

20 Construction

Introduction

According to the 2014 *CEQR Technical Manual*, construction activities, although temporary in nature, can sometimes result in significant, adverse impacts. Consideration of several factors—including location and setting of the project in relation to other uses and intensity and duration of construction activities—may indicate that a proposed action’s construction activities warrant analysis. Construction impacts may be analyzed for any actions that involve construction or induce construction.

A preliminary screening analysis was conducted following *CEQR Technical Manual* guidelines to determine the potential for adverse impacts with respect to construction activity. The assessment is based on a comparison of the development of the four prototypical analysis sites under the No Action scenario against the With Action scenario, as described in **Chapter 1, Project Description**.

Principal Conclusions

The Proposed Actions would not result in significant, adverse construction impacts. Based on *CEQR Technical Manual* guidelines, where the duration of construction is expected to be short-term (less than two years) detailed construction assessment is not warranted. Based on the screening analysis, the Proposed Actions are not expected to result in any development where the duration of construction would exceed two years.

Note that construction at all prototypical analysis sites would be subject to the government regulations and oversight detailed below in *Construction Regulations and General Practices* and would employ the general construction practices described therein. In addition, any designated NYCL- or S/NR-listed historic buildings located within 90 linear feet of a projected or potential new construction site would be subject to DOB’s TPPN #10/88, which would ensure the protection of historic resources.

Construction Regulations and General Practices

Construction Oversight

Governmental oversight of construction in New York City is extensive and involves a number of city, state, and federal agencies, each with specific areas of responsibility, as follows.

1. DOB has primary oversight of construction. DOB oversees compliance with the New York City Building Code to ensure that buildings are structurally, electrically, and mechanically safe. In addition, DOB enforces safety regulations to protect both workers and the general public during construction. Areas of oversight include installation and operation of equipment such as cranes and lifts, sidewalk sheds, safety netting, and scaffolding.
2. The New York City Department of Environmental Protection enforces the New York City noise code and reviews and approves any needed remedial action plans and associated construction health and safety plans as well as the removal of fuel tanks and abatement of hazardous materials. This department also regulates water disposal into the sewer system and reviews and approves any rerouting of wastewater flow.
3. The New York City Fire Department has primary oversight of compliance with the New York City fire code and installation of tanks containing flammable materials.
4. DOT, Office of Construction Mitigation and Coordination, reviews and approves any traffic lane and sidewalk closures.
5. New York City Transit is responsible for bus stop relocations and subsurface construction within 200 feet of a subway, if needed.
6. LPC approves studies and testing to prevent loss of archaeological resources and damage to architectural resources.
7. NYSDEC regulates disposal of hazardous materials and construction, operation, and removal of bulk petroleum and chemical storage tanks. NYSDEC also regulates discharge of water into rivers and streams.
8. The New York State Department of Labor licenses asbestos workers.
9. DOT reviews and approves any traffic lane closures on its roadways, if any are necessary.

10. The U.S. Environmental Protection Agency has wide-ranging authority over environmental matters, including air emissions, noise, hazardous materials, and the use of poisons; however, much of its responsibility is delegated to the state level. In New York State, responsibility is delegated to NYSDEC.
11. The Occupational Safety and Health Administration sets standards for work site safety and construction equipment.

Construction Hours

New York City regulates the hours of construction work through the New York City Noise Control Code, as amended in December 2005 and effective July 1, 2007. Construction is limited to weekdays between the hours of 7:00 a.m. and 6:00 p.m., and noise limits are set for specific pieces of construction equipment. The City may permit work outside of these hours to accommodate: (1) emergency conditions; (2) public safety; (3) construction projects by or on behalf of City agencies; (4) construction activities with minimal noise impacts; and (5) undue hardship resulting from unique site characteristics, unforeseen conditions, scheduling conflicts, and/or financial considerations. DOB issues these work permits, and, in some instances, approval of a noise mitigation plan from the NYC Department of Environmental Protection under the City's noise code is also required.

Lane and Walkway Closures

Temporary curb-lane and sidewalk closures are typical for construction projects in New York City. To manage such closures, a maintenance and protection of traffic plan must be developed consistent with DOT requirements. All closures must be coordinated with DOT, Office of Construction Mitigation and Coordination, which also reviews and approves maintenance and protection of traffic plans. In general, construction managers for major projects on adjacent sites also coordinate their activities to avoid delays and inefficiencies.

Public Safety

A variety of measures are used to ensure public safety during construction at sites within New York City. Examples include the use of sidewalk bridges to provide overhead protection for pedestrians passing by the construction site and the use of flaggers to control trucks entering and exiting the construction site, to provide guidance to pedestrians, and/or to alert or slow down the traffic. Other safety measures include following DOB requirements during the installation and operation of tower cranes to ensure safe operation of the equipment and installation of safety netting on the sides of the project as the superstructure advances upward to prevent debris from falling to the ground.

Screening Analysis

To produce a reasonable analysis of likely effects of the Proposed Actions, four prototypical analysis sites have been identified, as described in **Chapter 1, Project Description**. Based on the four prototypical analysis sites, the maximum lot size that may occur at any one prototypical analysis site is approximately 12,000 square feet (prototypical analysis site 3), and the maximum total floor area is approximately 6,000 square feet (prototypical analysis site 3). Construction of development that is less than 250,000 gross square feet typically takes less than two years to complete in New York City. Based on *CEQR Technical Manual* guidelines, where the duration of construction is expected to be short term (less than two years), detailed construction assessment is not warranted. If the duration of construction is expected to be short term, potential impacts are considered temporary.

Although it is possible that more than one prototypical analysis site could be developed or redeveloped in proximity to other such sites, the proposed zoning text and map amendments in-and-of-themselves are not expected to induce development or cause a significant change in the overall amount, type, or location of development. In addition, due to the limited number of vacant or underbuilt sites and low-density zoning, as well as the broad geographic area across which prototypical analysis sites would be located, there are unlikely to be clustering implications associated with geographic or temporal overlap of construction activities. Further, all construction activities would be carried out in accordance with applicable building codes and regulations and DOB permits. As such, the Proposed Actions would not result in significant, adverse construction impacts.

Conclusion

As described above, the four prototypical analysis sites would be single sites and would not require construction that exceeds two years. The duration of construction activities for proximate sites is unlikely to overlap, and all construction activities would be carried out in accordance with applicable building codes and regulations. Therefore, adverse impacts related to construction are not anticipated.