



Hudson River Park Trust

Pier 57 Response to Comments Received During Significant Action Process March 28, 2016

Hudson River Park Trust (the “Trust”) Public Hearing, Comment & Review

On December 17, 2015, pursuant to the Significant Action process mandated by the Hudson River Park Act (as amended, the “Act”), the Trust issued a Public Notice inviting public review and comment regarding the proposed Lease between the Trust and Super P57 LLC (as proposed, the “Lease”), and the proposed amendment to Hudson River Park’s “Multi-Purpose General Project Plan”, either in writing or at a public hearing scheduled for January 20, 2016. The Notice was posted on our website, emailed to Community Boards 1, 2, and 4; New York City (“NYC”) and New York State (“NYS”) elected officials representing neighborhoods adjacent to the Park; the Hudson River Park Advisory Council; the Planning Commission of the City of New York; and other interested groups and individuals. The Notice was also advertised in the City Record, New York State Contract Reporter, New York Post, and Chelsea Now. Additionally, a Notice of Disposition of Real Property by Lease was also provided to the NYS Comptroller, the NYS Division of Budget, the NYS Senate Majority Leader, the NYS Assembly Speaker, the NYS Office of General Services and the NYS Authorities Budget Office in accordance with the requirements of the NYS Public Authorities Law. The Trust’s public comment period remained open until February 16, 2016.

To facilitate public review, written materials concerning the proposed redevelopment of Pier 57 including the Lease, the proposed amendment to the General Project Plan, and environmental review documentation have been available on the Trust’s website since December 17th.

At the January 20, 2016 public hearing, 16 members of the public spoke. In addition, the Trust received nine written comments during the public comment period. The following is a summary of the comments received and the Trust’s responses.

Summary of Comments in Support

Wendi Paster, commenting on behalf of NYS Assembly Member Richard N. Gottfried, spoke in support of the project, noting that the intent of it is to redevelop the pier as a mixed-use facility that would generate income for Hudson River Park (the “Park”), as

well as create significant new public open space. She noted the project is superior to the current vacant pier, and acknowledged the long effort that had gone into it to date.

Community Board 4 provided testimony at the public hearing in support of the project, noting that the Trust has kept the Community Board members up to date as plans progressed. Community Board 4 also provided written comments with several specific requests that are summarized below.

Bob Trentlyon referenced his long involvement with planning for the Park and Pier 57. He stated that the proposed redevelopment would be a much better use of the Pier 57 space than prior uses of the space. He added that it would be good for both New York and the Chelsea neighborhood.

Friends of Hudson River Park indicated support on the basis of the increased revenue for the Trust, an enhanced park experience for Park patrons, and the utilization of a currently underutilized space.

Comments reflecting full support for the Pier 57 redevelopment came from the Fulton Tenants Association, David Polakoff, and Joseph Sanderson.

Summary of Other Comments and Responses:

A. Employment

- 1. Comment:** Ray Reyes, commenting on behalf of 32BJ SEIU, urged that the Trust, the redevelopment contractors, and the new Pier 57 tenants ensure that high quality janitorial and security jobs paying the prevailing wage be created and sustained.

Response: The tenant has agreed to pay prevailing wage for base building services provided by the tenant, including janitorial and security services, as suggested by the commenter.

- 2. Comment:** Community Board 4 indicated that the Trust and the operators of Pier 57 should focus on hiring local residents, for both the construction and operation phases of the project; and that, for future art installations at the site, priority should be given to artists residing or working in the Clinton, Hell's Kitchen, and Chelsea districts.

Response: The tenant has agreed to support local hiring and to encourage application by local residents by listing employment opportunities on the jobs portal on the website of Community Board 4. The tenant will encourage its tenants to similarly prioritize local hiring. The tenant has also agreed to seek to

place local artists residing or working in Clinton, Hell's Kitchen, and Chelsea, for any future art installations by the tenant at the site.

B. Length of Lease

3. **Comment:** Alison Tupper, speaking on behalf of the Sierra Club and herself, indicated that the Trust should not be entering into leases longer than the 30 years originally authorized by the Act.

Response: The 2013 Amendment to the Act authorizes the Trust to enter into a longer lease at Pier 57. The proposed maximum length of the lease, consistent with the Amendment, has been duly identified and authorized by the Governor, the Mayor, the Temporary President of the Senate and the Speaker of the Assembly after consultation with the members of the NYS Assembly and the NYS Senate representing the Pier 57 area. Further, the NYS Office of Parks, Recreation and Historic Preservation and NY State Department of Environmental Conservation, as the fee property owners, have approved the proposed lease term.

C. In Water Uses

4. **Comment:** The Steering Committee of the Historic Ships Coalition raised concerns about the length of time provided in the lease for the landlord to determine whether or not to pursue the In-Water Areas Option, asserting that a 10-year option means that, should the tenant choose not to establish maritime uses for the in-water areas, no other party would be able to do so, except by negotiating a temporary use with the landlord.

Response: As shown in Exhibit E to the Lease, the In-Water Option Areas do not include areas directly abutting the pier. The tenant would have the ability to use the area abutting the pier for boating and/or maritime uses without exercising the In-Water Options, provided other applicable requirements of the Lease are met. Such requirements include, but are not limited to, ensuring that all necessary permits and governmental approvals are secured, and a determination by the Trust that the use(s) do not interfere in any material respect with the public's ability to use and enjoy the adjacent public open space. In addition, the lease prohibits the "docking, servicing and/or boarding of maritime vessels having a capacity greater than forty-five (45) passengers for use as dinner boats and/or entertainment or recreational cruises" in accordance with commitments made during the ULURP and environmental review processes for the project.

D. Environmental Objections

5. **Comment:** Alison Tupper, on behalf of herself as well as the Sierra Club, indicated that the proposed project would encourage even more development on the Hudson River, which must be protected against such development.

Response: There is no basis for this claim. Pier 57 already exists and is a designated historic structure – it is listed on the State and National Registers of Historic Places. Under the Lease, the pier would be preserved and repurposed with uses permitted under Hudson River Park Act. The project’s potential to affect the environment including the Hudson River was thoroughly and properly assessed in accordance with all applicable environmental laws.

6. **Comment:** Alison Tupper, on behalf of herself as well as the Sierra Club, indicated opposition to the extension of Pier 57 to the north and south, because such extension would cause additional damage to the ecosystem of the near-shore waters. She also asserted that the Park is a habitat nourishing major fisheries on the Atlantic Coast, which are creators of jobs and food, and must be protected from intrusions such as landfill, platforms and floating structures.

Response: There is no basis for the claim that damage would occur. The potential for the proposed project to adversely affect the ecosystem including near shore waters was examined in detail in the project’s Environmental Impact Statement, and no significant adverse impacts on natural resources were identified. Since then, both the US Army Corps of Engineers (“Army Corps”) and NYS Department of Environmental Conservation (“DEC”) have issued permits for the in-water construction that would occur as part of the proposed project. Further, the referenced platforms which were the subject of these approvals were anticipated and approved in Hudson River Park’s original permits received from the DEC (#2-6299-00004/00001) and the Army Corps (#1998-00290) in 1999 and 2000, respectively, and would be used as public open space. Before issuing such permits, both DEC and the Army Corps conducted comprehensive reviews of proposed construction in Hudson River Park in accordance with laws and their respective agency requirements.

7. **Comment:** Marcy Benstock, on behalf of the Clean Air Campaign Incorporated and Open Rivers Project (the “Clean Air Campaign”), and Margaret “Bunny” Gabel, on behalf of Friends of the Earth, urged that all of the Trust’s projects be weighed as a whole in order to assess the overall environmental impact, as opposed to being assessed separately. Ms. Benstock stated that the Technical Memorandum dated December 8, 2015 (the “Technical Memorandum”) gravely understates the project's potential environmental impacts by comparing the increase in harmful impacts only to a 2013 State Environmental Impact Study

prepared for an old Pier 57 proposal alone—instead of comparing adverse individual and cumulative impacts upon what exists in the Hudson River today (in the empty Pier 57 buildings and in the near-shore waters of the Hudson River), and what exists on the adjacent uplands today – the bikeway, walkways, green open space, Route 9A highway and cross streets, and buildings nearby.

Response: The commenters are incorrect in their understandings of the environmental analysis that was completed. Further, they have not identified, much less substantiated, any significant adverse impacts associated with the proposed modifications. The project was thoroughly analyzed pursuant to SEQRA and its implementing regulations, guided by New York City’s City Environmental Quality Review (CEQR) *Technical Manual*, which provides methodologies and impact criteria appropriate for evaluating a proposed project in New York City. Subsequent to the comprehensive Environmental Impact Statement, in accordance with SEQRA and CEQR, the Trust undertook an additional environmental review to assess the potential environmental effects from the introduction of office use in place of a portion of the retail uses previously assessed, as well as some modifications to the interior and exterior of the pier. The additional review also considered a change to the project’s build year, which accounted for changes in background growth and the potential for cumulative impacts, including from nearby construction. That review, contained in the Technical Memorandum, which was made available on the Trust’s website as part of the Significant Action process, concluded that no significant adverse impacts would occur as a result of these modifications. Accordingly, no further environmental review is required.

8. **Comment:** Tom Fox asked whether the planned Pier 55 is being factored into Pier 57’s environmental and other analyses, due to the projects’ spatial and temporal proximity, or if the two projects are being assessed independently.

Response: As indicated above and in the Technical Memorandum, both the Pier 54 redevelopment (called “Pier 55”) and the Pier 54 Connector Project were recognized and factored into the environmental review of the Pier 57 redevelopment project.

9. **Comment:** Bunny Gabel, on behalf of Friends of the Earth, suggested that both the construction process and the increased water coverage of the new marinas would cause damage to the surrounding aquatic habitat, which sustains over 100 species, including endangered species.

Marcy Benstock, on behalf of the Clean Air Campaign, stated that upholding the Clean Water Act and preserving and protecting the physical integrity of the river habitat, including the Pier 57 premises, is essential for sustaining over a hundred

species of living marine resources, such as valuable recreational and commercial fisheries, endangered species, marine mammals, and shorebirds.

Response: There is no basis for the claim that damage to aquatic habitat including to fish species, marine mammals, shorebirds or endangered species would occur. The potential for the proposed project to adversely affect the ecosystem including near shore waters was examined in detail in the project's Environmental Impact Statement, and no significant adverse impacts on natural resources were identified. In addition, since then, both the Army Corps and NYS Department of Environmental Conservation have approved the limited in-water construction that would occur as part of the proposed project.

10. Comment: Bunny Gabel, on behalf of Friends of the Earth, indicated that the increased traffic in the area surrounding the pier will increase air pollution in the area, adding that the "further quantified analysis" for appropriate peak hours has not been provided to the public.

Response: The commenter is incorrect. Both the comprehensive Final Environmental Impact Statement for which a Notice of Completion was issued by the Trust on February 22, 2013 as well as the Technical Memorandum have been made available for the public's review. Those documents included identification and analysis of peak hours for traffic as well as an analysis of air quality, as required under SEQRA and CEQR.

11. Comment: Mel Stevens asserted that the project would violate the Clean Water Act. Marcy Benstock, on behalf of the Clean Air Campaign, asserted that the environmental review undertaken in connection with the project violates federal and state laws by ignoring preferable alternatives.

Response: The commenters are incorrect, as evidenced in part by the fact that regulatory approvals for the project have already been received by federal and state agencies responsible for permitting of in-water construction. Moreover, the NYS legislature has specified the uses permitted within the Park including at Pier 57 specifically. In addition, the FEIS published in 2013 contained an alternatives analysis in conformity with SEQRA and CEQR.

12. Comment: Marcy Benstock, on behalf of the Clean Air Campaign, stated that the project would help to destroy a critical marine and estuarine habitat, especially in open water areas, along with the coastal fisheries. She further stated that the inclusion of open water areas in the premises would allow Pier 57 to be linked to the new Pier 55 to the south, and Chelsea Piers to the north.

Response: There is no basis for the claimed destruction of critical aquatic habitat; see the responses to comments 6 and 9 above. Moreover, the new

esplanade platforms and additions to the perimeter walkway abutting the headhouse, which are the only elements that would provide linkages towards other portions of the Park to the north and south of Pier 57, were anticipated and in fact approved in the Park's original park-wide permits dating from 1999 (NYSDEC) and 2000 (Army Corps). The new platforms and walkway additions that were assessed and permitted are within the footprints approved for those structures at that time.

- 13. Comment:** Marcy Benstock, on behalf of the Clean Air Campaign, asserted that the Pier 57 location is within a non-attainment area for ozone under the federal Clean Air Act, and in a maintenance area for PM2.5, and that therefore the Army Corps and/or the Environmental Protection Agency must prepare and release to the public a new, current general conformity applicability analysis that considers all direct and indirect sources of emissions in accordance with 40 CFR 93.153, along with a full conformity determination for all relevant pollutants or precursors.

Response: The Army Corps issued a Nationwide Permit on December 4, 2013 for the project. A conformity determination was not required for that Nationwide Permit.

- 14. Comment:** Community Board 4 expressed appreciation for the project's willingness to explore the use of solar voltaic collectors as part of the roof installation; in addition, the Community Board urged the Trust to consider constructing small wind turbines as well, noting that both would save on the cost of electricity use at the pier and also serve as educational examples to others if installed in this prominent location.

Response: The tenant has reiterated its interest in continuing to explore ways that alternative energy sources such as solar voltaic collectors, can be installed as part of the roof installation while still being consistent with the Secretary of the Interior's Standards with respect to eligibility for historic tax credits. The tenant is currently seeking to utilize solar powered lighting and trash compacting, and is exploring additional opportunity to utilize solar collection. The tenant does not consider wind turbines to be feasible based on cost and regulatory requirements.

- 15. Comment:** Community Board 4 suggested that the project find a way to capture and beneficially use rain water (for gray water for cleaning, watering plantings, HVAC water supply and the like) for the operation of the pier.

Response: The tenant is planning to capture and beneficially use rain water for use in watering plantings on the roof of the development. The lawns of the rooftop park were designed with a wicking irrigation system rather than a

traditional pop-head sprinkler system. The wicking system will reuse rain water for irrigation following a storm, and reduce water waste caused by evaporation and overspray when drip irrigation is activated between rain events.

E. Damage from Weather & Climate Change

16. Comment: James A. Paul commented that it does not make sense to build out into the Hudson River, because sea levels will rise as a result of climate change and hurricanes and other storms will become increasingly violent over time. Andrew Lawrence commented that putting such a project in the flood zone, in light of climate change, is a calamity. Pat O’Connell commented that, in light of climate change, it is irresponsible to go forward with this project, which represents short-term thinking. He further suggested that the only sensible thing to do is to tear down the building so that no one is put in danger from rising sea levels.

Response: The project involves the rehabilitation and reuse of a publicly owned, existing historic structure listed on the State and National Register of Historic Places. Demolition of such a structure is an untenable option. In particular, the project cannot change the elevation of the pier structure, and alterations must preserve the building’s historic integrity.

Nonetheless, flood protection measures for the historic structure would be implemented, accounting for the projected effects of climate change. Specifically, the project would include provisions for installing flood barriers around the perimeter of the pier on an as needed basis (i.e. before predicted storm events). These flood barriers would be approximately 4 to 5 feet in height, and their design has been guided by FEMA flood maps. In addition, the project has been designed to locate mechanical space and other critical infrastructure (including chilled water plant, emergency generators, and fuel oil storage tank) on the roof of the headhouse, well above current as well as any anticipated future flood levels. The platform elevations for historic Pier 57 are above the existing 100-year flood elevation by approximately 0.03 feet for a small portion of the headhouse, 3 feet for the remainder of the headhouse, and 2 feet for the platform under the pier shed. Electrical service and the hot water boiler plant would be located inside the headhouse on the fourth floor. Other services would be located in the building above the current and anticipated future flood levels.

The three caissons and other components of the pier substructure are below the existing 100-year flood elevation; however, the caissons were expressly designed to be located within water. Projected sea level rise, based on NPCC data, is considered in planning for climate resilience. The lower portions of the Pier 57 platform that are less than 2 feet above the existing 100-year flood plain could

be vulnerable to flooding with sea level rise. However, with the 4 to 5 foot flood barriers these and all other portions of the project currently above the water would be resilient to more than 2 feet of sea level rise due to climate change.

17. Comment: Marcy Benstock, on behalf of the Clean Air Campaign, and Alison Tupper, on behalf of the Sierra Club and herself, asserted that the project puts people and property in harm's way, since it is located in the number-one highest risk hurricane evacuation zone on the river, and that development needs to be shifted away from the river in order to ensure public safety. In addition, Ms. Benstock stated that the project could potentially put roughly 4,000 people at a time in harm's way in the number-one highest risk hurricane evacuation zone on the Hudson River, instead of letting those people continue working, shopping, parking, and going about their business at higher, dryer, safer upland locations. She went on to assert that this stretch of the Hudson River is overdue for a hurricane worse than Katrina, and meteorologists cannot predict exactly where or when a hurricane will hit, or exactly what its localized impacts will be, that a 97-year lease for a string of Pier 57 LLPs to join the Trust in putting people in harm's way would allow the risks of gale-force winds in this area; driving rains, hail, blizzards or sleet; electrical fires; toppling buildings; power outages and more at this storm-damage-prone location to continue for at least 97 more years, and that there could be roughly 2,000 employees working either out in a building on top of Pier 57, or in the caissons beneath it, when the next big hurricane unexpectedly hits. She further stated that Governor Andrew Cuomo, New York City Mayor Bill deBlasio, and Manhattan Borough President Gale Brewer appoint the HRPT board of directors, and that protecting public safety is these public officials' prime duty, concluding that the only measure that's 100 percent effective to protect public safety in deadly coastal storms is shifting development away from public waterways.

Response: Design of the project takes into account potential sea level rise due to climate change and would include measures to address resiliency. See the response immediately above. In addition to the use of flood barriers for predicted storm events, the design of the project specifies the relocation of mechanical space and other critical infrastructure on the roof of the headhouse, well above current as well as any anticipated future flood levels.

In severe weather conditions, the pier would be treated as any other location along the coast during an emergency and closed or evacuated when necessary. Public access would not be allowed during weather conditions that would be threatening to public safety.

In addition to the sea level rise resilience measures described in the EIS (the use of flood barriers for predicted storm events), the project proposes to locate

mechanical space and other critical infrastructure on the roof of the headhouse, well above current as well as any anticipated future flood levels.

F. Public Access/Views to the River

18. Comment: Andrew Epstein indicated that, though the proposed pier shed is very pretty, it is not a good use of the river, because it will block the natural view that should be preserved. Alison Tupper, on behalf of the Sierra Club and herself; Bunny Gabel, on behalf of Friends of the Earth; Marcy Benstock, on behalf of the Clean Air Campaign; as well as Mel Stevens and Judith Frost asserted that the project will harm the public's ability to passively view the river.

Response: Pier 57 is a historic structure that already exists. No construction is proposed that would further block the public's views of the Hudson River. Instead, by allowing the public to use the new public open space that would be around the pier's perimeter, on the new esplanade platforms, and from the roof, notable additional views of the river will be provided.

G. The Project is Not Water-Dependent

19. Comment: Bunny Gabel, on behalf of Friends of the Earth, and James A. Paul asserted that the uses being proposed are not water-dependent, and so should be built on land rather than over water. Marcy Benstock, on behalf of the Clean Air Campaign, stated that the Clean Water Act prohibits siting projects which are not truly water-dependent in the water, and that the National Environmental Policy Act require that less environmentally damaging upland alternatives be honestly and objectively considered and selected when non-water-dependent projects and uses (like the Pier 57 project) are proposed for such marine and estuarine habitats as the Hudson River. She went on to assert that none of the uses proposed for the Pier 57 project truly need to be in the water.

Response: Pier 57 is part of a waterfront park created by New York State legislation and would be located on property owned by New York State. The basic purpose of the Project, and of the other park piers within the Park, could not be achieved without proximity to the River. The Park Act defines "water dependent use[s]", inter alia, to mean: any use that depends on utilization of resources found in the water section..." Pier 57 is a historic structure that already exists, and the Act allows the uses that are proposed. Accordingly, the Project meets the definition of water dependent under the Act.

Boat Traffic

20. Comment: David Polakoff stated that while the commercial interests of the NYC waterway remain vibrant and robust, recreational access and use of the Hudson River remains inadequate, both within and beyond Hudson River Park. He went on to express his pleasure that the proposed project includes marina facilities on both the north and south sides of Pier 57 while urging that this aspect of the project remain both intact and a priority, citing the tendency, in other redevelopment plans of the NYC waterfront, for marina facilities either to fail to materialize or to materialize in an altered and scaled-back fashion when compared to the Request for Proposals and approved drawings.

Response: Comment noted.

21. Comment: David Polakoff noted that the project plan includes a 30 - by 60 - foot water taxi landing that may be located on the northwest corner of the pier, and voiced support for ferry transportation on the NYC waterways, while at the same time lamenting the damage that ferries cause to such piers, as well as some of the challenges presented to shared waterway recreational and commercial traffic through the residual effects of ferry wakes. He therefore urged that the Trust prioritize the recreational vessels and marina over accommodation to commercial ferries by mandating wake-protection in the architectural and engineering designs, as well as in the awarding of the ferry concession.

Response: Comment noted. If the tenant advances plans for waterborne transportation, any such plans must be submitted to the Trust for review and approval prior to seeking regulatory approvals. In reviewing such plans, the Trust will consider the commenter's opinions regarding the shared use of waterways and appropriate in-water infrastructure to support the proposed uses.

22. Comment: David Polakoff noted that the project plan favors small, recreational watercraft, and urged that such slip accommodation remains intact, such that the facility does not favor the mega-yacht community, but rather waterway access for the average sailboat or motorboat.

Response: The Lease prohibits "docking, servicing and/or boarding of maritime vessels having a capacity greater than forty-five (45) passengers for use as dinner boats and/or entertainment or recreational cruises." In addition, the Act prohibits dredging so this restriction would further limit the placement of large vessels. Otherwise, no detailed planning for the specifics of a marina has occurred beyond the assessment of its potential impacts in the environmental review.

23. Comment: The Steering Committee of the Historic Ships Coalition stated that mooring of vessels will be impossible if no mooring hardware is installed or structurally supported in construction of the Mandatory Perimeter Public Access Walkways, and that the walkways themselves need to be built to withstand the forces of moored vessels. It urged that if such elements are not immediately installed, adequate space must be allowed for cleats and bollards to be added later; and that fences installed along the walkways must be equipped with gates to allow future gangway access. It added that if these issues are not addressed in the original design and construction of the walkways, adding them later could prove cost-prohibitive.

Response: Although there are no current plans for docking vessels along the pier perimeter, the rehabilitation being performed by the Tenant will allow for future installation of structures to permit vessel docking or mooring.

24. Comment: The Steering Committee of the Historic Ships Coalition urged the Trust to require –apart from the Lease conditions – the installation of cleats and bollards that would allow the pier to be evacuated by water in case of an emergency.

Response: The pier design will not preclude a vessel from docking alongside the pier in the case of a true emergency.

25. Comment: Tom Fox asked whether there will be a marina as part of the Pier 57 development, and if so, where it will be located, what type, and how large it will be?

Response: The environmental effects from a potential marina with 141 slips were assessed in the FEIS, and the marina was further included in the approved ULURP process. The location and maximum dimensions of it are shown in Exhibit E to the Lease and govern until such time as the tenant proposes to advance plans for a marina. At that time, the Lease requires compliance with environmental and regulatory laws and processes, as well as the Trust’s approval. Among those requirements would be the obligation to secure construction permits from regulatory agencies, since current permits do not include marina construction.

H. Financial Responsibility

26. Comment: Marcy Benstock, on behalf of the Clean Air Campaign, asserted that the proposed lease represents capitulation to financial speculators, backdoor borrowing, and the kind of high-risk, complex financial schemes that nearly

bankrupted New York in the 1970's, and led to the financial collapse of 2008; that it will transfer financial risk to the taxpayers and the general public; that it will reward the wealthy, donors, bundlers, investors, and lobbyists, at the expense of many; and that some developers and tenants will be exempt from normal real estate taxes, which is unfair to those who would benefit from this tax revenue.

Response: There is no basis for this comment. Under the Lease, the tenant is responsible for funding and restoring the building and making other investments in the property and identified adjacent park areas in addition to paying rent to the Trust to support the operations and care of Hudson River Park as intended by the Hudson River Park Act.

I. Traffic

27. Comment: Bunny Gabel, on behalf of Friends of the Earth, stated that the Trust relied on the 2013 Final Environmental Impact Statement, but that it is not the standard by which traffic must be judged; rather, the proposed modifications should be compared to the present actual traffic counts and conditions for a valid comparison and true reading of how traffic will increase, because the earlier proposal for use of this space was retail, and the now-proposed office use will increase rush hour traffic. She notes that page 23 of the Technical Memorandum points to potential traffic problems at the intersections of Route 9A and 16th and Route 9A and 17th Streets, and says that these study intersections were identified for further quantified analysis for the peak hours, but that such study has not been provided to the public.

Response: The commenter is incorrect in her understanding of the analysis conducted in respect of traffic. Please see the attached memorandum from AKRF, Inc. in response to this comment.

28. Comment: Bunny Gabel, on behalf of Friends of the Earth, expressed concern about the potential for heavy traffic to be created by the project, due to the planned construction of office space, shopping areas, and entertainment venues on a pier that is primarily accessed by a major highway, where cars wishing to access the new attractions will be piled up, asserting that this situation will adversely affect the air quality of the nearby neighborhoods as well as worsening west side Manhattan traffic. She went on to claim further traffic issues already created by new attractions like the High Line, the Whitney Museum, enlarged Chelsea Market, and the Meat Market nightlife venue, which are in addition to the proposed Pier 55 project, and the existing traffic into Chelsea Piers, as well as a large number of additional developments, identified in the Technical Memorandum as tending to increase traffic. She also doubted the continued

relevance of the traffic estimates in the Technical Memorandum, suggesting that there will be far more traffic-inducing uses coming to the area in the near future.

Response: Please see the response to the comments 7, 8, and 27. The environmental review conducted for the project properly included an analysis of potential No Build projects.

29. Comment: Marcy Benstock, on behalf of the Clean Air Campaign, stated that the change in use for Pier 57 from retail- to office- use would greatly increase traffic jams, traffic accidents, and noise compared to current numbers and current noise levels in the Pier 57 vicinity.

Response: The Technical Memorandum dated December 8, 2015, and made available on the Trust's website as part of the Significant Action process, included an assessment of the change in use from retail to office for a portion of Pier 57, among other areas. Rather than increasing traffic as the commenter claims, the use change generally results in less traffic than the retail use. The exceptions are properly identified and assessed in the Technical Memorandum, and no new significant adverse impacts would occur as a result.

The Technical Memorandum concluded that the proposed modifications to the project would not have the potential to result in any unmitigated significant adverse impacts in any of the technical areas that contribute to neighborhood character (land use, urban design, visual resources, historic and cultural resources, socioeconomic conditions, shadows, open space, transportation, and noise), and thus the proposed modifications would not result in any significant adverse impacts related to neighborhood character.

30. Comment: Community Board 4 proposed that the lease include stipulations that the vast majority of the deliveries would be completed overnight so as to minimize potential conflicts with the bikeway.

Response: The Tenant has committed to require retail/market subtenants to provide that deliveries be made during the overnight period, to the extent practicable. Tenant will work with all other subtenants to schedule deliveries overnight if commercially feasible. Moreover, the Tenant will remain responsible for removing trash and recyclables from the building and has committed to doing so during the overnight period.

31. Comment: Community Board 4 stated that the Trust needs to comply with its commitment as part of the Final Environmental Impact Statement to install a split phase signal at 10th Avenue for the vehicles turning westward on 15th Street.

Response: There was no commitment to install a split phase signal as part of the FEIS for Pier 57, nor was such a signal required by the environmental analyses or NYC Department of Transportation, which has jurisdiction over such traffic signals. Nevertheless, the Trust is willing to work with the NYC Department of Transportation to explore the installation of such a signal.

J. Noise

32. Comment: Bunny Gabel, on behalf of Friends of the Earth, asserted that noise is already an issue for residents in the area, and that this project, especially the new rooftop access, will only increase the noise problems.

Response: As indicated above and in the Technical Memorandum, it was concluded that the proposed modifications to the project would not have the potential to result in any unmitigated significant adverse impacts in any of the technical areas that contribute to neighborhood character (land use, urban design, visual resources, historic and cultural resources, socioeconomic conditions, shadows, open space, transportation, and noise), and the proposed modifications would not result in any significant adverse impacts related to neighborhood character.

The proposed changes would also not result in any unmitigated significant adverse impacts in the areas of air quality, water quality, hazardous materials, or noise, and therefore it would not result in any significant adverse impacts related to public health.

K. Aesthetics

33. Comment: Marcy Benstock, on behalf of the Clean Air Campaign, and Bunny Gabel, on behalf of Friends of the Earth, opined that the proposed pier shed is ugly.

Response: Comment noted.

L. The Pier Should Be Dedicated to Cultural Uses

34. Comment: Jirina Ribbens, on behalf of Ice Theatre of New York, stated that New York needs more cultural spaces, ball parks, and soccer fields, noting that the height and width of the proposed pier shed makes it perfect for such uses, but that the uses proposed do not require this volume of space. She suggested that the space be used to house aerial performances, circuses, and as affordable rental space for cultural institutions.

Response: The lease includes a requirement for “Cultural, Educational and/or Entertainment (“CEE”)” uses, and one of the planned uses is the Tribeca Film Festival. The tenant would also be obligated to build approximately two acres of public open space on the pier shed roof, as well as new walkways adjacent to and abutting the pier. One of the purposes of the project is to generate income to help support Hudson River Park, as permitted under the Hudson River Park Act. While the uses the commenter suggests would not be prohibited under the lease, there is also no requirement to incorporate such uses.

M. Against Hudson River Park Trust or the Procurement Process

35. Comment: Mel Stevens commented that the Trust is not comprised of city planners, but rather elites who only serve to perpetuate the elite, and that it is overly influenced by New York politicians, as well as asserting that the Trust works in secrecy.

Response: Comment noted.

36. Comment: Andrew Lawrence asserted that the Trust is a corrupt and undemocratic body – a development agency concerned with profits, not a park agency.

Response: Comment noted.

37. Comment: Marcy Benstock, on behalf of the Clean Air Campaign, stated that the following three documents should be publicly disclosed before the project moves forward: first, the draft proposed (or final signed) Memorandum of Understanding (MOU) between NY Gov. Andrew Cuomo, Assembly Speaker Carl Heastie, and Senate Majority Leader John Flanagan that agrees to extend the lease for the Pier 57 premises (including open water to the north and south) for 97 years; second, a legible map or other documents in plain English indicating where the northern and southern boundaries are of the open water habitats included in the Pier 57 premises; third, documents indicating that no-holds-barred development is anticipated eventually both at Pier 40 and throughout the development node in the River extending from the Gansevoort peninsula and Pier 53 northward up the River through piers 54, 55, 56, 57, 58, 59, 60 and 61 and the water areas located between them.

Response: Exhibit B of the lease indicates the maximum limits of the in-water areas that could be occupied; that exhibit was made available as part of the Significant Action process. The commenter is incorrect that there are any plans

for, let alone any documents, indicating a “no holds barred” development approach to the referenced areas of Hudson River Park. The Trust must comply with the requirements of the Hudson River Park Act as well as those of regulatory agencies with respect to construction in and along the Hudson River. In accordance with the Act, the Governor, Mayor, Temporary President of the Senate, and Speaker of the Assembly, after consultation with the members of the assembly and senate representing the area where Pier 57 is located, signed an MOU allowing the longer lease term. Although the Trust is not a signator to this document, the MOU is a condition precedent for the Lease, and it will be made available on the Trust’s website along with the extension to the Trust’s ground lease with the State.

38. Comment: Tom Fox commented that because the Pier 57 development team has changed, the allowable uses are different, and the lease has been extended to 99-years over the course of the project thus far, that the Trust should consider issuing a new Request for Proposals. He went on to state that with the tech industry’s move west and the Whitney Museum being completed, there should be numerous parties interested in bidding on the property and the Trust could be offered a better deal than the one proposed.

Response: The Trust has proceeded in a manner consistent with state law and Trust policies. The proposed Lease provides the Trust and general public with an exciting and creative project that would realize the goals of the Request for Proposals, and that furthers the Trust’s mission, purpose and governing statute in that it will, inter alia, enhance the ability of New Yorkers to enjoy the Hudson River; increase the quality of life in the adjoining community; boost tourism and stimulate the economy; and help fulfill the plan for the development of the Park.

N. Other

39. Comment: Kathleen Treat, on behalf of Hell’s Kitchen Neighborhood Association, voiced opposition to the project completely, and in every way.

Response: Comment noted.