

266 – 270 West 96 Street
Draft Final Scope of Work
Environmental Impact Statement

A. INTRODUCTION

This ~~draft final~~ scope of work (the “Draft Final Scope”) outlines the issues to be analyzed in an Environmental Impact Statement (EIS) for the proposed disposition of City-owned property in the Upper West Side neighborhood of Manhattan (Figure 1). Block 1243, Lot 57 (the “Disposition Site”), currently City-owned property, is proposed for disposition to a developer. The Disposition Site along with two adjacent privately owned sites (Block 1243, Lots 59 and 60) (the “Privately Owned Sites”) (Figure 2) would be developed with approximately 171 residential dwelling units (the “Proposed Project”). Approximately 40 percent of the 171 dwelling units would be permanently affordable. The Proposed Project also requires, as a discretionary action, the approval of funding by the New York City Department of Housing Preservation and Development (HPD).

B. PROJECT DESCRIPTION

PROJECT SITE

The Disposition Site and the Privately Owned Sites (the “Proposed Project Site”) are located on the south side of West 96 Street, between Broadway and West End Avenue in the Borough of Manhattan, Community District 7. Collectively, the Proposed Project Site is approximately 10,402 square feet.

CONSTRUCTION OF RESIDENTIAL BUILDING

The Proposed Actions would facilitate the construction of a 23-story (235 feet tall), approximately 150,890-gsf building containing residential and community facility uses. The Proposed Project includes approximately 140,036 gsf of residential use (171 dwelling units), and approximately 10,854 gsf of community facility use.¹ The Proposed Project includes 80 ~~compact~~ micro studio units and 91 traditional dwelling units; 68 (approximately 40 percent) of the 171 dwelling units would be designated as permanently affordable for households with incomes averaging at 50, 70, and 130 percent of Area Median Income (AMI).² The Proposed Project is anticipated to be completed in 2022. Absent the approval of the Proposed Actions, the Privately Owned Sites would be improved with a 22-story (235 feet), approximately 74,951-gross-square-foot (gsf) residential building containing approximately 95 dwelling units, including 19 permanently affordable units for households with incomes averaging at or below 80 percent AMI.

C. PROPOSED ACTIONS AND APPROVALS

The Proposed Project involves an application by HPD for the approval of the following discretionary actions (the “Proposed Actions”):

- Disposition of Lot 57 to a developer to be selected by HPD pursuant to Article XI of the Private Housing Finance Law. ~~The disposition of the City-owned Disposition Site,~~

¹ To present the most conservative assessment, the Proposed Project contemplated in this environmental review is larger than the development proposed in the Land Use Application.

² The exact levels of affordability for the affordable dwelling units are subject to change and will be determined during the Uniform Land Use Review Procedure (ULURP).

~~without the restrictions established in a prior disposition approval by the City Planning Commission (June 11, 1990).~~

- Funding by HPD, including through the Mixed Middle Income Program.

PURPOSE AND NEED

The Proposed Project would create approximately 171 dwelling units, 68 (approximately 40 percent) of which would be affordable for households earning up to 50 percent, 70 percent, and 130 percent of the AMI. The Proposed Project would support the vision set forth in the *City's Housing New York: A Five-Borough, Ten-Year Plan* to create and preserve affordable housing in New York City by providing approximately 68 permanently affordable dwelling units. In addition, the Proposed Project would replace a vacant building on the Disposition Site, thereby enhancing the pedestrian experience at the street level.

The Disposition Site is occupied by a decommissioned MTA electrical ~~utility~~ substation, which has been vacant for at least 28 years. The Privately Owned Sites are substantially underbuilt. The Proposed Actions would facilitate the development of a 23-story (235 feet), approximately 150,890-gsf building containing residential and community facility uses that would comply with the underlying R10A zoning district. The Proposed Actions would facilitate development consistent in both size and scale with the surrounding area.

D. CITY ENVIRONMENTAL QUALITY REVIEW

All City discretionary approvals require environmental review under State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR) procedures. The New York City Department of Housing Preservation and Development (HPD) is the CEQR lead agency for the Proposed Project.

An Environmental Assessment Statement (EAS) has been prepared. Based on the EAS, HPD determined that the Proposed Project would not have the potential for significant adverse environmental impacts in the following areas: land use, zoning, and public policy; socioeconomic conditions; community facilities and services; open space; urban design and visual resources; natural resources; ~~hazardous materials~~; water and sewer infrastructure; solid waste and sanitation services; energy; air quality; greenhouse gas emissions; noise; public health; and construction impacts.

The EAS included detailed assessments for ~~hazardous materials~~, air quality and noise, as described below.

- ~~For hazardous materials, the assessment detailed specific protocols that would be undertaken. With the implementation of these measures, no significant adverse impacts related to hazardous materials would be expected to occur.~~
- For air quality, the stationary source assessment determined that no significant adverse impacts related to air quality would be expected to occur.
- For noise, the assessment identified specific façade attenuation requirements that would be undertaken. With the implementation of these measures, no significant adverse impacts related to noise would be expected to occur.

HPD determined that the project could have the potential for significant adverse environmental impacts in the area of historic and cultural resources. Additional analysis is needed to determine if the project could have the potential for significant adverse environmental impacts in the areas of shadows and neighborhood character. In response to public comments on the Draft Scope of Work, additional analysis to determine if the project

could have the potential for significant adverse hazardous materials impacts will be provided. Therefore, a detailed assessment of likely effects in those areas will be prepared and disclosed in an EIS (see section E, "Scope of Work for the EIS").

SCOPING

The CEQR scoping process is intended to focus the Environmental Impact Statement (EIS) on those issues that are most pertinent to the Proposed Project. At the same time, the process allows other agencies and the public a voice in framing the scope of the EIS. This ~~Draft~~ Final Scope of Work sets forth the analyses and methodologies proposed for the EIS. During the scoping period, ~~those interested in reviewing the Draft Scope may do so and provide comments were provided~~ in writing to the lead agency ~~or~~ and at a public scoping meeting ~~to be that was~~ held on June 6, 2019 at 6:00 PM at the Anshe Chesed Synagogue located at 251 West 100th Street in Manhattan. Comments received during the Draft Scope's public hearing, and written comments received up to 10 days after the hearing, ~~will be~~ were considered and incorporated as appropriate into a ~~Final~~ Scope of Work. The comment period ~~will~~ is closed at 5:00 PM on Monday, June 17, 2019. The ~~Final~~ Scope of Work will be used as a framework for preparing the Draft EIS (DEIS) for the Proposed Project.

E. SCOPE OF WORK FOR THE EIS

The EIS will be prepared in conformance with all applicable laws and regulations, including the State Environmental Quality Review Act (Article 8 of the New York State Environmental Conservation Law) and its implementing regulations found at 6 NYCRR Part 617.9, New York City Executive Order No. 91 of 1977, as amended, and the Rules of Procedure for CEQR, found at Title 62, Chapter 5 of the Rules of the City of New York. The EIS will follow the guidance of the *CEQR Technical Manual* dated 2014.

The EIS will contain:

- A description of the Proposed Project and its environmental setting;
- A statement of the potential environmental impacts of the Proposed Project, including its short- and long-term effects and typical associated environmental effects;
- An identification of any potential adverse environmental effects that cannot be avoided if the Proposed Project is implemented;
- A discussion of reasonable alternatives to the Proposed Project;
- An identification of irreversible and irretrievable commitments of resources that would be involved in the Proposed Project should it be implemented; and
- A description of mitigation proposed to minimize any significant adverse environmental impacts.

In addition, the EIS will include a brief summary of the ~~hazardous materials and noise analyses~~ analysis, which ~~have~~ has been screened from further analysis based on the EAS.

The specific areas to be included in the EIS, as well as their respective tasks, are described below.

TASK 1. PROJECT DESCRIPTION

The first chapter of the EIS introduces the reader to the Proposed Project and sets the context in which to assess impacts. The chapter will contain the background and purpose and need for the Proposed Project and the Proposed Actions; a detailed description of the Proposed

Project and Proposed Actions; and a discussion of the roles of involved public agencies, procedures to be followed, and the role of the EIS in the CEQR process. This chapter is basic to understanding the Proposed Project and its impacts, and gives the public and decision-makers a context from which to evaluate the Proposed Project.

TASK 2. LAND USE, ZONING AND PUBLIC POLICY

An assessment of land use, zoning, and public policy is appropriate if an action would result in a significant change in land use or would substantially affect regulations or policies governing land use. Although the Proposed Actions do not involve a change in land use or zoning, guidance in the *CEQR Technical Manual* indicates that it is often appropriate to provide a brief description of existing land uses and zoning designations in the surrounding area to inform the remainder of the environmental review. Additionally, a public policy assessment was prepared to determine the relevant policies governing the surrounding area and disclose the potential for the Proposed Actions to adhere to or conflict with them.

TASK 3. HISTORIC AND CULTURAL RESOURCES

The Proposed Project is adjacent to the Riverside-West End Historic District Extension II immediately to the south of the Proposed Project Site, including the Disposition Site. The Disposition Site contains ~~IRT Substation 14~~ a vacant MTA electrical substation, which LPC has stated appears to be eligible for designation as a New York City landmark and listing on the State and National Register of Historic Places (S/NR).

According to the *CEQR Technical Manual*, an assessment of potential effects on architectural resources is typically required if a proposed project would result in the following:

- New construction, demolition, or significant physical alteration to any building, structure, or object;
- A change of scale, visual prominence, or visual context of a historic resource. The *CEQR Technical Manual* describes visual prominence as generally the way in which a historic resource is viewed. Visual context includes the character of the surrounding built or natural environment;
- Additions to or significant removal, grading, or replanting of significant historic landscape features;
- Screening or elimination of publicly accessible views; or
- Introduction of significant new shadows or significant lengthening of the duration of existing shadows on an historic landscape or on an historic structure whose significant features depend on sunlight.

Because the Proposed Project would result in the demolition of the LPC and S/NR-eligible MTA electrical substation ~~IRT Substation 14~~ and is adjacent to the Riverside-West End Historic District, an analysis of the effects of the Proposed Project on historic and cultural resources will be included in the EIS.

This task involves the following:

- Delineation of a study area in which to assess the Proposed Project's potential direct and indirect impacts on historic and cultural resources.
- Identification of historic and cultural resources in the study area. These include, but are not necessarily limited to, resources listed on the State and National Register of Historic Places (S/NR) or designated by New York City's Landmarks Preservation Commission; resources that are determined to be eligible for listing or designation, or

resources that appear to meet the eligibility requirements for such listing or designation. These include historic districts, individual landmarks, and scenic landmarks.

- An analysis of the effects of the Proposed Project on each resource.
- A description of the construction measures that will be required to ensure the protection of adjacent historic resources.
- Identification of measures to avoid, minimize or mitigate adverse impacts on historic resources.

TASK 4. SHADOWS

Based on a preliminary assessment, the shadow study area includes 29 potentially sunlight-sensitive resources that have the potential to be affected by incremental shadows from the development in the With-Action Condition. These sunlight-sensitive resources include Joan of Arc Park, Riverside Park, Happy Warrior Playground, the Broadway Malls, four buildings within the Riverside-West End Historic District, 17 buildings within the Riverside-West End Historic District Extension II, two LPC individual landmarks (the Former East River Savings Bank, 743 Amsterdam Avenue and the Midtown Theater, 2626 Broadway), one S/NR and LPC individual landmark (St. Michael's Episcopal Church, Parish House and Rectory, 227 West 99 Street), and one resource that is eligible for S/NR listing and LPC designation (Church of the Holy Name of Jesus, Amsterdam Avenue at West 96th Street). Accordingly, a detailed shadow analysis will be conducted.

This task involves the following:

- Determination of the shadow study area, which is the length of the longest shadow that could be cast by the proposed project. In New York City, this is 4.3 times the height of the proposed structure. A radius of this length surrounding the Proposed Project Site will delineate the study area for shadows.
- Tier 1 screening – potentially sunlight-sensitive resources within the study area will be inventoried and a map showing their locations within the study area will be provided.
- Tier 2 screening – potentially sunlight-sensitive resources located within a triangular area south of the Proposed Project Site (which will not experience shadows given the earth's location relative to the sun) will be determined not to be affected by the Proposed Project and screened out of the shadow study area.
- Tier 3 screening – shadows from the Proposed Project on remaining potentially sunlight-sensitive resources will be analyzed on four CEQR defined analysis days – (i) March 21 (the vernal equinox, equivalent to September 21, the autumnal equinox); (ii) June 21 (the summer solstice and longest day of the year); (iii) May 6 (equivalent to August 6, the midpoint between the equinox and longest day of the year); and (iv) December 21 (the shortest day of the year).
- If the Tier 3 screening demonstrates any shadow impingement on a potentially sunlight-sensitive resource, a detailed shadow analysis will be performed that takes into account intervening buildings or those buildings proposed to be built before the Build Year for the Proposed Project.
- Based on these analyses, the incremental shadow pattern and length of time each incremental shadow will be determined.

TASK 5. HAZARDOUS MATERIALS

The EIS will address the potential presence of hazardous materials on the project site. The EIS will summarize the completed Phase 1 Environmental Site Assessment and Phase 2 subsurface investigation that were conducted on the Proposed Project Site to support an application to the State's Brownfield Cleanup Program (BCP) administered by the New York State Department of Environmental Conservation (DEC). It should be noted that this property was accepted into the BCP on June 10, 2019 (subsequent to the issuance of the Draft Scope of Work on May 1, 2019 and the public scoping meeting on June 6, 2019) and all remediation will be under the auspices of DEC. The EIS will include a general discussion of the health and safety measures that will be implemented during project construction, including information about the BCP and its specific requirements that include the preparation of a Citizen Participation Plan, Remedial Investigation Work Plan (RIWP), Remedial Investigation Report (RIR), Remedial Action Work Plan (RAWP), and a Final Engineering Report.

TASK 5 6. NEIGHBORHOOD CHARACTER

The character of a neighborhood is established by numerous factors, including land use patterns, the characteristics of its population and economic activities, the scale of its development, the design of its buildings, the presence of notable landmarks, and a variety of other physical features that include noise levels, traffic, and pedestrian patterns.

As described in the EAS, the Proposed Project may result in potentially significant adverse impacts on historic and cultural resources, requiring an analysis of impacts to neighborhood character. The specific elements of this analysis are expected to include the following:

- A description of the predominant factors that contribute to defining the character of the neighborhood surrounding the Proposed Project Site, including a description of shadows cast on potentially sunlight sensitive resources.
- Based on planned development projects, public policy initiatives, and planned public improvements, a description of changes that can be expected in the character of the area in the future without the Proposed Project.
- Assess and summarize the Proposed Project's impacts on neighborhood character as compared to the future without the Proposed Project. Where appropriate, the analysis of impacts (such as historic and cultural resources and shadows) as presented in other pertinent EIS sections will be considered.

TASK 6 7. MITIGATION

Where significant impacts have been identified in the EIS, measures to mitigate those impacts will be described. These measures will be developed and coordinated with the responsible City and State agencies as necessary. If identified impacts cannot be mitigated, they will be described as unmitigated and unavoidable adverse impacts (see "Summary Chapters" below).

TASK 7 8. ALTERNATIVES

The purpose of an alternatives analysis is to examine reasonable and practicable options that avoid or reduce project-related significant adverse impacts while achieving the stated goals and objectives of the Proposed Project. Alternatives must be feasible, considering the objectives and capabilities of the project sponsor. The alternatives will include the No Build Alternative, which assumes that the Proposed Actions are not approved, and the Adaptive Reuse Alternative, which considers the development retaining the existing former

~~substation building and adapting it for residential use. Typically, alternatives to the Proposed Project are identified as project impacts are clarified during the preparation of the EIS. However, alternatives must include the No-Build Alternative, which assumes that the Proposed Actions are not approved. If there are significant adverse impacts identified during the preparation of the EIS, a No-Unmitigated Adverse Impacts Alternative will be included to describe the modifications to the Proposed Project needed to avoid any such impacts. Alternatives that reduce adverse impacts to the greatest extent practicable may also be considered.~~

TASK ~~8~~ 9. SUMMARY CHAPTERS

In accordance with *CEQR Technical Manual* guidelines, the EIS will include the following three summary chapters, ~~where appropriate~~:

- Unavoidable Adverse Impacts—which summarizes any significant adverse impacts that are unavoidable if the Proposed Project is implemented regardless of the mitigation employed (or if mitigation is not feasible);
- Growth-Inducing Aspects of the Proposed Actions—which generally refers to “secondary” impacts of Proposed Actions that trigger further development; and
- Irreversible and Irretrievable Commitments of Environmental Resources—which summarizes the Proposed Actions and their impacts in terms of the loss of environmental resources (loss of vegetation, use of fossil fuels and materials for construction, etc.), both in the immediate future and in the long-term.

TASK ~~9~~ 10. EXECUTIVE SUMMARY

The executive summary will utilize relevant material from the body of the EIS to describe the Proposed Project, their significant and adverse environmental impacts, measures to mitigate those impacts, and alternatives to the Proposed Project.

APPENDIX D:
RESPONSE TO COMMENTS ON THE DRAFT SCOPE OF WORK FOR THE
266-270 WEST 96 STREET DEIS

A. INTRODUCTION

This document summarizes and responds to comments on the Draft Scope of Work, issued on May 1 2019, for the 266-270 West 96 Street Draft Environmental Impact Statement (DEIS). Oral and written comments were received during the public meeting held by the New York City Department of Housing Preservation and Development (HPD) on June 6, 2019. Written comments were accepted through the duration of the public comment period, which ended at 5 p.m. on Monday, June 17, 2019. A Final Scope of Work was issued on October 16, 2019, incorporating comments received on the Draft Scope of Work, as appropriate.

Section B lists the elected officials, organizations, and individuals that provided comments on the Draft Scope of Work. Section C contains a summary of these comments and a response to each. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the DEIS.

B. LIST OF ELECTED OFFICIALS, ORGANIZATIONS, AND INDIVIDUALS THAT COMMENTED ON THE DRAFT SCOPE OF WORK

ELECTED OFFICIALS

1. Gale A. Brewer, Manhattan Borough President; written submission dated June 17, 2019.

ORGANIZATIONS AND INTERESTED PUBLIC

2. Rebecca Hing; written submission dated June 16, 2019.
3. David Lipsky; written submission dated May 4, 2019.
4. Mark Sollars; written submission dated June 16, 2019.
5. Roberta Semer, Community Board 7; oral submission provided on June 6, 2019.
6. Barry Adler; oral submission provided on June 6, 2019.
7. Meyer Muschel; oral submission provided on June 6, 2019.
8. Mark Diller; oral submission provided on June 6, 2019.
9. Larry Fraser; oral submission provided on June 6, 2019.
10. Betsy Adler; oral submission provided on June 6, 2019.
11. Louis Zurita; oral submission provided on June 6, 2019.
12. Sree Sreenivasan; oral submission provided on June 6, 2019.
13. Joshua Stillman; oral submission provided on June 6, 2019.
14. Victor Schuster; oral submission provided on June 6, 2019.

C. COMMENTS AND RESPONSES ON THE DRAFT SCOPE OF WORK

1. PROJECT DESCRIPTION/DEVELOPMENT SCENARIO COMMENTS

Comment 1.1: We believe there should be a larger amount of affordable housing because the building being sold by the City for a dollar is 50 percent of the project and we believe that there should be 50 percent of the affordable housing, with 60 percent of the units below 100 percent AMI, thirty percent below 80 percent, and a hard cap of affordable units at or below \$30,000. (5)

Response 1.1: Comment Noted. The exact levels of affordability for the affordable dwelling units are subject to change and will be determined during the Uniform Land Use Review Procedure (ULURP).

Comment 1.2: I know there is affordable housing here and this is a well-intentioned project from that point of view. But I wonder how it doesn't end up like the poor door problem in the famous building. How does this not end up having the same kind of where the intentionality is good but it ends up treating people unfairly or being used badly in this space? (12)

Response 1.2: The Proposed Development will be required to adhere to the New York City Housing Maintenance Code (HMC) and New York State Multiple Dwelling Law (MDL). Additionally, the Applicant will be required to adhere to HPD's marketing guidelines. HPD's marketing guidelines are designed to ensure that the marketing, lease-up, and sales processes are fair and provide equal opportunity to all applicants, regardless of race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability, or veteran status.

Comment 1.3: I know a percentage of the building will be micro units. What percentage of those are permanently affordable and is that something that we're entitled to know in advance? (13)

Response 1.3: Comment noted. As stated in the Project Description and in the EAS, the Proposed Project is anticipated to include 80 micro studio units, of which 35 would be permanently affordable. Text will be revised to state "micro" instead of "compact" units.

Comment 1.4: While half of the land for the Applicant's development is City-owned, he proposes to make only 40 percent of his units affordable. And what about the micro units that are proposed by the Applicant? More than half of those micro units will be designated as affordable housing units. This is unacceptable. When addressing the depth of affordability, I urge the Applicant to adhere to the principles of the Federal Fair Housing Act, which emphasizes the need to create diverse and inclusive communities. Given community income levels, a critical shortage of affordable

housing, and the proposed conveyance of City-owned land, this project should include many more deeply affordable units. (1)

Response 1.4: **Comment noted. As stated in the Project Description and in the EAS, the Proposed Project is anticipated to include 80 micro studio units, of which 35 would be permanently affordable, which is less than half.**

2. SOCIOECONOMIC CONDITIONS

Comment 2.1: We have a big concern that the scope does not include socioeconomic development of the surrounding community. We feel that it needs to be included in the scope because it's a very diverse neighborhood and it has to include some of the different factors. There's a variety of housing types. (5)

Response 2.1: **Comment noted. The development in the With-Action Condition would result in a net increase of approximately 76 units, of which approximately 49 would be permanently affordable. Pursuant to the CEQR Technical Manual, residential development of 200 or fewer units is not expected to result in significant socioeconomic impacts so an assessment of socioeconomic condition is not warranted.**

Comment 2.2: This Environmental Impact Statement should definitively include a socioeconomic analysis. (7)

Response 2.2: **Comment noted, please see response to comment 2.1.**

Comment 2.3: We have concerns about what happens in a neighborhood when the socioeconomic balance really has a tremendous impact on the neighborhood. (7)

Response 2.3: **Comment noted, please see response to comment 2.1.**

3. HAZARDOUS MATERIALS

Comment 3.1: With respect to the building, I've been there and I've seen consultants from major clean-up companies absolutely refuse to go into that center because it is such a dangerous, horrific place. It's full of terrible toxic problems. And we all have families. We all have children. I'd be very concerned about shaking the hornets' nest when it comes to cleaning up that site and what would be involved. I'm strongly encouraging as part of the Environmental Impact Analysis that the risks to the community, the risks to the neighborhood, and risks to the people with respect to the cleanup of that site be included. (7)

Response 3.1: **An assessment of hazardous materials will be included in the Environmental Impact Statement. The assessment of hazardous materials will include information about the New York State Department of Environmental Conservation's (DEC) Brownfield Cleanup Program (BCP) and its specific**

requirements, which include the preparation of a Citizen Participation Plan, Remedial Investigation Work Plan (RIWP), Remedial Investigation Report (RIR), Remedial Action Work Plan (RAWP), and a Final Engineering Report. It should be noted that this property was accepted into the BCP on June 10, 2019 and all remediation will be under the auspices of DEC. All abatement and demolition activities will be conducted in accordance with all local, state, and federal regulations to ensure the protection of public health and the environment.

Comment 3.2: With respect to hazardous materials, the scope correctly points out the procedure to be followed. But, again, because of the toxins that have been revealed by the preliminary study, which include acetone, DDT, which is one I haven't seen in a lot of these, and then lead, mercury, copper and zinc, it is essential that the topography be taken into account when that remediation work is planned. Specifically, it's on a hill and that hill sort of flows down towards the school, among other facilities. And while I'm not suggesting that this requires a community facility analysis, I hope that the analysis will include the topography and whatever unique challenges that presents. I understand that what is usually done is you do a preliminary analysis and then you figure out what kind of remediation should be done. That seems appropriate here but I believe that there should be a step to make sure that the Community Board and in this case, the community school district that governs P.S. 75 should be included in whatever results are offered for the plan going forward. (8)

Response 3.2: See response to comment 3.1.

Comment 3.3: I hope it's put in the record that the environmental consulting firm and the developer, whatever track record they have working with buildings like this, particularly a building in the City, whatever data is available in the public record or private record about how they've done this in the past and how well it's worked, I think should be released to the public so people can evaluate it. These are trusted parties. I also want to know how the environmental consultant firm is paid and how the developer is paid. So that's obvious. But whoever's supposed to be a safeguard given the toxins that are most likely in the building, I would prefer for all of our sake that there's a proper and secure analysis. (9)

Response 3.3: Comment noted.

Comment 3.4: I am concerned about the impact of toxic materials that are likely to be released into the air during demolition and reconstruction. We have several schools in this neighborhood. We have many families with small children. And as you can tell from looking at who's here tonight, there's a lot of us old folk. In other words, there are a number of segments of our community that are particularly vulnerable to environmental hazards that can be breathed. I urge the people who will be conducting the assessments and the impact investigations, to pay special attention

to the impact of those toxins which unavoidably will be disbursed into the air that we all breathe in the course of demolition and construction. (10)

Response 3.4: See response to comment 3.1.

Comment 3.5: I know most of the concerns were brought up and a lot of them, and the issue about the environmental and the property by MTA, the contamination. I just want to point out that it is a serious issue because however all these contaminants that go all through the concrete and seep through it into the ground and then remedying it, it involves a lot of protection and still it goes into the air. So that is a concern. A small oil spill in a small boiler room is a big issue by the City. So I can't imagine how big this would be for being a whole building that's been for years closed and just that stuff seeping into the soil. (11)

Response 3.5: See response to comment 3.1.

Comment 3.6: Given that the IRT substation is recommended for demolition, how will you address the potential release of hazardous materials? It is not clear from the Draft EIS, and if that has been properly assessed. Will the Final EIS include a comprehensive review of assessment methodology and conclusions? Please address this in another public forum please! (2)

Response 3.6: See response to comment 3.1. In addition, HPD and the project sponsor will participate in additional forums open to the public regarding the project, including presentations to Manhattan Community Board 7 and a public hearing on the Draft Environmental Impact Statement to be held during the Uniform Land Use Review Procedure.

Comment 3.7: I wonder if you could help identify or provide the EAS that was performed and the assessment of hazardous materials at this former electrical substation? (3)

Response 3.7: The EAS is available on the CEQR Access website. The CEQR number is 18HPD103M.

Comment 3.8: Given that the IRT substation is recommended for demolition, how will the EIS address the potential release of hazardous materials? It is not clear from the Draft EIS, if that has been properly assessed and if the Final EIS will include a comprehensive review of assessment methodology and conclusions. (4)

Response 3.8: See response to comment 3.1.

4. TRANSPORTATION

Comment 4.1: About four years ago, give or take, there were three traffic fatalities in that intersection and I believe there were some other injuries. If you spend time in the

area, you notice that when the light turns red, all the drivers speed up to get through the intersection. We have three subway lines. We have a cross-town transverse that goes all the way through, unlike 72nd. It just seems to me that we're at pretty full capacity right now and if you're trying to cross that intersection, it can get very difficult and the pedestrians don't always pay attention and the drivers are trying to shoot the lights. And I think this needs to be considered. It's something that could be a big mistake. (6)

Response 4.1: **Comment noted. As described in "Attachment G: Transportation" of the EAS, the Proposed Project would not be anticipated to result in any significant adverse impacts to traffic operations and mobility, public transportation facilities and services; pedestrian elements and flow; safety of roadway users (pedestrians, bicyclists, and vehicles); and on- and off-street parking or goods movement.**

Comment 4.2: I also want to make my agreement clear with prior speakers who were concerned about the traffic impact. There will need to be a lot of mitigation and a lot of care taken if we've got kids, if we've got old folk and walkers. We've got families with strollers. We've got drivers who don't give a damn. We've got buses. We've got pedestrians who don't look where they're going. (10)

Response 4.2: **See response to comment 4.1.**

Comment 4.3: And the traffic in the area, also even after the property does go up, whether or not it takes the MTA, the former MTA building, is the problems we already have, it will only add to them, which it is a main thoroughfare for the upper west side. We know that the MTA is its own problem, of course, but it's still only going to get worse. We have an enormous amount of traffic as a result of the stoppage and the repairs that have been going on for years at the MTA. (11)

Response 4.3: **See response to comment 4.1.**

Comment 4.4: Living across the street, parking has been an issue. So the first is we talk about our traffic, I just want to separate parking from traffic. We have a major parking problem on that street as it stands. We across the street pull up and people have to do this, they have to move furniture in. Sometimes it's for 15 minutes and sometimes it's for longer than that. But you need to be able to get in and out of your apartment with a car or from a taxi. And I think they need to address the way that parking will be approached for the residents of the building. And it seems to me that as you increase the number of residents in that building, this will create a larger and larger problem. Currently there is no parking in exactly the area where this building is proposed. In fact, there's a bus stop there and I think that maybe three parking in that on that side of the street. So I would ask that you address parking for residents in that building, how they will get access and what the consequences will be for the rest of the street. (13)

Response 4.4: See response to comment 4.1.

5. NOISE

Comment 5.1: I urge that the applicant and the Salvation Army work closely with the community board as they develop their program activities to ensure that uses will not create noise or other disturbance that adversely impacts the neighborhood's quality of life. (1)

Response 5.1: As described in Attachment G, "Transportation," and Attachment I, "Noise" of the EAS, the Proposed Actions would not generate sufficient traffic to have the potential to cause a significant noise impact (i.e., it would not result in a doubling of noise passenger car equivalents [PCEs] which would be necessary to cause a 3 dB increase in noise levels). Therefore, no mobile source noise assessment was warranted. Additionally, the Proposed Actions would not facilitate the development of a stationary noise source as defined by the *CEQR Technical Manual*; therefore, no stationary source noise assessment is warranted.

6. CONSTRUCTION

Comment 6.1: I'd like to call your attention to the construction era transportation issues. With the cross-town bus going through there and so forth, and with P.S. 75 and M.S. 250 just down the block, and this being an entrance and exit to the Henry Hudson Parkway, even though a transportation analysis or study per se is not required by the CEQR Manual because of the number of trips generated, special consideration should be given to this location and the transportation needs of coordination, whether that is in coordination with DOT or in some other way, it is incumbent upon the process to make sure that the children going to school and coming back, and that senior citizens who live in some of the rent regulated buildings nearby all be protected. (8)

Response 6.1: The development in the With-Action Condition is anticipated to be completed in a period of less than 24 months and an assessment of construction effects on transportation in Attachment J, "Construction" of the EAS determined that total construction activity-related vehicle trips are less than 50 PCEs. Accordingly, pursuant to guidance in the *CEQR Technical Manual*, a detailed assessment of construction effects on transportation is not warranted. As noted in the EAS, any traffic detour and pedestrian access plans will be subject to oversight by the Office of Construction Mitigation and Coordination at the Department of Transportation (DOT).

Comment 6.2: The impact of construction on the surrounding area needs to be further evaluated. The EAS makes the argument that a detailed assessment is not required because the construction period for this proposed development is not expected to last more

than 24 months. The Applicant has limited their preliminary assessment of construction impacts only to historical resources and transportation. (1)

Response 6.2: Pursuant to the *CEQR Technical Manual*, short-term construction (i.e., lasting less than two years) typically does not warrant a detailed construction analysis. Preliminary assessments of construction effects on historic resources and transportation determined that no significant adverse impacts related to construction were anticipated. Because construction of the Proposed Project would be short-term, assessment of the effects of construction related noise on potentially sensitive receptors is not warranted. Additionally, because the Proposed Project would not involve the development of multiple buildings, there would be no potential for on-site receptors on buildings to be completed before the final build-out. Therefore, an assessment of air quality as it relates to construction is not warranted. As described in Chapter 5, "Hazardous Materials" of the EIS, the Applicant was accepted into the BCP and an (E) Designation is anticipated to be placed on the Directly Affected Area as part of the Proposed Actions. Accordingly, the requirements of the proposed (E) Designation and BCP would fully mitigate the conditions described in the EIS and no further analysis of the effect from construction activities on hazardous materials is warranted.

Comment 6.3: I hope there will be no after hours variances. This is a residential neighborhood and the Department of Buildings should not be further burdening the construction that way. (8)

Response 6.3: Comment noted. Applications for after hours variances are not subject to environmental review and do not fall under the purview of the New York City Environmental Quality Review (CEQR).

Comment 6.4: Given the Applicants statement in the EAS, I believe as a matter of good faith they should agree not to apply for after-hour variances for the duration of the project. Short of this commitments, a further assessment of their intentions under the Application should be done. (1)

Response 6.4: Comment noted.

D. OTHER COMMENTS/MISCELLANEOUS

Comment D-1: I'm expecting and hope that we will have further opportunity at another time before that project is determined to go forward to opine with HPD, to get involved with HPD in terms of the voluntary components that would impact whether or not all this project will go forward. (7)

Response D-1: Comment noted. The public will have the opportunity to comment both on the Draft Environmental Impact Statement (DEIS) and the Land Use

Application during the public hearings conducted during the ULURP process.

Comment D-2: A quick thank you for the sympathetic and contextual façade design. (8)

Response D-2: Comment noted.

Comment D-3: I would as the developers to put yourself in the place of a family on a second floor, a first floor residence, facing 96 Street. You have small children. They breathe the air and they drink the water. They cross and the crosswalks. One of them is disabled. The child has to get into a special needs school bus every morning. As it is, at the moment, we have challenges where the school buses for our children, finding a place to pull up in front of the building so that they have access. That will only worsen if we have a decrease in parking spaces across the street. So try to have to moral imagination to put yourself as a parent with children in our building across the street, as that deeply contaminated building comes down. And as an access to the front of our building increases, think about those things as you go forward. (14)

Response D-3: As described in “Attachment G: Transportation” of the EAS, the Proposed Project would not be anticipated to result in any potentially significant adverse impacts to traffic operations and mobility, public transportation facilities and services; pedestrian elements and flow; safety of roadway users (pedestrians, bicyclists, and vehicles); and on- and off-street parking or goods movement.

Comment D-4: I hope that the Applicant will remain at the table to develop a proposal that is fully responsive to the communities concerns, including the need for affordable housing that residents can truly afford. (1)

Response D-4: Comment noted.