would be conducted in a manner that would not result in any potential impacts to surrounding properties. It is expected that if dewatering were required it would only occur during the initial phases of construction associated with the placement of pile supports and the development of the ground floor foundation and slab. Groundwater will be tested and permits obtained from NYCDEP as needed for discharge of such water to the sewer system.

Public Health

343. Comment: The large number of vehicle trips would jeopardize the health of vulnerable residences, such as seniors and children and the TriBeCa residents who breathed in particles following the World Trade Center collapse, the users of Hudson River Park and the new TriBeCa segment and the Pier 40 baseball fields.

Response: The results of the air quality analysis conducted for the Proposed Action indicated that no significant impacts would occur. This analysis included an assessment of the potential for impacts associated with particulate matter and other criteria pollutants, which indicated no significant impacts due to the Proposed Action.

344. Comment: Adults and children with asthma will be adversely impacted resulting from the decrease in air quality due to additional truck traffic resulting from the proposed DSNY garage and salt shed.

Response: The *CEQR Technical Manual* sets forth methodologies for the analysis of potential impacts to air quality due to a proposed action. In addition, the air quality standards (e.g., NAAQS) and threshold values established for air pollutants by federal, state and/or local agencies have been developed to be protective of human health and the environment. As discussed within the Air Quality Chapter of the FEIS (Chapter 19), the Proposed Action would not result in any significant impacts to air quality and would not result in a contravention of NAAQS. No impacts to public health would therefore be expected.

In addition, the DSNY is required to implement improvements in the emissions from its diesel-powered collection vehicles pursuant to USEPA 2007 Model Year Standards. The DSNY is already utilizing ULSD fuel for its collection vehicles and has been equipping its existing fleet with Clean Diesel Technology, which significantly reduces particulate pollution associated with

diesel vehicles. All DSNY vehicles will meet or exceed these requirements by the completion of the proposed garage.

345. Comment: Serious health risks associated with the salt shed are not sufficiently covered in the DEIS, since the proposed salt shed is located in close proximity to the Hudson River Park and residential buildings.

Response: The DSNY has proposed an enclosed and covered salt shed at the location of the existing MN 1 garage. The salt storage areas will be completely covered and protected from the elements. The proposed salt shed would have solid walls on the three sides bordering West, Spring and Canal Streets. A roof would attach to these and cover the entire area contained within these walls. The construction of the shed and the adjacent Holland Tunnel Ventilation Building will prevent any wind-blown salt. The 30-foot driveway between the Holland Tunnel Ventilation Building and the salt shed would serve as an apron where salt would be delivered and moved into the shed and where salt spreaders would be loaded. Sliding gates on Canal and Spring Street would complete the enclosing of the salt operation. Wind-blown salt would, therefore, be minimized and no impacts would be expected. In addition, all road salt would be located under and contained within the proposed structure. Accordingly, no impacts to stormwater runoff would occur from the proposed salt shed.

346. Comment: Research indicates that the risk of health problems is increased the closer the distance to traffic. A study conducted by Zhou and Levy found increased health risks from particulate matter within 500 to 1,500 ft; from nitrogen dioxide within 600 to 1,500 ft; and from ultrafine particulate count within 300 to 1,000 ft of a road. Also a study of 4,494 adults found that, compared with people who lived more than 200 yards from major traffic, the chance of high coronary artery calcification was 63 percent greater for those living within 50 yards. The residents at 330 Spring Street are located within 129.25 ft, i.e., 43 yards of the proposed garage.

Response: The analysis of potential air quality impacts due to the Proposed Action did not indicate any significant impacts. As the federal, state and/or city air quality standards and thresholds that were utilized as part of the analysis have been developed in order to be protective of human health and the environment and the air quality analysis prepared for the FEIS indicated that these would not be exceeded, no impacts to public health are anticipated.

347. Comment: Air pollution from traffic fumes increases the likelihood of the development of deep vein thrombosis. As reported in the BBC News Online on May 13, 2008, a study of 2,000 people conducted by the Harvard School of Public Health found that for every 10 micrograms per square meter increase in small particulates, the risk of developing a deep vein thrombosis increased by 70 percent.

Response: See response to Comment 344.

348. Comment: Current levels of air pollution near the proposed garage are already unacceptable. The Daily News reported in a June 17, 2007 article that air quality was measured in each of the boroughs, and the highest level of particulate detected was 500,000 particles per cubic centimeter of air during the evening rush hour on Canal and Varick Streets.

Response: See response to Comment 344.

349. Comment: DSNY reports in the DEIS that the PM_{2.5} monitoring at 350 Canal Street, the closest U.S. EPA monitoring station to the proposed garage, exceeded the standard for a 24-hour concentration in the three years 2004-2007. Yet, DSNY proposes to locate a three-district garage near the intersection of Canal and West Street/Route 9A, both of which are used for local transportation as well as regional links.

Response: The analysis of potential air quality impacts due to the Proposed Action did not indicate any significant impacts. The federal, state and/or city air quality standards and thresholds utilized as part of this analysis have been previously developed in order to be protective of human health and the environment. The air quality analysis prepared for the FEIS indicated that these would not be exceeded and therefore no impacts to public health are anticipated. This analysis included an assessment of the potential for impacts associated with particulate matter, which indicated no significant impacts due to the Proposed Action.

350. Comment: In addition to the increased health risks from air pollution caused by the 800 or so vehicles that would travel to and from the proposed garage on a peak summer day, there would be health risks from fugitive dust from the 62 collection trucks and 27 or more relays and from vermin at the garage. This is insensitive, given that Lower Manhattan residents are already more susceptible to health problems as a result of breathing in debris from the World Trade Center collapse.

Response: See response to Comment 344.

351. Comment: DSNY indicates that the potential health impacts of diesel truck emissions were considered in detail in the FEIS for the April 2005 SWMP (22-2). This is not true. The FEIS concluded that the relationship between vehicular emissions and health impacts are unproven.

Response: As discussed in the Air Quality Chapter, DSNY considered the health impacts from the diesel emissions associated with the Proposed Action, and concluded that they would not be significant. This included a consideration of hazardous air pollutants found in diesel exhaust, utilizing applicable NYSDEC thresholds for cancer risks. Air emission from the proposed three-district garage would be less than from the current MN 1 Garage, which currently lacks diesel particulate traps and utilizes Number 2 fuel oil for facility heating, which generates particulate and NOx emissions, unlike the steam heat proposed for the new garage. The limited collection vehicle rerouting from the Proposed Action would not result in significant adverse public health impacts.

352. Comment: DSNY should be required to study the health impacts that its Proposed Action would have on the community.

Response: See response to Comment 344 and 351.

The Proposed Action would not result in significant impacts to air and noise quality. As the standards for evaluating potential impacts have been established to be protective of human health and the environment, no public health impacts to the community would be expected.

353. Comment: The DEIS did not discuss the effects of vermin in the Public Health section of the DEIS. The SWMP FEIS notes that airborne particulate matter includes fragments of insects and bits of sand and oil. Vermin are attracted by putrescible waste. There would be significant amounts of putrescible waste at the MN 1/2/5 Garage, given that it would have 62 collection trucks, which would be washed only once every two weeks, and the 27 or more relay trucks could sit in the garage for up to eight hours. DSNY should address how it would deal with vermin.

Response: See response to Comment 366.

354. Comment: The open eastern side of the salt shed would result in airborne salt, which would enter the air intake fans to the Holland Tunnel. The airborne salt would also be inhaled by humans working and living near the salt shed, by domestic pets, and by fish and wildlife at the Hudson River.

Response: The DSNY has proposed an enclosed and covered salt shed at the location of the existing MN 1 garage. The salt storage area will be completely covered and protected from the elements. The proposed salt shed would have solid walls on the three sides bordering West, Spring and Canal Streets. A roof would attach to these and cover the entire area contained within these walls. The construction of the shed and the adjacent Holland Tunnel Ventilation Building will prevent any wind-blown salt. The 30-foot driveway between the Holland Tunnel Ventilation Building and the salt shed would serve as an apron where salt would be delivered and moved into the shed and where salt spreaders would be loaded. Sliding gates on Canal and Spring Street would complete the enclosing of the salt operation. Wind-blown salt would be minimized as all salt would be stored within the enclosed shed and no impacts would be expected.

355. Comment: The salt shed would be located in a coastal zone: it could be flooded with water, thus creating runoff. The salt shed would also be located in an earthquake fault line. Road salt has environmental impacts on the NYC watershed, posing risks to aquatic ecosystems and drinking water quality. Rock salt also damages vegetation, which in turn, degrades wildlife habitat by destroying food resources, habitat corridors, shelter, and breeding or nesting sites. Therefore, DSNY should be prohibited from building a salt shed that is not entirely enclosed.

Response: The Proposed Action would be located adjacent to the West Street/Route 9A, north of Canal Street and would not impact the New York City watershed. Salt storage at the site of the existing MN 1 Garage would occur within an enclosed salt shed that is protected from the elements and constructed upon a new concrete slab. The DSNY has proposed an enclosed and covered salt shed at the location of the existing MN 1 garage. The salt storage areas will be completely covered and protected from the elements. The proposed salt shed would have solid walls on the three sides bordering West, Spring and Canal Streets. A roof would attach to these and cover the entire area contained within these walls. All operations at the proposed garage would occur within a fully enclosed structure. Sliding gates on Canal and Spring Street would complete the enclosing of the salt operation. As road salt would be located within an enclosed structure, wind-blown salt would be minimized and no impacts would be expected. In addition, no impact to stormwater runoff would occur as all road salt would be located under and within the proposed structure. Significant impacts to surface waters, vegetation, wildlife habitat and human health are not anticipated.

356. Comment: The FGEIS for Hudson Yards (2005) indicated in Appendix X: DSNY Facilities and NYPD Tow Pound Alternative Siting Studies indicated that a single-district garage at the site of the proposed MN 1/2/5 Garage would result in significant adverse stationary source air quality impacts, noise impacts, and past and present land uses on Blocks 596 (Spring Street), 1092, 1093 and 1094 have the potential to result in significant adverse hazardous materials impacts. However, the DEIS says that there would be no significant impacts.

Response: As noted above, the Hudson Yards FGEIS predicted air impacts from the garage using fuel oil. By contrast, the proposed garage would use clean steam for heating. The Proposed Action would not result in significant impacts to air quality (see Chapter 19 of the FEIS). In addition, the DSNY evaluated potential impacts due to hazardous materials at the proposed site and did not identify any significant specific hazards. Elevated levels of lead and other contaminants may exist, but would be capped by the project, eliminating exposure pathways that may exist at present. The DSNY would conduct additional investigations, as appropriate, and develop measures, such as worker health and safety plans, soil management plans, etc., as applicable. Also see response to Comment 302.

357. Comment: Analyze the increased health impacts of PM_{2.5} as a localized non-threshold pollutant in the area of the proposed facility from DSNY's proposed alternative, especially in light of documented prior studies of these impacts, which were not noted, referenced, or analyzed in the DEIS.

Response: The analysis of potential air quality impacts due to the Proposed Action, which included an evaluation of PM_{2.5}, did not indicate any significant impacts. The federal, state and/or city air quality standards and thresholds that were utilized as part of the analysis have been developed in order to be protective of human health and the environment and the air quality analysis prepared for the FEIS indicated that these thresholds would not be exceeded, no impacts to public health are anticipated.

358. Comment: The DEIS ignores the adverse impacts of salt on buildings and the environment as well as the human health impacts.

Response: See response to Comment 355.

359. Comment: An analysis of the emissions potential and hazard potential must be performed in the DEIS for particulates, salt, ferric and sodium ferrocyanides, and for heavy metals in order for the DEIS to address potential significant environmental and health impacts resulting from road salt.

Response: The air quality analysis for the Proposed Action did not identify significant impacts due to particulates. In addition, the concentration of road salt anti-caking agents, which may contain complex cyanide compounds, is very low (e.g., 300 pounds of anti-caking agent for every 1,500 tons/3,000,000 pounds of road salt) and all salt would be stored within an enclosed salt shed. No impacts due to these compounds upon the surrounding community are expected. The Proposed Action would not involve the generation of heavy metals.

Also see responses to Comments 355, 241 and 87.

360. Comment: The DEIS provides no public health data for the project area and no substantive discussion of any impacts of the project on public health.

Response: The *CEQR Technical Manual* sets forth methodologies for the analysis of potential impacts to air quality due to a proposed action. In addition, the air quality standards (e.g., NAAQS) and threshold values established for air pollutants by federal, state and/or local agencies have been developed to be protective of human health and the environment. As discussed within the Air Quality Chapter of the FEIS (Chapter 19), the Proposed Action would not result in any significant impacts to air quality and would not result in a contravention of NAAQS.

In addition, a noise analysis was also completed to assess if the Proposed Action would result in potential impacts. This analysis was also completed in accordance with the *CEQR Technical Manual* and demonstrated that the Proposed Action would result in no adverse impacts.

As the air and noise quality standards and thresholds that were utilized as part of these analyses were developed in order to be protective of human health and the environment and the analyses prepared for the FEIS indicated that these would not be exceeded, no impacts to public health are anticipated. As such, a detailed health study was not completed.

361. Comment: The Public Health section must provide a public health outcome data analysis using the New York State Department of Health and NYSDEC Health Outcome Data Analysis Protocol. The DEIS must also identify the hazardous air pollutants to which the public may be exposed as a result of this

project and cumulatively for this and other City and non-City sources of similar characteristics within the one-half mile study area inclusive of the following:

- Ferrocyanides from salt anti-caking compounds;
- Diesel exhaust particulates from DSNY trucks, contractors, vendors, UPS, and from existing and future emissions burdens from other major sources;
- Hydrogen sulfides and other target odor compounds from refuse stored in the transfer station garage at the published AIHA/NIOSH odor detection threshold for a continuous exposure. A continuous exposure must be used since the transfer station will house wastes on a continuous basis;
- Formaldehydes and other polynuclear aromatics emitted by diesel engines;
- Mercury release from salt and combusted fuels; and
- Construction and remediation site emissions.

Response: No long term storage of solid waste would be associated with the Proposed Action. The Proposed Action is the development of a new garage and salt shed, not a waste transfer station. Short-term storage of a maximum of 25 loaded recycling and refuse collection vehicles for no more than eight hours could be required prior to the transport of these vehicles to their designated disposal locations. The majority of DSNY vehicles stored at the proposed garage would be empty. As a result, potential impacts from the generation of hydrogen sulfide or other odor compounds from solid waste are not anticipated.

As noted previously, road salt typically includes various anti-caking agents, some of which may contain cyanide compounds. These compounds are added to road salt at very low levels (e.g., 300 pounds for every 1,500 tons/3,000,000 pounds of salt). While it true that cyanide gas can be released upon exposure to sunlight, this process is very slow. Road salt, however, would be stored within a proposed covered and enclosed structure. It would not be exposed to sunlight and the concentration of anti-caking agent would be at extremely low concentrations, therefore the potential generation of cyanide gas would be insignificant and would not result in adverse impacts.

No site remediation is currently proposed as part of the Proposed Action. The DSNY would remove and close out existing fuel storage tanks as part of the demolition of the MN 1 Garage as noted within the FEIS. This would be conducted in accordance with NYSDEC and other federal or local requirements applicable to this process. If air monitoring were required as part of this activity the DSNY would comply.

The DSNY is required to implement improvements in the emissions from its diesel-powered collection vehicles pursuant to USEPA 2007 Model Year Standards. The DSNY already utilizes ULSD fuel for its collection vehicles and has also been equipping its existing fleet with Clean Diesel Technology. All DSNY vehicles will meet or exceed these requirements by the completion of the proposed garage. In addition, the DSNY is required to ensure that all construction contractors comply with the requirements of New York City Local Law 77 of 2003 that requires the use of ULSD and “best available technology” for reducing emissions from City construction projects. As a result, potential impacts from particulate pollutants and other diesel combustion by-products are not anticipated.

362. Comment: The chapter on public health did not establish any particular study area, only previously addressed issues.

Response: See response to Comment 360.

363. Comment: DSNY must perform, as consistent with CEQR and SEQRA, a more comprehensive assessment of public health and environmental justice implications of this project combined with the impacts of other City facilities and projects affecting this area.

Response: The analysis of potential air quality impacts due to the Proposed Action did not indicate any significant impacts. As the federal, state and/or city air quality standards and thresholds utilized as part of the analysis have been developed in order to be protective of human health and the environment and the air quality analysis prepared for the FEIS indicated that these would not be exceeded, no impacts to public health are anticipated. Likewise, an assessment of the potential impacts of the Proposed Action upon noise also indicated there would be no impact.

Although the completion of an environmental justice analysis for the Proposed Action is not required, a Fair Share Analysis was conducted for the Proposed MN 1/2/5 Garage and Salt Shed as part of the ULURP application prepared for the Proposed Action and is included within Appendix G.

364. Comment: The Proposed Action should be evaluated in light of a January 2007 government-funded study showing a doubling of permanent damage to the lungs of children living in polluted areas in combination with living within 500 ft of a busy road. The study was done by the University of Southern California Medical School, reported in *The Lancet* in January 2007, and funded by the USEPA, the National Institute of Environmental Health Sciences and other major government agencies.

Response: The analysis of potential air quality impacts due to the Proposed Action did not indicate any significant impacts. Federal, state and/or city air quality standards and thresholds utilized as part of the analysis have been developed in order to be sufficiently protective of human health and the environment. As the air quality analysis prepared for the FEIS indicated that these thresholds would not be exceeded, no impacts to public health are expected.

365. Comment: The entrance to the existing MN 1 garage has salt, broken glass, and debris, that have been observed falling off the garbage trucks going in and out of the facility. Once the Proposed Action is constructed, it seems that there will be a larger trail on Washington and Spring Streets due to the increase in numbers of trucks.

Response: The DSNY routinely implements regular housekeeping procedures at its facilities and the loss of debris from DSNY collection vehicles will be addressed as necessary and regular house-keeping procedures required at the proposed MN 1/2/5 Garage.

366. Comment: The Proposed Action would result in an increase in vermin.

Response: Although good housekeeping will diminish the attractiveness of the facility to vectors and pests (“vermin”), the DSNY will incorporate the new garage into its existing vector and pest control program, which is managed by licensed exterminators on the DSNY staff. During normal operations, exterminating services will be conducted at the new facility as part of a 45-day preventative maintenance cycle. The licensed exterminators evaluate potential vector and pest problems and apply pesticide spray and placement of traps and/or bait throughout the garage area, as well as administrative and employee areas. Should additional, emergency service be needed, exterminators will be dispatched to the facility to handle such emergency vector and pest control. Emergency complaints are addressed within two to three days.

In response to emergency complaints, inspections would be conducted at the garage to determine if baiting and spraying are required. For instance, if droppings are discovered in a specific area,

that area is baited. If more than one area has visual evidence of droppings, then each area will be baited. In addition, spraying will be conducted throughout the garage facility, as necessary.

In conjunction with good housekeeping practices, the extermination services, as described above, will provide a level of control that will not exacerbate existing pest control issues.

367. Comment: The rotting garbage in the relay trucks would result in an increase in the numbers rats, cockroaches, and other vermin to the neighborhood.

Response: See the response to Comment 366.

368. Comment: Large packs of rats have been observed running in and out of the existing MN 1 garage when the garage doors are opened. They have also been observed climbing over the alleged state of the art trucks outside of the garage and large roaches, flies, and other vermin festering on fallen debris. These conditions will worsen with a three-district sanitation garage.

Response: DSNY will not tolerate rats in the facility. See the response to Comment 366.

369. Comment: Please describe DSNY's plan to store garbage overnight in collection trucks and whether recyclables would also be stored overnight.

Response: DSNY-collected refuse and recyclables are typically transported to a designated waste transfer or disposal location as soon as possible after collection. However, some DSNY collection vehicles cannot be transported to their disposal or recycling location during the normal shift and these loaded vehicles would return to the garage for transport during a later shift. These collection vehicles would be transported to their disposal or recycling location in most cases during the next shift, but in all cases would remain in the proposed garage for no more than eight hours. Refuse and recyclables would be stored within the relay collection vehicle within the fully enclosed MN 1/2/5 Garage. No long term storage of waste or recyclable materials within the proposed garage would occur.

370. Comment: Please describe DSNY's plan to control vermin associated with the Proposed Action.

Response: See the response to Comment 366.

Alternatives

371. Comment: CDs 2 and 5 should locate their garages on Block 675 beneath a public park, which is appropriately zoned and available for use. It would be possible to also construct a truck to rail transfer facility at this site. If construction costs could be reduced by eliminating sub-grade construction, DSNY should seek zoning variances to build and above grade garage and a park.

Response: The alternative of two garages at Block 675 below grade is discussed in the DEIS which was previously approved, but was found to be prohibitively expensive. The City's new SWMP does not provide for a truck to rail waste transfer facility at that location. An above grade garage and a park at Block 675 would not meet DSNY's needs for new district garages for Districts 1, 2 and 5 and was not an alternative selected for study by the DEIS Scope. It would not address the space requirements of the MN 1 garage and the relocation of salt storage from Gansevoort.

372. Comment: A new dual garage facility that might be inclusive of a Marine Transfer Station could be located at Pier 76 in place of the Municipal Tow-Away Pound. It would allow for easy ingress/egress to

Route 9A and the green building could potentially add a green roof that would enable the Hudson Yards to meet its open space requirement.

Response: While two garages could be sited at Pier 76, this would require the relocation of the NYPD Tow Pound (the comment does not propose a site) and would not meet the space requirements of the MN 1 Garage. Using Pier 76 would increase travel costs when compared to the proposed garage at Spring Street. Therefore, this alternative was not selected for analysis in the FEIS.

373. Comment: A new Master Plan could be developed for Pier 40 could be used to build a marine transfer station and a new garage building to meet their needs there, while also creating a neighborhood long-term public parking facility. The complex would also have recreational ball fields and athletic facilities.

Response: The Hudson River Park Act prohibits DSNY truck parking as it is a governmental use “that is not a compatible governmental use [as defined] or is otherwise incompatible with park use.” Moreover, the Act requires that a minimum of fifty percent of Pier 40 be devoted to passive and active public open space. The master plan for Pier 40 is the responsibility of the Hudson River Park Trust. Amending the Act and master plan and designing and building a three-district garage facility at Pier 40 cannot be accomplished within the time frame available to vacate Gansevoort under the applicable Consent Order

374. Comment: Amend Hudson River Park Act legislation to allow DSNY to stay at Gansevoort Peninsula. DSNY could house CD 1, 2, 4 and 5 at Gansevoort Peninsula.

Response: This suggestion would require action by the State Legislature and lacks public support, as it would preclude the development of up to six acres of public waterfront park. Elected officials joined in the litigation that imposed on DSNY a timetable to vacate Gansevoort. Accordingly DSNY views this alternative as inferior to the alternatives analyzed in the FEIS.

375. Comment: Relocate CD 1 garage to either Northern TriBeCa or the Lower East Side. A CD 2 DSNY garage would be constructed in the current location of the CD 1 garage (297 West Street/Route 9A). The above ground garage would be built vertically and would accommodate repair services currently located at the CD 1 garage, internal truck elevator and/or stacking techniques for heavy vehicles. City employees could be encouraged to use public transportation to cut down on the amount of parking needed at the site.

Response: This comment does not identify any specific alternative site for the MN 1 Garage; DSNY has not identified any suitable site for a MN 1 garage in north TriBeCa or the Lower East Side. DSNY does not believe that a vertical garage for the MN 2 Garage at the current MN 1 site is feasible. MN 1 faces severe space constraints at its current site, whereas MN 2 has nearly twice the amount of trucks and equipment as MN 1. A vertical garage without ramps, but with a truck elevator and/or stacking techniques for heavy vehicles would add great complexity and risk of mechanical breakdown that is unacceptable to DSNY. This alternative does not provide a site for the MN 5 Garage or the salt shed

376. Comment: Use Ponte Site I, located at 445-47 Washington Street to relocate DSNY’s CD 1 garage, which may be large enough to accommodate the garage’s operations. A two-story garage structure might be designed at this location in a way that could fit with the surrounding neighborhood’s scale, size, and to provide for the preservation of views.

Response: The Ponte I site is not large enough to construct a garage.

377. Comment: Ponte Site II, located at 281-287 West Street/Route 9A in CD 1, could be used to house the DSNY CD 1 garage. The site is off of Route 9A and would provide easy truck access to TriBeCa, Battery Park City, the Seaport and the Financial District. The property is currently zoned M1-5, although it is due to change to residential soon. The property has residential uses to the north and in all other directions the land use is manufacturing or commercial uses. A well-designed green building would ensure that each of the CD's had their fair share of the burden.

Response: The Ponte II site is not large enough to construct a garage.

378. Comment: The Jack Parker Site, located at 147 Watts Street in CD 1, has been part of a dispute between CD 1 and the developer who would like to construct a tall market-rate housing project on the site. A partially-submerged, green, well-designed, low-scale DSNY garage for CD 1 with a rooftop park would be an amicable solution if negotiations with the developer broke down.

Response: Residential construction on this site is nearing completion.

379. Comment: Using the Extell basements, which is located at the 61st Street Rail yard at 5-07 West End Avenue, would be suitable for a DSNY garage (possibly MN 5) and potentially a truck to rail transfer station.

Response: Acquiring another site and constructing a separate garage for MN 5 would significantly increase the cost of the project and delay vacating Gansevoort.

380. Comment: Locate CD 5 back to Midtown at one of either Blocks 1092, 1093 and 1094 between West 44th Street and West 47th Street, west of Eleventh Avenue. Though these sites are located in CD 4, they are closer to midtown, thus removing the burden from Hudson Square. Building a DSNY garage on any of these sites would be consistent with existing zoning, land use, and public policy in the area.

Response: As discussed in the Alternatives section of the EIS, this alternative was considered in the Hudson Yards FGEIS. It is unfavorable from a cost perspective, due to comparatively high site acquisition and demolition costs. See response to Comment 379.

381. Comment: Study whether the 57th Street DSNY garage has the unused capacity to temporarily or permanently house CD 5 or 6. CD 5 has fewer heavy vehicles than any other CD and could ensure that CD 5 never moves to the Gansevoort Peninsula.

Response: The West 57th Street District 4/4A/7 Garage nearing completion lacks capacity for another District Garage.

382. Comment: Sufficient alternative sites were not considered in the alternatives analysis for the garage and the salt shed.

Response: The DSNY conducted an extensive process to identify and evaluate potential sites for the development of the proposed MN 1/2/5 Garage and Salt Shed. These alternative sites were identified and discussed within Chapter 24 of the FEIS and also within the ULURP application prepared for the Proposed Action. Several alternate locations for the development of the proposed garage were addressed within Section 24.1.1 of the FEIS and eight alternative salt shed locations were discussed in Section 24.1.2.

383. Comment: CD 5 garage should locate its garage on Block 675, which is appropriately zoned and available for use.

Response: The West 57th Street District 4/4A/7 Garage nearing completion lacks capacity for another District Garage.

384. Comment: CD 1 garage could be re-used for vehicle maintenance with employee amenities on the upper floors.

Response: The MN 1 Garage site is too small to be a proper District garage and would be inefficient as a vehicle routine maintenance facility for a district garage located beyond the immediate vicinity. The site is better suited for housing salt that is currently stored at the Gansevoort Peninsula.

385. Comment: CD 5 garage needs to be relocated away from Hudson Square and back to Block 675 to minimize mileage, re-use an existing garage (CD 6) and save DSNY money.

Response: Please see response to Comment 383.

386. Comment: CD 5 would save 5,600 truck miles annually by being located closer to the East 91st Street Marine Transfer Station than if it were to be forced upon Spring Street.

Response: The proposed garage would generate a savings of 3,677 vehicle miles for the three districts. Please see response to Comment 383.

387. Comment: DSNY should acquire CD 6 Garage at Block 675/39 to be re-used for truck washing, refueling, vehicle maintenance, or as a district garage for CD 5.

Response: Please see response to Comment 383.

388. Comment: Acquire Block 675/12 for \$20,737,500 air rights for CD 5 DSNY parking garage and salt pile (\$5,924,000 to build).

Response: Please see response to Comment 383.

389. Comment: A horizontal facility should be constructed at Spring Street that will save NYC \$125 million and lessen the burden on the neighborhood.

Response: A garage design utilizing additional at-grade square footage will be more expensive than the proposed garage. The environmental review of the Proposed Action found it would not cause a significant adverse impact to neighborhood character.

390. Comment: DSNY could sell the property of existing CD 1 garage to fund the purchase of space for a sanitation museum, for a CD 5 garage closer to its district, or to relocate the proposed salt shed.

Response: This comment does not suggest an alternative site for the salt shed proposed for the current MN 1 Garage site. All the alternative salt shed sites considered in the FEIS would be closer to residential uses and would be operationally less convenient than the proposed location. Revenue from the suggested sale of the current small MN 1 Garage site would likely cover only a fraction of the cost to acquire and develop a new MN 5 garage elsewhere. A DSNY museum, although a welcome idea, is unfortunately beyond the scope and budget of the current project.

391. Comment: Relocate the salt shed to a different site or remove it from the proposal. Site a public amenity, such as open space or a park, at the existing Manhattan District 1 Site.

Response: The salt shed must be relocated from Gansevoort so that public parkland can be developed for the community. All alternative sites considered for the salt shed would be closer to residential uses than the proposed site. DSNY is aware of the visibility of the proposed salt shed site and its architects will work with the Public Design Commission to ensure that this facility is an attractive building.

392. Comment: DSNY should commit to determine whether the Manhattan District 5 garage could be accommodated within the Manhattan Borough Repair Shop on Block 670.

Response: The Manhattan Borough Repair Shop serves a specific function to repair DSNY vehicles whose repairs cannot be completed at the vehicle's district garage. These repairs may require specialized equipment or be more extensive than the district garages are capable of handling. By locating a district garage at the same location as the Manhattan Borough Repair Shop, the specific operations conducted there would be adversely affected.

393. Comment: Add CDs 1 and 2 (and possibly 5) to the salt pile currently at Pike Slip, located beneath the Manhattan Bridge at the corner of Pike Slip and South Street and expand the salt storage capacity. The salt pile is currently being used only by CD 3.

Response: The Pike Slip salt shed only has sufficient capacity for MN District 3. There is insufficient space to expand capacity.

394. Comment: DSNY owns a printing facility at 134-140 Madison Street, which is located beneath the Manhattan Bridge in CD 3. A salt pile structure could be built in the current employee parking lot (which could be moved to an unused parking lot on the site) and could service CD 1, 2 and/or 5.

Response: The relocated salt pile must be located on the west side of Manhattan. A location in the Lower East Side/Chinatown as suggested by this comment would reduce DSNY's ability to refill salt spreaders serving West Street/Route 9A during winter weather emergencies.

395. Comment: An alternative site to relocate the salt shed could be at Clarkson and Hudson Streets, which is currently a water tunnel construction site.

Response: This site was one of the alternatives studied. It is adjacent to a high school and does not offer significant advantages over the current proposed site.

396. Comment: An alternative site to relocate the salt shed could be 551-563 Greenwich Street, which is currently a one story parking lot and garage.

Response: This site was one of the alternatives studied. It is further into the Hudson Square community. Vehicles using this site would have greater impacts than the proposed location at Canal Street and West Street (i.e., the existing MN 1 Garage site).

397. Comment: An alternative site to relocate the salt shed could be at 156-164 Leroy Street (and West Street/Route 9A), which is currently an empty corner lot.

Response: This site is too small for a salt shed.

398. Comment: An alternative site to relocate the salt shed could be at 281-287 West Street/Route 9A (and Watts Street), which is a 125' x 100' lot.

Response: Access to this site would require extensive travel by DSNY vehicles through residential sections of TriBeCa.

399. Comment: An alternative site to relocate the salt shed could be at 117-119 Watts Street, where there is an existing building for sale.

Response: This site is too small for a salt shed.

400. Comment: An alternative site to relocate the salt shed could be at 275-283 Hudson Street (goes through Renwick), where there is an existing building for sale.

Response: This site would have greater traffic impacts on residential sections of the Hudson Square community.

401. Comment: An alternative site to relocate the salt shed could be at 412-422 Greenwich Street – one-story garage, where there is an existing building for sale.

Response: This site would have greater traffic impacts on residential sections of the Hudson Square community than the proposed salt shed site. In addition, the utilization of this site would impose additional site acquisition and demolition costs, and would be inferior from an operational perspective.

402. Comment: There are too many trucks in Hudson Square, the salt shed should be located to Block 675.

Response: The salt spreaders using the salt shed would be housed in the proposed garage. The salt shed would not increase trucks in Hudson Square significantly.

403. Comment: Refueling for DSNY collection trucks could take place at any NYC Firehouse, the tipping/dumping site in New Jersey, large gas station, the Essex County Resource Recovery Center, or at another location.

Response: It is far more efficient to DSNY operations to provide fueling on-site.

404. Comment: Advances in snow removal technologies, such as the liquid used to remove snow from the New Jersey Turnpike and Garden State Parkway, would reduce the need for additional salt storage and would have cost reductions and environmental benefits. Use of the liquid would reduce salt needs by half.

Response: Both the New Jersey Turnpike and the Garden State Parkway use salt to melt ice. DSNY already uses liquid calcium chloride in conjunction with salt to melt ice.

405. Comment: DSNY should consider the DSNY Initiative's alternative plan, which consists of the following:

- Partially below-ground horizontal garage structure instead of 157 foot vertical tower structure to meet DSNY requirements to relocated CD 1 and 2
- UPS occupy 60,00 sf in an enclosed ground floor truck marshalling yard, entering and exiting onto Washington Street

- DSNY CD 1 and 2 store vehicles in underground storage facility with 30 ft ceilings using two truck elevators that enter and exit on West Street/Route 9A
- Existing CD 1 garage renovated for activities other than vehicle storage
- DSNY encouraged to study refueling in NJ after trucks dump their cargo
- Existing CD 3 salt pile at Pike Slip expanded
- CD 5 relocated to East 73rd Street facility
- UPS seek special permit for one-story garage with a basement garage for CD 1 and 2. UPS to retain all air rights for possible sale to a private development group. Eminent domain proceedings against UPS would be discontinued.
- In return for UPS being allowed to sell their air rights privately, UPS would sell the space for DSNY trucks to NYC for \$1.00 and also will receive a tax donation. City of NY will save more than \$100 million
- Private developer group who purchases the air rights would build the UPS and DSNY garages at this site at cost realizing significant construction savings for the City estimated to be \$25 million
- The City would support rezoning between Washington and West Street/Route 9A to give property owners the ability to build residential, hotel or office projects, which will also include community facilities like public green space, a pedestrian bridge to Pier 40 and a new public middle school.
- All employee parking would be located nearby, saving \$300 thousand in construction costs of employee parking spaces.

Response: This proposal, which was not part of the adopted scope of alternatives for analysis in the FEIS, would not accomplish DSNY's project objectives of finding viable sites for the MN 1, 2 and 5 garages and the Gansevoort salt shed while adhering to the challenging Consent Order schedule for removing its garages from Gansevoort. It would not be consistent with the current M2-4 zoning and public policy for the UPS site, which was confirmed in 2003 as appropriate by the NYCDCP. The comment overstates the size of DSNY's proposed garage, which would be less than 120 ft in height, lower than recent developments in the vicinity. The Pike Street Salt Shed lacks room to expand so as to accommodate the salt storage needed to replace the Gansevoort salt shed; moreover, the location is too far from the West Side service area for the salt, creating serious operational constraints. DSNY has not commenced eminent domain proceedings against UPS, but seeks to accommodate UPS staging operations so as to minimize disruption to UPS's substantial package distribution operation and to minimize the amount and cost of developable area DSNY must acquire for its facilities. DSNY opposes the proposal of a below-grade two-district garage served by truck elevators at this location due to the high cost of such construction, the risk of elevator mechanical breakdown with resultant catastrophic lack of access in and out, and the risk of flooding. Limiting garage access to (north-bound) West Street would impede service to MN 1 and part of MN 2 and add additional truck traffic through MN 2, compared with the Proposed Action. DSNY does not believe that the claimed cost savings are realistic, especially since the proposal suggests siting the MN 5 garage at the garage complex to be reconstructed at East 73rd Street (in conflict with DSNY's plans to house MN 6 there). Moreover, putting a school in proximity to UPS and DSNY trucking operations would create the potential for land use conflict that zoning restrictions and city facility siting criteria are intended to avoid.

406. Comment: As a result of the DSNY Initiative's alternative plan, the City will save between \$64 MM and \$130 MM, a solution would be found for the relocation of CD 1 and 2 garages with a community consensus, UPS will realize the highest value from the lot on Spring Street, Block 675 would be reused to serve CD 5 as a garage and salt pile, the Hudson River Park would get increased parking revenues at Pier 40, and Hudson Square property owners being encouraged to continue development of "hot" neighborhood.

Response: This proposal cannot be developed within the timeframe required to vacate Gansevoort.

407. Comment: In order to truly review and plan for DSNY requirements, alternative sites must be found in order for CDs, 1, 4, 5, 6 and 7 to truly handle their “Fair Share”.

Response: The Proposed Action involves District Garages for Districts 1, 2 and 5. There are no potential garage sites in either CDs 1, 5, 6 or 7.

408. Comment: The proposed MN 1/2/5 Garage site has the same characteristics as those that led DSNY to reject other alternative sites.

Response: While the size of the sites may be similar, the proposed Spring Street site offers greater overall operational efficiencies and cost effectiveness than previously considered alternatives.

409. Comment: DSNY should be required to consider alternatives that would mitigate the effects on the local community and provide cost-savings to taxpayers in terms of construction and maintenance.

Response: The proposed garage generates the greatest cost-benefit to taxpayers.

410. Comment: DSNY could locate truck washing at another location without a significant change in operations, since collection trucks are washed only once every two weeks.

Response: Locating truck washing at another location would potentially increase traffic impacts at that location.

411. Comment: Move CD 5’s trucks to the garage located on 25th Street and the West Side Highway that currently does repair work on Bronx DSNY trucks, keep CD 2’s trucks on the Gansevoort Peninsula for now, and keep CD 1’s vehicles parked outside of the building as they currently are.

Response: Keeping DSNY trucks at Gansevoort violates the Hudson River Park Act and settlement agreement. There is insufficient space at West 26th Street for the Manhattan Borough Repair Shop and a MN 5 garage.

412. Comment: Move CD 5’s trucks to the Chelsea garage and build a two-district underground garage with a park on top at Spring Street.

Response: There is insufficient space at West 26th Street for the Manhattan Borough Repair Shop and a MN 5 garage. The Spring Street location must accommodate existing UPS uses.

413. Comment: Locate each DSNY district’s trucks in the areas they actually serve. Locating each District’s trucks within the area they serve would result in reduced distances traveled, improved productivity, lower fuel costs, limited wear-and-tear on the vehicles, mitigation of traffic congestion and air pollution effects, and minimized impacts on local infrastructure and communities. These factors should be weighed into the assessment of costs associated with each of the alternatives.

Response: No alternative sites have been identified for garages in CDs 1 or 5.

414. Comment: Locate the MN 5 garage in midtown.

Response: No appropriate garage sites are available in CD 5.

415. Comment: Co-locate washing and refueling at pre-existing commercial sites.

Response: Using commercial washing/refueling locations would increase congestion in the area and raise operational costs.

416. Comment: Co-locate each District's maintenance and truck washing areas on a single floor of the proposed building in lieu of separate floors.

Response: Current plans have incorporated this suggestion.

417. Comment: At the public hearing, Dan Klein indicated that putting CD 5's trucks in another location would cost the City \$50 million. If the garage was built without CD 5, it would save some if not all of the money required to locate CD 5 to another location. If parking and offices were eliminated from the proposed facility, it could save even more money towards constructing a CD 5 garage elsewhere.

Response: The estimated \$50 million cost would be above any of the suggested savings at Spring Street.

418. Comment: DSNY plans to temporarily store CD 7's truck at the Chelsea VMF facility. If the facility is capable of handling CD 7 and CD 5 has less vehicles, then it might be reasonable to have CD 5 move into the Chelsea VMF facility permanently.

Response: A small area of the Chelsea Repair Shop is used to repair MN 7 trucks. This arrangement will end when the West 57th Street garage opens in 2009. There is insufficient space to house all of the equipment and personnel assigned to MN 5.

419. Comment: While DSNY indicates that some DSNY trucks at the MN 1 garage currently park on the street (1.1.4, p. 1-9), this reason fails to explain why DSNY proposes to construct a building whose square footage is 193 percent greater than the current office space, 1003 percent greater than the current non-office space, and 731 percent greater than the total garage space currently provided at the combined MN 1, MN 2, and MN 5 garages.

Response: The proposed design will house all assigned equipment off-street. Much of the equipment housed at Gansevoort is currently stored outdoors.

420. Comment: Locating the MN 1 trucks closer to the CD 1 district where the residential growth is occurring, would facilitate service to the MN 1 district and reduce emissions. A possible location for a garage could be one of the parking lots south of Canal Street on West Street/Route 9A.

Response: There are no parking lots in the TriBeCa area sufficiently large for a garage.

421. Comment: Locating the MN 5 garage midtown would be more efficient and practical, resulting in reduced travel time and fuel savings for MN 5 vehicles traveling to and from District 5. A midtown location would also be closer to the East 91st Street MTS.

Response: Acquiring another site and constructing a separate garage for MN 5 would significantly increase the cost of the project and delay vacating Gansevoort.

422. Comment: The MN 5 sanitation garage could be located at the Chelsea vehicle maintenance facility at West 26th Street in District 4. Approximately one-third of the facility houses Bronx equipment. A relatively small investment in equipment upgrades in the Bronx could keep these trucks out of Manhattan,

which would improve air quality and reduce miles traveled and free up some space for the MN 5 garage. The Chelsea vehicle maintenance facility is in an industrial zone close to the MN 5 district that the DSNY trucks would serve.

Response: The West 26th Repair shop has insufficient space for the personnel and equipment assigned to MN 5.

423. Comment: A possible location for the MN 5 garage would be MN 6's current location on Block 675 on West 30th Street, since MN 6 will be relocating to East 73rd Street. A single-district garage, either above or partially or fully below ground level, could be built with a park on top. This would blend with the High Line Park, which has a height of up to 30 ft. It could also be incorporated into the design of the third and final phase of the High Line.

Response: Acquiring another site and constructing a separate garage for MN 5 would significantly increase the cost of the project and delay vacating Gansevoort.

424. Comment: DSNY could locate the MN 5 garage on Block 1092, 1093, or 1094. DSNY found each of these to be acceptable locations from an operational perspective, and rejected them only from a cost perspective, which it did not explain.

Response: Acquiring another site and constructing a separate garage for MN 5 would significantly increase the cost of the project and delay vacating Gansevoort.

425. Comment: DSNY could locate the MN 5 garage on the site of the City's property along the East River between East 18th and East 23rd Streets. A DSNY garage/refueling station would be a consistent use of the property and would be the only DSNY garage located in CD 6.

Response: Acquiring another site and constructing a separate garage for MN 5 would significantly increase the cost of the project and delay vacating Gansevoort.

426. Comment: The MN 5 garage could be located at the West 57th Street DSNY garage and could be shared with MN 4, since the two districts are "co-terminus." MN 7 could move into its own district.

Response: There are no sites in CD 7 suitable for a garage.

427. Comment: Store infrequently used equipment at an alternate site, such as an existing garage with excess storage capacity or an empty lot, MN 3/3A, MN 4/4A/7 or the roof of MN 1/2/5.

Response: There is no excess storage space at any of these locations.

428. Comment: DSNY should evaluate whether to co-locate fueling with the UPS open-lot fueling station at Houston and Washington Streets.

Response: Fueling at West Houston Street has greater traffic impacts than fueling at the proposed garage.

429. Comment: DSNY could co-locate fueling with a large gas station that has space for large vehicles, such as the gas stations at Houston and Lafayette Streets and 10th Avenue and 14th Street. Co-locating fueling at an existing fueling facility would save the City money and reduce smog caused by the refueling of DSNY vehicles during the summer peak and from the queue of vehicles waiting to refuel.

Response: These gas stations are in heavily trafficked areas. Adding DSNY's fueling requirements to these locations could potentially increase traffic congestion in those areas.

430. Comment: If fueling cannot be provided at an existing facility, fuel could be delivered on-site daily. For example, 4Refuel provides on-site fuel delivery of diesel and biodiesel fuel when and where needed. Daily onsite delivery would eliminate costs involved with constructing a fueling facility, enable DSNY to quickly react to technological changes in environmentally sound fuels, and avoid queuing trucks and loss of productivity of employees waiting to fuel.

Response: DSNY cannot risk not having fuel for trucks. Maintaining its own fueling capability assures the ability of DSNY to perform the agency's mission.

431. Comment: DSNY truck washing could be conducted elsewhere without a significant change in operations.

Response: Location of washing equipment at another location would increase travel costs and traffic impacts.

432. Comment: Co-locate each District's maintenance area and truck washing area on a single floor.

Response: The current design proposal includes this recommendation.

433. Comment: Build a two-lane instead of a three-lane garage ramp.

Response: The three lane ramp assures the ability to move equipment into the garage quickly, reducing the possibility of equipment queuing on local streets.

434. Comment: If UPS did not use the lot, DSNY could provide setbacks, as required by zoning regulations, and visual and physical public access to the waterfront, as required by Waterfront Revitalization Policies. In addition, if UPS were to relocate its 56 tractor trailers from the lot, this could help to mitigate some of the air, traffic and noise concerns associated with the Proposed Action.

Response: UPS has a continuing need for the site for staging purposes, and is marketing it with that condition. The site's industrial zoning has been found appropriate by the NYCDCP and no public access is required on it under the WRP.

435. Comment: Although DSNY found no significant adverse impacts resulting from being the sole occupant at Spring Street, it rejected this alternative outright, claiming it would increase the cost. However, cost should not be the only factor considered, given that the PlaNYC seeks to improve the quality of life.

Response: UPS has a substantial operation that continues to experience investment, as indicated by the NYCDCP report on the area's industrial zoning. UPS has indicated that displacing their staging operation would be strongly opposed as detrimental to their overall package distribution facility. DSNY believes that the proposed garage design strikes an appropriate balance for the essential garage facilities and will not harm local neighborhood character or other relevant environmental criteria, as indicated by the environmental review conducted.

436. Comment: DSNY rejected alternative sites for a salt shed for various reasons, such as limited access during rush hour and distance from the proposed garage. However, there is significant traffic back-up during rush hour along Canal and Spring Streets and Route 9A, where DSNY proposes to build the salt shed.

Response: Sites were also evaluated for impacts on surrounding communities. The proposed site was deemed to have fewer impacts than any of the alternatives.

437. Comment: The DEIS states that the other alternatives considered for the salt shed were “less desirable than the Proposed Action salt shed site because of their distance from the proposed MN 1/2/5 Garage and the associated CDs, their size, location and access to main arterial roadways” (24-1, p. 21-5). DSNY used faulty logic in this thought process because the critical distance is the distance between the district and the salt pile, not the distance between the garage and the salt pile.

Response: The distance between the garage and salt shed is important because it impacts DSNY costs for the initial load before a fall in temperature increases in a winter emergency.

438. Comment: DSNY could locate a salt storage facility in District 1, 5 or 6, which currently house no DSNY garage operations. Possible locations south of Canal Street include existing parking lots, such as the privately-owned lot at West Street/Route 9A between Desbrosses and Vestry Streets.

Response: There is no existing parking lot at this location. Only one site was analyzed in CD 1 as an alternative for the salt shed. It was determined to have a greater impact than the proposed site.

439. Comment: Locating the salt shed elsewhere would reduce its overall height, since the salt shed proposed at Spring Street would slope up to 75 ft high, so as to not block the Holland Tunnel air ventilation fans. If located elsewhere, the height would be less than 50 ft high.

Response: The height of the salt shed is a function of the amount of salt to be stored and the square footage and shape of the site and would not result in adverse impacts to the Ventilation Building.

440. Comment: The City should consider turning the existing MN 1 garage into a public park.

Response: DSNY is required to relocate the salt pile from Gansevoort. The MN 1 garage site is the best available location for the salt.

441. Comment: DSNY should reconsider use of the Big Belly, particularly in MN 1, 2, and 5.

Response: The Big Belly is an automated, compacting street trash receptacle. It is expensive and vulnerable to damage from vehicles. DSNY has no plans to deploy such receptacles.

442. Comment: DSNY should be required to vacate the MN 1 garage and the property should be turned into parkland. If feasible, the UPS lot could be used to house an underground MN 2 garage with a park on its rooftop. The property of the new garage could contain trees and shrubs, a public park and access to the Hudson River Park. DSNY could eliminate employee parking in this garage and store infrequently used vehicles at an existing facility with excess capacity.

Response: This suggestion fails to achieve DSNY’s goals of providing garage facilities for MN 1, MN 2 and MN 5 and relocating the Gansevoort salt facility. There are already two parks, Hudson River and Canal Park, already in the vicinity of the Proposed Action. Budget constraints preclude turning the MN 1 garage site or UPS site into a park. The UPS site is required for continued UPS truck staging purposes. Siting one, two or three garages plus UPS staging underground at this location in a floodplain would be both impractical from an operational

perspective and prohibitively costly. DSNY will provide street trees for landscaping of the garage.

443. Comment: Locate the MN 1 garage in its own district.

Response: No alternative garage site in CD 1 has been identified.

444. Comment: DSNY has not reviewed or commented on any of the proposed solutions that the community has devised and has made no effort to incorporate any of the findings or suggestions of the community into its plan. CPC should require DSNY to consider this study in order to explain to the CPC and the community why the suggested alternatives to the proposed facility are not feasible.

Response: A number of community suggestions have been incorporated into the proposed design. This has resulted in a shorter building, less proposed fuel storage, relocation of the fueling facilities, combining mechanic operations, and deciding not to locate the salt shed on the site of an active private parking garage on Clarkson Street.

445. Comment: Analyze the benefit of keeping some or all the sanitation facilities west of Route 9A at the Gansevoort Peninsula.

Response: Keeping DSNY garage operations and salt storage at Gansevoort would violate the Hudson River Park Act and related Settlement Agreement and Consent Order.

446. Comment: If, as a result of special interest or other issues, the previously agreed upon sites for the Gansevoort relocation are rejected or appropriated for other uses, the significant impact and consequences of putting the facilities currently at Gansevoort into or adjacent to residential neighborhoods east of 9A must be analyzed. Please examine and weigh in the analysis the public good of the Hudson River Park and its intent to promote the health, safety and the welfare of communities vis-à-vis the negative impact and quality of life issues in the neighborhoods where the facilities would be moved or relocated in a No Build alternative.

Response: This suggestion is beyond the scope of this project, as the Hudson River Park Act requires DSNY to remove its garage and salt facilities from the Gansevoort Peninsula. The environmental review of the Proposed Action, based on the adopted Scope, examined all relevant impact criteria in concluding that the Proposed Action would not result in significant adverse impacts with the proposed traffic intersection mitigation.

447. Comment: DSNY should reevaluate all the alternative sites using more modest criteria to justify a District 5 garage at Spring Street. The scope of the search should be broadened to include other potential sites near the midtown District 5 service area, in order to find a location that would perform better environmentally and operationally.

Response: Acquiring another site and constructing a separate garage for MN 5 would significantly increase the cost of the project and delay vacating Gansevoort.

448. Comment: DSNY should select one of the alternative locations identified in the DEIS for the salt shed.

Response: DSNY favors the proposed site; neither CD 2 nor the Borough President has recommended using any of the alternative salt sites.

449. Comment: DSNY should investigate alternative sites that would result in a reduction of total truck mileage for District 5 trucks, and a reduction in the height, emissions, and traffic in CD 2.

Response: Acquiring another site and constructing a separate garage for MN 5 would significantly increase the cost of the project and delay vacating Gansevoort. As cost is a significant factor in selecting facility sites, this would not justify the reduction in truck mileage that may be obtained from a different site. The potential for air and traffic impacts from the Proposed Action have been analyzed and found not to be significant with the incorporation of proposed traffic mitigation.

450. Comment: CD 4 already houses DSNY vehicles and equipment from CD 6, 57th Street garage, CD 4, 4A and CD's 7 trucks. CD 4 is in favor of this project working out and going forward. CD 4 is against the alternative for siting the Borough repair shop near West 26th Street and 12th Avenue to share the building with CD 5 or any other district garage because it would cause additional traffic in the area and would warrant additional ULURP and environmental review.

Response: DSNY appreciates this support from Community Board 4 representatives.

451. Comment: Please describe the alternate sites that were examined as part of the DEIS.

Response: All alternative sites are described in the DEIS which is available at local libraries, the Community Board 2 office or the Department's web site at www.nyc.gov/sanitation.

452. Comment: The salt shed on 57th Street can be utilized to service the entire west side.

Response: Salt sheds must be geographically dispersed for convenient supply and resupply during winter emergencies. The capacity of the West 57th Street facility has been designed for its service area and is not sufficient to serve the extensive street and arterial network of the entire West Side.

453. Comment: DSNY should construct stand-alone waterfront facilities that would save money and pose little environmental concerns for any community. Materials for construction could be barged in resulting in a large savings for the City and the community, which would have to suffer from increased truck traffic due to construction activities.

Response: DSNY is required to relocate its facilities from the waterfront Gansevoort Peninsula by the Hudson River Park Act. The proposed site meets relevant facility siting criteria and will not result in significant adverse environmental impacts with the proposed traffic mitigation.

Truck traffic associated with the construction of the Proposed Action would be a short term and temporary impact. The Proposed Action is being advanced by the DSNY in order to comply with an existing Consent Decree that requires that the DSNY remove its existing facilities on the Gansevoort Peninsula in order to allow the advancement of Hudson River Park. Development of a waterfront facility would be inconsistent with this Consent Decree, as well as the City's WRP. Development of a barge receiving facility for construction materials would be disruptive of Hudson River Park and would not be a desirable alternative to truck transport of materials.

454. Comment: DSNY has failed to consider meaningful low impact alternatives that are readily available in connection with its operational needs.

Response: DSNY disagrees with this comment, as the Proposed Action itself will have low environmental impacts, as demonstrated by the detailed environmental review that has been

conducted. The DSNY intends to integrate sustainable building features into the garage design such as green roof technology and reuse strategies to reduce net stormwater runoff. In addition, the DSNY has set a goal of achieving a LEED Silver certification for the proposed garage. This would include the incorporation of recycled materials, energy efficiency and solar design features in addition to the other features discussed above.

Mitigation

455. Comment: DSNY has underestimated future traffic volumes. As a result, weekday V/C and LOS are underestimated under both the Future Build and Future No Build scenarios. DSNY should be required to develop additional mitigation measures.

Response: Please refer to response to Comments 155 and 165. The traffic study identified significant adverse traffic impacts and proposed mitigation following guidelines in CEQR.

456. Comment: DSNY should be required to specify mitigation measures and alternatives, including reducing the proposed height and width and providing screening such as landscaping.

Response: The Proposed Action was evaluated in accordance with the CEQR Technical Manual. Based upon these analyses, mitigation was only required to address traffic impacts associated with selected intersections as noted in Chapter 23 of the FEIS. No other mitigation was required. Design refinements have resulted in a height of less than 120 ft.

457. Comment: The DEIS proposed inadequate traffic mitigation measures. To mitigate significant traffic impacts, the CEQR manual recommends developing alternatives, such as scaling down the size of the Proposed Action, replacing high trip generating components with fewer-trip components, or changing access and circulation patterns to move traffic to areas where impacts would be decreased.

Response: The FEIS proposes mitigation measures that are low-cost, and readily implementable. (See page 30-29 in the *CEQR Technical Manual*) Furthermore, the *CEQR Technical Manual* states on page 30-28 the analysis should identify “those measures that would be effective in mitigating impact at the least cost and then proceeds to measures of increasingly higher cost only if the lower cost measures are deemed insufficient.” The proposed measures are sufficient.

458. Comment: The proposed mitigation at Spring Street/Hudson Street would be to shift two seconds of green times from Hudson Street to Spring Street. However, at Spring Street and Hudson Street eastbound, the V/C in the afternoon PM is already 0.95. It would increase to 1.00 under the Future No Build scenario, to 1.07 under the Future Build scenario, and to 1.01 with the proposed mitigation. Thus, the proposed mitigation would not eliminate the problem of the roadway being at over capacity. DSNY should, therefore, be required to propose further mitigation measures.

Response: According to CEQR guidelines for developing mitigation measures, (page 30-28) CEQR requires the return of “projected future conditions to what they would be if the proposed action were not in place, or to acceptable levels (for Future No Action LOS mid-D, E, or F, mitigation back to the No Action condition is required.)” The proposed mitigation measure reduces delay of the eastbound left-thru movement to 73.5 seconds and operates at LOS E in the Future Build scenario with mitigation. Under the No Build scenario, the eastbound left-thru movement operates at LOS E and a delay of 73.6 seconds. Because the resulting delay is lower under the Build condition with mitigation when compared to the No Build scenario, no further mitigation is required. Proposing a shift of one (1) additional second to Spring Street may further improve intersection LOS operations, however, this is not required under CEQR.

459. Comment: The DEIS assumes that emissions from the vehicle fleet will be mitigated, but there are no enforcement provisions in it.

Response: As discussed in the Air Quality Chapter, DSNY is required by local law to outfit its diesel collection trucks with BART on a schedule that provides that 100% of the fleet must have such retrofits by July 1, 2012. Moreover, under federal law, new heavy duty diesel trucks must be equipped with technology to achieve extremely low emission levels for both particulates (as of 2007) and NOx (phasing in by 2010).

460. Comment: The DEIS concludes that there will be no significant adverse impacts from the project because of various mitigation strategies. Nowhere in the DEIS does DSNY make enforceable commitments that the mitigation measures will be enacted. Mitigations claimed can only be credited if the applicant makes enforceable commitments.

Response: See response to Comment 465.

461. Comment: To avoid any misunderstandings with respect to the enforceability status of all identified mitigation measures, mitigations must be listed and defined with enforceable commitments in Chapter 23, including where appropriate, penalty provisions for failure to adopt the mitigation measures.

Response: Mitigation is provided in Chapter 23, specifically the adjustment of signal timing at two intersections, by three (3) seconds or less. This simple mitigation will be implemented in coordination with NYCDOT.

462. Comment: The Mitigation Chapter should define the standard and make the achievement of the fleet reductions mandatory under significant penalty. A default fine per vehicle not meeting the standards at the start of operation of the facility should be considered. The fine would be paid directly to the Community Advisory Board to be created as an official Ombudsman to oversee the Consolidated Garage Project for the residents of the community.

Response: As discussed in Chapter 23 - Mitigation, the only significant impact identified, which required mitigation, is predicted traffic delays at two intersections. As this mitigation can be readily implemented with simple signal adjustments of three (3) seconds or less, there is no need for fines and other measures.

463. Comment: DSNY has failed to fully identify mitigation measures in the DEIS.

Response: See response to Comment 455.

464. Comment: The proposed air quality related mitigation measures have not been used by the NYSDEC in the SIP for National Ambient Air Quality Standards attainment demonstration/reasonable further progress. Section 110(a)(2)(A) of the Clean Air Act requires that mitigation and control measures must be fully enforceable by the state in order to incorporate them into the SIP.

Response: Based upon the air quality analyses conducted as part of the FEIS, no impacts to air quality would occur due to the Proposed Action, nor would the project result in a contravention of NAAQS. As a result, no mitigation was required. Mitigation measures proposed by the NYSDEC as part of the SIP are beyond the scope of the Proposed Action.

465. Comment: The following list is a select group of the mitigation measures discussed in the DEIS for which enforceable conditions are required and for which no enforceability is provided in the DEIS:

- Diesel Particulate Trap efficiency of control on the truck engines. Since DSNY relies on this technology as a mitigation measure, it must also show how it will implement procedures to assure that all control devices operate at 100 percent of the design efficiency at all times;

Response: As noted in the Air Quality Chapter, DSNY's experience with particulate filters has demonstrated their reliability. The USEPA has mandated their installation on all new heavy duty diesel trucks, starting with the 2007 model year. The efficiency and durability of such devices is well established in the literature. With such equipment, diesel emissions from the project's mobile sources at the peak hour would be far below applicable significance thresholds for particulates conservatively established by NYCDEP.

- Commitments to switch all diesel equipment and vehicles to ultra low sulfur fuels and biodiesels must be in writing with enforceability;

Response: This recommendation is already a requirement under both local and federal law.

- DSNY must commit to a preconstruction 6 NYCRR Part 201 Title V or State Facility Permit for the Consolidated Garage and Salt Shed as a solid waste transfer station;

Response: The facility will not need a 6 NYCRR Part 201 Title V or State Facility Permit as it will be heated by steam supply. It will not require a permit for a solid waste transfer station.

- As a stationary source, DSNY must commit to performing AERMOD cumulative impact dispersion modeling for criteria and non-criteria pollutants;

Response: This comment is incorrect, as the project's emissions would not exceed the applicable screening thresholds for conducting such analyses, as explained in the Air Quality section.

- DSNY must commit to a Part 360 Solid Waste Permit for this transfer station with specific enforceable conditions limiting the number of trucks, the residence time for all trucks, the total annual quantity of wastes to be handled at the facility, odor control conditions, and nuisance and vermin control conditions;

Response: The garage facility will not be a solid waste transfer station under state Part 360 regulations, as no waste will be transferred at this location.

- The CO reduction claims of 85 percent is poorly substantiated and must be fully substantiated to serve as mitigation;

Response: The analysis is fully substantiated, and is very conservative, as the principal source of CO from garages is cold-start gasoline engines, and DSNY's fleet of gasoline-electric hybrids will generate zero emissions upon leaving the building, and will operate at hot stabilized levels upon returning such that CO emissions would be insignificant.

- Archaeological mitigations as discussed in Chapter 8 must be detailed in writing and a written process for project-related mitigations must be appended to the DEIS;

Response: The FEIS indicates the possibility of encountering a c.1805 landfill on a portion of the site. Such disturbance would likewise occur under the Future No Build scenario, with a commercial building being constructed. DSNY proposes to undertake archaeological monitoring during construction, in coordination with the NYCLPC.

- No mitigation measures are discussed with respect to hazardous materials and required remediation. The DEIS should provide a commitment to performing all remediation under publicly issued written work plans with cleanup objectives agreed upon as the most stringent under the applicable state or federal program requirements. No air quality impacts are estimated for remediation activities;

Response: As discussed in the Hazardous Materials chapter, based on a Phase I assessment, there does not appear to be a significant risk of hazardous waste at the site. It is expected that elevated levels of some contaminants such as lead may be present, given the site's historic use and proximity to a highway and decades of use of leaded gasoline. The project will not introduce significant levels of hazardous substances, and by the imposition of a heavy concrete slab over the site would tend to isolate any such substances that may already exist on site. DSNY will undertake sampling of the UPS site for the purposes of construction planning. If such sampling finds significant levels of contaminants, an appropriate remedial plan will be devised with UPS in coordination with NYCDEP technical staff.

- No air quality impacts and mitigation measures are included for construction activities;

Response: DSNY is already required by local law to utilize dust suppression measures and to ensure that its construction contractors use best available retrofit technology on diesel construction equipment, including off-road equipment such as front loaders, etc. As per the CEQR manual, there is no need for a detailed construction period air quality analysis for this project.

- No mitigation measure has been offered to limit the number of trucks using the facility and the amount of solid waste that may pass through. Obviously, if these numbers change, much of the underlying analysis changes. They must also be limited by enforceable commitment and included in the mitigations Chapter 23 and through a Part 360 solid waste permit;

Response: The facility is a DSNY garage, not a solid waste transfer station.

- The air quality analysis is significantly affected by the assumptions regarding the age of the vehicle fleet and their emissions. The DEIS states that the fleet has a service life of seven years per collection truck. Since all assumptions regarding the emissions profile for the project are tied back to the fleet age, it is essential that the seven-year limit be included as an enforceable commitment by DSNY.

Response: All DSNY collection trucks procured since an early shipment in 2006 have factory-installed diesel particulate filters. The USEPA requirement for all heavy duty diesel trucks to be factory-equipped with such technology took effect with the 2007 model year. The federal mandate for the use of ULSD for all heavy duty diesel trucks began in 2006. DSNY trucks purchased without factory installed filters must be retrofitted with such filters under a local law of 2005, to achieve an equivalent 90 percent reduction in particulate emissions. Therefore, all trucks will be equipped with such filters by the end of 2012 build year.

Subsequent to the analysis of the Proposed Action, the only mitigation required was to address traffic impacts at several intersections. This is discussed within Chapter 23 of the FEIS.

The DSNY is required to implement improvements in the emissions from its diesel-powered collection vehicles pursuant to USEPA 2007 Model Year Standards and Local Law. The DSNY already utilizes ULSD fuel for its collection vehicles and has been equipping its existing fleet

with Clean Diesel Technology. All DSNY vehicles will meet or exceed these requirements by the completion of the proposed garage.

466. Comment: With at least several hundred thousands of tons of solid waste to be passed through the garage facility annually, it is necessary to conduct a serious and thoughtful evaluation of the odor potential and mitigation measures that will be necessary to reduce the potential health impacts and annoyances.

Response: The Proposed Action involves the development of a new garage and salt shed. The Proposed Action would not involve the passage of several hundred thousand tons of solid waste through the garage, as these materials are transported to off-site locations for disposal. Some waste may be stored in collection vehicles for eight hours or less at the proposed garage prior to transport to a disposal location. An assessment of potential odor impacts due to the Proposed Action was discussed within Section 19.5. No impacts were identified and therefore mitigation is not required.

467. Comment: An odor panel should be created and maintained to provide ongoing oversight of the facility. The panel should be made of representatives from the local community and academia and not DSNY personnel as they have a vested interest. Methodology and results should be published in the DEIS for public review. The odor evaluation agreement should be written into the DEIS as a mitigation commitment and should have a default technical standard if significant odor concerns are raised.

Response: DSNY collection vehicles currently associated with the MN 1 Garage are largely stored on surrounding streets. This would cease with the development of the proposed garage. Relay trucks would be stored within the proposed garage for eight hours or less. These factors combined with prior odor studies conducted for DSNY collection vehicles and summarized in Section 19.5 of the FEIS indicated that no significant odor impacts would occur outside of the garage. The creation of an odor panel is therefore not anticipated as part of the Proposed Action.

468. Comment: In the public hearing the consultants indicated that they were able to address some areas with significant traffic impacts by rerouting DSNY vehicles; where were they rerouted to?

Response: The revised traffic analysis included in the FEIS concludes that rerouting of DSNY vehicles is not required.

Environmental Review Process

469. Comment: The language of the settlement between the City, the Hudson River Park Trust and the Friends of the Hudson River was not released, therefore, it was assumed that the compromise agreement worked out between CD 2 and 4 and DSNY sent CD's 2 and 5 to Block 675 near Hudson Yards (alt 1). Thus, the settlement agreement did not reflect the community's wishes for the future of the UPS site.

Response: The Settlement Agreement and Order, which was executed and signed by the court in October 2005, is a public document and is summarized in relevant part in the FEIS. DSNY acknowledges that some community members oppose the proposed sites for the MN 1, 2 and 5 Garage and Salt Shed. As explained in the Alternatives section of the EIS, Block 675 would not accommodate three district garages and a salt shed, and siting two garages there below grade, as originally contemplated, would be prohibitively costly.

470. Comment: As the result of the Charrette Design Workshop, Hudson Square neighborhood identified that it would like an additional school and open space. Siting the garage at this location does not take these wishes into consideration.

Response: The referenced Charrette Design Workshop, sponsored by local real estate interests, does not reflect public policy for the proposed site and would not be consistent with the site's zoning, which was reviewed and confirmed as appropriate by the NYCDCP in 2003. A public school and open space would not be consistent with, respectively, current zoning or continued UPS use of the site for truck staging, which is an essential component of the substantial UPS operation in this vicinity. In addition, independent of DSNY's Proposed Action, the UPS was actively pursuing the redevelopment of this site, including its continued use of the site. DSNY is proposing a green roof for the facility, and it will also have a modest setback from the property line along Spring Street, plus street trees along its three street walls.

471. Comment: The separation of the environmental analysis and the ULURP for this proposal from the City-wide solid waste plan is the segmentation of the City-wide plan and has resulted in an improper review of the overall plan.

Response: The City-wide SWMP, which was adopted in 2005 following an environmental review concluded that year, is not intended to guide siting decisions for public sanitation garages or salt sheds.

472. Comment: Impacts of the proposed project are lessened in the DEIS because the data is flawed and facts are misstated, left out, erroneous or purposefully misleading. Such a submission by DSNY is not a valid document upon which CPC can make a reasoned decision on the proposed facility.

Response: DSNY has sought to prepare a comprehensive and sufficient EIS, in accordance with its obligations as lead agency under applicable law, and to correct any errors that are brought to its attention.

473. Comment: DSNY has changed the site location for the proposed garage repeatedly.

Response: DSNY has been working to relocate its garage facilities and salt shed from the Gansevoort Peninsula since the Hudson River Park Act was enacted in 1998. The proposed location represents DSNY's best solution to the challenge of siting adequate district garages for MN 1, 2 and 5. It offers significant advantages over the previous proposal of siting two garages largely below grade at Block 675.

474. Comment: DSNY has provided the community with misleading statements, errors, sneaky scheduling, etc.

Response: DSNY disagrees with this statement.

475. Comment: The DEIS makes no mention of the redevelopment of Pier 40, which could contain up to three schools and considerable recreational use.

Response: The FEIS does contain a discussion of competing proposals to redevelop Pier 40 within Section 3.4.1, and notes that no decision has been reached. As of this writing, a decision still has not been reached on the redevelopment of Pier 40.

476. Comment: DSNY has not supported its statement in the DEIS that states, "It is unlikely that adding either a commercial as-of-right building or the proposed vehicle storage and maintenance use to the UPS vehicle and equipment staging use on Block 506, Lot 50 would significantly diminish such development pressures in the study area."

Response: Support for this statement is found in the EIS analysis, which found no significant adverse impacts from the proposed commercial as-of-right building with UPS staging or from the proposed DSNY garage facility.

477. Comment: DSNY should be required to complete a new DEIS with new public hearings so that the public can comment on the true environmental impacts of the Proposed Action.

Response: DSNY believes the EIS has fully and fairly analyzed the impacts of the Proposed Action, and followed the methodologies of the *CEQR Technical Manual*.

478. Comment: The lead agency is a fundamental concern. How can the CEQR process evolve fairly when the Department of Sanitation is both the owner/operator of the facility and the agency responsible for performing the CEQR analysis? This creates a bias in the CEQR process.

Response: The designation of DSNY as lead agency is consistent with the criteria for the selection of Lead Agency under both City and State Environmental Quality Review rules. The CPC has an independent duty to consider the environmental review record and to make its own findings concerning the Proposed Action.

479. Comment: The environmental concerns, raised by the community, have not been fully considered and addressed in the DEIS.

Response: The FEIS has been prepared in accordance with the Scope that DSNY adopted after receiving public comments on the draft Scope at a public hearing and during an extended public comment period. The project has been significantly modified to address concerns that were raised during the public scoping process. The analysis of the Proposed Action found no significant adverse impacts from the project, using standard methodology and impact criteria, other than impacts to traffic, which can be fully mitigated.

480. Comment: DSNY has not thought creatively about how to meet their expected future demands while being aware of, and sensitive to, the community they are part of and its own planned growth.

Response: The FEIS has been prepared in accordance with the Scope that DSNY adopted after receiving public comments on the draft Scope at a public hearing and during an extended public comment period. The project has been significantly modified to address concerns that were raised during the public scoping process. The analysis of the Proposed Action found no significant adverse impacts from the project, using standard methodology and impact criteria, other than impacts to traffic, which can be fully mitigated.

481. Comment: DSNY is not willing to find sensible compromises, even though DSNY is a public sector agency working for and on behalf of taxpaying citizens of the City.

Response: DSNY has modified the project in significant ways to address community concerns, while keeping the project elements that are necessary to provide essential services for the residents of CDs 1, 2 and 5, at an acceptable cost to taxpayers.

482. Comment: The study of the garage in isolation, instead of a network on integrated facilities (garage, salt shed, and fuel depot) does not give a real picture of the impact of how the project will affect the community.

Response: See response to Comment 477.

483. Comment: Please discuss why there is need for the proposed consolidated garage, given that the agreement created to resolve the City's need to comply with the Consent Order, requiring DSNY to vacate the Gansevoort Peninsula, and that a plan for placing CD 2 and 5 Sanitation garages and an NYPD Tow Pound underground with a proposed rooftop park on Block 675 was incorporated into the rezoning for Hudson Yards, and was approved by Community Board 4, the City Planning Commission, and the City Council in 2004 and 2005. The ULURP was also approved for the Hudson Yards site.

Response: As discussed in the Alternatives Chapter (Chapter 24), the Block 675 proposal for two DSNY District garages was found to be prohibitively expensive and would not achieve DSNY's additional objectives of relocating the salt shed from the Gansevoort Peninsula and replacing the severely undersized and outdated MN 1 Garage.

484. Comment: It is unclear why DSNY and the Hudson River Park Trust repudiated its 1999 Agreement with CD's 2 and 4 by proposing three garages rather than one garage at Spring Street.

Response: DSNY's previous proposal did not constitute an agreement, but reflected DSNY's best efforts at the time based on available information. As DSNY developed additional information about the excessive costs of a below-grade two-district garage at Block 675, it also faced the need to relocate the Gansevoort salt facility as well as provide an adequate facility to house the MN 1 Garage, which has been forced to store its equipment on local streets after losing its off-street parking area due to the recent rediscovery and redevelopment of Canal Park. Litigation over the Hudson River Park Act and its timetables, plus the availability of the undeveloped UPS parcel represented an opportunity to site three garages and a salt shed at an acceptable cost within DSNY's time constraints, while taking advantage of suitable industrial zoning and direct access to West Street/Route 9A and avoiding increased truck traffic in residential districts.

485. Comment: Because there was no hearing, no notice of a hearing, or solicitation of information from the community, the Hudson River Park Trust violated the Hudson River Park Act. Therefore, the settlement agreement is invalid and the 2012 deadline is also not valid. The settlement needs to be renegotiated.

Response: This comment's conclusion is incorrect. The Settlement Agreement and Order settled litigation between the Friends of Hudson River Park, the Trust and the City of New York over DSNY's continued facility use of the Gansevoort Peninsula, in light of the requirements of the Hudson River Park Act that DSNY vacate the Peninsula. It provides a deadline for DSNY to remove its operations from Gansevoort Peninsula, requires DSNY to make certain payments to the Trust for development of the Hudson River Park after the Peninsula is vacated, and notes that the City has identified the UPS site as possible site to relocate the DSNY's uses from the Gansevoort Peninsula. The Settlement Agreement and Order makes clear that DSNY's use of the UPS site would be subject to approvals and regulatory reviews. It did not constitute significant action by the Trust affecting the park or community "including the adoption of, and any amendment to, the general project plan or the annual financing plan", within the meaning of the Hudson River Park Act such that public notice and a hearing were required.

486. Comment: Federal and state agencies concerned with security should be included in the scoping of the DEIS.

Response: DSNY consulted with the Port Authority of New York and New Jersey, which has jurisdiction over the Holland Tunnel, during the Scoping process. DSNY garages have never, to DSNY's knowledge, been identified as a terrorist target and do not present unusual security risks. The NYSDEC and the New York City Fire Department each have regulatory authority over the

storage of fuels and lubricants and will oversee the installation of all fuel storage tanks. DSNY's fueling facilities have an excellent safety record. Nevertheless, DSNY has modified the project to remove the existing fueling facilities from the MN 1 Garage where they have been for many decades, and moving all fueling facilities to the northernmost end of the UPS lot, on West Street.

487. Comment: DSNY has attempted to mislead the public, by presenting drawings of the garage in relation to the St. John's Building and the Holland Tunnel that show the Holland Tunnel ventilation building being taller than the proposed garage and the St. John's Center building being slightly smaller than the proposed garage.

Response: The renderings of the garage have been presented in proper perspective. The Ventilation Building will be taller than the Garage. The current St. John's Center building, which does not reflect full development of that parcel's development rights under current zoning, is lower than the proposed garage.

488. Comment: DSNY has not justified the need to place garages for three districts in one location.

Response: As discussed above, given (1) the high cost of land and development rights in or in reasonably proximity to Districts 1, 2 and 5, (2) the proposed site's favorable access on West Street/Route 9A, and (3) the fact that putting these three district garages on one site will not result in significant adverse environmental impacts but will save the City on the order of \$50 million at a minimum over having two or three locations for these facilities, DSNY feels the proposed project is fully justified.

489. Comment: The community questions what prompted the City to sign a settlement order with the Friends of Hudson River Park, creating an impossible time line that imposes a bad solution upon the Hudson Square neighborhood without holding a public hearing.

Response: DSNY has been seeking sites for its Gansevoort facilities since 1998 when the Hudson River Park Act was passed, requiring DSNY to relocate its operations from the Gansevoort Peninsula. The Settlement Agreement and Order with the Friends of Hudson River Park does not impose a solution, but provides for the necessary, public uniform land use and environmental review of the proposed site and reasonable alternatives, which is currently underway. DSNY believes that the UPS site for three district garages represents the best solution for siting these essential garage facilities with minimal adverse impacts, while achieving the goal of providing over six acres of public park to the community.

490. Comment: How and why DSNY in an abrupt about face, contrary to public policy has now (without an inclusive public process) chosen Canal/West & Spring Street for a consolidated garage, salt pile, employee parking, maintenance and fueling facilities and signed a settlement agreement with The Friends of Hudson River Park, naming that site as the "preferred" location for the entire current Gansevoort facility.

Response: The proposed facility is consistent with public policy, as expressed both by zoning and a 2003 NYCDOP report that considered such zoning and concluded it should not be changed given continued industrial investment in the area. The proposed facility is also consistent with the public policy of the Hudson River Park Act, which required DSNY to relocate its operations from the Gansevoort Peninsula. Although the Settlement Agreement and Order notes that the City had identified the UPS site as its preferred site after searching for other available sites, it does not commit DSNY to a particular site. DSNY has met repeatedly with stakeholders concerning this project, including community board members, elected officials, and others.

491. Comment: The DEIS begins with an incorrect statement that “DSNY must relocate its Sanitation District 2 and 5 Garages from Gansevoort to make way for construction of the Hudson River Park.” The purpose and need is more accurately described later in the document when it is stated that DSNY was required by the Hudson River Park Act to remove the salt shed and decommissioned incinerator by 2003 and obligated to use its “best efforts” to relocate the garage facilities without specifying a deadline.

Response: While the Hudson River Park Act did not define “best efforts” by a date certain, the “best efforts” requirement is not open-ended, and imposes an obligation upon DSNY to vacate the peninsula. The Settlement Agreement and Order which resulted from litigation over DSNY’s compliance with the Hudson River Park Act imposes financial payments upon the City tied to a schedule that escalate significantly over time and subject DSNY to possible further sanctions if DSNY stays on the Gansevoort Peninsula past 2013.

492. Comment: A review of the definitions of a transfer station shows that the proposed consolidated garage in fact is a solid waste transfer station and must be treated accordingly.

Response: This comment is incorrect, as a sanitation garage does not fit the regulatory definition of a solid waste transfer station under New York State or New York City law.

493. Comment: Sanitation indicated that trucks could not be left on the Gansevoort pier because it was insisted that the Hudson River Park Act dictates that the Gansevoort garage has to be moved by 2012. The Hudson River Park Act does not mention a date.

Response: Although the Hudson River Park Act does not mention a date for relocating the garage, it does impose a “best efforts” requirement on DSNY. Please see response to Comment 491.

494. Comment: When the City, the Hudson River Park Trust, and the Friends of the Hudson Square entered into a 2005 settlement, they collectively decided behind closed doors that the Gansevoort Sanitation garage would be moved by 2012. The Trust violated the Hudson River Park Act because it didn’t procedurally do what the Act requires. It should have informed the Community Boards 1, 2 and 4, and the New York City Planning Commission and a whole list of other groups about anything it does that will affect the park or its neighboring communities. This means that the settlement and the 2012 deadline should not be valid and should be renegotiated immediately.

Response: This comment is incorrect. Please refer to the response to Comment 485.

495. Comment: Elaborate on when the presentations were made to the communities as comments have been received that states that the initial scoping meeting talked about 1 and 2 and that the community didn’t really know the extent of the development until they came back with the full plan.

Response: In addition to identifying the site in the Citywide Statement of Needs as the proposed site to house the Districts 1, 2 and 5 Sanitation Garages, DSNY undertook a number of community consultation meetings. On September 25, 2006, DSNY participated in the Manhattan South Borough Consultation Meeting. DSNY presented the new three-district garage complex proposal to the community at the January 31, 2007 Scoping Meeting for the DEIS for the Proposed Action. Following the DEIS Scoping Meeting, DSNY staff met with Community Board 2 representatives on February 5, 2007 (Environmental Committee and Waterfront Committee, respectively); February 8, 2007 (Zoning Committee Meeting); and February 13 (Traffic and Transportation Committee). DSNY staff also met with staff from Borough President Scott Stringer on May 3, 2007, with Borough President Scott Stringer on May 16, 2007 and on July 12, 2007 (which included representatives of CDs 1, 2 and 4 and other elected officials as

well). DSNY staff met with CD 2, Committee on Transportation on July 16, 2007 and with CD 1's TriBeCa Committee on July 17, 2007.

DSNY has received and considered letters and copies of resolutions received from CD 2 and CD 1. CD 1 has not proposed an alternative site for a District 1 garage within District 1. CD 1 and 2 submitted written comments on the proposed project DEIS Scope of Work. CD 1 adopted a resolution on July 31, 2007 seeking a joint ULURP hearing with CD 2 on the project and expressed opposition to the project. CD 2 adopted a resolution seeking a halt to the project. DSNY staff wrote back to CD 2 on August 28, 2007 concerning the project. DSNY staff also participated in the Manhattan South Borough Consultation on October 9, 2007. In response to requests from Borough President Stringer for additional information, DSNY's Commissioner wrote letters in response dated June 19, 2007 and January 31, 2008, respectively. DSNY staff also met with the Speaker's staff on February 1, 2008.

The last meetings before ULURP certification were held on March 12, 2008 with the TriBeCa Committee of CD 1 and on March 31, 2008 with representatives of CD 2. Following the certification of the project on May 5, 2008, DSNY attended the CD 2 hearings on this application held on June 12 and June 19, 2008.

Location of Facilities

496. Comment: The disposition of the UPS lot at Spring Street for the current DSNY plan would preclude the consideration of important community requirements for the development of the Hudson Square neighborhood, including a new school and more park space.

Response: The UPS site is zoned for manufacturing purposes and UPS is intent on keeping its staging operations for its nearby package distribution facility at this location. The construction of the Proposed M1/2/5 Garage at Spring Street would result in the DSNY vacating property on the Gansevoort Peninsula allowing the construction there of approximately six acres of park. This future park is triple the size of any park that could be constructed at Spring Street. Development of the proposed UPS lot would in no way preclude the consideration of other important community requirements.

497. Comment: The location of the MN 5 garage at Spring Street would add 5,600 additional travel miles per year to get to the MN 5 district and to its dumping location at East 91st Street. To travel those extra miles, more fuel would be used and traffic and air pollution would increase along its path.

Response: The proposed garage would result in an annual savings of an estimated 3,677 VMTs over existing conditions for the three districts.

498. Comment: Sanitation and related facilities should be kept out of residential (and growing residential) neighborhoods to protect the community and its future.

Response: DSNY selects sites for its garage facilities in zones designated for manufacturing and/or commercial uses. The proposed site is within an M2-4 where residential uses are prohibited. Sites are carefully evaluated based on their minimum impact on the environment (air, noise, traffic, neighborhood character, etc.) as spelled out in CEQR guidelines and using the Criteria for the Location of City Facilities. A careful analysis of alternative sites is conducted and only after a careful evaluation of any impacts is a site selected. The Proposed Action is not located within a residential zoning district, but within an existing M2-4 designation.

499. Comment: The CD 5 garage is located too far away from its district and the East 91st Street MTS.

Response: The site for the MN 5 Garage is too far from District 5 and the East 91st Street MTS. The distance that MN 5 trucks would travel between the proposed garage and District 5 and to and from the East 91st Street transfer station is far less than the distances traveled by many other district fleets throughout the City.

500. Comment: DSNY should consider building in underutilized, obsolete places that pose little environmental question for the future betterment of the community and residents of the City, such as Pier 76, the location of the tow pound.

Response: Under the Hudson River Park Act, at least half of Pier 76 is to have passive and active public open space use on it, once the NYPD Tow Pound is relocated from the pier. Placing three district garages at Pier 76 would result in added vehicle miles traveled and related costs. DSNY would not favor locating the garages on Pier 76, which is more appropriate for water-related uses under the WRP.

501. Comment: Please include the location and count for equipment other than collection trucks, including mechanical brooms, dump trucks, plows, and salt spreaders.

Response: This information is included in the Project Description (Chapter 1) and the Traffic and Parking Chapter (Chapter 17). There will be no mechanical brooms assigned to the proposed garage.

Building Design

502. Comment: A horizontal underground DSNY large vehicle parking facility, instead of a vertical facility, for one or two districts would obviate the need for a boxy building and lessen the economic impact of a DSNY facility at Spring Street.

Response: A horizontal design would require the acquisition of additional land and would increase the overall cost of the project.

503. Comment: The building as designed is poorly conceived, out-of-scale, will dwarf and shadow the surrounding properties and is a poor neighbor to the landmark Holland Tunnel Vent Building.

Response: The proposed building size is in scale with all new construction along the West Street/Route 9A corridor and recent construction in Hudson Square near the site.

504. Comment: In order to fit important services into a tight Manhattan urban envelope, DSNY must be more flexible in its Downtown operations to more efficiently house their fleet.

Response: The proposed garage efficiently house three district garages at Spring Street. Acquiring another site and constructing a separate garage for MN 5 would significantly increase the cost of the project and delay vacating Gansevoort.

505. Comment: There are no clear reasons to include District 5 in this proposal. The elimination of the District 5 garage would result in reducing truck traffic by several thousand miles per year.

Response: Acquiring another site and constructing a separate garage for MN 5 would significantly increase the cost of the project and delay vacating Gansevoort. The incremental impacts of the relatively small District 5 collection operation from this location would not be

significant given the site's direct access to West Street/Route 9A and the return route via Clarkson and Washington Street.

506. Comment: Seasonal equipment should be stored off-site.

Response: Where possible, DSNY will store seasonal equipment off-site.

507. Comment: There are no compelling reasons to locate the salt pile at the end of Canal Street within the 100-year flood plain. The salt pile should be eliminated from the design.

Response: The salt pile is an essential element of the Proposed Action, and should be in ready proximity both to the garage housing salt spreaders and to arterial roadways. It would be designed with flood gates.

508. Comment: The LEED Silver Standard proposed for this project should be supplemented to include the reduction of carbon emissions by at least 30 percent.

Response: DSNY believes the LEED Silver standard will be sufficient for this project. It will have active solar features and be heated and cooled with energy efficient steam district heat. DSNY trucks will use 5 percent biodiesel and under local law DSNY cars are mainly partial zero-emissions vehicle (PZEV), gasoline-electric hybrids such as the Toyota Prius with excellent fuel economy.

509. Comment: The LEED NC V2.2 Gold Certification should be targeted and that credits for Environmental Quality, Indoor and Outdoor air delivery monitoring and increased ventilation commissioning credits must be met and supplemented to reduce emissions by at least 30 percent.

Response: Please see response to Comment 508,

510. Comment: Reduce the refueling station and refuel as many trucks as possible in New Jersey

Response: DSNY has already modified the proposal to reduce the amount of fuel storage and relocated the storage tanks to the northernmost portion of the UPS site. Refueling operations will not cause significant adverse impacts, and other agency refueling during non-peak DSNY periods would not increase significantly over existing conditions at the MN 1 Garage. It is operationally much better and more economical for taxpayers for DSNY to refuel on-site using its own bulk purchases rather than at non-DSNY facilities in New Jersey.

511. Comment: DSNY has proposed to build an overly large garage that would add unnecessary costs to the City for construction, maintenance and energy. Excluding the square footage for UPS vehicles, the proposed garage would be 731 percent larger than the total of the existing garages (44, 200 sq ft).

Response: This comment fails to take into consideration that DSNY is currently storing its equipment on public streets and outdoors at the Gansevoort Peninsula, due to a lack of indoor facility storage space. DSNY will be vacating over six acres of the Gansevoort Peninsula, not including area programmed for the planned recyclables transfer facility recently approved under state law for the site in accordance with the SWMP.

512. Comment: Access for the sanitation vehicles should be restricted to West Street/Route 9A and the 55 UPS semi-trailers in the ground-floor garage should be restricted to Washington Street.

Response: Limiting DSNY access to the Garage to West Street will generate more truck travel than under the Proposed Action as MN 1 and a portion of MN 2 trucks that are bound for collection areas to the south and east of the garage will be forced to travel northbound on West Street/Route 9A before traveling east and then south through MN 2 to access their routes. This would be inefficient. Trucks exiting to Washington Street would be only for MN 1 (as at present) and a portion of MN 2; the others would exit to West Street. MN 1 trucks would return via West Street, while MN 2 and 5 trucks would return at the end of their shift via Washington to Spring and West Streets to refuel and park. Such travel routes do not take the trucks into or along residence districts off of West Street/Route 9A.

513. Comment: The design of the salt shed would allow salt to pollute the Hudson River and surrounding streets.

Response: The salt shed would be enclosed with a roof. Moving this shed from the Gansevoort Peninsula (where fugitive salt has not been a significant problem, to DSNY's knowledge) to the proposed location would not result in the pollution of the Hudson River or surrounding streets.

514. Comment: Testimony during the DEIS hearing indicated that up to seven trucks will queue on West Street/Route 9A when waiting to refuel and enter the facility. Since the hearing, DSNY has had ten or more trucks lined up on West Street/Route 9A.

Response: Brief end-of-shift queuing to refuel in the Proposed Action differs from the current practice of storing MN District 1 collection trucks on West Street, due to inadequate space at the MN 1 Garage. Such curbside truck storage would end under the Proposed Action.

515. Comment: The salt shed design should be reconsidered and redesigned because of issues such as parking and salt being blown onto the street.

Response: As discussed in the relevant chapters of the EIS, there will be no significant impacts to parking. Salt will not be blown onto the street from this enclosed facility as the facility is protected from the elements.

516. Comment: Design modifications, such as setbacks with plantings along Spring Street and a community-friendly design with publicly-accessible recreational space on the roof should be incorporated into the building design.

Response: The garage would have a small setback from the property line along Spring Street and would have street trees along all three street elevations. It would be an environmentally friendly "green" building with a vegetated roof. Public access to the roof is not proposed, due to the need for a dedicated elevator, maintenance and security concerns, and the fact that there is already ample public open space in the immediate vicinity (Canal Park and Hudson River Park).

517. Comment: The proposed garage building would be about 25 percent larger than the soft site commercial building assumed under the Future No Build scenario.

Response: The analysis of the Future No Build condition conservatively assumed the commercial building would count the truck staging on the ground level (approximately 80,000 sf) toward the building's allowable FAR. Without this assumption, the commercial building would have the same developed floor area as the Proposed Action.

518. Comment: Removing CD 5 and employee parking from the garage could reduce the height of the building. This reduction in height would result in a building that is more in line with the height of surrounding buildings.

Response: DSNY disagrees with this comment. First, at under 120 ft in height, the proposed garage already would be lower than recent development in the area, including the Urban Glass House. If MN 5 were removed, the building would be lower only if UPS were to refrain from marketing the corresponding 86,000 sf of developable area, which is at odds with their stated intention of marketing the site's development rights above the staging area. Such a waste of developable area by UPS seems very unlikely. DSNY would not achieve a key project goal of housing MN 5, which is currently located on the Gansevoort Peninsula. Removing employee parking would not result in significant building height reductions, as parking must be made available for DSNY's light duty passenger vehicles in any case.

519. Comment: Further studies must be completed to ensure that the proposed salt shed will not be environmentally hazardous to its immediate surroundings.

Response: DSNY disagrees with this comment, as the storage of road salt on an impervious surface in a covered building has not been shown to be a significant environmental hazard, and is a common practice.

520. Comment: The DEIS does not describe the annual throughput of salt through the salt storage facility.

Response: Restocking of salt will occur on an as-needed basis, based on the amount of usage, which in turn is based on the frequency and severity of winter storms. Such resupply is routine and is accomplished off-road. Annual throughput numbers can be estimated based on the proposed facility capacity and the expected incidence of six to ten winter emergencies. Such resupply would normally not be scheduled for periods of peak background traffic activity in the Canal Street Corridor (4 PM to 6 PM assuming no storm) and would not be expected to have any significant impacts.

521. Comment: Putting setbacks, plantings on the Spring Street side, and a community-friendly design with a publicly-accessible recreational space on the roof should be incorporated into the site design for many of the inconveniences a garage or construction and its use will cause.

Response: See response to Comment 516.

522. Comment: According to the building design, there are no reserved spaces for sanitation trucks on the ground floor of the proposed garage. The trucks are intended to come off of West Street/Route 9A. The purpose of the garage is to remove DSNY trucks and personal vehicles off the street. The building design will not accomplish this goal.

Response: The ground floor is designed to accommodate UPS truck trailer staging. DSNY's MN 1 trucks that are currently stored along West Street would be stored on an upper floor.

523. Comment: The location of the refueling station is at the entrance of the facility according to the building plan. This will inevitably create a backup of idling trucks on neighborhood streets as they wait in line for gas. A better location should be identified for the refueling station.

Response: The end-of-shift collection truck refueling would not lead to idling trucks on neighborhood streets. Such a queue would be the exception, given the ability to refuel four trucks

at once, and expected arrival and refueling times spread out over several hours. DSNY would limit any queues to seven trucks outside the building, which could be accommodated on West Street.

524. Comment: During the public testimony, the architect described many green features that may be included in the proposed garage building. Of the list that were mentioned, how many are definitely going to be in the project?

Response: The building is expected to have virtually all of the contemplated Green Building elements listed in the project description.

525. Comment: The solar fins that are proposed as part of the building design, are they being used anywhere else in the country and if so, for how long? And what about the maintenance of their operations and their ability to move, etc.?

Response: This project will be one of the largest projects of this kind that has been completed. Solar fins are used widely throughout the southwest United States. There is an installation of similar size to the West Street/Route 9A façade currently in Arizona on a mixed-use office building and the solar fins have been used in Europe. The project in Arizona was completed a couple of years ago. The track record of one particular company that has been looked at, Kult Systems, has been using solar fins for over twenty years. There is some routine maintenance, including periodic inspections of the system.

526. Comment: Is there glass behind the louvers?

Response: In many cases there is either glazing or a transparent system, like a wall or a louver, behind the louvers. In two areas on Spring Street, it is all a glazing. The goal of the louvers is to get a significant amount of natural light into the garage itself to lower the lighting load.

527. Comment: To build a gigantic garage and concentrated facility, may make economic and financial sense, but that's not the reason why you have this service in the City. Distribute it in even smaller trucks and smaller collection units, rather than trying to concentrate it and create problems discussed during the hearing.

Response: The size of DSNY trucks reflects an appropriate capacity for DSNY operations. Smaller trucks would lead to more truck trips to collect the same tonnage of refuse or recyclables. Nearly half of the collection trucks (27 of 62) are assigned to District 2. This garage would be one of DSNY's smallest multi-district garage complexes with one of the smallest combined services populations. It would not have significant adverse impacts and would save taxpayers on the order of \$50 million to 100 million compared to siting two or three garages separately.

528. Comment: Can the Department comment to the salt shed being completely enclosed?

Response: The way the salt shed is currently designed, it is a three-sided building and DSNY has gone through several versions of the design. The salt storage is completely covered and there is an open 30-foot side that will face the Holland Tunnel Ventilation Shaft. A 30-foot driveway between the salt shed and the ventilation structure would be open air. Zoning does not require a fully enclosed storage building at this location. In addition, DSNY does not anticipate significant fugitive salt from this facility, given prevailing winds from the river to the west.

529. Comment: An individual testified that there were different numbers given for the employee parking.

Response: DSNY has been revising these applications, going through the DEIS and as conditions change and more information is made available, we correct areas we find and refine the numbers. The current number of proposed employee parking spaces is 74.

530. Comment: What is the possibility of eliminating the District 5 garage from the particular site?

Response: The total cost from the project, if MN 5 was excluded from the design and built elsewhere, would add at least ten percent to the overall cost. This would be in the range of \$40 to \$50 million higher than what's being budgeted here.

531. Comment: The building renditions were specifically designed to make the building look smaller than it actually will be. City Planning should insist on seeing people in the building's doorways in order to adequately portray the true size of the garage.

Response: The renderings were done in a standard way. The building will be less than 120 ft tall, less than the Urban Glass House and other recent development in the vicinity.

532. Comment: Since the proposed garage will be built in a flood plain, how will this affect the adjacent buildings and what protection methods will be used?

Response: The building would have flood gates as required by applicable codes and would feature slab on piling construction. Site drainage would go to the combined sanitary/storm sewer, as at present. No resulting impact to adjacent buildings is anticipated

The garage would also incorporate protective flood gates. The proposed garage would also be developed in accordance with the New York City Building Code that sets forth specific requirements for the development of structures within designated flood hazard areas.

533. Comment: What is the status of the design of the salt shed? When do you think it will be ready to be shared with the CPC?

Response: Neither the design of the salt shed nor the garage will be a "Final Design" before the CPC vote in October. DSNY is very satisfied with the current status of the garage design and think it will fit in nicely with the types of construction occurring along the Route 9A corridor from the Meat Market district to Battery Park City. While having a large frontage along West Street/Route 9A, the overall height of the building is no taller than the newly constructed residential condominiums in the area, and will be more than twenty ft lower than the 140 foot building height proposed zoning text amendment for the TriBeCa Mixed Use District south of Canal Street.

The DSNY design team will be submitting additional material for the salt shed to the Public Design Commission later this month. A copy of any submissions will be provided to the CPC. DSNY recognizes the significance of the site and the visual impact a structure at this very visible location will have for the area.

ULURP/FAIR SHARE

534. Comment: More clarification has been requested regarding the reasoning and the decision-making involved in designating the proposed garage facility as a local facility instead of a regional facility. The designation seems to be contrary to what the law states.

Response: Although the Criteria for the Location of City Facilities (Fair Share Criteria) Appendix B lists a DSNY garage as a ‘local facility’ and each DSNY District Garage in the proposed garage complex will be separately managed with separately assigned equipment and personnel and serve only one community district, DSNY recognized that analyzing the project as three ‘local’ facilities for the Fair Share Analysis might not address all of the concerns that are relevant. Therefore, to be conservative, a ‘regional facility’ analysis was performed as well. As noted in the analysis, there is not a concentration of regional facilities subject to public siting decisions in the vicinity having similar impacts as the proposed sanitation garage complex.

535. Comment: NYCDCP urged not certify the ULURP unless the Fair Share for the garage is listed as a Regional Facility.

Response: Please see response to Comment 534.

536. Comment: A limited review (local not regional) would be unlawful and would render the ULUR review for the project a legal nullity.

Response: Please see response to Comment 534.

537. Comment: The community feels that the garage/salt shed pose an undue burden on their community.

Response: Please see response to Comment 534.

538. Comment: The fair share analysis is, “manifestly unlawful, contrary to well settled judicial precedent and woefully inadequate in assessing the cumulative adverse impacts the proposed garage will have on regional air quality and traffic.”

Response: This comment is incorrect. The environmental review took into consideration the cumulative impacts of the three garages and found no significant adverse, unmitigable impacts to regional air quality and traffic. Impacts to two traffic intersections are proposed to be mitigated. Please see response to Comment 534.

539. Comment: The garage should be listed as a regional facility and not a local facility because the garage meets the definition of a regional facility and by referring to the project as a local facility violates the criteria established by NYCDCP and the Fair Share Criteria and settled legal precedent (Silver vs. Dinkins 1993). As a result, DSNY failed to comply with the Fair Share Criteria in its site selection process because DSNY did not properly apply the Fair Share analysis to the Proposed Action.

Response: Please see response to Comment 534.

540. Comment: A review of regional facilities according to Section 6.42 of the Fair Share Criteria states that an analysis will be conducted within an approximately one-half mile radius of the proposed site, whereas the local facility only requires a 400-foot study area to determine impacts. By electing to unlawfully limit the geographic scope of its Fair Share Analysis for the proposed garage, DSNY is neglecting to acknowledge or assess the cumulative impact of the proposed garage together with existing major sources of air pollution, which will be overlooked if DSNY continues to mischaracterize the multi-district Spring Street Garage as a local facility.

Response: As DSNY conducted a regional facility analysis pursuant to the Fair Share Criteria, this comment’s conclusion is incorrect.

541. Comment: DSNY should not be waived from rear yard regulations to provide for a situation where a manufacturing zone is adjacent to a residential neighborhood, as described in Section 43-30.

Response: The waiver of the rear yard requirement at this location will prevent the building from having a hole in the middle, from the roof down to 23 ft above the grade level. It will have no impact on any nearby residence or residence district.

542. Comment: The DSNY claim that a uniform height and setback relief is required to fit truck ramps for circulation within a vertical facility is opposed. It was requested that no waiver be made to Section 43-40.

Response: For the reasons expressed in the ULURP application, DSNY believes the requested relief from the street wall height and setback requirement along Washington, Spring and West Streets is fully justified.

543. Comment: Without the height and setback regulations, the “scenic vista” corridors fought for back in the early 1990’s with the Clean Air Campaign and during the early development of the Hudson River Park Conservancy would be lost.

Response: The requested relief will not affect scenic vistas from public streets or sidewalks, compared to the Future No Build commercial development projected for the UPS site up to its developable area.

544. Comment: It was requested that no waiver be made to Section 43-43: *Maximum Height of Front Wall and Required Front Setbacks*. The City Planning Commission in good conscience cannot make findings identified under 74-88: *Modification of Height Setback and Street Wall Regulations* as it will affect the residences of the Urban Glass House, the employees of the St. John’s Center and the clients of Park-It Management.

Response: DSNY believes that the ULURP application fully meets the required standards for the requested relief, given the community-friendly green building design, the proposed setback along Spring Street, and the fact that the project will permit approximately six acres of public parkland to be developed at the Gansevoort Peninsula.

545. Comment: It was requested that no waiver be made to Sections 43-20: *Yard Regulations* and 43-28: *Through Lots*.

Response: Please see response to Comment 541.

546. Comment: The Fair Share Criteria rules as applied to the siting of the project require an equitable distribution of City facilities and require a fair and open process with significant and early community involvement. The process has not been fair and has resulted in a sanitation complex that is far too much for the Hudson Square Neighborhood.

Response: DSNY disagrees with this comment. The siting process has involved extensive community consultation and meetings with the community board as well as elected officials and their staffs. The impacts of the Proposed Action have been thoroughly analyzed and found not to result in significant adverse impacts, other than traffic that can be mitigated, using standard methodologies.

547. Comment: A comment was received questioning the ULURP review process because DSNY told them that DSNY “would not consider any options or alternatives...unless or until the timetable that was imposed by the Consent Decree was eased.”

Response: DSNY is under pressing time constraints to vacate the Gansevoort Peninsula, as contemplated by the Hudson River Park Act, and mandated by the related 2005 Settlement Agreement and Consent Order. DSNY has even taken the unusual step of moving forward with facility design, something ordinarily started following site selection. DSNY has considered alternatives since the Act was passed in 1998. None of the alternatives analyzed in the FEIS or in the previous FGEIS for Hudson Yards have been found to be superior to the Proposed Action, which remains DSNY’s preferred alternative.

548. Comment: The Proposed Action does not meet the Fair Share requirements because it includes storage for trucks used to collect refuse from the neighborhoods covered by CDs 2, 4, and 5, instead of only CD 2 or CDs 2 and 4. The addition of CD 5 to the facility increases the size of the facility and adds traffic to the Hudson Square community in connection with the provision of services to another community. Accordingly, the proposal must be revised to comply with the Fair Share requirements.

Response: The proposal fully complies with the Criteria for the Selection of City Facilities, as more fully described in the Fair Share Analysis in the ULURP application. MN 5 trucks will number about 10 in the morning peak hour, and will exit to West Street and return via Clarkson to Washington. See response to Comment 534, above.

549. Comment: A one-half mile radius should have been used in the Fair Share Analysis.

Response: Please see response to Comment 534. A one-half mile radius was used for such analysis.

550. Comment: The Fair Share Analysis is not evident in the DEIS and thus a fundamental regulatory standard required under the CEQR process has not been met in the DEIS.

Response: This comment is incorrect. The Fair Share Analysis is part of the ULURP application and is not an environmental impact category under SEQRA or CEQR law or regulations or the *CEQR Technical Manual* guidance, although a Lead Agency may include it with an EIS to be helpful or efficient. The environmental review considered applicable impacts from the project, including traffic impacts well beyond 400 ft from the facility, and concluded they would not be significant with the proposed mitigation. There is no concentration of regional facilities with similar impacts and subject to public siting decisions in the relevant regional facility one half-mile study area.

551. Comment: The DEIS does not provide an analysis of the Community impacts from the Federal Express relocation from the Holland River Tunnel Vent Buildings, and does not inventory sources within a half-mile radius study area as required by the Fair Share Rule.

Response: This comment is incorrect, as the DEIS is not required to inventory regional facilities with similar impacts to the proposed facility. Rather, such an inventory is done as part of the Fair Share analysis within the ULURP application. This analysis is attached for informational purposes as Appendix G. Impacts from the Federal Express facility and the Tunnel Ventilation Building were fully considered as part of the baseline for the Future No Build and Future Build scenarios.

Public Hearing

552. Comment: During the public hearing, the Commissioners asked several questions to DSNY's Dan Klein, which he answered in a misleading manner:

- In response to a question about the number of trucks fueling at Spring Street, Mr. Klein responded that during the week of July 21, there was an average of 20 vehicles fueling per day that did not conflict with DSNY's peak. However, an email from Mr. Klein dated August 15, 2008 states that during the Week of July 21, 142 vehicles from other public agencies fueled at Spring Street. Thirty-eight of those vehicles fueled on Monday, including 28 vehicles that fueled between 8 AM and 4 PM and 10 vehicles that fueled between 12 AM and 8 AM. Mr. Klein did not mention that the Monday peak of 38 vehicles, which equates to 76 trips in/out. Further, he did not state that most vehicle fueling occurred during heavy traffic periods at Spring Street, Route 9A, and the Canal Street Corridor.
- In response to a question about whether the original DSNY Tables contained lunch breaks, Mr. Klein said that they did. However, in the DEIS Tables 17-6 and 17-7 do not show DSNY employees returning to the garage for break in the summer between 10 AM and 11 AM and leaving between 11 AM and 12 PM or in the winter returning to the garage between 11 AM and 12 PM and leaving between 12 PM and 1 PM.
- In response to a question about whether the salt shed would be open, Mr. Klein responded that it would be open about 30 ft implying that the walls of the shed would have a 30-foot gap. He said during another phone conversation on July 1, 2008, that the Ventilation Building would block the east winds from stirring the salt, but made no mention that the salt would erode the façade and interior of the Holland Tunnel, and erode and clog the air ventilation fans, jeopardizing the air exchange.
- In response to a question about whether the Tables of peak day trips had significantly changed since the DEIS was prepared, MR. Klein stated that changes were made to reflect evolving changes to work practices, such as shifting more recycling collections to the weekends. While summer recycling trips did go down, Mr. Klein failed to note that the winter collection trips were increased by 58 percent and winter relays by 58 percent since the DEIS was prepared. Also, summer collection trips were increased by 37 percent and summer relays by 50 percent.
- In a response to a question about communicating with the public, Mr. Klein (or another DSNY representative) said that DSNY has had an extensive dialogue with the community. DSNY has, in fact, not been responsive to community concerns. Mr. Klein mentioned that DSNY is not open to compromise with the community, unless the Mayor permits the agency to allocate additional funds to pursue alternatives. The community has expressed outrage at the 74 employee parking spaces at multiple meetings. However, Mr. Klein said at the hearing that DSNY was not negotiable to eliminating employee parking.

Response: About two thirds of other agency vehicles that currently refuel at Spring Street or Gansevoort do so between 8 AM and 12 PM. The Canal Area Transportation Study performed by NYMTC indicates that there is no major traffic congestion in the western end of the Canal Street corridor during this time period. - The majority of other agencies fueling at the garage are cars, vans and SUV's. Only a very small number are trucks using diesel fuel.

At the time of Mr. Klein's testimony, Table 17-6 and 17-7 were revised to include employees returning to the garage for lunch. The revised tables are included in the FEIS.

The area where the salt is proposed to be stored would be covered, enclosed and protected from the elements. There is a 30-foot driveway between the storage area and the Holland Tunnel Ventilation Building.

The traffic tables in the FEIS also reflect the revised traffic generation for the three districts and the traffic impact analysis has been adjusted to reflect the more recent data.

When requested DSNY representatives attended all Community Boards 1 and 2's committee and subcommittee meetings regarding the proposed project. The DSNY has been sensitive to the needs and concerns of the community. In response to these concerns DSNY reduced the volume of the fuel stored at the facility and relocated the fueling over 300 ft north of the Holland Tunnel tubes; reduced the height of the building; and eliminated the need to acquire the private parking garage on Clarkston Street.

553. Comment: Mr. Dan Klein lied at the public hearing on August 27, 2008 about lunch trips having been included in the DEIS traffic study.

Response: At the time of Mr. Klein's testimony, Table 17-6 and 17-7 had been revised since the DEIS to include employees returning to the garage for lunch. The revised tables are included in the FEIS.