CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD No. 4

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October 4, 2004

Emil F. Dul, P.E.
Metropolitan Transportation Authority
New York City Transit
2 Broadway, 2nd floor
New York, NY 10004

Robert Dobruskin, AICP
City of New York City Planning Commission
22 Reade Street, 4-E
New York, NY 10007

Re: Response the No. 7 Subway Extension – Hudson Yards Rezoning and Development Program Draft Generic Environmental Impact Statement.

Dear Messrs. Dul and Dobruskin:

The following resolution was approved by the Executive Committee of Manhattan Community Board No. 4 on September 27, 2004 and is subject to ratification by the full board at its meeting on October 6, 2004:

Whereas, the Metropolitan Transportation Authority and the City of New York City Planning Commission have prepared and released for public comment a Draft Generic Environmental Impact Statement (DGEIS) for the No. 7 Subway Extension and the Hudson Yards Rezoning and Development Program (the Proposed Action); and

Whereas, the DGEIS purports to analyze the potential effects of the Proposed Action on land use, neighborhood character, open space, traffic, air quality, noise, shadows, historic and archaeological resources and other areas of socioeconomic and environmental concern; and

Whereas, the Board supports residential and commercial development in Hell's Kitchen that balances the needs of the neighborhood, the city and the region, and agrees that parts of the neighborhood now zoned for low-density industrial use should be rezoned to allow for contextual expansion of residential and commercial uses in Hell's Kitchen; and

Whereas, in its letter to the City Planning Commission dated August 23, 2004 the Board has provided its detailed comments concerning certain of the land use applications that have been filed to implement a portion of the Proposed Action; and

Whereas, the implementation of the Proposed Action will profoundly affect Hell's Kitchen and surrounding areas and adequate steps must be taken to properly assess and mitigate the anticipated impacts of the Proposed Action on this community; now, therefore be it

Resolved, that Manhattan Community Board No. 4 hereby submits the following comments and recommendations on the DGEIS.

ORGANIZATION OF THIS DOCUMENT

Manhattan Community Board No. 4's comments and recommendations on specific topics covered by the DGEIS are provided on a chapter-by-chapter basis. These comments are found after the Board's general concerns and its recommendations for expanded and/or additional analyses of areas not adequately covered by the DGEIS. Some topics covered in the DGEIS are not addressed in this document. Lack of comment on such topics should not be interpreted as an acceptance of findings; rather it should be understood that omissions are likely due to time constraints and a lack of resources needed to fully examine the complex issues presented in the 7-volume study comprising 6,000 pages of technical information.

GENERAL COMMENTS

Timetable for No. 7 Line Extension

Many, if not all, of the chapters of the DGEIS depend, in their analysis, on the assumption that the extension of the No. 7 subway line will be completed by 2010. Given the history of subway expansion projects in New York City, we question the likelihood of this accomplishment. The final EIS (FEIS) should analyze the effects on parking, traffic, transit, air quality, natural resources, construction impacts, infrastructure and hazardous materials if the No. 7 subway line is not operating by 2010. Similarly, the DGEIS assumes prompt completion of Second Avenue Subway and must take into account the inevitable delays associated with this project.

Existing Population

The population numbers used in each chapter and even within each chapter seem to vary wildly throughout the DGEIS. Exactly what number has been used as the base population in each chapter of the DGEIS? Have the residents who have moved into the five new residential towers between 2000 and 2004 been included in all of these calculations?

Using readily available Dept. of Finance data on the number of residential units in each building in the primary study area, and multiplying that number by the average household size for the census tract the units are in, we arrive at a population of 21,331. The DGEIS often uses data

from the 2000 Census which places the population of the primary study area at 11,565. Why does the DGEIS use this number instead of more accurate data from the City's Dept. of Finance? How would the analysis in each chapter change if the larger population figure were used?

Misidentification of Properties

Several properties (Block 734, Lot 13; Block 733, Lots 44 - 46) that have been notified that they will receive E designations due to hazardous materials onsite are long-occupied residential buildings that the DGEIS misidentifies as parking lots and garages. The DGEIS lists these as potential development sites. Elsewhere, Block 675 is described as being occupied by low buildings. In fact, more than half of this block is occupied by a large at-grade private bus parking facility that will be displaced by the Proposed Action. If these errors are widespread, and the false assumptions are used in other calculations, much of the analysis in the DGEIS may be flawed. For example, if this data was used to determine the amount of sewage flow or stormwater runoff currently generated by the area, or the amount of current demand for drinking water, or the likely pace of development, all of those numbers will have to be recalculated.

New Jersey Commuters

The DGEIS predicts that the Proposed Action will generate 127,000 new jobs in the Hudson Yards area. Even with out Hudson Yards, the Port Authority of New York and New Jersey (PANYNJ) and New Jersey Transit (NJT) expect significant increases in future demand by commuters from west of the Hudson for bus and train service into Manhattan. To address existing capacity problems at Penn Station and to meet projected demand, Access to the Region's Core (ARC), a project of NJT and PANYNJ, proposes an additional cross Hudson River tunnel. However, the DGEIS predicts that NJT trains will accommodate only 1,477 new riders in 2025, and NY Waterway ferries from Jersey will serve only 1,256 new riders. There is no discussion of NJT buses. These numbers seem extremely unrealistic. How many people are expected to commute to the area from New Jersey, and how are they likely to get there? Does the DGEIS rely on an underlying assumption about where all commuters to the area will be living? What is it? How was it derived?

AREAS NOT ADEQUATELY STUDIED

Mobile Source Pollution

The DGEIS contains only a Tier 1 analysis for most sites, but relies on a yet-to-be-performed Tier 2 analysis for its conclusion that mobile source emissions will not harm public health or violate air quality standards. The Tier 1 analyses result in the exact opposite conclusion. We cannot evaluate the applicant's claim without the Tier 2 analysis data.

The DGEIS contains absolutely no discussion whatsoever of the contribution of ferries to air pollution. The Proposed Action will significantly increase the number of ferry trips on weekdays and even more so to special events. In fact, the air quality analysis relies on the assumption that 8,000 people will take the ferry to a football game. How will increased ferry services affect air pollution levels?

The DGEIS contains no discussion of NJT buses. But, the PANYNJ is currently studying ways to increase the flow of buses through the Lincoln Tunnel to address existing demand by workers commuting to Manhattan by bus. Surely some of the 127,000 new workers who will commute to the Hudson Yards area each day will come from New Jersey by bus. Surely enough of them will come by bus that NJT will have to expand service. How will these additional buses affect air pollution levels? Will these buses be retrofitted to the same standards as MTA buses?

Hazardous Materials

Phase II Environmental Site Assessments and other appropriate site investigations for hazardous materials will be reported in the FEIS. We are therefore unable to comment on the contamination and its management at these sites.

Public Health

The chapter on Public Health does not address the risks caused by emissions of toxic contaminants from industrial sources. The chapter on Air Quality notes that several Potential Development Sites south of Penn Station are so close to polluting industrial sites that they will have to have inoperable windows and no outside air intakes because the air is unsafe to breathe. Nonetheless, the effects of the air on people outside are not considered, and this issue is completely omitted from the discussion of public health. We understand that much of this area has now been removed from the Proposed Action. How does this removal affect air quality and public health, if at all?

Noise and Vibration

For the purposes of determining noise impacts, the DGEIS assumes that traffic will be moving at posted speeds, despite findings to the contrary in other chapters. Even under this assumption, the DGEIS finds that noise will be so terrible that every residential and community facility in the Project Area would require mitigation. The FEIS will contain further study of potential noise impacts to determine the precise extent of the impacts and the level of sound attenuation required. When will these studies be completed so that the noise impacts may be properly assessed?

The DGEIS only considers noise impacts and mitigation techniques for indoor noise. Noise exposure guidelines are likely to be exceeded at many areas, including the new parks that are part of the Proposed Action, but the DEIS does not assess the noise levels at outdoor locations. Will the FEIS assess noise levels at outdoor locations?

The DGEIS only considers the effects of the No. 7 subway extension on vibration conditions in the Study Area. Will the FEIS assess the effects of vehicular traffic growth, as the current traffic levels are already responsible for vibration levels exceeding FTA Vibration Impact Criteria at several sites in the area?

Pedestrian Congestion

The DGEIS does not appear to consider the effect of tailgating on the sidewalks, crosswalks, corners and other public areas around the stadium despite Mayor Bloomberg's recent comments, delivered at a Jets game, that "You can have tailgating in New York." Instead, the DGEIS relies on the assumption that Jets fans will come and go via subway, and does not consider what will happen if any of them choose to tailgate for hours at a time. Where will stadium-goers gather before entering the facility? How will the City address tailgating? How the City will accommodate large crowds attracted by stadium events? What will this mean for others trying to traverse the area, for example anyone trying to use the new open spaces that are part of the Proposed Action?

Ferry Service

The DGEIS is completely silent about how ferry service will accommodate the 8,000 Jets fans expected to take ferries from New Jersey to games. Presently, at peak of service, NY Waterway can handle barely half of this capacity. Despite this discrepancy, the Administration regularly cites ferry service to publicly explain why stadium-goers will not drive to the stadium or tailgate in Manhattan. An adequate FEIS requires an actual analysis of whether ferries and existing ferry terminals on both sides of the Hudson can accommodate all these people. Will the FEIS contain this analysis?

The promotional materials that the applicant distributes regarding the stadium frequently show a new ferry terminal that will be built to serve the stadium. This terminal is not discussed in the DGEIS, so it is unclear whether it is required to accommodate the demand generated by the stadium. We note that such a terminal would most likely require a permit from the Army Corps of Engineers and preparation of a Federal Environmental Impact Statement and possibly the reopening of the EIS prepared for the Hudson River Park.

CHAPTER 2 – DESCRIPTION OF THE PROPSOED ACTION

Rezoning - Subdistrict A, Large Scale Plan (p. 2-5)

The DGEIS describes the proposed rezoning of the eastern half of the Caemmerer Yard, but it fails to mention that the act of decking over the yard is also part of the Proposed Action. How will the decking be accomplished? Will the relocated Quill Bus Depot sit underneath the deck or above it? What uses will be located below the decking? What will be the environmental impacts of the decking? Was any of this studied?

Convention Center Expansion (pp. 2-32, 2-33 - 2-34)

The DGEIS mentions that the block bounded by Eleventh Avenue, Twelfth Avenue, 33rd Street and 34th Street would be used for truck marshalling, LIRR train storage, and "other transportation functions." What functions are those? Are their environmental affects studied anywhere in the DGEIS?

Multi-Use Facility (pp. 2-42 - 2-44)

The description of the stadium omits any mention of what the Jets call, in their promotional materials, the "Hudson Terrace." This is the open space that extends over Route 9A to the west of the stadium, and connects to the Hudson River Park. The attached depiction of the proposed Jets stadium obtained from the Jets' Web site on September 30, 2004, is notable for the inclusion of the Hudson Terrace (aka "promenade over 12th Avenue"). This is a depiction of the normal stadium, not the stadium in its Olympic configuration.

The stadium that the Jets and the City are proposing clearly includes a "terrace" or "promenade", so this feature must be studied as part of the Proposed Action, not as a rejected alternative. The Open Space and Air Quality analyses are clearly defective without discussion of this element. Will the FEIS assess the impacts of "Hudson Terrace" on open space and air quality? Will the FEIS discuss any regulatory approvals that the Hudson Terrace would require?

Similarly, City and Jets promotional materials have often included depictions of a new pier immediately to the west of the stadium. The appendices linked to the chapter on Transit state that 8,000 people are expected to arrive at the stadium via ferry, but there is no discussion of whether they would arrive at the existing ferry terminal or at this proposed new pier. If this new pier is part of the stadium or the Proposed Action, then it must be studied in the EIS. The EIS must address the effect that this pier would have on aquatic life in the Hudson, and must detail the regulatory permits and processes that the pier would require. Will the FEIS cover this new pier?

The stadium description and environmental analysis also omits more than passing reference to a cogeneration facility that will be integrated into the building. In recent conversations with City Planning, we have been told that this facility will indeed be part of the stadium. Therefore, it must be studied as part of the Proposed Action.

PANYNJ Bus Garage (pp.0 2-45 - 2-46)

The DGEIS assumes that the PANYNJ is going to build a new bus garage on Projected Development Site 21 by 2025 (it's unclear what is assumed to be the actual date of completion). This assumption is unrealistic and should not be included in the Reasonable Worst Case Scenarios. The relocation is not part of the Port Authority's Capital Plan and there is no reason to believe that this project is actually moving forward. What impacts will the Proposed Action have on the area if the new bus garage is not constructed by 2025 or at all?

Construction Schedule (pp. 2-47 - 2-48)

The DGEIS assumes that construction of the subway running tunnels would begin during the first half of 2005, that construction of the Terminal Station would begin in April 2006, and that the No. 7 Extension would begin service in 2010. This is unrealistic. The traffic, transit, parking, hazardous materials, pedestrian, air quality, and construction analyses must be entirely redone for 2010, using a more realistic timetable for the construction and operation of the No. 7 subway line. As an example, we suggest the applicant consider the history of the Second Avenue Subway, as well as the delays and cost overruns related to the construction of the MTA headquarters at 2 Broadway. Although we admire the applicant's optimism, this timetable is entirely fantastic and cannot serve as the basis for a serious environmental assessment. What

impacts will the Proposed Action have on the area if the No. 7 extension is not completed on schedule?

Why is the deck over the eastern portion of the Caemmerer Yard omitted from the discussion of the construction schedule? When do you expect its completion?

CHAPTER 5 – SOCIOECONOMIC CONDITIONS

General Concerns

The DGEIS works on the premise that the community is steadily gentrifying and that the proposed action will have little or no effect because it will only continue that trend. First, the history of the community is as a low, moderate and middle income community. The higher income households are more recent residents. Clearly, the Proposed Action would accelerate gentrification significantly and on a much grander scale that would significantly affect the character of our mixed-income community. Significantly, the people most likely to be displaced are lower income households and would constitute a significant loss to the area's mix of households. A mixed-income model that includes housing that is affordable to low, moderate and middle-income households is necessary for the future vitality and health of Hell's Kitchen. The Proposed Action may not be the originator of the trend, but it must be recognized that the Proposed Action will cause an acceleration of the trend. What impacts will a 30% affordable housing model, as proposed by CB4 in its August 23, 2004 submission to the City Planning Commission regarding the Hudson Yards land use applications, have on the area?

The DGEIS does not sufficiently lay out a plan to assist businesses that are directly and indirectly displaced by the Proposed Action. Commercial displacement caused by rising rents, by condemnation or by pressures resulting from incompatibility with new uses will occur as a result of the Proposed Action. Many of these businesses cannot relocated elsewhere on the West Side because zoning is too restrictive or because there is too little space available in nearby areas where they are allowed by zoning. Will the FEIS cover the full extent of commercial displacement and a plan to address to relocation assistance?

Study Area (Figure 5-1)

The Study Area for Chapter 5 only extends as far north as 50th Street, which is an arbitrary boundary in the middle of the Special Clinton District. We believe the Proposed Action is likely to affect neighborhood character throughout the Special Clinton District. The study area must be expanded so that it reaches the northern boundary of Community District No. 4.

Methodology (pp. 5-11, 5-107 - 5-108)

In estimating the effects of the proposed stadium on development in the surrounding neighborhood, and on the larger economy, the DGEIS referred only to a study prepared by Ernst & Young on behalf of the New York Jets. We question the use of only this study, given the large number of studies of other similar facilities that have reached very different conclusions about the economic effects of stadiums, even those also used as convention centers. Will the FEIS

consider studies performed by independent economists in their assessment of the economic and development impacts of the proposed stadium?

In particular we question whether stadiums encourage or discourage development in the surrounding area and whether or not a stadium would attract the type of high-end development called for by the City's plan on development sites across the street from the stadium site and throughout the project area. We also ask for detailed information about the kind of jobs likely to be created by the stadium, in terms of wages, benefits, hours, and seasonality, as compared to existing jobs likely to be displaced by the proposed action.

Existing Conditions: Population (pp. 5-18 - 5-22)

The DGEIS states that the "primary study area has a population base of 11,565 residents" but then recognizes that residential development completed since 2000 probably houses an additional 3,579 residents. The FEIS analysis therefore requires, at the least, that 15,144 be used as the population base number throughout analyses. Furthermore, we believe based on our own analysis that even this number severely undercounts the actual population, which we believe is 21,331. How would use of Department of Finance Real Property Assessment Data, rather than Census data, affect the analysis?

Residential Displacement: Assessment of Indirect Displacement (pp. 5-28 - 5-30, 5-33)

The DGEIS assumes that all residential buildings constructed prior to 1974 with six or more units are subject to rent stabilization and that tenants of those buildings are not vulnerable to indirect displacement. The DGEIS also takes account of Mitchell-Lama buildings and those that have entered rent stabilization through tax abatement and exemption programs. The DGEIS does not take note of vacancy decontrol, luxury decontrol, the expiration of limitations imposed via tax abatement and exemption programs, and the ability to opt out of Mitchell-Lama, Section 8, and other housing programs. According to a June, 2003 study prepared by the Rent Guidelines Board (RGB), 105,421 units lost rent regulation between 1994 and 2002. Given the massive hemorrhaging of apartments from rent regulation, it is unrealistic to assume that all of the rent regulated units in the Hell's Kitchen area will remain regulated for the next 20 years. It is also unlikely that all pre-1974 apartment buildings are still in rent regulation. Will a more realistic analysis of indirect displacement, with these factors taken into account, be included in the FEIS?

The DGEIS assumes that rent regulated tenants are safe from displacement. This rosy prediction ignores the reality that landlords in gentrifying areas, motivated by the promise of massive rent hikes, often harass their tenants into leaving. The RGB study notes the Manhattan-centric phenomenon of High Rent/Vacancy Decontrol, wherein a landlord will significantly improve an apartment after a tenant has moved out, in order to raise the rent above $2,000 and thereby deregulate the apartment. Though the departure of the tenant may be innocent, often it is a result of either active harassment or deliberate disinvestment on the part of the landlord. Will this sad but undeniably real consequence of gentrification be considered in the FEIS?

It must also be recognized that even law-abiding landlords may, under certain circumstances, demolish rent-regulated buildings and replace them with new construction. Will the FEIS analysis take this practice into account?

The study fails to mention that many currently rent-regulated tenants in lower-priced neighborhoods pay less than the on-book value of the apartment. As these neighborhoods gentrify, landlords will likely stop providing these discounts to tenants, some of whom will be displaced as a result. Will the FEIS take this phenomenon into account?

The study must consider the loss of affordable housing units to luxury and vacancy decontrol, to the extent that loss is accelerated by the Proposed Action, to be a form of indirect displacement. Will the FEIS consider luxury and vacancy decontrol as a result of the Proposed Action by taken into account?

Will the FEIS identify mitigations for all of the above? Will the FEIS include statutory protections against building demolition and tenant harassment? Will the FEIS reflect a real commitment by the City to construct affordable housing as proposed in CB4's August 23, 2004 submission regarding the Hudson Yards land use applications?

Direct Business and Institutional Displacement (pp. 5-4, 5-16, 5-42 - 5-52, 5-64 - 5-65)

The DGEIS states at first that the businesses likely to be directly displaced by the Proposed Action do not "define neighborhood character," but then goes on to admit that these 225 businesses "are characteristic of the larger neighborhood," but argues this is unimportant because the intent of the action "is to transform the existing community." We note that the loss of hundreds of businesses and thousands of jobs will substantially change the character of our neighborhood, and demand that this transformation be taken seriously. We consider the loss of these businesses to be a significant adverse impact, and believe these businesses do define the character of the neighborhood.

It has recently been reported that a contractor has been hired to provide relocation assistance to businesses and residents that will be directly displaced by the Proposed Action. What form will that assistance take?

The suggestion that displaced industrial firms could relocate elsewhere in Clinton/Hell's Kitchen, or even on the West Side, is unrealistic. This overlooks the fact that only 15 blocks of Clinton remain zoned for manufacturing use outside of the Clinton Urban Renewal Area and pressure for conversion to commercial zoning is intense. Will the FEIS must reflect this situation?

Adverse Effects on Specific Industries (pp. 5-4 - 5-5; 5-17 - 5-18; 5-74 - 5-95)

According to the DGEIS, the proposed action will result in loss of jobs in the Garment Industry and in displacement of businesses that support the Theater Industry. We are concerned that the loss of these important blue-collar jobs threatens the socio-economic diversity of our community. We request a more thorough examination of the jobs likely to be lost and the characteristics of those job-holders, including their average salaries, their places of residence, and their ethnicity.

The DEI S notes that the Proposed Action will result in additional traffic and parking demand in areas adjacent to the Theater District, but concludes without further study that this will not have

a significant adverse impact on the theater industry. A more detailed analysis of the effects of project-related traffic congestion and parking demand on the theater industry, both under normal conditions and at periods of peak demand, is necessary for proper evaluation of the Proposed Action. Will such an analysis be included in the FEIS?

Indirect Business and Institutional Displacement, Primary Study Area (p. 5-67)

We disagree with the DGEIS conclusion that the 17,000 jobs that stand to be lost in our neighborhood are insignificant. The replacement of thousands of manufacturing, transportation and communications jobs with office jobs would result in a serious and significant change to neighborhood character. There are significant differences between the blue collar workers who will be displaced and the white collar workers who will be brought in. We expect the new mix of employees to be less diverse than the present mix. We expect more workers to commute from outside our community. This significant impact cannot be dismissed by saying that some manufacturing jobs would be lost anyway, because the loss will be much more severe in the future with the Proposed Action. Will the FEIS compare the average wages, ethnicity, and place of residence of the existing and expected workers?

Indirect Business and Institutional Displacement, Secondary Study Area (pp. 5-67, 5-73)

The DGEIS notes that the No. 7 extension will make the project area more accessible, thereby contributing to an increase in rents. The study does not mention that the increased accessibility will also make the area more crowded. Will the FEIS consider changes in community character due to the influx of large crowds into our neighborhood?

The DGEIS predicts that the construction of new office and retail space in the Hudson Yards area will "reduce the upward pressure of rents" in the secondary study area. This statement is conclusive and unsupported by any evidence. The New York City experience suggests the exact opposite - as neighborhoods become more desirable and rents go up, upward pressure on rents is also felt in neighboring areas. We are therefore concerned that the project will cause significant indirect business displacement in the secondary study area.

Projected Socioeconomic Benefits of the Proposed Action, Introduction (5-95)

The DGEIS states that the goal of the project is to accommodate residential and commercial development. We note that the commercial white collar jobs that will be attracted by this kind of development differ significantly from those presently available in our community, and could well undermine our racial and economic diversity. Will the FEIS assess the impact of thousands of new white collar jobs in the project area on neighborhood character?

CHAPTER 6 – COMMUNITY FACILITIES AND SERVICES

General Concerns

Throughout this chapter there is discussion of need for community facilities. Will the FEIS discuss where such facilities will be sited or how they will be paid for?

Outpatient and Emergency Health Care Facilities (pp. 6-2 6-23)

The DGEIS considers the additional need for emergency and outpatient health care and determines that no new health care facilities will be needed to serve the new residents or workers of the Hudson Yards area. However, the study does not include a detailed analysis of the available capacity at existing facilities. To properly evaluate the impacts of the Proposed Action, more information about the capacity of the emergency and primary care facilities closest to the neighborhood, and the effect the additional population will have on those facilities is needed. Will the FEIS take these concerns into account?

Fire Protection and Emergency Services (pp. 6-4 - 6-6)

The DGEIS states that the Proposed Action will require the construction of a new firehouse. Given the City's projected budget deficits in coming years and the recent closing of several firehouses due to economic constraints, how likely is it that the City will be able to afford construction of a new firehouse in the area? Where is the firehouse likely to be located? Have any sites been considered? What would be the cost of constructing and operating a new firehouse? What is the projected date for a new firehouse to come online? What will be the average emergency response time in the area if a new firehouse is not completed by 2010 or by 2025?

The DGEIS says that Emergency Medical Service (EMS) is included in the Fire Department analysis, but beyond that statement there is no discussion of EMS services. All discussion is limited to the provision of fire protection services and the need for a new firehouse. We would like more information about the affect of the Proposed Action on non-fire emergency response. Will there be an increase in emergency response time? Will a new emergency battalion or station be required? The DGEIS also specifically excludes any discussion of private emergency medical response units. Do any of these units currently serve the area? Will the Proposed Action likely lead to an increase in the use of private units in the area? What are the projected capital and expense costs of providing additional non-fire emergency services in the area?

Discussion of fire and non-fire emergency response must reflect the increase in population in the area, and the predicted traffic conditions during the reasonable worst case scenarios. What will emergency response times be like during regular rush hour traffic? What will they be like during a special event?

Public Schools (General) (pp. 6-2, 6-6 - 6-16)

The DGEIS predicts that 1,680 new public school students will be introduced into the project area because of the Proposed Action, including 1,097 elementary school students. The study considers the need for new public schools generated by these students, but does not examine the need for new after-school programs. More information is needed about the demand for after-school programs generated by the increase in school-age population, about the predicted capital and expense needs of these programs, and about plans to fund these programs. Will the FEIS provide this information?

Elementary and Intermediate Schools (pp. 6-6 - 6-16; 6-27; Appendix S-1)

The DGEIS predicts severe overcrowding of area's public elementary and intermediate schools and district-wide overcrowding of intermediate schools as a result of the Proposed Action. It predicts that this will require a change in the school District boundaries and/or construction of a new school, construction of additional capacity at existing schools, or leasing of additional school space. We note that this need for more school capacity comes at a time when more than 50% of the City's public school students attend overcrowded schools. According to the Dept. of Education's 5 Year Capital Plan, the City is already planning to spend billions of dollars to increase school capacity and repair and upgrade existing schools. However, the Independent Budget Office has expressed concern that the funding for this already ambitious plan is in question, depending on how the State allocates money to the City in response to the Campaign for Fiscal Equity lawsuit.

Given the existing uncertainty about the Dept. of Education's capital plan, we question whether new capacity in the Project Area will be provided quickly enough to meet the projected demand. More information is needed on which mitigation option is most likely to be chosen, where physical capacity can be added to the system, which sites are under consideration, and how much mitigation measures will cost. Will the FEIS provide this information? How school construction projects will be prioritized if funding is not sufficient for all of them?

Despite the uncertainty expressed in Chapter 6, the DGEIS predicts in Appendix S-1 that a new 56,800 square foot elementary school, accommodating 500 children and 60 staff members, will be built as a result of the Proposed Action. Is this indeed the plan? Why is this not discussed further in Chapter 6? Was a location for the school assumed for purposes of the traffic analysis? If so, where?

Day Care Centers (Publicly Funded) (pp. 6-23 - 6-28)

The DGEIS notes that the Proposed Action will increase the demand for publicly funded daycare within the Project Area to nearly double the number of available slots. As mitigation, it suggests increasing the number of publicly funded day care vouchers, building a new day care facility, or adding capacity to existing facilities. Will the FEIS provide more information about the projected cost of these mitigation options, and the potential location of additional capacity?

We also note that the DGEIS is largely dismissive of the need for the mitigation, suggesting that parents will bring their children to facilities outside of the project area, near their workplaces. This argument seems strange given the thousands of new jobs inside the project area that the Proposed Action is meant to create. What proportion of the low- and middle-income families expected to live in the project area are expected to work outside the area? The DGEIS also assumes that that additional slots in home-based daycare will exist to meet the additional demand. How will these slots be created and at what cost? What is the expected cost of training new providers? Is there a significant difference in level of care provided at facility-based versus home-based day care?

Police Protection (pp. 6-2 - 6-4)

The DGEIS states that the new worker, residential and visitor populations, as well as the No. 7 extension, would lead to increased demand for police protection services. However, it gives no figures at all on the expected need. The DGEIS instead states that the NYPD only "adjusts its allocation of personnel as the need arises." The fact that the NYPD does not plan its staffing levels in advance does not excuse City Planning and the MTA from considering the effect of the new development on police services. Will these considerations be covered in the FEIS?

In this time of heightened terror alerts, the proposed siting of a 75,000 person sports venue, a major expansion of the convention center, a convention center hotel, a new subway station, and multiple new skyscrapers (some likely to be landmark buildings given the proposed FAR) requires a **much** fuller discussion of policing needs. Aside from terrorism concerns, surely some estimate can be made of the day-to-day policing needs of a much-changed neighborhood, home to tens of thousands of new residents and workers. Finally, we note that the pedestrian, auto, and transit rider congestion predicted in Chapters 19 and 20 will surely give rise to the need for more officers to direct traffic and enforce regulations. Will the FEIS estimate the extent of these needs?

CHAPTER 7 – OPEN SPACE AND RECREATIONAL FACILITIES

General Concerns

The DGEIS concludes that there will be no significant adverse impacts on open space and recreational facilities because the ratio of open space to population will improve. This may be true, but only because the area already suffers from an extreme open space deficit. The Proposed Action will not provide enough open space to meet the needs of the thousands of new residents and workers that it will bring to the area, and it should be judged by its failure to meet the City's open space goals.

The DGEIS assumes that all the parks proposed will be constructed and constructed well. However, financing for the parks depends upon the willingness of developers to pay for height and bulk bonuses. We are concerned that the predicted development will not materialize, and that the proposed open space network will suffer as a result. Will the FEIS consider the effect on open space ratios if development occurs, but not at the maximum level?

The DGEIS does not address the cost of maintaining and operating the additional open spaces and recreational facilities. Will the FEIS estimate of the annual cost of maintenance, operation, and programming of the new spaces? How will annual expenses be funded?

Adequacy of Open Space (p. 7-16)

The DGEIS notes that "several private recreational facilities… would augment the amount of active and passive open space available to residents and non-residents." We agree with the decision not to include these spaces in the open space ratios, as they are in fact barely accessible to the population. The "34th Street Community Garden" is actually worked only by a single

resident and has little to no access for residents. The "plaza at 345-347 West 48th Street" is a sterile courtyard with planters but no benches. The "private gated playground at 349 West 50th Street" serves only the children who live in the building.

Study Area Open Spaces, 2010 (pp. 7-21 - 7-22)

We are concerned that the full-block open space between 33rd and 34th Streets and Eleventh and Twelfth Avenues would act primarily as a holding area for visitors to stadium events, and would be desolate at other times. Without seeing the design for this space, we are not able to determine whether it will attract residents or be as empty as the existing Javits plaza. We wonder whether any design can accommodate both large crowds coming and going from a special event and regular neighborhood use. If any, what design plans for this space will the FEIS study?

We are also concerned that the "green space" on convention center roof will not be attractive to neighborhood residents as it is above grade and likely to be in an area that is underused and, frankly, scary, when a special event is not being held. Again, without more information about the design, we are hamstrung in our ability to analyze the effect of this proposed space. If any, what design plans for this space will the FEIS study?

The FEIS should study the effects of wind sheer and shadows on the new open spaces. We are concerned that shadows and high winds may discourage any use at all of these spaces, as was the case at the World Trade Center. Will the FEIS cover these concerns?

Study Area Open Spaces, 2025 (p. 7-29, Figures 7-3 and 7-4)

The open space provided by the proposed Mid-Block Boulevard will contribute little to the passive or active recreational enjoyment of residents and visitors. If it is no more than a planted median akin to the Park Avenue Malls, it will hardly be recreational space. Even if it is more like Sara D. Roosevelt Park, it will be narrower than that park and will be shaded by surrounding very tall buildings. Without yet having a plan for this space, Figures 7-3 and 7-4 offer an unrealistic picture of the width, sunshine, and likely amenities to be available in this space. Figure 7-3 does not even show the automotive use of the boulevard. Will the FEIS provide more information about the width of the boulevard and how space will be allocated for streets, sidewalks, and open space? Will the FEIS provide more information about pedestrian access to the open space portion and whether any pedestrian barriers are planned?

CHAPTER 8 - SHADOWS

General Comments

The analysis shows that the full-block open space between 33rd and 34th Streets and Eleventh and Twelfth Avenues, as well as the open space on the convention center roof will be in shadow all day during much of the year. This further undermines the attractiveness of these open spaces.

Potentially Affected Open Spaces (Table 8-1)

The list of open space resources likely to be affected by shadows created by the Proposed Action omits the outdoor plaza in the Eastern Rail Yard Subarea and the proposed Mid-Block Boulevard. The Shadow Analysis figures clearly show that these areas will be affected by new shadows. Will the FEIS include shadow analysis for both of these resources?

CHAPTER 9 – ARCHITECTURAL HISTORIC RESOURCES

General Comments

Our recommendations concerning preservation of certain of architectural historic resources is set forth in detail below and in our letter dated August 23, 2004 to the City Planning Commission. We have not here included the attachments that were part of that letter, but they are hereby incorporated by reference.

The DGEIS includes a thorough and careful analysis of the area's architectural historic resources. The information in the DGEIS highlights the extent to which the physical fabric of the Clinton/Hell's Kitchen and Chelsea community represents a unique opportunity to preserve elements of the neighborhood's immigrant history. This history is embodied in the rich mixture of buildings that have served immigrants as places to live, work and worship in the late 19th and early 20th centuries. The lack of major development on some of the blocks has frozen in time significant examples of tenements (pre- and post-Civil War), immigrant churches, garment and printing trade architecture, and other examples of early 20th century commerce and industry.

Future development offers an opportunity for major improvement and restoration of these structures, the context of which will be improved by new construction to come. The area has a unique juxtaposition of buildings that retains their historic integrity while being adjacent to development sites. Preservation of such historic buildings while adjacent parking lots or garages are developed will enable balanced development to proceed. Development rights from landmarks and historic areas will easily transfer to new development sites, thereby allowing the preservation of neighborhood fabric and architectural integrity.

We therefore urge consideration of the landmark designation of the following list of architectural resources (each item is followed by the DGEIS ID number). The list is preliminary, and further study will be required by the Landmarks Commission before landmarking can be recommended.

Hell's Kitchen Tenements

- 523-539 Ninth Avenue – State/National Register (S/NR)-eligible; (DGEIS ID No.: 65)
- 500-506 West 42nd Street[1] – NY City Landmark (NYCL)-eligible and S/NR-eligible (72)

Tenements are not usually landmarked. However, the historical nature of tenements in Hell's Kitchen makes them a vital architectural connection to the past. As noted in the DGEIS, the

[1] Development rights for this building already have been transferred.

tenements listed below represent an important architectural connection to the history of immigrants in Hell's Kitchen. They also represent two ends of the spectrum of tenement history: one representing pre-old law tenements, and other of the first examples of the model tenement movement. 523-539 Ninth Avenue represent a rare, fully extant row of pre-old law tenements dating from 1885. 500-502 and 506 West 42nd Street are examples of the architect, Ernest Flagg's model tenement housing. A high society architect, best known for the Corcoran Gallery in Washington, D.C. and the Singer Building on lower Broadway in New York City, Ernest Flagg designed a group of eleven model fireproof tenements with courtyards providing adequate light and air. These are the last four surviving buildings of the eleven building complex.

Hell's Kitchen Immigrant Churches

- Holy Cross Roman Catholic Church, Rectory and School, 329-333 West 42nd Street, 330 West 43rd Street[2] – NYCL-eligible and S/NR-eligible; (9)
- St. Raphael Roman Catholic Church and Rectory, 502-504 West 41st Street – NYCL-eligible and S/NR-eligible; (82) [3]
- Glad Tidings Tabernacle, 325-39 West 33rd Street – NYCL-eligible and S/NR-eligible; (86)

These churches represent the main focal points of the immigrant community and have retained their role as centers of community life well into the 1970's and the present. Glad Tidings was built in the mid-19th century and is a last remnant of that era of brownstones giving way to tenements. The Holy Cross complex served Irish immigrants and includes the church, a school and a rectory. Holy Cross Church is the oldest building on 42nd Street from river to river. St. Raphael Church served a thriving Italian immigrant area that diminished following the demolition of hundreds of tenements to make way for the construction of the Lincoln Tunnel. The architecture of the church is significant, as contains many Gothic elements including rose windows within arches and a gabled façade.

10th Avenue Industrial Row

- Hill Building, 469-475 Tenth Avenue – S/NR-eligible; (56) [4]
- 500 West 37th Street – S/NR-eligible; (93)
- Former Pinehill Crystal Spring Water Company, 500-504 West 36th St. – S/NR-eligible; (94)

These building along Tenth Avenue between 36th and 37th Street represent the architectural character of a commercial and industrial past that thrived on Tenth Avenue during the late 19th and early 20th century. It is significant that this grouping of three industrial buildings has remained intact. They are survivors of area demolition for the Lincoln Tunnel and the West Side improvement. The Hill is a predecessor to the McGraw Hill Building at 42nd Street. Within the context of the Pinehill and 500 West 37th Street it is more than fortunate that all three remain and are available for adaptive reuse and transfer of development rights. Their retention would not

[2] Parts of the development rights for this building already have been transferred.

[3] Adjacent development site, ability to transfer development rights.

[4] Adjacent development site, ability to transfer development rights.

compromise the proposed rezoning and would complement a successful commercial or residential future for the area.

Christ Church Memorial Row

- Former Barbour Dormitory, 330 West 36th Street – S/NR-eligible; (75)
- 346 West 36th Street – S/NR-eligible; (76)
- Christ Church Memorial, 334-344 West 36th Street – S/NR-eligible; (NA)

Designed as a memorial to the Reverend Doctor Maltbie D. Babcock, pastor of Brick Presbyterian Church on 5th Avenue and 37th Street, Christ Church Memorial and the two adjacent properties located on 36th Street form a link to the immigrant community once predominant in Hell's Kitchen. The dirt on the façade hides the beauty of the Tudor style church. Along with the dormitory, which once served as settlement house, the rectory and the tenement building, form a remarkably intact example of immigrant religious and working class life. Among high-rise garment center loft buildings, the extant low-rise grouping represents the historic layering of the area.

Garment Center Buildings

- 300 West 38th Street – NYCL-eligible; (11)
- The Harding Building, 440-448 Ninth Avenue – S/NR-eligible; (37) [5]

These two highly significant garment center buildings to the west of Eighth Avenue were built in the early 20th Century. The unique setbacks of the Harding Building are a result of the 1916 zoning resolution. Located at the corner of Ninth Avenue, the building provides a rare view of the terra cotta ornamented setbacks from both the side street and the avenue. The building also exceeds existing zoning limitations. 300 West 38th Street is a unique 3-story gem and a rare example in the city of art nouveau architecture.

Printing Industry Buildings [6]

- 344-348 West 38th Street – S/NR-eligible; (61)
- Underhill Building, 438-448 West 37th Street – S/NR-eligible; (62)
- 424 West 33rd Street – S/NR-eligible; (63)
- 406-426 West 31st Street – S/NR-eligible; (64)

These four buildings are prime examples of printing industry buildings typology. Each has façades that rise straight from the street without setbacks – a design that reflects the printing industry's need for wide floor plates. The buildings are characterized by a base, a shaft and upper floors are ornamented with extensive terra cotta intended to lighten the appearance of the sheer facades. At the top of each are shallow cornices. Three are clad in yellow brick. 344-48 West 38th Street and the Underhill building have been converted to residential condo ownership. 406-26 West 31st Street is undergoing conversion to an FIT dorm. 424 West 33rd Street serves as an office building. All of these buildings are overbuilt as per existing and proposed zoning.

[5] Current bulk exceeds current and proposed zoning..

[6] All buildings are adjacent development sites, and have ability to transfer development rights.

State Bank and Trust Company

- State Bank and Trust Company, 681-685 Eighth Avenue[7] – NYCL-eligible; (15)

The bank is a three-story building with art-deco elements. It is currently used as a theater. Adjacent to Eighth Avenue development sites, it represents another opportunity in which preservation and development can be reconciled with the transfer of development rights to an adjacent site to the north.

Carnegie Library, Former 40th Street Branch

- Former NYC Public Library, 457 W. 40th Street – NYCL-eligible; S/NR-eligible; (87) [8]

One of the original Carnegie libraries, the former NYPL 40th Street Branch, this is the only branch that is not still used as a library. It was closed after Lincoln Tunnel demolition reduced the local population. The building is an important architectural and historic resource that should be preserved. It is recommended that it be returned in the future for use as a library.

Early 20th Century Corridor of Commerce and Industry Historic District:
34th Street from 8th Avenue to 10th Avenue

- Master Printer's Building, 406-416 Tenth Avenue – NYCL-eligible; (57) [9]
- William F. Sloan Memorial YMCA, 360 West 34th Street – NYCL-eligible; (79) [24]
- Webster Apartments, 419 West 34th Street – S/NR-eligible; (80) [10]
- West Side Jewish Center, 347 West 34th Street – S/NR-eligible; (84) [25]
- St. Michael's Roman Catholic Church Complex, 414-424 W. 34th St.– NYCL-eligible; (85) [25]
- Former Manhattan Opera House (interior and exterior), 311 West 34th Street – NYCL-eligible; (88) [25]
- New Yorker Hotel, 481-497 Eighth Avenue – NYCL-eligible; (108) [24]
- Former J.C. Penney Building, 330 West 34th Street – S/NR-eligible; (110) [24]

This corridor along 34th Street represents commerce and industry in the early part of the 20th century. In the 1920's, the construction of many of these buildings dramatically transformed the area's low-rise character into a formidable center of commerce and industry. The collection of its significant structures merits consideration for designation as an historic district.

Each significant building within this corridor represents an aspect of the commercial, residential, and religious aspects of life for working class residents of the 1920's. The 43-story Art Deco tower of the New Yorker Hotel stands sentinel as a point of entry into the area. Built during the Great Depression as one of two main hotels serving the demolished Penn Station, the massive

[7] Adjacent development site, ability to transfer development rights.

[8] Adjacent development site, ability to transfer development rights.

[9] Current bulk exceeds current and proposed zoning.

[10] Adjacent development site, ability to transfer development rights.

building has 8 levels of basements and now has been returned to hotel use. In 1901, Oscar Hammerstein constructed The Manhattan Opera House, to compete with Metropolitan Opera. The New York Freemasons later altered the building for their use in 1923. The West Side Jewish Center, built by Congregation Beth Israel, served immigrants working in the Garment Center. In 1925, the J.C. Penney Company built a Renaissance palazzo at 330 West 34th Street to house its department store and company operations. Adjacent to the Penny's palazzo is the Memorial Sloan YMCA, another building built in 1929-30 during the Great Depression to serve a central housing facility for men in the Armed Services passing throughout the City, it originally housed 1600 rooms.

Crossing Ninth Avenue, the centerpiece of West 34th Street is St. Michael's Church. In 1906, the Pennsylvania Railroad, as part of the construction of Pennsylvania Station, demolished the original on West 32nd Street. As a condition of the sale of the original church, the railroad built a new church complex to serve as a religious center for the core immigrant community at the turn of the century. The new St. Michael's complex was built in a unique mixture of Gothic and Romanesque; it includes a rectory, a school, and a convent extending to the 33rd Street side of the block. Across the street, The Webster Apartments building was built as a gift from Charles B. Webster, a former senior partner of R.H. Macy & Company, as an apartment hotel for working women. Webster Apartments continues to serve as a residence for "working women with modest salaries" in accordance with the fund set by Webster. Dominating the Tenth Avenue end of 34th Street, the Master Printers Building is a monument to the printing industry on the West Side. At the time of its construction in 1927, the Master Printers Building was the tallest concrete structure ever built and was the largest printing building in the world.

The buildings within the district connect with the pre- and post-war mid-rise apartment houses that are intermingled along 34th Street. Together they create a formidable district representing the City's rich commercial and industrial past.

The New Yorker Hotel, the JC Penny building and Webster Apartments all exceed existing and proposed zoning. Others, including the Manhattan Opera House, the Westside Jewish Center and the St. Michael's Church complex, are under existing zoning limitations and are adjacent to significant development sites. This district is a singular opportunity to combine substantial new development with preservation to form a two-block gateway to the new commercial area of the Hudson Yards. The proposed district will be evidence that the city can achieve a balance between preservation and new development.

43rd/44th Street Historic District – West

- Actor's Studio, 432 West 44th Street – NYCL-eligible; (16)
- 446-448 West 44th Street – S/NR-eligible; (67)
- 454 West 44th Street – S/NR-eligible; (68)
- 417-419 and 421 West 43rd Street – S/NR-eligible; (70)
- 435 West 43rd Street – S/NR-eligible; (71)
- Former Second German Baptist Church, 407 West 43rd Street – S/NR-eligible; (81)

43rd/44th Street Historic District – East

- Film Center Building, 630 Ninth Avenue – S/NR-eligible; (14)
- 347-353 West 44th Street – S/NR-eligible; (66)

This proposed historic district is comprised of a mix of brownstones, exceptional tenements and religious institutions within Hell's Kitchen. It represents the residential past of the neighborhood and includes brownstones for wealthier residents and fine examples of historic eclectic tenement design. The Film Center building served the early film industry and continues to serve the entertainment industry. These buildings are some of the significant buildings within the proposed district. The boundaries of the district are made up on the north side of 43rd Street from 407 West 43rd Street to 435 West 43rd Street and on the south side of 44th Street from 454 West 44th Street to the (get address), New Dramatists. Also significant within the study area to the north side of 44th is the model tenement building at 437 West 44th Street.

Chelsea Waterfront Historic District
A Chelsea Waterfront Historic District including the waterfront warehouses around the designated Starrett Lehigh Building and extending eastward to Tenth Avenue close to 26th Street would preserve many of the handsome buildings associated with the industrial past of the area. This proposal will be treated fully in the Board's response to the West Chelsea Rezoning.

To mitigate the impact of the Proposed Action on these resources, the City should provide assistance in securing historic register listings for the identified historic districts and/or individual buildings. This will allow owners to use tax and other funding incentives to restore and reuse buildings. In addition, the Landmarks Preservation Commission should be required to hold expedited proceedings on buildings eligible for landmark designation.

CHAPTER 10 – ARCHAEOLOGICAL RESOURCES

Mitigation (pp. 10-13)

The DGEIS reports that Projected Development sites 11 and 41 may contain historical period archaeological resources. These sites should receive (E) Designations requiring the mitigation protocol described on Page 10-13.

CHAPTER 11 – URBAN DESIGN AND VISUAL RESOURCES

Visual Resources (pp. 11-3, 11-22 - 11-23, 11-40 - 11-41, 11-56 - 11-57)

The DGEIS maintains that the loss of views of the Hudson River and the Empire State Building caused by the Proposed Action is insignificant because the Action will create equally attractive new buildings. We strongly disagree with this opinion. No building can compare with the Hudson River. And though many important buildings have been constructed in the 74 years since the Empire State Building joined Manhattan's skyline, none has yet displaced it as New Yorkers' favorite building to look at it. No new building will have the history and cache of the ESB. Loss of these views is indeed significant.

The DGEIS also argues that views of the Hudson River that will be available from elevated open spaces can replace views currently available at street level. We also disagree with this assumption. Far more people use New York's streets and sidewalks every day than use its parks. Street level views and elevated park views are simply not equivalent.

We are particularly concerned that the super block construction planned for the convention center expansion will block three existing view corridors to and from the Hudson River, thus cutting New Yorkers off from their waterfront even more than they already are. The plan for development of the Caemmerer Yards, though it does not cut off existing view corridors, squanders an opportunity to introduce new street level river views. This is contrary to other efforts by the City and State to enhance our connection to the waterfront.

Finally, we take issue with the repeated characterization of our entire neighborhood as an "unappealing context" for what would otherwise be nice views.

Urban Design: Primary Study Area (p. 11-39)

We question whether the stadium will enhance the urban design of the waterfront area. This is a very large building that is not at human scale, does not relate to the waterfront, and is not pedestrian-friendly. The large plazas that will act as the stadium's lobby may become vast, lonely, unpopulated expanses of concrete when the stadium is not in use. It is unclear why the open space planned north of the stadium will not be as underused as the similar plaza associated with the Javits Convention Center has been and as the World Trade Center plaza was.

Urban Design: Clinton District/42nd Street Corridor (pp. 11-2; 11-13, 11-53 - 11-54)

The DGEIS states that the construction of new residential towers in this neighborhood would be contextual with existing buildings. Existing buildings have an FAR of 10 that can be increased to 12 with bonuses. Buildings taller than that would not be in context.

Urban Design: Large Scale Plan (pp. 11-8, 11-29 - 11-30, 11-44 - 11-46, 11-52)

The DGEIS notes that the streets in this area are currently "lined with buses parked during midday, waiting for use during rush hour." It argues that the area will be far more attractive in 2025 and omits any reference to buses parking on the streets in the future. We would like to know where the commuter buses that currently serve the surrounding area are going to park in 2025. We also note that commuter bus service to the area is likely to increase dramatically in the Future with the Proposed Action, and we would like to know if any provision has been made for their parking needs. The DGEIS assumes that the Port Authority will construct a bus garage on Projected Development Site 21. The Port Authority has not yet agreed to this plan and may prefer a different site. The FEIS must study the possibility that this garage will not be built. The FEIS must also account for the planned displacement of the large bus parking facility now located on block 675.

We question the decision to require ground floor retail on the Mid-Block Boulevard, Tenth Avenue, and the northern sides of each side street, while reserving the southern side of each block for building services. Pedestrians generally seek out streets that are lively on both sides,

rather than active on one side and desolate on the other. At the pedestrian level, both sides of the street matter. What are alternatives to this arrangement?

Existing Conditions: Convention Center Corridor (p. 11-15)

The DGEIS fails to note that Block 675 is now substantially occupied by private bus parking facilities operated by Greyhound and other bus carriers serving the Port Authority Bus Terminal. The land use, urban design, traffic, parking, and other impacts of displacing these facilities must be analyzed.

Existing Conditions: Primary Study Area: Clinton (p. 11-17)

The DGEIS states that Clinton's narrow east-west streets between 43rd and 49th Street "serve a local function." Although this is indeed the use for which they are intended, their actual use is more complex. These streets carry through traffic to midtown and serve as staging areas for commercial vehicles, taxis, and limousines. Local residents have to compete with these other users for limited parking spaces. The FEIS should study of the actual use of the streets in the primary study area, and an assessment of how the Proposed Action will affect those streets and the people who live on them.

2010 Future Without the Proposed Action: Clinton (p. 11-26)

It seems overly optimistic to include Studio City in the 2010 Future Without the Proposed Action, given that the project is not currently moving forward. Studio City should not be included in this analysis.

CHAPTER 12 – NEIGHBORHOOD CHARACTER

General Concerns

The DGEIS uses a dismissive tone toward our neighborhood. Our neighborhood is described as "drab" and "characterless." We disagree. Although the applicants may not appreciate the industrial character of the western end of the neighborhood, or the low-rise low- and middle-income character of Hell's Kitchen, it is dishonest to refer to these areas as "characterless." The neighborhoods do indeed have character.

Furthermore, we question the assumption that bigger is always better, and ask how specifically the increased bulk, density, traffic, and noise will enhance the existing residential communities. On Page 12-1, the EIS states that the Proposed Action would "promote new, dense, mixed-use development with substantial open space, thus creating a strong new neighborhood character." How is "strong character" defined in this context?

Methodology (pp. 12-3 - 12-4)

Noise pollution is expected to be so bad that the entire Hudson Yards area will receive an E Designation requiring mitigation for noise. Specifically, existing residential and commercial buildings will have to be retrofitted so that they won't have to open their windows for ventilation

and cooling, and new buildings must be constructed so as not to rely on open windows. Chapter 12 of the DGEIS does not consider noise because the E Designations will supposedly resolve the noise problems. We disagree with this methodology for two reasons. First, the E Designations will not ameliorate the noise pollution experienced by people outside on streets, sidewalks, and in open spaces. Second, because changing a neighborhood so that residents and workers can no longer open their windows is a significant change in character. Will the FEIS study the effect of noise on neighborhood character?

Convention Center Corridor (pp. 12-1, 12-28 - 12-31)

The DGEIS states that the area around the convention center and stadium will be "lively", "active," "vital" and "24-hour." We question this assumption. Although we appreciate that the plan includes new open space and ground floor retail, we wonder how these large facilities, which are designed to attract large masses of people to indoor special events, will create 24-hour, active, everyday communities. We note, for example, the recent New York Times article (Polgreen, Lydia, "A Carnival in Suspended Animation," August 1, 2004) on the behavior of Brooklyn Cyclone fans, who rarely spend time or money outside the stadium before and after games. There are many studies available on the effects of stadia and convention centers on their surrounding communities. The FEIS should refer to these studies in its assessment of the "vitality" that the new facilities will bring to the Project Area.

CHAPTER 13 – NATURAL RESOURCES

General Comments

We are not scientists, and therefore defer to Riverkeeper, the Natural Resources Defense Council, and other environmental organizations that have commented on this section. However, even as laypeople reading this DGEIS, we are concerned about several things. The effects of combined sewer overflows on Hudson River species have not been adequately studied. The deck over Route 9A, that is clearly an integral part of the stadium, is not adequately studied. New ferry trips and possibly new ferry terminals are not adequately studied. Shortnose sturgeon, winter flounder, loggerhead sea turtles, green sea turtles, leatherback sea turtles, Kemp's Ridley sea turtles, that are found in the Hudson River could all be affected by this action, as could bald eagles and a breeding pair of peregrine falcons that nests nearby. Furthermore, the Corona Yards area is within a waterfowl wintering area. We are concerned that the DGEIS does not adequately study the effects of this action on these species and environments.

CHAPTER 14 – HAZARDOUS MATERIALS

General Concerns

The DGEIS states that Phase II Environmental Site Assessments or other appropriate site investigations will be reported in the Final EIS. We are therefore unable to comment on the contamination and its management at these sites. Will the FEIS reveal what actions will be necessary at these sites prior to development?

Existing Conditions (pp. 14-17 - 14-27, 14-43 - 14-47)

We are concerned about the accuracy of the DGEIS's reporting of existing conditions, and by the discrepancies in the DGEIS between the uses listed for development sites on pages 14-17 - 14-27 and those listed in the charts on pages 14-43 - 14-47. For example, there are currently four residential buildings located on Block 733, Lots 43, 44, 45 and 46 (Potential Development Site Number 58). These are old law tenements, with DOB records dating back to the 1930's. Immigration records found on the Internet show residential use of 410 West 36th Street in 1876. On page 14-45, the EIS claims all four of these lots are currently used for motor vehicle parking. On page 14-23, the EIS says this site is currently occupied by vehicle parking and residential uses. On both pages, the EIS says the site was formerly occupied by a machine shop. We do not know the history of this site, but we are concerned by the lack of accuracy in reporting what is there now. We are worried that the Phase I analyses that have been done are inaccurate and will unfairly saddle clean properties with undeserved E Designations. The FEIS should include a more thorough assessment of each property be done before E Designations are assigned.

Future with the Proposed Action, Projected and Potential Development Sites (pp. 14-42 - 14-48)

The DGEIS assumes that the placement of E Designations on 99 projected and potential development sites will have no effect on the pace of development. It fails to discuss the effect that the E Designations will have on the property values of these sites and on the costs of construction. It does not consider the effect seen so often with brownfields, that contaminated sites often languish undeveloped due to the costs of clean-up. There is no discussion of whether these sites will be eligible for State brownfields programs and the financial burden they will place on those programs. There is no discussion of how much a property owner will have to spend to prove that an uncontaminated site that receives an E Designation is indeed uncontaminated. There is no discussion of how much additional funding and staff DEP will require in order to carry out the monitoring responsibilities assigned to it in this section. The FEIS should address each of these items.

CHAPTER 15 – WATERFRONT REVITALIZATION PROGRAM

General Concerns

The relocation of the NYPD Tow Pound and the Gansevoort sanitation garage are mentioned throughout this section as a "related action." We agree that it is in the interest of waterfront revitalization these projects should be a definite part of the Proposed Action. However, the possibility that the construction of these facilities will be delayed or that they will located elsewhere exists. Will the FEIS analyze these possibilities?

The extension of the Convention Center across 39th, 40th, and 41st Streets is inconsistent with the requirement that if a development blocks waterfront access, it should be sited to as to allow access later. The use of Pier 76 as a partially publicly accessible extension of the Convention

Center by a bridge or as a dedicated part of Hudson River Park should be studied as possible mitigation. .

No commitment is made in the EIS concerning the relocation of the Sanitation Trucks from Gansevoort, which would improve the Hudson River Park. Half of Pier 76 behind the Convention Center is to be part of the park; the rest is a possible development site. These issues should be addressed by requiring mitigation by DSNY relocation of the trucks from Gansevoort and linking development on Pier 76 to the Convention Center expansion by a bridge, meeting rooms, and restaurant that would improve waterfront physical and visual access or simply adding the excluded half to the Hudson River Park.

Access to Coastal Waters (pp. 15-13 - 15-15)
Protection of Scenic Resources (pp. 15-15 - 15-16)

The closure of 33rd , 39th, 40th and 41st streets reduces physical and visual access to the river. This is also in conflict with Waterfront Revitalization Principle 8.1, which requires current physical access to be maintained. Elevated views of the waterfront from the roof of the stadium, convention center, tow pound, and High Line, do not make up for closing streets and what that means for cutting people off from the waterfront. A passageway through the convention center is not an adequate substitute. The area's working and residential population makes waterfront access routes even more important to the area's future vitality and will harm the public's enjoyment of the waterfront.

Protection and Restoration of Ecological Systems (pp. 15-8 - 15-10)
Protection and Improvement of Water Quality (pp. 15-10 - 15-12)

Future Combined Sewer Overflows, even assuming they do not happen more frequently that they do today, will be worse. The DGEIS is dismissive of this problem by saying only that the number of CSOs won't increase. A serious analysis of waterfront revitalization requires that the severity of the CSOs be studied. How severe will predicted CSOs be? What effect are they likely to have on water quality and ecological systems?

It is also unclear whether the North River Wastewater Treatment Control Plant (WTCP) can accommodate the additional sewage capacity that will be generated by the Proposed Action. The official capacity numbers for North River have changed over the years, and this has never been explained to our satisfaction. Although we have been told by DEP that the volume of water treated by the North River plant has decreased in recent years, the solid content of sewerage has increased. The FEIS should explain how much sewage is treated at North River now? How much additional capacity does North River have?

We are unable to fully assess this section of the DGEIS as it relies upon completion of amendments to the Manhattan Drainage Plan. Without this information, it is impossible to know what improvements to wastewater infrastructure are planned and whether or not they will be adequate.

The effect of the Proposed Action on stormwater runoff has not been adequately studied. The argument that the green areas will reduce the runoff from the existing paved surfaces is not based

on a real analysis. It was discovered during the construction of Route 9A that there is a special drain into the river from the Caemmerer Yards. This drain is unconnected to the diversion tunnel and thus the sewer system, but there is no analysis of this, only general statements. Roofing the cuts would in general increase runoff, since the cuts/yards are not paved and therefore absorbent, and some are connected to existing sewers, although there is no study of this. The FEIS should reflect these considerations.

CHAPTER 16 - INFRASTRUCTURE

Water Supply (16-4, 16-8 - 16-9, 16-14 - 16-15)

The FEIS must consider that additional developments in the rest of New York City (particularly Lower Manhattan, Long Island City, and Downtown Brooklyn) will affect the water supply that the Hudson Yards area must also draw from. The FEIS should also consider how expected development in the Hudson Valley will affect the amount of water available to meet the demands of Hudson Yards. The amount of water available to us is not inexhaustible and development in all of these areas is drawing on the same supply of drinking water.

The DGEIS only considers water supply in an average year. The FEIS should also look at conditions in a drought year.

The opening of the lower Manhattan segment of Water Tunnel No. 3 in 2020 (Phase 2) is represented as presenting a supplemental water source to the proposed Hudson Yards area. However, it was designed to, "allow for the inspection and necessary repair of the century old Water Tunnels No. 1 & 2," which will be put off-line for considerable periods of time to make this work possible. Not mentioned in the DGEIS is the fact that while Water Tunnel No. 3, will be an extraordinary asset, it will be doing the work of three water tunnels, for a considerable amount of time during the repair process of leaky Water Tunnels No 1. & 2 – a process that can easily take years and possibly a decade, making water shortages a distinct possibility. The FEIS should take these possibilities into account.

Wastewater (pp. 16-3, 16-5 - 16-6, 16-8, 16-12, 16-14, 16-16 - 16-17)

It is entirely unclear whether the North River plant has sufficient capacity to accommodate the additional 7 million gallons of sewage per day that would be generated by the Proposed Action. The official capacity numbers at North River have changed over the years, and this phenomenon has never been adequately explained. Furthermore, the DGEIS does not take into account the effect on North River of development in other parts of Manhattan served by the plant. The FEIS should adequately explain capacity changes in the North River plant. The FEIS should assess the combined impact of the Proposed Action and other recently completed or planned developments in Manhattan on the North River plant.

CHAPTER 17 – SOLID WASTE AND SANITATION SERVICES

General Concerns

The communities across the US that receive New York City's garbage have grown more reluctant to receive it. Tipping rates keep increasing, and the cost of landfill disposal of all of the waste generated by the Proposed Action is likely to be quite large. The FEIS should consider the costs of the additional solid waste and sanitation services required by the Proposed Action. Given the diversion of incremental tax revenues to repay billions of dollars in bonds, we are concerned about the effect of added capital and expense items on the City's budget.

CHAPTER 18 – ENERGY

Electricity, 2025 (pp. 18-9 - 18-10)

The DGEIS predicts that we will need two additional substations by 2025 - one by 2013 and the other by 2021. The Proposed Action will also require an additional transmission substation, but the proposed rezoning of the area will leave no place in the project area where new substations are allowed as-of-right. What are the proposed locations for these facilities? How much will they cost and how will they be paid for?

The Proposed Action will generate additional electric demand equivalent to the output of a mid-sized power plant. The DGEIS discusses how this electricity will be distributed, but is silent regarding generation. Will the Proposed Action require construction of a new power plant? Where will this plant be? How much will it cost? Is there any plan to finance it?

Railcuts (Appendix R)

The DGEIS notes that DOT and Amtrak have proposed new bridges over the Amtrak tracks that would limit Con Edison's ability to deliver service to its customers. The design process for these bridges has not always been fully informed by large scale plans for the area. What differences will the FEIS consider between the type of bridge reconstruction that would be required under a future scenario without the Proposed Action and the type required by demands generated by the Proposed Action?

CHAPTER 19 – TRAFFIC AND PARKING

General Comments

Even using extremely optimistic assumptions, the Proposed Action will significantly adversely affect 130 intersections during a typical afternoon commute in 2025. The proposed level of commercial density simply cannot be handled by the City's street network. It is clear that, as early as 2010, with or without a stadium, the density proposed by the city combined with the convention center expansion cannot be supported by the proposed upgraded infrastructure.

The construction phase lasting for 5 years (2005 to 2010), presents immense challenges in traffic, noise and pollution for which no comprehensive, enforceable mitigation is offered. Major access routes to and from the Lincoln Tunnel will be impeded by lane or street closings, including sections of 42nd, 41st and 40th streets. Truck routes for construction overlap with areas of extreme traffic congestion at peak hours The FEIS must consider how traffic will be affected by the construction of two new subway stations, a stadium, the mid-block boulevard, the convention center expansion, the new hotel, and all the new office towers.

Peak Traffic Hours (p. 19-3)

We disagree with the limited choice of times for the Special Event peak hour. We believe that departures from the stadium should also be studied because of the fact that departures occur in a more compressed time period than arrivals, and also because a night-time football game and a concert at Madison Square Garden are likely to end at about the same time. The FEIS should study departures times of stadium events as part of its peak hour traffic analysis.

Traffic Study Area (pp. 19-4 - 19-5)

Severe traffic congestion on the West Side will cause traffic backups across town and across the Hudson River. Game day traffic should be studied all along 42nd Street and 34th Street. East side intersections should be studied more thoroughly, particularly along the streets north and south of 42nd Street and 34th Street that motorists are likely to use as alternate routes to avoid congestion when the main thoroughfares are backed up. Hudson River crossings must also be studied, as should their major approach routes in New Jersey. Though the action itself may be limited to Manhattan, traffic congestion caused by both special events and the weekday commute will have major impacts on New Jersey.

The DGEIS does not study any unsignalized intersections during a Special Event peak hour. In other words, it does not adequately address traffic backing up on 12th Avenue as people come and go from Jets games, conventions, and concerts. The FEIS must rectified this serious oversight.

Trip Generation (pp. 19-6 - 19-21, Appendix S-1)

There is simply no way that 75% of Jets fans are going to use public transportation to get to the stadium. Even at Madison Square Garden, which sits on top of a rail hub and which hold most of its events on weekdays when many of its attendees are already in Manhattan, only half of Knicks and Rangers fans use public transit. A West Side stadium would be accessible by one subway line and no commuter rail, and is going to sit next to Route 9A and the Lincoln Tunnel. Although it will be near a ferry terminal, the DGEIS includes no data to prove that the existing terminals and ferry operator have sufficient capacity to meet the projected demand. It is also unrealistic to expect stadium-goers to get out of their cars and get onto ferries on the cold winter days when many football games are played. Based on surveys of existing facilities, we believe that no more than 40% of Jets fans will use public transit. We also believe that vehicle occupancy rates will be comparable to what they are now, not to the rosy picture predicted for the future. Given the price of football tickets, it is unclear why anyone going to the game would be daunted by the cost of a bridge toll. The DGEIS traffic analysis must reflect these more

realistic numbers. We note that surveys of existing facilities are a far more appropriate source of data than asking fans to predict their future behavior.

We also question the modal splits for office uses. The percentage of New York City workers who live in New Jersey has increased dramatically in recent years. It is likely that many commuters to new jobs in the Hudson Yards area will live in New Jersey. The modal split numbers predict that twice as many office workers will come by subway than by rail, bus and ferry combined. The FEIS must be reconsidered the modal split to reflect the development and expected growth of New Jersey's bedroom communities.

We disagree with the decision not to consider peak attendance days at the convention center. If football games occur often enough to be studied, than high volume events at the convention center certainly do as well. It is also unclear to us why public shows that are able to grow 84% in floor space will not similarly increase in attendance. Growth estimates should be based on a real analysis of similar facilities, not the assumptions of Convention Center management. The FEIS must analyze traffic generated by a peak attendance event that is able to grow by 84%.

It is also disingenuous to say that peak attendance events are unlikely to coincide with a football game. Any year that the Jets make the playoffs (or that the regular season runs late, as it does this year), their schedule will coincide with the boat show. The FEIS must study the impact of this "coincidence."

We also question the modal splits for convention center attendance. Although we agree that the No. 7 line will have some effect on how people travel to the convention center, we note that most convention center visitors are not New York City residents used to riding the subway. We also note that exhibitors must bring their wares and promotional materials with them to shows. As it is, three times as many people come by car and taxi as by subway. It is simply impossible that an 85% increase in the size of the convention center will generate only a 2% increase in the number of vehicles arriving at the center on a weekday morning. As with the stadium, we believe the numbers for transit use are much too optimistic. Using more realistic numbers, the FEIS must be redo the trip generation analysis conducted for the DGEIS.

Traffic Assignment (p. 19-23, Appendix S-2)

The DGEIS uses 1990 census data and assumes that the percent of workers coming from New Jersey is less than 19.5% (this figure includes commuters from Rockland County) while RPA analysts suggest that 25% is a more realistic figure given the development of New Jersey's commuter communities over the past 15 years. We note that 89% of all increase in commuters in the city over the last 20 years came from areas west of the Hudson. The location of the new office space in west Midtown will reinforce this trend. The traffic analysis must be redone to reflect the actual numbers of New Jersey commuters. As it is now, the travel route assignment seriously underestimates traffic on Route 9A and through the Hudson River crossings. There is no discussion of the George Washington Bridge at all. Nor is there any discussion of traffic in New Jersey itself. The FEIS must rectify all of these omissions.

Reasonable Worst Case Scenarios (pp. 19-24 - 19-25)

The reasonable worst case scenarios used in the FEIS must include the likely coincidence of a football game with boat show, must account for a more realistic increase in attendance at public shows at the convention center, must consider simultaneous departures from a night game and Madison Square Garden, and must use a more accurate modal split for stadium and convention center attendees. The reasonable worst case scenarios must also consider the likelihood of tailgating, and its effect on traffic flow. There must also be consideration of a Saturday special event that coincides with normal Broadway theater schedules as well as cruise ship arrivals and departures from the Passenger Ship Terminal and events at the convention center and Madison Square Garden.

We also expect that some attendees at football games and other special events are likely to arrive early on weeknights in tailgate, to have dinner in the City, or to avoid the traffic. How many are likely to arrive early and how will they affect rush hour commuters?

Traffic Data Collection (pp.19-25 - 19-26)

The DGEIS does not consider the recent changes to Eleventh Avenue and Lincoln Tunnel traffic patterns. Intersections affected by recent changes include locations on NinthAvenue and Dyer Avenue. Full or partial street closures have affected 39th Street and 41st Street. We expect that the FEIS will rely on more recent data, as the DGEIS says that it will. In the mean time, we note that we are unable to fully review this traffic analysis due to the omission.

The DGEIS severely undercounts commuter buses traveling to and from the Port Authority Bus Terminal and surrounding streets because it analyzes only one intersection likely to have any commuter bus traffic at all. Some buses leaving layover parking do pass through the intersection at West 39th Street and Tenth Avenue, but the vast majority do not. This analysis completely misses the buses that travel from the Lincoln Tunnel straight to the Port Authority Bus Terminal. Given that vehicle classification was performed in order to study air quality, this omission is dangerous and must be rectified. The FEIS must study more appropriate intersections, particularly those along Dyer Avenue.

We also note that there is no indication that the DGEIS acknowledges in any way the many buses and vans that use our neighborhood streets as daytime parking between commuter trips. Do the parking, noise, traffic, and air quality analyses take this phenomenon into account? If not, they must be redone accordingly.

The Port Authority and the Economic Development Corp. are currently performing an inventory of bus parking and storage as part of their plan to build a new bus garage. The results of this study should be used in the FEIS to more accurately estimate bus traffic in the area.

River Crossings (pp. 19-26 - 19-27)

The DGEIS relies on river crossing data from 1998 and then increases it by the background level of traffic growth for Manhattan. As discussed earlier, this is likely to significantly underestimate the use of Hudson River crossings due to recent growth in New Jersey bedroom

communities and related increase in commuting from New Jersey. The FEIS must account for real growth in the region and not rely on generic projections.

Mid-block Park and Boulevard System (pp. 19-30)

According to the DGEIS, the Midblock Park and Boulevard System will lie on top of a 950 space public parking garage with vehicular ingress and egress at 35th and 36th streets. The traffic on this boulevard is omitted from the discussion of 2010 and 2025 conditions, presumably under the theory that if it didn't exist before, it can't be adversely affected. That is unacceptable. Traffic on the Boulevard at peak hours must be studied in the FEIS. Given that it will be used as a thoroughfare for those parking in the area, the street is likely to be severely congested and this congestion will undoubtedly affect the existing streets that pass through it.

Relocation of DOS Facility and Tow Pound; PANYNJ Bus Garage (pp. 19-30 - 19-31)

The traffic analysis of the DGEIS assumes that Block 675 will be developed as a DSNY facility and NYPD tow pound. If this does not occur, it assumes that block will be developed as at-grade open space. There is no discussion whatsoever of the current use of the space, which is substantially occupied by several privately operated bus parking lots. The FEIS must consider what will happen if the bus parking stays where it is, and must also consider where it is likely to be relocated if the development does occur as planned. The DGEIS also assumes that Projected Development Site 21 will be developed as a Port Authority parking garage, but the Port Authority has not committed to this project or to this site. The traffic analysis in the FEIS must reflect the possibility that the bus garage is not built or is built in a different location than that proposed.

Future with the Proposed Action, 2010 and 2025 (pp. 19-47 - 19-88, 19-97 - 19-176)

The DGEIS analyzes each intersection individually and does not consider the cumulative effect of traffic backlogs. For instance, it seems impossible that one intersection will have a ten minute delay, while the next one down the line will only have a 6 minute delay. The FEIS must consider how the intersections will affect each other. Without this, the traffic analysis is wholly inadequate.

We cannot accept the DGEIS prediction that there will be no back-up whatsoever on major crosstown thoroughfares during football games. It defies logic that 75,000 people attending a Jets game will have no significant adverse impact on 34th Street, or 42nd Street or the Hudson River crossings. We suspect that the error is due to a combination of factors, including overestimating how many people will use mass transit, not considering the interplay among intersections, not adequately accounting for the effect of masses of pedestrians in the streets, not adequately accounting for street closures, not adequately accounting for the masses of people dropping off and retrieving cars at the Midblock Boulevard parking garage, ignoring the likelihood of tailgating, choosing inappropriate peak periods, minimizing projected attendance at the convention center, and overestimating the occupancy of each car. An adequate FEIS must correct for all of these errors and consider their cumulative effect.

Similarly, the DGEIS assumes that 800 additional vehicles using the Lincoln Tunnel will have no backup effect on the overall system. This seems extremely unrealistic to us. We also question the ability of the Lincoln Tunnel to handle thousands of new commuters from New Jersey leaving work at the same time that attendees to stadium events from New Jersey and elsewhere begin to arrive for a special event.

Proposed Mitigation (pp. 19-61 - 19-63, 19-116 - 19-118)

The DGEIS highlights possible mitigation measures for traffic congestion but provides little detail and indicates that their effectiveness has not been studied. We are unable to fully assess the DGEIS in the absence of these studies. We question the effectiveness and feasibility of the proposed mitigation measures. In particular, we ask how likely is it that parking will be barred at intersections? How much will all the mitigation measures cost? Do some of the mitigations ease one intersection while worsening the situation at another? How many parking spots will be eliminated through the proposed mitigations and has this been accounted for in the parking analysis? How many more police officers will be needed in order to provide adequate enforcement? What will this cost?

We also note that Route 9A was recently given wider sidewalks in order to reduce crossing distance and thereby increase pedestrian safety. The Proposed Action would require the reversal of that improvement and widening the street. The planned pedestrian overpasses do not really make up for this, and are emblematic of the low priority that is given to at-grade pedestrian access to the waterfront. (It should go without saying that if they do get built, they must be accessible to the handicapped, and to the elderly who just don't want to have to go up and down stairs to reach the waterfront.)

CHAPTER 20 – TRANSIT AND PEDESTRIANS

General Concerns

The level of pedestrian congestion that will be caused by the Proposed Action is completely unacceptable. The DGEIS predicts both every day congestion caused by the excessive commercial development of the area and special event congestion caused by the stadium. At many intersections and sidewalks where the DGEIS finds no significant adverse impact, the area will have an "unacceptable" level of service. The FEIS should not accept these conditions as acceptable. The FEIS should address the phenomenon of tailgating.

The DGEIS admits that the Proposed Action will fill many subway stations to overflowing by 2025. Nothing can be done to mitigate stairs, escalators, passageways and turnstiles that will have to serve many more people than they are able. There will be lines at the base of stairs and escalators, and subway platforms that are jam packed. And this is even after turnstiles have been added, stairways widened, and escalator speed increased by 30 feet per minute. The applicants consider it to be "acceptable" when every square foot of an escalator or a subway car is filled by passengers. Measurements of acceptability must reflect a general human desire for breathing room.

Furthermore, the analysis of subway station elements assumes that the Second Avenue Subway and East Side Access projects will be completed on schedule. It also assumes that all of the suggested mitigation measures will be undertaken, but it notes that a feasibility analysis has not been performed. What happens if these assumptions are wrong?

This chapter assumes that there will be money forthcoming to significantly alter subway stations, streets, and sidewalks, to add bus service, to purchase new buses, and to expand bus storage and maintenance facilities. How much are these measures likely to cost? Does the Hudson Yards financing plan include allocations for these projects? Is there any other plan to finance them?

This section omits any reference to commuter bus and van service not run by the MTA. At the very least, the EIS must study the effect of the Proposed Action on New Jersey Transit bus service and the bus-related elements of the Port Authority Bus Terminal.

Analysis Hours (p.20-6)

According to the Appendix S-1 memorandum on the stadium, departures from football games and rock concerts both cause worse congestion than arrivals. The memo discusses the likelihood of multiple events with overlapping arrivals, but does not consider at all the possibility of overlapping departures. Given that arena concerts and Monday night football games both often end between 11:30 and midnight, we are surprised that this issue is not addressed. The DGEIS must consider the impact of overlapping departures. The FEIS should use the 11:30 p.m. to 12:30 a.m. peak period for study, using a worst case scenario of a football game and concert letting out at the same time.

Capacity Analysis Methodology, Pedestrian Analyses (pp. 20-12 - 20-13)

The DGEIS only considers severe congestion of pedestrian elements to be a significant adverse impact. It does not consider that pedestrians often feel unsafe when sidewalks are not adequately used. The FEIS should include a discussion of the likely level of use of the widened sidewalks along the side streets between 10^{th} and 11^{th} Avenues, 34^{th} - 38^{th} Streets, at non-peak hours. The FEIS should include a similar analysis of the usage of the Mid-Block Boulevard. What will these areas be like on a Tuesday night or a Saturday afternoon, when offices are closed and the stadium is not holding an event? What methods exist to measure under-use of pedestrian elements?

Capacity Analysis Methodology and Transit Impact Criteria, Escalators (pp. 20-10 - 20 - 11, 20 – 20)

Although the DGEIS acknowledges that the nominal and maximum capacity for escalators are significantly different, it uses the maximum capacity to determine level of service criteria. A significant impact is only determined to exist when the escalator goes from below maximum capacity to above maximum capacity. The problem with this is that maximum capacity would require New Yorkers to share escalator steps with strangers, which we rarely do. Full utilization of an escalator means being packed onto it, shoulder-to-shoulder, much too close for comfort. Surely going from a comfortable ride to that level of closeness should be considered a significant adverse impact.

Capacity Analysis Methodology and Transit Impact Criteria, Line Haul Capacity (pp. 20-11 - 20-12, 20-21)

We are amazed by the subway car guideline capacity numbers in Table 20-5. A subway car with 34 to 44 seats is expected to serve 110 people - in other words, about three times as many people as there are seats. We've been on subway cars packed that tightly, and we know that it's far from pleasant. A subway car that's "at capacity" is a miserable place to be. The DGEIS only finds a "significant adverse impact" when a car is filled beyond capacity. The morning commute becomes unacceptable way before that line is reached, and the FEIS should reflect that reality. In its Spring 2004 assessment of transportation needs and impacts of far west Midtown, the RPA used a more comfortable standard to determine when a subway car is full: 83 persons per car. The FEIS should consider crowding of subways cars above 83 persons per car as a significant adverse impact.

Determination of Significant Adverse Impacts, Crosswalks (pp. 20-13, 20-21, 20-44, 20-59, 20-150 - 20-155, S-5)

The DGEIS only considers a significant adverse impact to occur when the pedestrian flow rate at a crosswalk drops to Level of Service E -- 15 square feet per pedestrian or below. However, the DGEIS also defines Level of Service D (24 square feet per pedestrian or below) to be unacceptable. We are particularly confused because Table 20-7 defines LOS C as 24 - 40 square feet per pedestrian and LOS D as 15 - 24 square feet per pedestrian, but on page 20-59, the DGEIS states that 15 square feet per pedestrian is the threshold between LOS C and D (according to the table and page 20-21, it's the threshold between D and E). What exactly is an acceptable level of service at a crosswalk?

There are many locations where the Level of Service drops from A, B or C to D, in other words, changes from free movement to unacceptable congestion. Why is this not considered a significant adverse impact? We certainly think that it is.

The DGEIS, by only discussing the change from conditions without the Proposed Action to conditions with the Proposed Action, does not adequately describe the pedestrian congestion that will be created along the new Mid-Block Boulevard. For example, of the 32 crosswalk elements along the boulevard, 15 will have Level of Service E at mid-day in 2025 and another 7 will have Level of Service D. In other words, the Boulevard is expected to be mobbed. The EIS should discuss the pedestrian conditions that will be created along the Boulevard.

Determination of Significant Adverse Impacts, Corners (pp. 20-13, 20-21, 20-43, 20-59, 20-144 - 20-149)

We have many of the same concerns about the corner analysis as the crosswalk analysis. It is unclear what level of service is considered acceptable due to discrepancies in the DGEIS. We do not understand why drops of service to Level D are not considered significant adverse impacts. This discrepancy makes a huge difference in the analysis. For instance, the DGEIS notes that 19 corners will drop to LOS E at mid-day in 2025 (or, for those already that bad, will remain at the same level but get nominally worse). There are another 22 corners that will drop to LOS D at

mid-day in 2025 (or, for those already that bad, will remain at the same level of service but get nominally worse.) Any drop in service from acceptable to unacceptable must be reported as a significant adverse impact.

Determination of Significant Adverse Impacts, Sidewalks (pp. 20-13, 20-21, 20-42, 20-86, 20-141 - 20-143)

As with crosswalks and corners, we do not understand why a drop in level of service from acceptable to unacceptable is not considered a significant adverse impact. There are many sidewalk locations that meet this criteria, but which are not discussed in the DGEIS. Although Table 20-21 uses LOS C as the minimum acceptable, all sections dealing with future conditions seem to use LOS D as the minimum acceptable. We strongly disagree with this practice. The FEIS should consider any drop in LOS from acceptable to unacceptable should be considered a significant adverse impact.

Data Collection, Pedestrian Conditions (pp. 20-23, S-5)

Although we are not experts in pedestrian movement, we have all spent many years walking through New York City, and the 2003 data for pedestrian volume completely baffles us. We have noticed that at some intersections, pedestrian volume increases and decreases in bizarre ways over 15 minute intervals. For instance, at Broadway and 34th Street during the AM peak hour, the pedestrian volume at crosswalk A-B-C falls from 1,015 to 0 in 30 minutes. This seems highly unlikely. Similarly at Sixth Avenue and 34th Street, pedestrian volumes go from 0 to several hundred on both corners in the course of a half hour in the AM, MD, PM, and Special Event peak hours. Also at Sixth Avenue and 34th Street, sidewalks B and C host thousands of people in the course of a day, while Sidewalks A and C serve not one single soul. This just seems impossible. There are countless intersections with similarly curious data.

The DGEIS does not sufficiently explain how pedestrian movements are measured, and this makes it extremely difficult for laypeople to understand. We also question the accuracy of much of this data. The FEIS must provide more information on how pedestrian volume was measured.

Existing Conditions, Transit Network (pp. 20-23 - 20-31, S-4)

We are completely baffled by the 2003 Existing Conditions data provided in Appendix S-4. Throughout the appendix, presumably different elements have the exact same utilization numbers. For example, of the seven stairways at 35th street and 6th Avenue in the Herald Square station, three of them had exactly 284 people climbing each of them during a 15 minute interval in the morning, two were used by exactly 696 people each, and the other two were used by exactly 416 people each. These repetitions can be found on every page of the 2003 tables. Why is this? Are these numbers observed or estimated? If they are estimated, what is the margin of error? Why does the appendix say the analysis is based on pedestrian counts? Given that these numbers are the baseline upon which the entire analysis depends, if they are inaccurate, the entire analysis must be redone. These unexplained repetitions lead us to question the accuracy of the data.

We also note that we are unable to understand where these elements are located or how they relate to one another, as the diagrams provided in the appendix have very small, blurry, illegible type. The diagrams can be read neither on-line nor in hard copy, so we have no idea where these stairways, corridors, and turnstiles are located. This information should be made accessible.

Existing Conditions, Ferry Service (p. 20-41)

The DGEIS does not contain any data at all on existing weekend and evening ferry service. Given that the applicant expects almost 8,000 people to travel to Jets games via ferry, this omission is completely unacceptable.

Subway Station Elements, 2010 and 2025 (pp. 20-63 - 20-67, 20-109 - 20-113, S-4)

According to the DGEIS, fully 22% of Jets fans (almost 17,000 people) are expected to use the new Number 7 subway station to get to the game in 2025. However, fewer than 5,000 of them are expected to try to use the turnstiles at the new 34th Street station during the peak 15 minute period before a Monday night game. This despite the fact that the turnstiles can handle twice that many. This seems highly unlikely. Surely the station will be busier if so many people are trying to use it. Odder still, the DGEIS predicts that fewer than 700 people will use those subway turnstiles to get to the same game in 2010. Why the discrepancy? If the assumption is that Jets fans will not be using the subway in 2010, does the traffic analysis reflect this?

Furthermore, the DGEIS only considers how the new stations will be affected by arrivals and does not consider departures, even though departures will be more congested. Again, we request an analysis of how these stations will function when 75,000 people try to leave a football game all at the same time.

Ferry Service, 2010 and 2025 (pp. 20-19, 20-73, 20-120, S-1)

The DGEIS states that ferry service to special events is expected to be sufficient in 2010, but provides not one shred of information to back up this conclusion. Worse, there is not one sentence in Chapter 20 that mentions special event ferry service in 2025. Appendix S-1 notes that the Jets and NY Waterway have discussed the matter and that 20,000 riders could be accommodated, but gives absolutely no information about how this could be done. At the absolute peak of service on a weekday, NY Waterway can currently accommodate about 4,300 passengers traveling from Hoboken, Weehawken and Jersey City to New York. But the applicant expects almost 8,000 people to use ferries to reach the stadium for a game. How is this going to happen? The discussion of ferry usage during special events is entirely inadequate.

We note that in order to find this discrepancy, we had to comb through the appendices. Table 20-9, which gives trip generation rates for each expected new facility, reports that 6,960 people will travel to and from the stadium by "other" means. Presumably this is the number that refers to ferry ridership, although it is significantly lower than the actual 7,950 predicted to arrive by ferry (10.6% of 75,000). Why is ferry usage not included in this table? How was the "other" figure derived?

It is also odd that the discussion of ferry service does not refer to the new stadium ferry terminal that appears in all of the promotional materials about the stadium that the applicant regularly distributes. Does the NY Waterway statement repeated in the appendix about 20,000 riders rely on this new terminal? Do the 8,000 riders predicted by the applicant rely on this terminal?

As for weekday ferry service, the DGEIS predicts that 1,256 new riders will use the ferries in 2025 due to the Proposed Action. How was this number derived? The modal splits used for office workers in Appendix S-1 (who account for the vast majority of the 127,000 new workers that the DGEIS anticipates) do not account for ferry riders. Rather, they predict that 100% of trips generated will be by auto, taxi, bus, train, subway and walking.

Bus Service, 2025 (pp. 20-115 - 20-119, 20-135 - 20-140)

According to the DGEIS, 130 new buses will need to serve the Hudson Yards area in order to avoid unacceptable crowding. The area will also need articulated buses. What are the plans to purchase, store, and maintain these buses? Have they been included in the traffic and air quality analyses? On the flip side, does the transit analysis consider the effect of traffic congestion on bus service?

CHAPTER 21 – AIR QUALITY

General Comments

We are very concerned about the air pollution likely to be caused by the Proposed Action. Even using extremely optimistic (and we believe unrealistic) assumptions, the DGEIS predicts PM10 exceedances at five sites, PM2.5 exceedances at six sites, carbon monoxide exceedances at three sites, and sulfur dioxide and toxics exceedances at the Quill Bus Depot. Although the DGEIS assures us that mitigation measures and further study will solve the problems, we question this assumption. As Tier II analysis and a study of the mitigation measures has not been done, we are unable to fully comment upon them.

The analysis of stationary sources of air pollution does not include any discussion of the proposed cogeneration facility for the stadium. In recent conversations with City Planning, we have been told that this facility will be included in the stadium. Its environmental effects must therefore be studied along with the rest of the Proposed Action.

Principal Conclusions (pp. 21-1 - 21-2)

Because the mobile source analysis relies on the traffic analysis performed in Chapter 19, it is equally flawed. By underestimating the number of auto trips to a special event, choosing peak periods that do not represent the worst conditions, ignoring the presence of commuter buses and vans in the area, underestimating the number of commuters coming from New Jersey, not considering the interplay among intersections, not adequately accounting for the effect of masses of pedestrians in the streets, not adequately accounting for street closures, not adequately accounting for the masses of people dropping off and retrieving cars at the Midblock Boulevard parking garage, ignoring the likelihood of tailgating, and minimizing projected attendance at the

convention center, the DGEIS severely underestimates traffic congestion. This also leads to a severe underestimate of mobile source pollution. These flaws must be rectified in the FGEIS.

Furthermore, given that there has not yet been a feasibility and effectiveness study on the proposed traffic mitigation measures, it is extremely optimistic to assume that changing the timing of traffic lights etc. is all that is required to lower dangerous levels of air pollutants. It is also a bit ridiculous to make assumptions about federal emissions standards in 2025 given that this is a highly politically charged issue on which there has not been easy compromise. Mitigation must be seriously studied before we assume it will make all the air pollution problems disappear.

We also note that relying upon a Tier I analysis and reserving the Tier II analysis for later in the process deprives the community of its ability to fully comment upon the DGEIS. When a Tier II analysis is done, it must consider the actual traffic speeds and congestion that are likely, rather than assuming that traffic will move at posted speed limits as is done in Chapter 22. We believe that a more realistic picture of the likely traffic will show worse levels of air pollution, not better. Furthermore, the discussion of likely bus retrofitting by the MTA completely ignores the presence of Greyhound, New Jersey Transit, and other commuter buses in the area. These bus fleets must be analyzed separately rather than assumed to have the same emission levels as MTA buses.

Does the parking facility analysis account for the proposed new bus garage? Does it account for existing private bus garages and layover zones? Does it account for the fact that the proposed new facility is not part of the Port Authority's capital plan and may very well not be built, or be built in a different location?.

Mobile Source Analysis, Vehicular Emissions (pp. 21-12 - 21-13)

The DGEIS does not consider emissions from idling vehicles other than buses and heavy duty trucks. This methodology is likely to severely underestimate the air pollution caused by cars and particularly light trucks that are mired in traffic during special events and rush hours. As for buses, the DGEIS appears to apply MTA bus emissions data to all buses present in the area, which completely ignores the Greyhound, New Jersey Transit, and other bus fleets that serve the area, primarily using the Lincoln Tunnel and the Port Authority Bus Terminal. Proper mobile source analysis must consider these other bus fleets and must properly account for idling vehicles.

Mobile Source Analysis, 2010 and 2025 (pp. 21-15, 21-22, 21-25 - 21-28)

The DGEIS assumes that carbon monoxide emissions rates will be affected by decreases in future year emissions due to more stringent regulations. What does the DGEIS assume will be the average fuel efficiency of the cars, light trucks, buses, and heavy trucks that are expected to be present in the Project Area? How is the total fleet assumed to be allocated among each type of vehicle? Does the DGEIS assume that the 2010 and 2025 fleets will be allocated among vehicle types the same way that they are now, or does it take account of the continuing growth in SUV sales? If it does not, it should, for both carbon monoxide and particulate matter analysis.

The 2025 Future with Additional Bus Service only considers additional MTA buses, it does not include buses in other fleets, such as New Jersey Transit and Greyhound. This omission must be rectified. We are also surprised that the bus service additions are only included in this special section, rather than in the standard 2025 analysis. Why was this separated out? Are additional sanitation trips included in the standard analysis? Are additional truck trips to the expanded Convention Center? Is there anything else that has been omitted from the standard analysis?

Truck Marshalling Path (pp. 21-33 - 21-34)

The DGEIS does not consider the air quality effects of the truck marshalling path because the Convention Center is "not publicly accessible." This is an unacceptable omission, given that many shows at the Convention Center are open to the public and the Convention Center itself is a facility to be built with public money for public purposes. Given that much of the rationale for the Proposed Action is to expand attendance at the Convention Center, we certainly need to know whether the air at the Center will be safe to breathe.

Air Toxics Analysis - Health Risk Assessment (p. 21-49)

We are concerned that the analysis considers only the carcinogenic effects of toxic air pollution, and does not address other health concerns such as respiratory illness and risk to fetal development. What non-carcinogenic health risks are related to the pollutants found in the study area, and will any of the pollutants be present in high enough quantities in 2010 or 2025 (with the Proposed Action) to trigger these effects?

Air Toxics Analysis - Impact on Potential Development Sites (p. 21-50)

The EIS notes that the existing industrial uses south of Penn Station, coupled with the possibility of further industrial development of the area, could generate air pollution bad enough that new buildings on nearby Potential Development Sites must be built with inoperable windows and no air intakes. What will be done to protect workers and residents in existing buildings in this area? Might pedestrians in this area be harmed by the air pollution? What about outdoor workers, such as newsstand operators and street vendors? Must they be barred from this area?

CHAPTER 22 – NOISE AND VIBRATION

Methodology (pp. 22-2, 22-4, 22-24, 22-26, 22-29, 22-31)

Complete information about the extent of noise impacts and the amount of mitigation required will not be available until the Final EIS is released. The DGEIS's noise assessment assumes that traffic will be moving at posted speed limits despite the findings in other chapters. Without information about the noise generated when traffic is backed up, we are unable to fully review the Proposed Action. We can only assume that noise will be <u>much</u> worse than is reported in the DGEIS.

We also note that this noise analysis relies on the assumption that most Jets fans are going to take public transit to reach the stadium, and that they will travel with more people in each car than

they do now. The analysis must be redone using more realistic modal splits and vehicle occupancy numbers.

Noise Impacts Avoidance and Mitigation (pp. 22-30 - 22-31)

Due to the extreme noise pollution caused by higher traffic volumes, the City is planning to place E Designations on every potential and projected development site in the Project Area. These E Designations essentially mean that buildings must provide alternative means of ventilation as workers and residents will find open windows unbearable. The EIS also mentions, in passing, that the City will have to provide mitigation to existing residential and commercial developments - basically giving out thick windows and air conditioning units. How many existing residents and businesses will be affected by the noise pollution caused by the Proposed Action? What is the potential cost of the mitigation project? How and when will it be implemented? Does the City plan to pay for the increased electricity bills of existing residents and businesses who will have to increase their air conditioning usage?

Although the DGEIS lists the acceptable noise levels for outdoor spaces in Table 22-2, nowhere does it study what the noise levels will be at the public open spaces that are part of the Proposed Action. Given that outdoor noise levels will exceed 80 dba at many locations, and that the acceptable noise level in many public parks is only 55dba, it is clear that the noise at these new parks could well be unbearable. There is absolutely no discussion of how noise will be mitigated at outdoor locations. This issue must be discussed in the FEIS.

Vibration - Existing Conditions (pp. 22-36 - 22-37)

The DGEIS concludes that only two locations - V1 and V4 - currently experience vibration levels that exceed FTA criteria. However, the study done by the applicant found that vehicles frequently hit the curb when entering the Lincoln Tunnel at site V7, and that this generates vibration levels up to 95 VdB - far in excess of the FTA criteria. Why was this site not included in the list of those currently experiencing vibration problems? Furthermore, the study found that when buses enter the Port Authority Bus Terminal near site V3, they generate vibration levels at 77 VdB. If buses enter the terminal at this location more than 70 times per day, which is likely, this too would exceed FTA criteria. Why was this site also not listed?

Future With the Proposed Action, 2010 and 2025 (pp. 22-37 - 22-38)

Although the DGEIS study shows that existing vehicular traffic already causes FTA Vibration Impact Criteria to be exceeded at several sites within the Study Area, the DGEIS does not consider the effect of additional vehicular traffic on vibration conditions. Instead, it considers only the effect of the Number 7 subway extension. The FEIS should study the effect of traffic growth on vibration conditions experienced throughout the Study Area, and particularly along the major thoroughfares.

CHAPTER 24 – PUBLIC HEALTH

General Concerns

Despite the finding on Page 21-50 that several Potential Development Sites are so close to polluting industrial sources that they will have to have inoperable windows and no outside air intakes, the effects of these toxic emissions are not discussed in the chapter on Public Health. The FEIS must contain an analysis of how these toxic emissions will affect people on the streets and sidewalks south of Penn Station, including people who work outside. The Public Health chapter should include a discussion of the health risks posed by toxic industrial emissions.

Construction Impacts, 2010 (pp. 24-8 - 24-9)

The DGEIS states that there will be no significant adverse impact on public health due to peak construction activities even though PM 2.5 standards will be exceeded. We are particularly concerned about the effects of spikes in PM 2.5 on those with asthma and other respiratory illnesses, given that it can aggravate asthma, increase respiratory symptoms like coughing and difficult breathing, cause chronic bronchitis, decrease lung function and hasten death. Although the DGEIS discusses 24-hour and annual averages, we request a discussion of spikes and their likely health effects. We also ask for an analysis of how the increased PM 2.5 levels will affect particularly vulnerable populations, including the elderly and those with asthma.

Mobile Source Pollution (pp. 24-9 - 24-11, 24-13 - 24-14)

The DGEIS states that the massive traffic congestion caused by the Proposed Action will not have any significant adverse impact even though the Tier 1 analysis that is has done shows that PM 10 and PM 2.5 models would exceed recommended levels. The reasoning is that a Tier 2 analysis, which has not been done, will generate better results. This is a huge and dangerous assumption given the adverse health affects of particulate matter. Without seeing the results of the Tier 2 analysis, we are unable to adequately comment on this issue.

The DGEIS, in its discussion of Solid Waste Management Practices also notes that hundreds of additional tons per day of solid waste will be sent to the 59th Street Marine Transfer Station. Have traffic and air quality studies taken into account the additional truck traffic due to solid waste removal?

In its analysis of mobile source pollution, the DGEIS assumes that 70% of Jets fans are going to use public transit to get to the stadium and that they are going to pile more friends into their cars than they do now. That is ridiculous. The analysis should be repeated using more realistic modal splits and vehicle occupancy numbers.

Noise and Vibration (pp. 24-11, 24-14)

We disagree with the conclusion in the DGEIS that E Designations that require inoperable windows and no outside air intakes will adequately address the public health concerns related to noise. The E Designations will do absolutely nothing to mitigate noise and vibrations outside on the City's streets and sidewalks and in all of the new public spaces that the applicant expects to

create. The FEIS should address the effects of noise on people outside - including those walking to and from work and shopping, those who work outside like street vendors and traffic officers, and people using City parks and playgrounds. Also, the FEIS must contain more information about how windows and air conditioners will be paid for and provided to existing residents.

We are also concerned that the DGEIS does not adequately study the effect of noise on public health, as it is based on the assumption that traffic will be moving at posted speed limits. The actual noise levels generated by the Proposed Action are likely to be much greater than those predicted in the DGEIS.

CHAPTER 23 – CONSTRUCTION IMPACTS

General Comments

The DGEIS calls for a long list of mitigation measures, many of which involve significant construction work. Given that these measures are a necessary consequence of the Proposed Action, their construction impacts must be studied as well. What will be the effect on subway riders of construction in four heavily used subway stations? (The DGEIS calls for installation of nine new escalators, eight new staircases, and one new turnstile, and widening of six additional staircases.) What will be the traffic, noise and vibration effects of installation and widening of so many water and sewer mains? Where are the new electric substations, firehouse, and school likely to be located, when are they likely to be built, and what will be the effects of their construction? How will traffic and pedestrians be affected by the widening of so many sidewalks, crosswalks, and corners? What about the installation of the new pedestrian crossing on Eleventh Avenue and the construction of the two new pedestrian overpasses on Route 9A?

Neighborhood Character (pp. 23-47 - 23-48, 23-90 - 23-91)

We refer you to our discussion of Chapter 12 regarding the DGEIS's mischaracterization and underestimation of our neighborhood.

Historic and Archaeological Resources (p. 23-91)

See response to Chapters 9 and 10.

Socioeconomic Conditions (p. 23-49)

The DGEIS predicts that there will be significant lane and sidewalk closures along West 40th Street and West 41st Street, nearby to residences, stores, and community facilities. The closures would obstruct pedestrian, resident, and truck access and obstruct signage. Nevertheless, the DGEIS concludes that this would result in no significant adverse impacts to these homes, businesses, and facilities. It is inconceivable that a four years of construction and lane and sidewalk closures would not negatively affect residents and businesses (see for example the Time Warner Center construction project) and the FEIS must admit this.

Open Space (p. 23-50)

The DGEIS fails to consider the effects of construction on non-Parks-owned community open spaces: HKNA's Bird Park, Bob's Park and the 39th Street Dog Run and the 34th Street Community Garden. It also fails to consider the effects of construction on the Hudson River waterfront. The FEIS must include an analysis of these elements.

Traffic (pp. 23-51 - 23-62, 23-91 - 23-93)

By limiting the study area to and area bounded by 24th Street, 43rd Street and Eighth Avenue, the DGEIS fails to study the effects of construction on traffic further north, south and east. This is inadequate, given that traffic jams can cause backups miles away. At the very least, the DGEIS must consider longer stretches of Route 9A, 34th Street, and 42nd Street. It must also consider the effects on river crossings, given that all construction material deliveries will originate outside of Manhattan and all rock spoils must be taken out of Manhattan. We remind the applicant that construction of just one building, the Time Warner Center, required special regulation of river crossings and use of a temporary concrete mixing facility because security at river crossings made timely delivery of construction materials exceedingly complicated.

The traffic analysis does not consider the effect of construction in Lower Manhattan. The DGEIS must analyze how massive construction projects both downtown and in the Hudson Yards area will together affect the river crossings and Route 9A.

Again, we note that it is utterly fantastic to believe that the No. 7 train will begin operation in 2010. The traffic analysis must be redone using a more realistic timetable.

The DGEIS assumes that private development will be evenly spread out over a 15 year period. It seems more likely that development will occur in cycles, and that some years will have more construction than others. The applicant must consider how many buildings are likely to be under construction during a peak development year, and use that number for its analysis. We believe that the bond financing does not presume even, steady development, but expects highs and lows. Why are the same assumptions not used for the DGEIS?

See also our response to Chapter 19.

Impacts, Air Quality (pp. 23-63 - 23-74, 23-94)

The DGEIS analysis of air quality related to construction activities does not consider the cumulative effect of other sources of air pollution, including the increased traffic in the area due to the Hudson Yards development, and the concurrent construction activities in Lower Manhattan. For the DGEIS to be adequate, it must add together the effects of various sources of air pollution. In particular, there must be an off-site mobile source analysis performed for the locations likely to suffer the worst combined effects, which we suspect will be the Lincoln Tunnel entrances and exits.

We are very concerned that the construction activities, even with all the proposed mitigation measures and without considering cumulative impacts, will still cause an unacceptable increase

in PM 2.5. The DGEIS notes that the applicant will consider further mitigation possibilities, but there is no reason to believe there is anything they can do that they haven't already come up with. We also note that we are unable to fully analyze the DGEIS without these promised studies.

We echo the request of Manhattan Community Board No. 1, expressed in its response to the DEIS for the Fulton Street Transit Center, urging that ongoing air quality and contaminated materials be constantly monitored during the years of construction in order to insure that proper steps are actually taken to minimize mobile and stationary source pollution. We also support on-site emissions testing of diesel machinery to ensure compliance with contracts and with the law. Air quality and emissions data should be posted on a website and frequently updated. The applicant's plan relies heavily on the assumption that low-sulfur fuel will be used and a variety of steps will be taken to reduce emissions. This will require constant monitoring.

We also echo the request of Manhattan Community Board No. 1 that the City enforce the idling laws with respect to construction vehicles and trucks and manage the construction schedule to avoid idling.

See also our comments on Chapter 21.

Impacts, Noise and Vibration (pp. 23-74 - 23-84, 23-94)

Again, the DGEIS fails to consider the cumulative impacts of all the different aspects of the Proposed Action that contribute to noise pollution and vibration. The DGEIS must add up the effects of regular traffic, construction activity, and construction vehicles.

It is not enough that the applicant is "considering" noise mitigation measures such as using walled enclosures, muffling devices, doing noisy work during the day, and using alternative construction methods. Rather, these mitigation measures must be required when construction is to take place near noise sensitive receptors. As the applicant notes, construction will go for many years and will be extremely noisy. Without appropriate mitigation, our neighborhood will become unliveable.

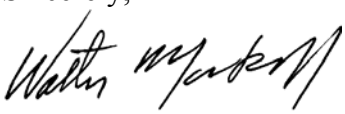
See also our response to Chapter 22.

Impacts, Natural Resources (pp. 23-84 - 23-85)

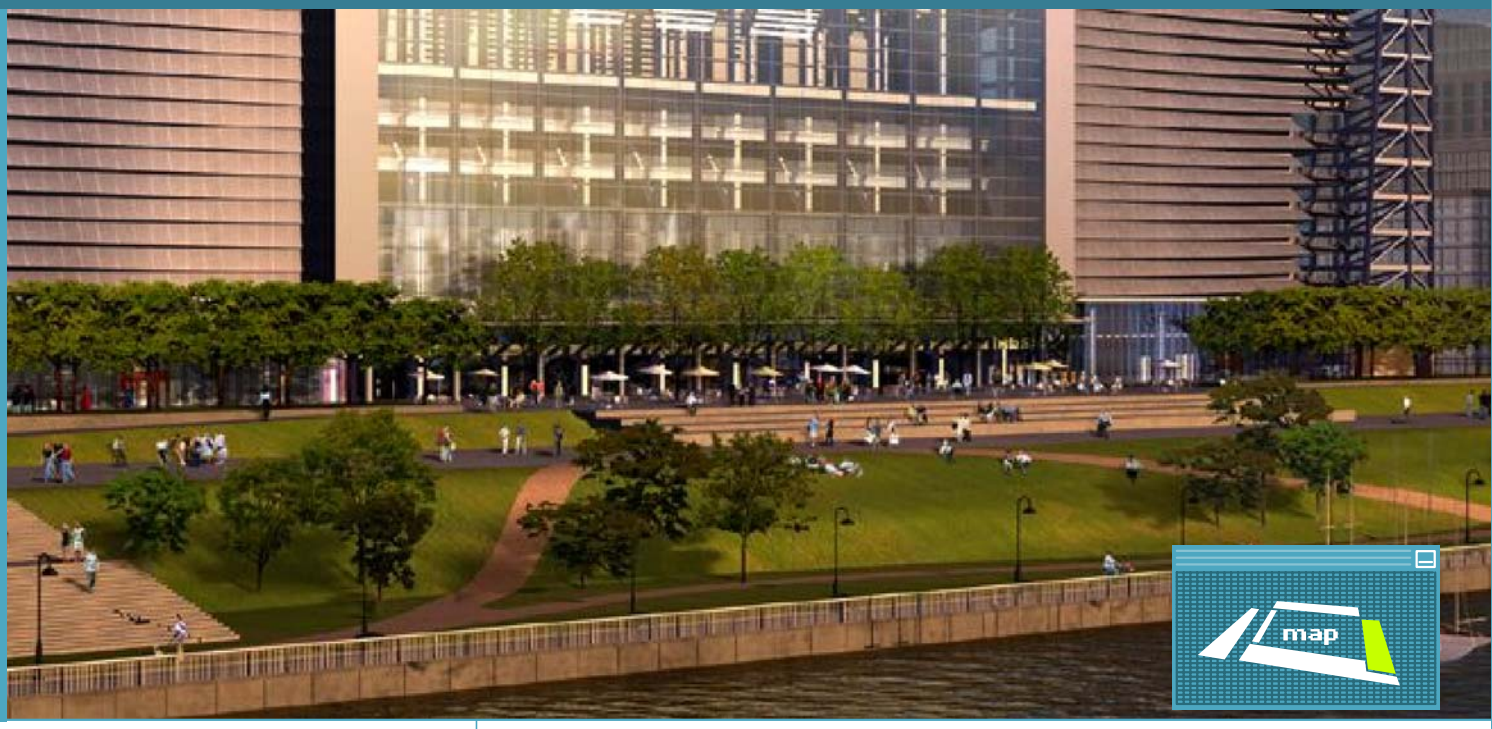
We disagree with the applicant's conclusion that there is no alternative that would limit construction within the floodplain. This is only due to the extremely narrow and specific crafting of the project goals. We believe that there are clearly alternative development paths for this neighborhood, and that these would require less construction in the 100 year flood hazard zone. In particular, we take issue with the applicant's conclusion that the stadium could not be built anywhere in New York other than the Hudson Yards area, especially given that NYC 2012 has considered numerous alternative locations throughout the five boroughs.

Thank you for this opportunity to provide comments and to submit recommendations on this very important study. We look forward to a final EIS document that addresses the concerns raised herein.

Sincerely,



Walter Mankoff
Chair



Public Spaces

The Hudson Terrace

Riverfront views, restaurants, landscaping, and a café reminiscent of the 70th Street Boat Basin in Riverside Park combine to create a scenic new spot to watch bikers, kayaks and boats stream past. The promenade over 12th Avenue also gives the neighborhood an important