

A. INTRODUCTION

This chapter summarizes and responds to all substantive comments on the Draft Supplemental Generic Environmental Impact Statement (DSGEIS) for the Governors Island—North Island Re-Tenancing and Park and Public Space Master Plan made during the public review period. The Notice of Completion for the DSGEIS was issued by the Office of the Deputy Mayor for Economic Development on February 14, 2013, which marked the beginning of the public comment period for the DSGEIS. Public comments on the DSGEIS also were solicited at the public hearing on the DSGEIS held at 10:00 AM on May 8, 2013, and during the public comment period, which closed at 5:00 PM May 20, 2013. Written comments that were received are included in Appendix F.

Section B of this chapter lists the organizations that commented on the DSGEIS. Section C summarizes and responds to the substance of these comments. These summaries convey the substance of the comments but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally follow the chapter structure of the DSGEIS. The organization that commented is identified after each comment. When more than one commenter expressed a similar view, those comments have been grouped and addressed together.

B. LIST OF ORGANIZATIONS THAT COMMENTED ON THE DSGEIS**ORGANIZATIONS AND INTERESTED PUBLIC**

1. Office of Manhattan Borough President Scott M. Stringer, comments made at public hearing (Jennifer Gardner) and letter dated April 29, 2013 (Borough President)
2. Manhattan Community Board 1, Catherine McVay-Hughes, Chairperson, and Michael Levine, Director of Planning, comments made at public hearing and written comments dated May 8, 2013 (CB1)
3. Alliance for Downtown New York, Connie Chung, comments made at public hearing and written comments dated May 8, 2013 (ADNY)
4. Governors Island Alliance, Robert Pirani, comments made at public hearing and written comments dated May 8, 2013 (Alliance)
5. Lower Manhattan Cultural Council, Melissa Levin, comments made at public hearing and written comments dated May 8, 2013 (LMCC)
6. New York Landmarks Conservancy, Alex Herrera, comments made at public hearing and written comments dated May 8, 2013 (Conservancy)
7. Service Employees International Union, Aditi Sen, comments made at public hearing and written comments dated May 7, 2013 (SEIU)

C. COMMENTS AND RESPONSES

PROJECT DESCRIPTION AND ENVIRONMENTAL PROCESS

- Comment 1:** Certain stipulations of the text amendments should be clearer. For example, wherever there are open water views in New York City, developers will try to build as high as possible. We urge the Commission to place a defined height restriction, such as 55 feet, on all new construction within the historic district. The existing height guidelines in the overlay could be misinterpreted. (Conservancy)
- Response 1:** The text for the Special Governors Island District states that in terms of height, the provisions of the ZR 62-341 shall apply. As explained in Chapter 6, “Urban Design and Visual Resources,” of the DSGEIS (p.6-15): “Under the proposed zoning, “predominantly community facility” buildings would have a maximum height of 60 feet, commercial buildings would have a maximum height of 30 feet, and residential and “mixed” buildings would have a maximum height of 35 feet.”
- Comment 2:** A list of allowable uses, actually enumerating the uses that would be allowed or encouraged, would be helpful. Allowable uses should be more narrowly defined and should more closely mirror other existing restrictions, such as the transfer deed. (Conservancy, Alliance, Borough President)
- A list of uses should be separate for large existing buildings such as Liggett Hall, and smaller, older buildings such as the cottages and houses. The list of allowable uses should be tailored to the distinct types of existing buildings. (Conservancy)
- Another potential solution would be an authorization process which would encourage planning and offer a greater degree of oversight for the uses of greatest impact, with a size threshold of 20,000 square feet for commercial uses. (Borough President)
- Response 2:** The proposed zoning text amendment has been revised to clarify specific commercial uses that are permitted as-of-right and those commercial uses that would require an authorization by the City Planning Commission. The list of uses is not based on the type or size of structures. The revised zoning text amendment is included as Appendix A.
- Comment 3:** Allowing leases as-of-right without any community board review or Commissioner Certification is not appropriate for hotel and other hospitality uses of any size, or for new structures within the historic district. (Alliance)

The Commission should consider an upper limit on the size of uses that could proceed with only a certification. A threshold of 400,000 square feet or more would help ensure that large scale redevelopment across the historic district for a single tenant would be reviewed appropriately. (Alliance)

Response 3: As set forth in the text of the proposed Special Governors Island District, the community board will have the opportunity to review and comment on commercial uses of 7,500 square feet or greater (the 7,500-square-foot threshold was requested by the Community Board itself). A Chairperson's Certification would be required stating that the applicant has complied with this provision. It is unlikely that any hotel use less than 7,500 square feet would be viable. It is intended that any commercial uses less than 7,500 square feet not require consideration by the community board or certification by the Commission.

Comment 4: Larger structures or groupings of smaller structures present the best redevelopment opportunities, but they may also become destinations and limit access to open space or other public uses on the Island and strain infrastructure. (Borough President)

Response 4: As noted above, uses larger than 7,500 square feet would be subject to review by the community board and Chairperson's Certification. Proposed uses will be required to demonstrate that they will promote the goals of the Special Governors Island District, complement existing uses, and be compatible with the nature, scale, and character of other uses within the Special District.

Comment 5: The relatively flexible provisions of this special district should not be considered a precedent for the southern half of the island. (Alliance)

Response 5: The Trust for Governors Island agrees. As stated in the SGEIS, it is anticipated that further environmental review would be undertaken in connection with future land use actions required for redevelopment on the South Island.

Comment 6: The City recently issued a broad and very general Request for Expressions of Interest (RFEI) for the southern half of the island that opened the door for sizable new uses, including uses that would violate the terms of the current deed restrictions. The complex nature of the development sites and the lack of control over the public spaces being created there suggest a detailed new zoning district in the southern half of the island. This must include specific design guidelines and the mapping of major public space on the island as New York City Parkland. (Alliance)

Response 6: The RFEI responses are under review at this time. No final decision has been made regarding any future tenancy on the South Island. The deed restrictions remain in place. Development in the defined development zones of the South Island is expected to require rezoning and to be subject to environmental review in connection with the rezoning. However, no specific plans for development or future zoning have been made at this time. In regard to the public spaces, they have been laid out and designed in the Park and Public Space Master Plan.

Comment 7: The Commission should identify sites where new construction is not allowed. (Conservancy)

Response 7: The *Governors Island Historic District Preservation and Design Manual* appended to the federal transfer deed and used by the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) and the New York City Landmarks Preservation Commission (LPC) as the basis for any review already provides this. Spaces like Nolan Park, Colonels Row, and the Parade Ground are specifically identified and protected. The *Manual* will continue to govern all renovation and construction activity in the Historic District when the proposed Special Governors Island District is in place.

Comment 8: CB1 has specific concerns regarding the potential impacts of increased commercial development in the area surrounding the Battery Maritime Building (BMB). We have noted the importance of mitigating negative impacts on Lower Manhattan and specifically the area surrounding the BMB from the increased development on Governors Island. (CB1)

Response 8: The SGEIS evaluates the potential impacts of the Proposed Project, including those in Lower Manhattan and the area surrounding the BMB, and where significant adverse impacts have been identified, potential mitigation measures are discussed. As disclosed in the FSGEIS, an unmitigatable significant adverse traffic impact is anticipated at the intersection of Broad and South Streets during the Saturday peak hour. Given the proximity of the intersection to the FDR ramp, NYCDOT has concluded that mitigation of this impact is not feasible due to physical and structural constraints. In addition the significant adverse transit impact at the Bowling Green station’s State Street stairway in the weekday AM peak period would only be partially mitigated. Mitigation for this stairway impact was reviewed and approved by NYCT.

OPEN SPACE

Comment 9: Sufficient open space must be ensured as part of any new construction on the island in order to maintain its park-like atmosphere. (CB1)

Response 9: As noted in the Comments and Responses on the Draft Scope of Work: “The deed restrictions require that at least 40 acres of the Island be developed as public open space. Upon completion of the implementation of the Park and Public Space Master Plan, 87 acres of public open space would be provided on the Island.”

NATURAL RESOURCES

Comment 10: The negative impact on wildlife habitats and the natural environment should be minimized. (CB1)

Response 10: As noted in the Comments and Responses on the Draft Scope of Work: “As analyzed in the [2011] FGEIS, the Proposed Project would provide a benefit to natural resources by improving existing open spaces and creating new open space, which would increase the diversity and quality of habitats available on Governors Island.”

SOLID WASTE AND SANITATION SERVICES

Comment 11: CB1 requests a plan for how garbage will be handled including whether or not composting will be utilized for minimizing garbage. (CB1)

Response 11: As noted in the Comments and Responses on the Draft Scope of Work: “As described in the FGEIS, The Trust would collect solid waste for the park and public space and a private carter would collect solid waste generated by development. In both cases a private trucking service would remove the solid waste. In accordance with the City's Solid Waste Management Plan, the Proposed Project would also comply with the City's recycling program. Currently, organic waste generated on the Island is composted on the Island by Earth Matters. This program or its successor is expected to be used to maximize the recycling of organic waste on island-minimizing export of waste.”

TRANSPORTATION

Comment 12: Sidewalks and bike paths must be wide enough to accommodate increased traffic at the Governors Island Ferry Terminal [BMB]. In addition, vehicular and pedestrian traffic must be separated in order to reduce pedestrian-vehicular conflicts. CB1 also requests more information about increased transportation opportunities such as additional bus stops when the terminal is built out. (CB1)

Response 12: The DSGEIS analyzed the capacity of sidewalks and other transportation infrastructure in accordance with the methodologies of the *CEQR Technical Manual* to determine conditions with the Proposed Project. The analysis and proposed mitigation measures, which include widening the sidewalk along the BMB frontage, were reviewed and

approved by NYCDOT. This information is included in Chapter 7, “Transportation,” and Chapter 15, “Mitigation.”

As noted in the Response to Comments on the Draft Scope of Work, the potential effects of the Proposed Project on public transportation services were analyzed in the SGEIS. No need for additional bus stops was identified.

The Trust actively manages traffic and pedestrian conditions in front of the BMB on the days the Island is open to the public. The Trust encourages the use of public transportation. Nearby bus stops are within easy walking distance of the BMB.

AIR QUALITY AND NOISE

Comment 13: Air quality and noise issues resulting from ferries transporting to and from Governors Island should be retrofitted using the best available technology and industry standards and use ultra-low sulfur diesel fuel. (CB1)

Response 13: As shown in Table 8-11, no significant adverse impacts on air quality due to ferries to the Island were identified. The analysis conservatively assumed that there would be no emissions controls or engine upgrades. However, it should be noted that the use of ultra-low sulfur diesel fuel is required by law and, as noted in the analysis, increased engine controls are likely to be implemented by 2022. The Trust will favor contractors that utilize clean energy technology.

As shown in Table 10-6, there would be no significant adverse impacts on noise due to ferry operations on the weekend. However, there would be a significant adverse impact at one location adjacent to Soissons Landing during the weekday analysis period. There are no feasible or practicable measures to mitigate this impact.

GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

Comment 14: New or renovated construction should be LEED-rated and Energy Star certified. (CB1)

Response 14: As noted in the Response to Comments on the Draft Scope of Work: “Renovating existing buildings is considered a “green” measure, since it requires significantly less material and energy than constructing new buildings. While The Trust does not mandate LEED certification or any specific ratings in its RFP for re-tenancing of the North Island historic buildings, respondents are encouraged to employ sustainable design practices to the extent feasible. Local Law 86 of 2005, the City’s Green Building Law, would apply as appropriate.”

Comment 15: New Governors Island construction and terminal development must be built to the highest industry standards to withstand storms similar to Superstorm Sandy. (CB1)

Response 15: As noted in the Response to Comments on the Draft Scope of Work: “new buildings and infrastructure will be built to the highest industry standards to withstand storms similar to Superstorm Sandy.”

MISCELLANEOUS

Comment 16: It is imperative that all developers selected through the Request for Proposals (RFP) process for this iconic site have a track record of responsible development. All development on this site should go to developers who are committed to creating good jobs with family-sustaining wages and benefits. (SEIU)

Response 16: Comment noted.

Comment 17: Future development at Governors Island should seek a balance of retail uses that will attract residents of CB1 as well as tourists. (CB1)

Response 17: As noted in the Response to Comments on the Draft Scope of Work: “The Proposed Project would facilitate uses including, but not limited to, restaurants, a mix of retail shops and services, arts and crafts galleries, entertainment events and uses, and other uses that are compatible with the educational, cultural, and recreational uses of the Island. These uses are intended to serve a range of customers, including residents of CB1 who may use the Island.”

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