



CITY OF NEW YORK

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January 24, 2005

Harry Szarpanski
Assistant Commissioner
Department of Sanitation
Bureau of Long Term Export
44 Beaver Street, 12th Floor
New York, NY 10004

Re: Draft Environmental Impact Statement for New Comprehensive Solid Waste Management Plan

Dear Mr. Szarpinski,

Manhattan Community Board No. 4 dutifully participated in the hearings and comment period for the Scoping Document for the Draft Environmental Impact Statement (DEIS) for the New Comprehensive Solid Waste Management Plan. But as you are aware, the new DEIS released in October 2004 has mapped out an entirely new plan for Pier 99, one that has much greater and different impacts on our district.

We understand that a supplemental environmental impact statement will be required for Pier 99 once the actual plans for the pier are determined. When that environmental review is done, we ask that the relevant problems from the current review be corrected (see below). Because any plan for disposal of only commercial waste will be very different from either of the studied uses, and because the neighboring area is changing rapidly, the environmental review should be largely *de novo*, rather than a simple rehashing of that which has already been done. That EIS must of course consider alternative locations for a commercial waste transfer facility, so that such use of West 59th Street is not a foregone conclusion.

In addition, we must register our dismay with the current DEIS, its inaccuracies and its faulty conclusions. In fact, despite our comments in the scoping, the current DEIS shows no regard or knowledge of the current conditions at the Pier 99 site, and it makes us question either the capability or the intentions of the EIS team. We say this with the utmost seriousness and sincerity, and we expect to see much greater attention to detail and accuracy in the final EIS. We would also like to point out that the proposed use of the Gansevoort Peninsula, and the expansion of the West 59th Street facility, would require amendments to the Hudson River Park Act. Therefore, studying alternatives for these sites is particularly important.

To follow are our general comments regarding the methodology used to prepare the DEIS. Following that are more specific comments on the sections of the DEIS. Please note that this letter contains comments on Community District 4 only, although this board acknowledges that many of the same issues apply within the boundaries of Community District 7, and in fact, that

district is experiencing much of the same commercial and residential growth that is bringing a drastic transformation to this neighborhood.

METHODOLOGY

General Comments

Because the build year for many of these facilities is 2006, the DEIS does not consider any developments that will occur after that point. It considers only future park projects that are currently funded and only future developments that have environmental and regulatory approvals in place. This is unacceptable for two reasons. First, since the West 59th Street and Gansevoort facilities are not yet planned, they will likely be built at a later date than other facilities anticipated in the DEIS. Analysis of these facilities should therefore incorporate a later build year. Second, given the long life of these facilities, it is inexcusable that they would be studied without reference to the anticipated additions to parkland and the expected residential growth of the surrounding areas, particularly given the anticipated series of rezonings of the far west side that will encourage development at densities greater than what is now allowed. Much of the change in our neighborhood in the next few years is being actively planned for and can be anticipated. As we will have to live with these waste management facilities for decades, their planning should reflect this knowledge.

We are also concerned about the standard used to trigger a detailed analysis of noise impacts. Routing garbage to the Gansevoort and West 59th Street facilities will require sending many large trucks down residential streets at night. However, the DEIS only considers this to be an “impact” if the existing volume of “passenger car equivalents” (PCEs) would be at least doubled. Residents are likely to experience an “impact” at a lower threshold, especially considering that one heavy noisy truck bouncing over uneven streets or potholes at 3:00am is far more of a nuisance than even 47 light cars humming by (the PCE of one heavy truck is 47 cars). A detailed noise analysis of off-site noise impacts is required even without the PCE doubling trigger being met.

GANSEVOORT MARINE TRANSFER STATION

General comments

The insertion of the inactive Gansevoort Peninsula Marine Transfer Station (MTS) as part of the plan was a surprise to this board, which was presented with a rough draft of a plan for Gansevoort earlier this fall as a distant possibility. The current DEIS shows little flexibility in its proposal for a Manhattan acceptance facility for recyclables, despite regularly referring to Gansevoort as an “option.”

We ask this simple question: What are the other options for recyclables?

And that leads us to this statement: The DEIS must study other locations in Manhattan as an acceptance facility for recyclables.

Community Board No. 4 has a vested interest in the Gansevoort Peninsula, and considers it the anchor of the Hudson River Park for the southern part of our district. For that reason, we can in no way support the use of Gansevoort as an active facility for the Department of Sanitation. When the Hudson River Park Act was signed into law in 1998 it reflected City and State negotiations which determined the location of several municipal and commercial uses within Hudson River Park. The City cannot now change the Act to accommodate more municipal uses.

What would stop a future amendment to the Act at other locations if this were to establish a precedent?

The Solid Waste Management Plan to date accommodates the Hudson River Park Plan as drawn preliminarily by the Park's Segment 5 architects, but adds a large facility in the water at the end of the Gansevoort Peninsula. But NYC's Economic Development Corporation (EDC) has not presented any concrete proposal for financially supporting the park development, so it is still unclear what benefit the Solid Waste Management Plan has to the park or the community. In addition, representatives of DOS have stated that accommodating the recycling facility would not accelerate the removal of DOS uses on the pier and therefore accelerate park construction. Again, this does not provide any benefit to the community in return for accepting this facility and compromising the Hudson River Park Act.

To restate, the Board insists that the DEIS study other locations for a Manhattan Marine Transfer Station (MTS) for recyclables, including Pier 76, which is already designated for commercial use.

Specific comments

2.1.1: Overview

We are very concerned about Footnote 3 on page 2-2 which states that a full environmental review will not be conducted for a recycling facility on the Gansevoort Peninsula. First of all, the text throughout refers to a future environmental review of this facility, and it is completely inappropriate to bury the fact that one will not be conducted in a footnote. Secondly, any waste management facility operating in the middle of parkland is likely to have serious on-site environmental, odor, noise, and traffic impacts, and not studying them is unacceptable.

18.1: Introduction

Although the Gansevoort recycling facility has not yet been designed and will not be built for at least seven years, this section of the DEIS considers the off-site traffic, air, and noise impacts of rerouting trucks to this facility. This is completely premature. Without specific knowledge of the facility's design and operation, assumptions about its related truck traffic are likely to be wildly inaccurate. Anticipated truck routes and volume could be different when we know more. If, where, and when trucks will idle depends on the design of the facility. Furthermore, as stated before, it is utterly ridiculous to use 2006 figures for measuring the effects of traffic that won't even exist before 2012.

18.14.3: Traffic: Future no-build conditions

The Gansevoort Peninsula will be developed entirely as parkland with no industrial uses on it at all. The DEIS must acknowledge that this site will be parkland and not, as stated in 18.15.3, a "commercial/ industrial" area. In addition, a traffic analysis at the site MUST be conducted with a focus on the effect of trucks on the users of the park and especially the bikeway/walkway, regardless of the CEQR thresholds.

18.17: Noise

Although the DEIS predicts that trucks will be routed down residential sections of West 14th and West 15th Streets, noise analysis is only done on Route 9A and on West 14th Street between Washington Street and Route 9A. Noise analysis must be done farther east, on the residential streets that are most likely to be negatively affected by this additional truck traffic.

PIER 99 MARINE TRANSFER STATION

General comments

The current proposal for Pier 99 is to handle about half of Manhattan's commercial waste. This Board at no time opposed the reuse of the Pier 99 MTS for DOS-controlled residential waste. However, the use of the site for commercial rather than residential waste must be studied *de novo*, not considered an adaptation of the original proposal.

The analysis that was prepared would allow for the construction and operation of a Converted MTS for residential and commercial waste. In case the plan to create a commercial-waste-only facility fall through, we are providing the following comments on the studied facility. We expect that all errors would also be corrected in the eventual EIS for the planned commercial facility.

We are particularly concerned by the mischaracterization of the area surrounding Pier 99 as an area "with active industrial uses and municipal operations." The DEIS lists the most significant use in the area as the Con Edison plant, and identifies the site as part of an M2-3 manufacturing zone. However, the Con Ed facility far from characterizes the area on whole and in addition to M2-3, several R districts exist in the area.

This site is surrounded by mapped parkland. And the most significant uses both to the south, north, east, and west - are parks. The DEIS must come to terms with this. Specifically, any text referring to Clinton Cove Park must include Pier 97 not as an aside, but as part of the park which WILL be built once the DOS removes its uses on both the pier and the upland area. In addition, your own document, flawed and incomplete as it is, notes a dozen new residential and commercial developments, which, when added up, paint this area as a strongly residential area, hardly "industrial" at all. The EIS must at every point note that this is a neighborhood in transition, and, in fact, transformation.

When describing existing and future land use conditions, the socioeconomic conditions, the neighborhood character, urban design, and waterfront revitalization, the DEIS must reference both the Hudson River Park and Riverside South Park first and foremost. It must also acknowledge that the area to the east of the park is going through major change and becoming predominantly residential. These sections and analyses should be revised to properly take into account the uses immediately surrounding the pier as parkland and to reflect the major residential transformation of the neighborhood.

Specific Comments

22.2.1: Land Use: Existing Conditions

The DEIS fails to accurately characterize many of the neighboring sites and leaves out much significant residential development in the area:

The Artkraft Strauss sign factory referred to in the DEIS is in fact vacant and soon to be redeveloped. Most of the block between 57th and 58th Streets, between 12th and 11th Avenues is being developed by the Durst Organization. The Helena apartment building near completion on the eastern edge of the site will have 600 units. The western end of the block is planned to have a commercial tower rising 300 feet (30 stories). The middle of the block is zoned for commercial development.

This section fails to mention two significant neighborhood developments: the Amsterdam Houses, a NYCHA facility between 61st and 65th Streets, from Amsterdam to West End Avenue;

and the planned expansion of John Jay College to 12th Avenue. Future development will soon take place on sites currently being acquired on the western half of the blocks between 59th and 60th Streets, between 11th and 12th Avenue; and between 60th and 61st Streets, between 11th and 12th Avenue.

Furthermore, the Foundry, a residential building at 505 West 54th Street which contains 222 units, is not listed. The Nicole, at 400 West 55th Street, contains 149 residential units, and while it is just outside the half mile radius study area, it is across the street from Alvin Ailey, which is included.

Finally, calling the blocks between 10th and 11th Avenue “largely industrial and institutional in nature” is false and it seems, deliberately misleading. Your own document belies this statement, and adding accuracy to your document clearly demonstrates that residential areas of this neighborhood are being strengthened and formerly industrial areas of are quickly converting to residential and commercial uses.

22.2.1.4: Land Use: Existing Conditions: Zoning Plans and Policies

The document erroneously states that a 197-a Plan is in development for South Hell's Kitchen; no such plan is being developed. But, there are massive rezonings currently in the ULURP process which must be included in this study. The Hudson Yards Redevelopment Plan which includes extension of the Number 7 subway line, expansion of the Javits Convention Center, massive upzoning, and a stadium, along with the City's West Chelsea Rezoning Plan, will further encourage high density residential and commercial development of the west side. A number of other rezoning proposals also indicate transformation from low-scale industrial areas to higher density and increasingly residential and mixed-use development.

Immediately north of the site is mapped parkland, not as the study states, an R10 district.

22.2.2 Land Use: Future No-build Conditions

Clinton Cove Park is actually between Piers 94 and 97, and includes development of Pier 97. This must be corrected.

RiverCenter is listed here as being the future development of the block between 58th and 59th, west to 12th Avenue. In fact, this site is being developed as a 600,000+ square foot expansion of John Jay College.

In addition, the future no-build conditions must include:

- Encore Senior Residence - 755-765 10th Avenue - 85 units for low-income elderly.
 - Clinton Green - CURA sites 8 and 9C - (west of 10th, 51st - 53rd Sts) - 627 units
- Flats/Old School - 552 & 554 W. 53rd St. - 86 low, moderate and middle income units

These are marked on Figure 22.2-4 Planned Development Sites, enclosed.

22.3: Socioeconomic Conditions

The socioeconomic data in section 22.3 confirms that this is an area of rapid market-rate residential development. The study must reflect this obvious conclusion. One explanation for the growth rates shown between 1990 and 2000 are the Brodsky (and other) towers along 9th Avenue, 58th to 60th streets.

The study used regional projections to say that the populations of Community Districts 4 and 7 will remain about the same. However, the description in the EIS of the area's development, the census data and the City's plans for Hudson Yards and West Chelsea make this an absurd assumption. This must be corrected.

Furthermore, given the small size of the study area, residential units within the ¼ mile study area boundary but located in census tract 135 should be included in the demographic analysis. There is no reason to rely on estimates based on census tracts, and use shorthand calculations when the limited number of nearby residential buildings makes it possible to derive a much more accurate population figure.

Again, we note that the characterization of the side streets that trucks will use as “predominantly industrial in nature” is no longer accurate. The analysis of impacts on nearby residences and businesses must reflect the actual character of the neighborhood.

22.5: Open Space

The DEIS appears to contradict itself several times in recognizing that Pier 99 is between two major park areas, but continuing to characterize the surrounding area as remaining, “largely industrial and transportation-oriented.” Recognizing the relatively rapid development of this area, referring to the area as “largely industrial” is misleading.

In addressing the impact of the operational MTS the DEIS states, “Any increase in MTS truck traffic, therefore, could potentially worsen the safety conditions on the bike path. Appropriate measures, developed in coordination with the NYCDPR, would likely resolve this conflict.” (22.5.3) How would this be resolved? Why is this not considered a significant adverse impact? Ideally, the design for the MTS would allow the creation of separate bicycle and pedestrian pathways in order to improve safety and to link the Hudson River Park pedestrian pathway to the Riverside South Park pedestrian pathway. We hope that a design change will be considered, and this will be reflected in the Final EIS.

The MTS is an allowable use of Pier 99 according to the 1998 Hudson River Park Act. However, the Act also placed restrictions on uses within the park, which includes the water area designated as an estuarine sanctuary. Any expansion of the footprint of Pier 99 must not be charged to the park in the Army Corps of Engineers permit – it should be treated as part of the project, since it is not a park use. Any enlargement would impinge on Park property and would require State legislative approval – this is not addressed in the DEIS but it should be.

Table 22.5-1, listing public parks and open spaces, must include the Hudson River Park. Its absence makes us question the intentions of the EIS team.

22.7: Urban Design, Visual Resources, and Shadows

22.12.2.8 and 9: Waterfront Revitalization: Policies 8 and 9

Because this facility will be in the middle of extensive and important parkland, the construction of a much expanded facility 20 feet taller in height and accompanied by 80 foot tall cranes is indeed likely to have a negative effect on “visual resources” aka “scenic values” aka “visual quality” aka “visual access” - specifically on water views. These impacts must be studied in greater detail and given real consideration rather than being brushed off so casually. The DEIS must adhere to the policies and sub-policies of the Waterfront Revitalization Program and not

dismiss them as inapplicable. The impacts of the facility on surrounding parkland must not be underestimated.

The design, in addition to increased footprint and height, calls for an 80-foot crane to load containers on to barges. The DEIS states that this crane will be “screened by the Consolidated Edison Pier.” (22.7.3) What happens when the lease for this Pier has expired? When Pier 97 is converted to parkland, views from the end of this pier will not be screened by the ConEd Pier. How will this be addressed?

The DEIS states, “The existing neon ornament found on the MTS would not be incorporated into the proposed facility design, though the entrance portal will remain undisturbed.” (22.7.3) What other considerations have been made in the design? How will these considerations be affected if developed privately? The removal of the neon ornamentation is also a significant impact on users of the neighboring highway and should be seriously considered.

DOS must consider the neighborhood environment and character in developing a design for this working pier – looking to the natural, economic, and social environments surrounding this facility. In particular, DOS must consider the existence of this MTS within and connecting two significant parks. We urge DOS to consider design that is not only efficient and environmentally responsible, but one that promotes public interest and involvement.

The DEIS mentions possible improvements to the existing bulkhead. We remind DOS that the bulkhead is eligible for the State and National Registers of Historic Places and is therefore subject to restrictions.

22.8: Neighborhood Character

We reiterate our objection to the characterization of the neighborhood as industrial. The neighborhood character analysis must be based on the fact that this facility is surrounded by parkland.

22.9: Natural Resources

The EIS states that negative impacts on fisheries from dredging will be temporary. However, since dredging is required to make the channel deep enough for tugboats and barges as well as for construction of the facility, dredging will probably have to be repeated on a regular basis. How often do you believe that dredging will be necessary? What will be the effect on natural resources of this regular dredging activity?

22.14: Traffic, Parking, Transit, and Pedestrians

There is NO WAY there are no significant impacts on traffic, pedestrians, and cyclists. At the very least, the DEIS must evaluate the increase in truck traffic crossing the bikeway/walkway, especially since the current facility uses only 41 trucks per day.

The area designated for traffic analysis is far too limited to fully realize the effects of traffic in this area. By studying only 59th Street and 12th Avenues north and southbound, the DEIS has not adequately assessed the impact of the development to the north, south, and east of the facility. Furthermore, the study does not address the current conditions in the area. For example, 59th Street west of 11th Avenue provides a layover area for commercial buses in addition to staging areas for trucks and vehicles servicing the cruise industry and trade facility on Pier 94. (These buses can clearly be seen in the picture provided in Figure 22.7.3.) How are these conditions going to be addressed?

Although major areas of development were mentioned including: The Time Warner Center at Columbus Circle, Alvin Ailey Dance Theater at 9th Avenue and 55th Street, The Helena (Durst Organization) and additional retail and office development on 57th Street, Riverside South developments, and park developments including the Clinton Cove Section of the Hudson River Park and Riverside Park South; the EIS does not offer analysis of how the increase in traffic will affect these areas, nor does it consider all of the planned developments (e.g. the John Jay College expansion) in its assessment of future conditions.

The West 59th Street facility would receive waste from five CDs in Manhattan with approximately 124 inbound collection vehicles per day (22.14.4). This includes approximately 0 to 10 trips per hour in the late-evening to early morning and late-afternoon to early evening, and 5 to 42 trips per hour in the mid-morning to early afternoon. This leaves peak trips during morning rush hour along a major inbound route by commuters. Yet the DEIS states use of the facility will have no significant adverse traffic impacts. Further analysis must be done.

We are particularly concerned about queuing and routing of trucks through our neighborhoods. The study must include operation controls and design modifications that consider the traffic and queuing during these peak hours with respect to other traffic and sensitive areas must be protected from excessive traffic. The following points must be addressed particularly with respect to commercial waste collection:

- What is the provision for queuing on-site? How will the peak hour vehicle estimation of 21 trucks be addressed with only 10 to 12 vehicles on site advancing only one truck length every 2 minutes at peak efficiency?
- How will operational controls to stagger arrivals be implemented? How will they be enforced with commercial operators?
- The proposed truck routes, particularly routes going south from 57th Street down 9th Avenue add volume to a tremendously overstressed traffic situation. How will this be addressed?
- The study must consider the effects on traffic farther east on West 59th and West 57th Street, since these designated truck routes are in the middle of busy residential and commercial areas.
- Truck routes already have congestion problems and trucks straying off designated routes to avoid congestion has been a problem. Will enforcement be stepped up?

The EIS predicts no change in pedestrian and cyclist conditions, and therefore minimizes any impact the facility will have on these groups. The study must consider the increased use of the bikeway/walkway related to the pending completion of the neighboring parks. Even if everything won't be completed by 2006, the parks must still be included in the analysis in order for it to have any basis in reality.

Furthermore, a Saturday traffic analysis MUST be completed despite collection trucks being at 69% use while other traffic is estimated at 81% of weekday capacity. (22.14.4) Pedestrian and cyclist traffic in the park will increase on Saturdays – particularly during the DEIS “peak hours of mid-morning to early afternoon.” Car traffic also increases due to Saturday matinees and cruise ship docking. Analysis should be done to assess the true impacts of this usage on park users and the surrounding community.

22.15: Air Quality

We are concerned about the impact emissions from collection vehicles will have on the air-quality of the surrounding community. Again, the analysis must consider the true nature of the surrounding area. When the analysis of commercial operation is done, the following conditions must also be addressed:

- How will DSNY regulate vehicle emissions of private haulers? The SWMP states that the city will enforce more stringent requirements for operations and maintenance to help minimize the impact of transfer station operations on their surrounding communities. For example, stricter air emissions standards and odor control for stationary equipment and non-road vehicles. What about on-road vehicles? Idling trucks with few emissions standards will decrease air quality.
- What about tugboat and other watercraft emissions?
- How will use of designated truck routes be enforced?

For both Converted MTS and total commercial use, what are the contingency plans when negative air pressure exhaust fans break down?

22.16: Odor

Why is the nearest sensitive receptor for odor analysis at 11th Avenue and 61st Street, when the nearest sensitive receptor for noise analysis is at the adjacent bikeway, as it should be? Like noise, odor must also be studied in the park abutting the facility and at the nearest major development sites: the corner of 58th Street and 11th Avenue, the Helena, the John Jay expansion, and the Durst office building.

Although Chapter 3 describes the methodology for measuring odor, nowhere does the EIS state what the assumed odor output of the Pier 99 Converted MTS, both with and without partial commercial use, would be, or how those figures were arrived at. Given that the waste facilities actually sampled had a very wide range of odor output, how can we know what this facility will smell like? A worst case analysis is in order here. We also note that the air samples taken at commercial waste facilities were deemed particularly offensive, making it especially important to do this analysis *de novo* when the commercial facility is studied. The commercial analysis must particularly rely on air sampled at facilities that process the same proportion of putrescible waste that the planned facility will process.

22.17: Noise

See comments in Methodology section.

We are confused by Section 22.17.3.6 which states that a combined on-site and off-site noise analysis is not required since no sensitive receptor was found within the 55 dba line. There was indeed a sensitive receptor found within the boundary, so the combined analysis must be performed. Given the odd reference to Figure 4.17.1, perhaps this was a misprint?

Given the high level of existing traffic, we are very surprised that the quietest hour was deemed to be the afternoon rush hour. This seems impossible. Is this perhaps also an error? How would the analysis be affected if it was repeated for a nighttime hour?

22.18: Commercial Waste

Given the widely different odor levels sampled at municipal and commercial waste facilities, a more sensitive odor analysis should be performed for this option, rather than just assuming that commercial and residential waste have the same odor impact.

Air quality analysis for commercial vehicles, as was stated before, cannot assume that they use the same low-sulfur fuel as municipal vehicles, nor that the vehicle fleet is of the same age.

The traffic analysis in Appendix D is highly speculative. There is no way of knowing where any commercial garbage would originate, how it would reach the facility, how much would arrive, and at what times. Given that this would be determined by contract negotiations with particular carters, actual figures are likely to be very different from those derived by just taking the averages. For this reason, we are highly suspect of the analysis performed in Appendix D. A worst case analysis would make more sense. This also further highlights the need for a *de novo* traffic analysis for the proposed new all-commercial facility, based on more solid figures, perhaps from actual contracts or memoranda of understanding.

Thank you for your consideration of our comments.

Sincerely,



Walter Mankoff
Chair
Manhattan Community Board No. 4



John Doswell
Co-Chair
Waterfront & Parks Committee

Pam Frederick
Co-Chair
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cc: Elected Officials
Manhattan Community Boards Nos. 2 and 7
Friends of Hudson River Park
Hudson River Park Trust
Friends of Clinton Cove
Riverside South Planning Corporation