LMDC
Remember Rebuild Renew

LOWER MANHATTAN DEVELOPMENT CORPORATION

# Pier 42

## Environmental Assessment

November 2015

## *Full Environmental Assessment Form*
## *Part 1 – Project and Setting*

### Instructions for Completing Part 1

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonable available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D, & E, most items contain an initial question that must be answered either "Yes" or "No." If the answer to the initial question is "Yes," complete the sub-questions that follow. If the answer to the initial question is "No," proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Sponsor Information**

<table>
<tr><td colspan="3">Name of Action or Project:<br>Pier 42</td></tr>
<tr><td colspan="3">Project Location (describe, and attach a general location map):<br>East River adjacent to the Franklin D. Roosevelt Drive between Gouverneur Slip East to east of Jackson Street</td></tr>
<tr><td colspan="3">Brief Description of Proposed Action (include purpose or need):<br>The proposed action is funding by the Lower Manhattan Development Corporation (LMDC) in support of construction by New York City Department of Parks and Recreation (DPR) of a new waterfront open space along the East River waterfront. The proposed design would remove the pavement from the upland area and demolish the pier shed—except for the four western bays of its steel structure. While the pier platform would not be publicly accessible, the removal of the structure would open up views to the river. A chain link fence and a shrub buffer would separate the pier platform from the new open space. The open space would have flat lawn areas crisscrossed by permeable pavement walkways. An entry garden would occupy the western section of the open space (on part of the Pier 36 apron). Landscaping would provide a buffer to the CDOT yard on Pier 36 and to the rising elevation of the FDR Drive. The eastern portion of the open space (section of East River Park) would be graded to create a grassy knoll rising about seven feet. Solar powered safety lighting would be provided. Certain portions of the bulkhead would be repaired by grout replacement and by replacement of deteriorated modern concrete caps. There would be access to the new open space from the bikeway/walkway along the FDR service road or from Montgomery Street under the elevated FDR Drive on the west and from East River Park on the east. It would also connect to the waterfront esplanade in East River Park. The Esplanade Project and its components including Pier 42 were considered essential components of the ongoing revitalization of Lower Manhattan. The goals of the Esplanade Project related to the current Pier 42 project are the following: provide open space amenities to Lower Manhattan communities underserved by the City's parks; create a vibrant, active and welcoming water's edge; improve public access to the waterfront; and provide a place for recreational and community activities. Pier 42 would provide an open space amenity to facilitate access to and use of the waterfront. It would also be an important new open space near both East River Park and the portion of the Esplanade Project at Pier 35 (which is now being constructed).</td></tr>
<tr><td rowspan="2">Name of Applicant/Sponsor:<br>New York City Department of Parks and Recreation</td><td>Telephone: 718.760.6598</td><td></td></tr>
<tr><td>E-Mail: lawrence.mauro@parks.nyc.gov</td><td></td></tr>
<tr><td colspan="3">Address:<br>The Arsenal, Central Park</td></tr>
<tr><td>City/PO:<br>New York</td><td>State:<br>NY</td><td>Zip Code:<br>10021</td></tr>
<tr><td rowspan="2">Project Contact (if not same as sponsor; give name and title/role):<br>Lawrence v. Mauro</td><td>Telephone:</td><td></td></tr>
<tr><td>E-Mail:</td><td></td></tr>
<tr><td colspan="3">Address:<br>Olmsted Center, 117-02 Roosevelt Avenue, Flushing Meadows-Corona Park</td></tr>
<tr><td>City/PO:<br>Flushing</td><td>State:<br>NY</td><td>Zip Code:<br>11368</td></tr>
<tr><td rowspan="2">Property Owner (if not same as sponsor):</td><td>Telephone:</td><td></td></tr>
<tr><td>E-Mail:</td><td></td></tr>
<tr><td colspan="3">Address:</td></tr>
<tr><td>City/PO:</td><td>State:</td><td>Zip Code:</td></tr>
</table>

**B. Government Approvals**

| **B. Government Approvals Funding, or Sponsorship.** ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.) | | | |
|---|---|---|---|
| **Government Entity** | | **If Yes: Identify Agency and Approval(s) Required** | **Application Date (Actual or projected)** |
| a. City Council, Town Board, or Village Board of Trustees | ☐ Yes ☒ No | | |
| b. City, Town or Village Planning Board or Commission | ☐ Yes ☒ No | | |
| c. City Council, Town or Village Zoning Board of Appeals | ☐ Yes ☒ No | | |
| d. Other local agencies | ☐ Yes ☒ No | | |
| e. County agencies | ☐ Yes ☒ No | | |
| f. Regional agencies | ☐ Yes ☒ No | | |
| g. State agencies | ☒ Yes ☐ No | **LMDC** | |
| h. Federal agencies | ☒ Yes ☐ No | **U.S. Department of Housing and Urban Development, Community Block Grant Development Funds** | |

i. Coastal Resources

*i*. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☒ Yes ☐ No

If Yes,

*ii*. If the project site located in a community with an approved Local Waterfront Revitalization Program? ☒ Yes ☐ No

*iii*. Is the project site within a Coastal Erosion Hazard Area? ☐ Yes ☒No

**C. Planning and Zoning**

**C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No

- **If Yes**, complete sections C, F and G.
- **If No**, proceed to question C.2 and complete all remaining sections and questions in Part 1.

**C.2. Adopted land use plans.**

a. Do any municipally adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ***Vision 2020: New York City Comprehensive Waterfront Plan*; See Chapter 2, Section A, "Land Use, Zoning, and Public Policy."** ☒ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☒ No

If Yes, identify the plan(s):

_____

_____

_____

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

_____

_____

_____

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance? ☒ Yes ☐ No

If Yes, what is the zoning classification(s) including any applicable overlay district?

**M1-4, R7-2**

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☒ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No

If Yes,

*i.* What is the proposed new zoning for the site? _____

**C.4. Existing community services.**

a. In what school district is the project site located? **New York City Community School District 1**

b. What police or other public protection forces serve the project site?

**New York City Police Department Precinct 7**

c. Which fire protection and emergency medical services serve the project site?

**New York City Fire Department Division 1, Battalion 4, Company 15E**

d. What parks serve the project site?

**Many parks serve the project site, including East River Park, Corlears Hook Park, Lillian D. Wald Playground, Cherry Clinton Playground, Little Flower Playground, Sol Lain Playground, Henry M. Jackson Playground, and Seward Park.**

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

**Public Park**

b. a. Total acreage of the site of the proposed action? **7.35** acres

b. Total acreage to be physically disturbed? **7.35** acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? **16.35** acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No

*i.* If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? %_____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No

If Yes,

*i.* Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

_____

*ii.* Is a cluster/conservation layout proposed? ☐ Yes ☐ No

*iii.* Number of lots proposed? _____

*iv.* Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? ☐ Yes ☒ No

*i.* If No, anticipated period of construction: **27** months

*ii.* If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month ____year
- Anticipated completion date of final phase _____ month ____year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:

f. Does the project include new residential uses? ☐ Yes ☒ No

If Yes, show number of units proposed.

| | One Family | Two Family | Three Family | Multiple Family (four or more) |
|---|---|---|---|---|
| Initial Phase | | | | |
| At completion of all phases | | | | |

g. Does the proposed action include new non-residential construction (including expansions)? ☒ Yes ☐ No

If Yes,

*i*. Total number of structures **N/A**

*ii*. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length

*iii*. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☒ No

If Yes,

*i*. Purpose of the impoundment: _____

*ii*. If a water impoundment, the principal source of the water: ☐ Ground Water ☐ Surface water streams ☐ Other specify:

_____

*iii*. If other than water, identify the type of impounded/contained liquids and their source.

_____

*iv*. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

*v*. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

*vi*. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):

_____

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☒ Yes ☐ No

(Not including general site preparation, grading, or installation of utilities or foundations where all excavated materials will remain onsite) **The proposed project would result in minimal soil disturbance as part of the removal of the paved parking area on the apron adjacent to the pier shed. Excavation would not extend to depths greater than 4 feet below the ground surface. The concrete removed from the parking area would be temporarily stored in the on-site staging area and reused on site. See Chapter 2, Section E, "Construction."**

If Yes:

*i*. What is the purpose of the excavation or dredging? **Removal of paved parking surface to create landscaped open space.**

*ii*. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards) **N/A cubic yards**
- Over what duration of time? **N/A** months

*iii*. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

**Pavement to be removed to create knoll on site.**

*iv*. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☒ No

If yes, describe.

_____

*v*. What is the total area to be dredged or excavated? **4.62** acres

*vi*. What is the maximum area to be worked at any one time? **TBD** acres

*vii*. What would be the maximum depth of excavation or dredging? **4** feet

*viii*. Will the excavation require blasting? ☐ Yes ☒ No

*ix*. Summarize site reclamation goals and plan:

**Create landscaped open space with pervious walkways.**

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☒ No

If Yes,

*i*. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description):

_____

*ii*. Describe how the proposed action would affect that water body or wetland, e.g., excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

_____

*iii*. Will proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No

If Yes, describe: _____

*iv*. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed _____
- expected acreage of aquatic vegetation remaining after project completion _____
- purpose of proposed removal (e.g., beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

*v*. Describe any proposed reclamation/mitigation following disturbance:

_____

c. Will the proposed action use, or create a new demand for water? **See Chapter 2, "Environmental Analyses."** ☐ Yes ☒ No

If Yes:

*i*. Total anticipated water usage/demand per day: _____ gallons/day

*ii*. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

*iii*. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project:_____
- Source(s) of supply for the district: _____

*iv*. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

*v*. If a public water supply will not be used, describe plans to provide water supply for the project:

_____

*vi*. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☒ No

If Yes:

*i*. Total anticipated liquid waste generation per day: _____ gallons/day

*ii*. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each):

_____

*iii*. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☒ No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing sewer lines serve the project site? ☐ Yes ☐ No
- Will line extension within an existing district be necessary to serve the project? ☐ Yes ☐ No

If yes:

- Describe extensions or capacity expansions proposed to serve this project:

_____

_____

*iv*. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐ Yes ☒ No

If Yes:

- Applicant/sponsor for new district:_____
- Date application submitted or anticipated:_____
- What is the receiving water for the wastewater discharge?_____

*v*. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

_____

_____

*vi*. Describe any plans or designs to capture, recycle or reuse liquid waste

_____

_____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e., ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e., sheet flow) during construction or post construction? **See Chapter 2, "Environmental Analyses" and Chapter 2, Section E, "Construction."** ☐ Yes ☒ No

If Yes:

*i*. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ acres (impervious surface)
_____ Square feet or _____ acres (parcel size)

*ii*. Describe types of new point sources

_____

_____

*iii*. Where will the stormwater runoff be directed (i.e., on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

_____

_____

- If to surface waters, identify receiving water bodies or wetlands: _____

_____

- Will stormwater runoff flow to adjacent properties? ☐ Yes ☐ No

*iv*. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐ Yes ☐ No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐ Yes ☒ No

If Yes, identify:

*i*. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

_____

*ii*. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

_____

*iii*. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

_____

g. Will any air emission sources in D.2.f (above) require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V permit? **N/A** ☐ Yes ☒ No

If Yes,

*i*. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐ Yes ☐ No

*ii*. In addition to emissions as calculated in the application, the project will generate:

- _____ Tons/year (short tons) of Carbon Dioxide ($CO_2$)
- _____ Tons/year (short tons) of Nitrous Oxide ($N_2O$)
- _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____ Tons/year (short tons) of Sulfur Hexafluoride ($SF_6$)
- _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☒ No

If Yes,

*i*. Estimate methane generation in tons/year (metric): _____

*ii*. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring):

_____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☒ No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

_____

_____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? **See Chapter 2, "Environmental Analyses."** ☐ Yes ☒ No

If Yes:

*i*. When is the peak traffic expected (check all that apply): ☐ Morning ☐ Evening ☐ Weekend
☐ Randomly between hours of _____ to _____.

*ii*. For commercial activities only, projected number of semi-trailer truck trips/day: _____

*iii*. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

*iv*. Does the proposed action include any shared use parking? ☐ Yes ☐ No

*v*. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

_____

*vi*. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No

*vii*. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No

*viii*. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? **See Chapter 2, "Environmental Analyses."** ☐ Yes ☒ No

If Yes:

*i*. Estimate annual electricity demand during operation of the proposed action:_____

*ii*. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

_____

_____

*iii*. Will the proposed action require a new, or an upgrade to, an existing substation? ☐ Yes ☐ No

l. Hours of operation. Answer all items which apply.

*i*. During Construction:

- Monday – Friday: **7:00 AM – 6:00 PM***
- Saturday: **7:00 AM – 6:00 PM****
- Sunday: **7:00 AM – 6:00 PM****
- Holidays: **7:00 AM – 6:00 PM****

***Normally work would end at 3:30, all work would occur between 7:00AM and 6:00PM, per New York City laws and regulations.**

****If necessary, permits would be obtained from the appropriate agencies for work on weekend or holiday.**

*ii*. During Operations:

- Monday – Friday: **Dawn – Midnight**
- Saturday: **Dawn – Midnight**
- Sunday: **Dawn – Midnight**
- Holidays: **Dawn – Midnight**

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? **See Chapter 2, "Environmental Analyses."** ☐ Yes ☒ No

If Yes:

*i*. Provide details including sources, time of day and duration:

*ii*. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No

Describe:

n. Will the proposed action have outdoor lighting? ☒ Yes ☐ No

If Yes:

*i*. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

**Solar powered safety lighting would be provided. The nearest occupied structure is across the FDR Drive (over 140 feet) from the proposed project.**

*ii*. Will proposed action remove existing natural barrier that could act as light barrier or screen? ☐ Yes ☒ No

Describe:

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☒ No

If yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products (185 gallons in above ground storage or any amount in underground storage)? ☐ Yes ☒ No

If Yes,

*i*. Product(s) to be stored _____

*ii*. Volume(s) _____ per unit time _____ (e.g., month, year)

*iii*. Generally describe proposed storage facilities

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☒ Yes ☐ No

If Yes:

*i*. Describe proposed treatment(s):

**The proposed project would include rodent control measures implemented during construction, including City-approved rodenticide baits.**

*ii*. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☒ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? **N/A** ☐ Yes ☐ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation: _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction:

_____

_____

- Operation:

_____

_____

*iii*. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction:

_____

_____

- Operation:

_____

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

*i*. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

*ii*. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

*iii*. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility:

_____

_____

*ii*. Generally describe processes or activities involving hazardous waste or constituents:

_____

_____

*iii*. Specify amount to be handled or generated: ____ tons/month

*iv*. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents:

_____

_____

*v*. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility:

_____

_____

If No: Describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

_____

**E. Site and Setting of Proposed Action**

**E.1 Land uses on and surrounding the project site**

a. Existing land uses.

*i*. Check all land uses that occur on, adjoining and near the project site.

☒ Urban ☐ Industrial ☒ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☐ Agriculture ☐ Aquatic ☒ Other (specify): **Parking, public park**

*ii*. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

| Land use or covertype | Current Acreage | Acreage After Project Completion | Change (Acres +/-) |
|---|---|---|---|
| • Roads, buildings, and other paved or impervious surfaces | **7.35**[1] | **2.3** | **-5.05** |
| • Forested | | | |
| • Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural) | | | |
| • Agricultural (includes active orchards, field, greenhouse, etc.) | | | |
| • Surface water features (lakes, ponds, streams, rivers, etc.) | | | |
| • Wetlands (freshwater or tidal) | | | |
| • Non-vegetated (bare rock, earth or fill) | | | |
| • Other Describe: **Pervious, landscaped park** | **0** | **5.05** | **+5.05** |

c. Is the project site presently used by members of the community for public recreation? ☒ Yes ☐ No

*i*. If yes: explain: **A portion of the upland area east of the pier shed is currently occupied by "Paths to Pier 42," a temporary open space that hosts events and art installations.**

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☒ Yes ☐ No

If Yes:

*i*. Identify Facilities:

**Gouverneur Health, Henry Street Settlement, 255 East Broadway Transitional Housing, OHEL Bais Ezra East Broadway residence, LaGuardia Good Health and Happiness Senior Center, Betances Health Center, East River Child Development Center, Gouverneur Court, Lower East Side Service Center, HS 448 University Neighborhood High School, IS 332 University Neighborhood Middle School, IS 141 Collaborative Academy of Science, Technology, and Language-Art Education, IS/HS 292 Henry Street School for International Studies, Manhattan Charter School 2, PS 134 Henrietta Szold, PS 137 John L. Bernstein, and PS/IS 184 Shuang Wen**

e. Does the project site contain an existing dam? ☐ Yes ☒ No

If Yes:

*i*. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

*ii*. Dam's existing hazard classification: _____

*iii*. Provide date and summarize results of last inspection:

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☒ No

If Yes:

*i*. Has the facility been formally closed?

- If yes, cite sources/documentation: _____

*ii*. Describe the location of the project site relative to the boundaries of the solid waste management facility:

[1] A small portion of the project site along the FDR Drive is planted.

*iii*. Describe any development constraints due to the prior solid waste activities:

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store, and/or dispose of hazardous waste? **See Chapter 2, Section D, "Hazardous Materials."** ☐ Yes ☒ No

If Yes:

*i*. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☒ Yes ☐ No

If Yes:

*i*. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☒ Yes ☐ No

☒ Yes – Spills Incidents database Provide DEC ID number(s): **0803722, 0103584, 0103856, 0103855, 9904411, 0106319, 0206864, 0411717, 0501736, 0413310, 9905376, 9610242, 9508888, 9410971, 0400613, 9711803, 0008020, 0307336, 0304980, 0304286, 9610584, 0105496, 0405102, 9707378**

☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____

☐ Neither database

*ii*. If site has been subject of RCRA corrective activities, describe control measures:

*iii*. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☒ Yes ☐ No

If yes, provide DEC ID number(s): **V00120, C224049, C224048_**

*iv*. If yes to (i), (ii) or (iii) above, describe current status of site(s):

**All spills closed. V00120 is Brooklyn Navy Yard (conclusion was that ecological resources in Wallabout Basin were not been significantly impacted by site contamination), C224048 and 224048 are K Brooklyn Gas Light (no information but based on location across East River, not of concern for project site)**

*v*. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☒ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: _____

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? **N/A** feet*

***Estimated depth ranges from approximately 15' to potentially more than 75'.**

b. Are there bedrock outcroppings on the project site? ☐ Yes ☒ No

If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site:

| | |
|---|---|
| **Historical fill** | **100%** |
| _____ | _____% |
| _____ | _____% |

d. What is the average depth to the water table on the project site? Average: **5-8** feet

e. Drainage status of project site soils:

| | |
|---|---|
| ☒ Well Drained: | **100**% of Site |
| ☐ Moderately Well Drained: | _____% of Site |
| ☐ Poorly Drained: | _____% of Site |

f. Approximate proportion of proposed action site with slopes: : ☒ 0-10%: **100**% of Site
☐ 10-15%: ___% of Site
☐ 15% or greater: ___% of Site

g. Are there any unique geologic features on the project site? ☐ Yes ☒ No

If Yes, describe:

h. Surface water features:

*i*. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐ Yes ☒ No

*ii*. Do any wetlands or other waterbodies adjoin the project site? ☒ Yes ☐ No

If Yes to either i or ii, continue. If No, skip to E.2.1.

*iii*. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☒ Yes ☐ No

*iv*. For each identified regulated wetland and waterbody on the project site, provide the following information.

- Streams: Name **East River** Classification **I**
- Lakes or Ponds: Name _____ Classification_____
- Wetlands: Name _____ Approximate Size_____

Wetland No. (if regulated by DEC) _____

*v*. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☐ No

If yes, name of impaired water body/bodies and basis for listing as impaired:

**East River, PCBs and other toxics, source contaminated sediment**

i. Is the project site in a designated Floodway? ☐ Yes ☒ No

j. Is the project site in the 100 year Floodplain? ☒ Yes ☐ No

k. Is the project site in the 500 year Floodplain? ☒ Yes ☐ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☒ No

If Yes:

*i*. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: **rock pigeon, European starling, house sparrow, and Norway rat**

n. Does the project site contain a designated significant natural community? ☐ Yes ☒ No

If Yes:

*i*. Describe the habitat/community (composition, function, and basis for designation):

*ii*. Source(s) of description or evaluation: _____

*iii*. Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☒ No

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☒ No

q. Is the project site or adjoining area currently used for hunting, trapping, fishing, or shell fishing? ☐ Yes ☒ No

If yes, give a brief description of how the proposed action may affect that use:

**E.3. Designated Public Resources On or Near the Project Site**

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Marks Law, Article 25-AA, Sections 303 and 304? ☐ Yes ☒ No

If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☒ No

*i*. If Yes: acreage(s) on project site? _____

*ii*. Source(s) of soil rating(s) _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☒ No

If Yes:

*i*. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

*ii*. Provide brief description of landmark, including values behind designation and approximate size/extent:

d. Is the project site located in or does it adjoin a state-listed Critical Environmental Area? ☐ Yes ☒ No

If Yes:

*i*. CEA name: _____

*ii*. Basis for designation: _____

*iii*. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? ☒ Yes ☐ No

If Yes:

*i*. Nature of historic/archaeological resource: ☐ Archaeological Site ☒ Historic Building or District

*ii*. Name: **Gouverneur Hospital (S/NR-listed)**

*iii*. Brief description of attributes on which listing is based:

**As noted on the S/NR nomination form, the former hospital is significant as a major example of the city's concern for the medical care of the desperately poor population of this area. When it opened in 1904, the building was the most modern and best equipped hospital in the city and served its constituency until 1961. The building is also significant as the work of architect John Rochester Thomas, distinguished for his designs of many other public and institutional buildings in the eastern United States.**

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☐ Yes ☒ No

g. Have additional archaeological or historic site(s) or resourced been identified on the project site? ☒ Yes ☐ No

If Yes:

*i*. Describe possible resource(s): **East River Bulkhead**

*ii*. Basis for identification: **S/NR-eligible**

| | |
|---|---|
| h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? | ☒ Yes ☐ No |
| If Yes: | |
| *i*. Identify resource: **East River Park, Corlears Hook Park, East River Bulkhead (S/NR-eligible), FDR Drive (S/NR-eligible), Gouverneur Hospital (S/NR-listed), Gouverneur Hospital Dispensary (S/NR-eligible, NYCL-eligible)**[1] | |
| *ii*. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): **Local park, S/NR-listed or S/NR-eligible** | |
| *iii*. Distance between project and resource: **within 400 feet (or visible from)** miles. | |
| i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? | ☐ Yes ☒ No |
| If Yes: | |
| *i*. Identify the name of the river and its designation: _____ | |
| *ii*. Is the activity consistent with development restrictions contain in 6NYCRR Part 666? | ☐ Yes ☐ No |

**F. Additional Information**
Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**
I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name _____ Date _____

Signature _____ Title _____

[1] According to the guidance of the *CEQR Technical Manual*, visual resources typically include historic resources; therefore they are included here. While there are other aesthetic resources located within 5 miles of the project site, due to the dense nature of development within New York City, the proposed development would not affect views to those resources. See Chapter 2, Section C, "Urban Design and Visual Resources."

# Chapter 1: Project Description

## A. INTRODUCTION

The Lower Manhattan Development Corporation (LMDC) is proposing to the New York City Department of Parks and Recreation (DPR) to provide funding for New York City's redevelopment of Pier 42 (the "proposed project") as a recreational resource for the community. Located on the East River adjacent to the Franklin D. Roosevelt Drive between Gouveneur Slip East to approximately Jackson Street, Pier 42 is a former industrial pier abutting East River Park. In addition to Pier 42, the project site also includes the upland pier apron, the paved upland area west to Montgomery Street and a portion of East River Park east of Jackson Street (see **Figure 1**).

Established in the aftermath of September 11, 2001, LMDC coordinates the rebuilding and revitalization efforts in Lower Manhattan. LMDC is a subsidiary of the New York State Urban Development Corporation, doing business as Empire State Development Corporation (ESDC), a political subdivision and public benefit corporation of the State of New York.

The current proposal for Pier 42 is a modification of an earlier plan for the pier, which included the removal of the pier shed, creation of an urban beach on the Pier 42 platform and creation of a small craft docking area to the east of the platform were part of the East River Esplanade and Piers Project (Esplanade Project). Designed by the City of New York, the Esplanade Project was to improve a two-mile-long, City-owned public open space connecting the Whitehall Ferry Terminal and Peter Minuit Plaza on the south to East River Park to the north. The existing esplanade was to be enhanced, some new sections created, and several piers (including Pier 42) were to be renovated and redeveloped. Although many of the improvements associated with the Esplanade Project have been undertaken, work on Pier 42 was never funded and never begun.

Like the earlier proposal, the proposed project at Pier 42 would demolish the pier shed, leave the platform open to open up views to the river and, and create a landscaped open space on the pier apron and the adjacent upland areas.

LMDC is providing funding to the DPR for the proposed project and is conducting a coordinated environmental review of the proposed project pursuant to federal law as the recipient of U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant program funds (42 USC § 5304(g)) and as lead agency under the National Environmental Policy Act (NEPA) and the New York State Environmental Quality Review Act (SEQRA). City Environmental Quality Review (CEQR) and its implementing regulations are referenced in this EA as appropriate. This Environmental Assessment (EA) will serve as the basis for LMDC's record of decision pursuant to NEPA and findings pursuant to SEQRA. Because the proposed project is located in New York City, the *CEQR Technical Manual* was used as a guide with respect to methodologies and impact criteria for evaluating the proposed project.


Project Location and Photograph Key

**PIER 42**

**Figure 1**

### BACKGROUND AND PLANNING CONTEXT

In 2002 two documents important to the development to the East River waterfront were released. The City released the *Vision for a 21st Century Lower Manhattan* with the stated purpose of connecting Lower Manhattan to the world around it, building new neighborhoods, and creating appealing public places. The Downtown Alliance, with Community Board 1, released a Concept Plan for the East River waterfront. As a result of the *Vision for a 21st Century Lower Manhattan*, the New York City Department of City Planning (DCP), the New York City Department of Transportation (CDOT), the New York City Department of Parks and Recreation (DPR), and the New York City Economic Development Corporation (EDC) with funding from LMDC, undertook a year-long study of the East River waterfront in Lower Manhattan in 2004. The resulting plan consisted of a comprehensive vision for a continuous waterfront esplanade well connected to adjacent neighborhoods and replete with waterfront amenities and new community, cultural, and recreational uses. During development of the concept plan, a wide variety of alternatives were carefully considered.

In May 2007 LMDC issued a final environmental impact statement (FEIS) for the Esplanade Project. The City of New York was a cooperating agency through the relevant departments—DPR, DCP, and CDOT—and EDC. LMDC adopted its Record of Decision for the Esplanade Project in November 2007 and provided a portion of the funding for it. The FEIS acknowledged that funding for Pier 42 was not available at the time.

LMDC funding was secured to support a portion of the redevelopment of Pier 42 in 2011, and DPR began a master planning process for the pier, working with New York State Senator Daniel Squadron, Community Board 3, the Lower East Side Waterfront Alliance, and other community leaders, residents, and students. The process resulted in a conceptual master plan for the pier, as well as in the concept and design for "Paths to Pier 42," a temporary parks space on a portion of the Pier 42 upland area that hosts a series of programs designed to give residents access to the pier, increase foot traffic between the waterfront and surrounding neighborhood, serve as recommendations for the full plan for the pier, and address the vulnerability of the waterfront due to climate change and storm surges. The conceptual master plan was approved by a Community Board 3 sub-committee and the Public Design Commission of the City of New York in January 2014. The current funding would support Phase 1 of the master plan, which is the proposed project and the subject of this EA. Phase 1 has independent utility in that it would remediate the site, open up waterfront views, provide open space in an area that is underserved by parks, and increase the pier's resiliency to storms and flooding. Phase 1 is independent of Phase 2, which is not currently funded and is not part of the proposed project under review. If Phase 2 of the master plan is funded in full or in significant part in the future, environmental review would be required at that time.

## B. DESCRIPTION OF THE PROPOSED PROJECT

### PURPOSE AND NEED

The Esplanade Project and its components including Pier 42 were considered essential components of the ongoing revitalization of Lower Manhattan. The Esplanade Project recognized the rapidly increasing residential population in Lower Manhattan and the resulting heightened demand for open space. The goals of the Esplanade Project related to the current Pier 42 project are the following:

- Provide open space amenities to Lower Manhattan communities underserved by the City's parks.
- Create a vibrant, active and welcoming water's edge;
- Improve public access to the waterfront; and
- Provide a place for recreational and community activities.

Pier 42 would provide an open space amenity to facilitate access to and use of the waterfront. It would also be an important new open space near both East River Park and the portion of the Esplanade Project at Pier 35 (which is now being constructed). Access under the FDR Drive viaduct to Pier 42 and the Esplanade is being improved by an independent project.

## PROJECT SITE

The proposed project covers approximately 7.35 acres including the Pier 42 platform. In addition to the platform it includes the pier apron (paved area on the upland side of the pier), the adjacent paved upland area west to Montgomery Street, and a portion of East River Park east of Jackson Street (see **Figures 1** through **3**). Altogether the project site, which lies within the 100-year floodplain, stretches approximately 1,440 feet.

The project site is controlled by DPR under a Memorandum of Understanding with the New York City Department of Small Business Services (SBS), EDC and Apple Industrial Development Corp. DPR is responsible for long-term maintenance of Pier 42.

### *PIER 42*

The Pier 42 pier shed measures approximately 160 feet by 625 feet and stands on a platform over the East River. Painted beige, the pier shed is derelict, with windows open to the elements. The apron area occupies a strip approximately 138 feet wide between the FDR and its service road and the pier shed. Adjacent to the FDR service road there is an irregular path used by bikers, joggers and walkers. Currently there is a fenced public parking lot with a licensed capacity of 400 spaces adjacent to the pier shed. To the northwest of the parking lot on the upland is a temporary, informal open space known as "Paths to Pier 42." A small Consolidated Edison building occupies the eastern waterfront corner of this area.

As noted above, the Esplanade Project would have removed the pier shed, reinforced the pier platform, and created an urban beach on the pier platform. The upland area was not part of the Esplanade Project (see **Figure 4**).

### *UPLAND AREA TO JACKSON STREET*

A 0.4-acre section of the Pier 36 apron is also part of the project site. Currently an open paved area, it provides access to a CDOT parking and storage area between the pier sheds on Pier 36 and Pier 42, which is not a part of the project site.

### *SECTION OF EAST RIVER PARK*

The 0.76-acre portion of East River Park adjacent to the "Paths to Pier 42" area is largely paved and currently used for vehicle storage and staging for park maintenance. This area was not part of the Esplanade Project but is now within the area of the proposed project.

View of the Project Site facing southeast **1**


View of the Project Site facing southwest **2**

Photographs of the Project Site

**Figure 2**

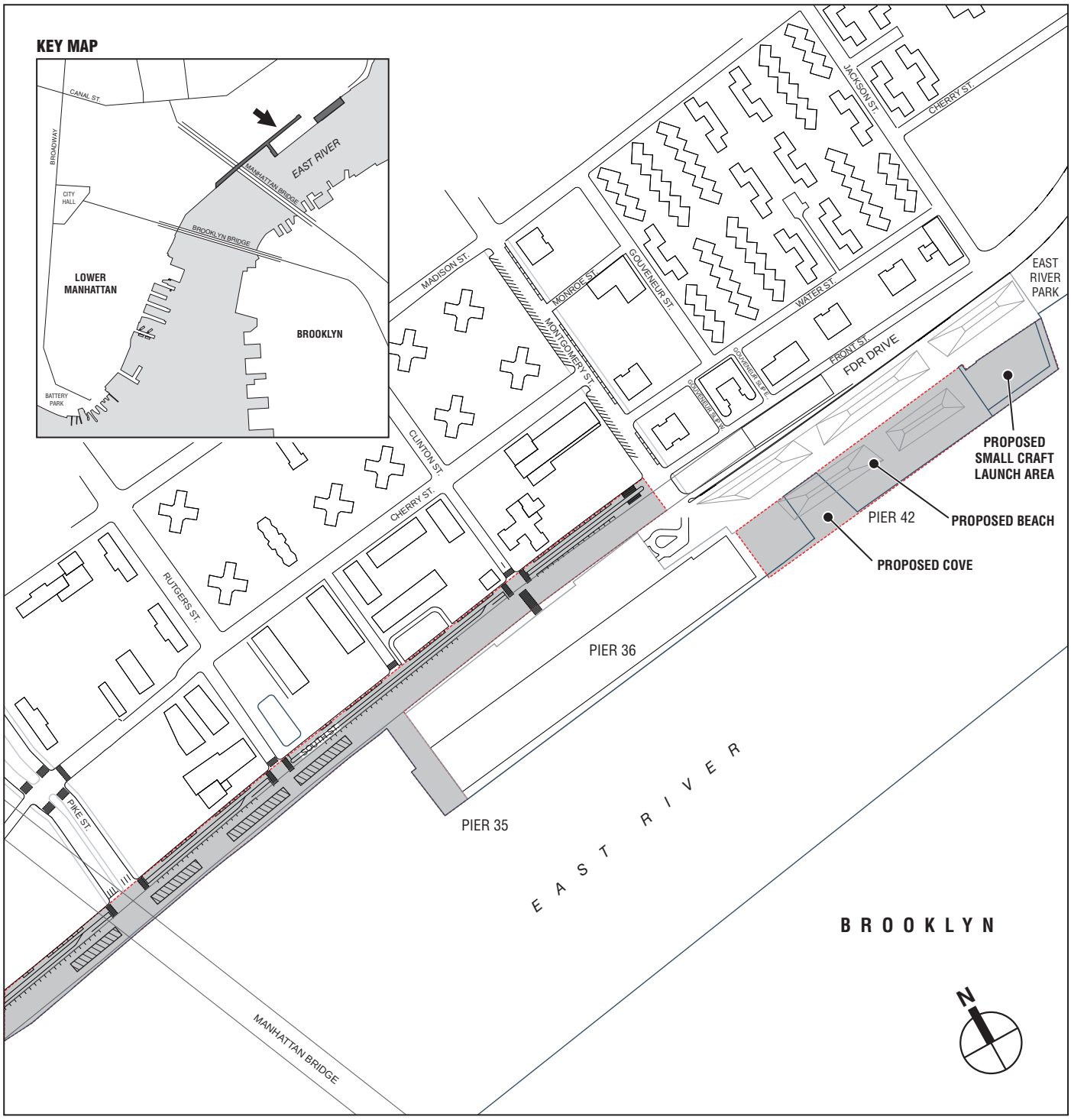
View of the East River Park portion of the Project Site facing southwest **3**

View of the East River Park portion of the Project Site facing east **4**

Photographs of the Project Site

**Figure 3**

6.16.15




*Project Site*

*Potential Locations of Pavilions*

0 200 400 FEET

SCALE

Previous 2007 Esplanade Project Proposal

**PIER 42**

**Figure 4**

### PROPOSED DESIGN

The proposed design would remove the pavement from the upland area and demolish the pier shed—except for the four western bays of its steel structure (see **Figure 5**). While the pier platform would not be publicly accessible, the removal of the structure would open up views to the river. A chain link fence and a shrub buffer would separate the pier platform from the new open space.

The open space would have flat lawn areas crisscrossed by permeable pavement walkways. An entry garden would occupy the western section of the open space (on part of the Pier 36 apron). Landscaping would provide a buffer to the CDOT yard on Pier 36 and to the rising elevation of the FDR Drive. The eastern portion of the open space (section of East River Park) would be graded to create a grassy knoll rising about seven feet. Solar powered safety lighting would be provided. Certain portions of the bulkhead would be repaired by grout replacement and by replacement of deteriorated modern concrete caps (see **Figure 6**). There would be access to the new open space from the bikeway/walkway along the FDR service road or from Montgomery Street under the elevated FDR Drive on the west and from East River Park on the east. It would also connect to the waterfront esplanade in East River Park.

The proposed Pier 42 project is designed to be resilient to both storms and sea level rise. The removal of the pier shed would help to reduce stress on the pier structure, which is in unsound condition. The replacement of concrete paving with permeable paving and landscaping on approximately 7.35 acres of land would improve the site's ability to handle stormwater. In addition, the proposed project would be designed to accommodate flooding and would include salt-water resilient vegetation. The new comfort station and utility buildings would be raised above the 100-year flood level. The proposed Pier 42 project would be compatible with the goals of the East Side Coastal Resiliency (ESCR) project. While the northern edge (50-foot-wide work zone) of the Pier 42 project site could be affected by the ESCR project with the possible construction of a flood wall along the FDR Drive service road and a berm south of the flood wall, the majority of the Pier 42 project would not be affected by ESCR, and both projects would advance the resiliency goals along this portion of the waterfront. Further, since DPR is the sponsor for both the Pier 42 project and the ESCR project, the goals and designs of both are being coordinated as they progress.

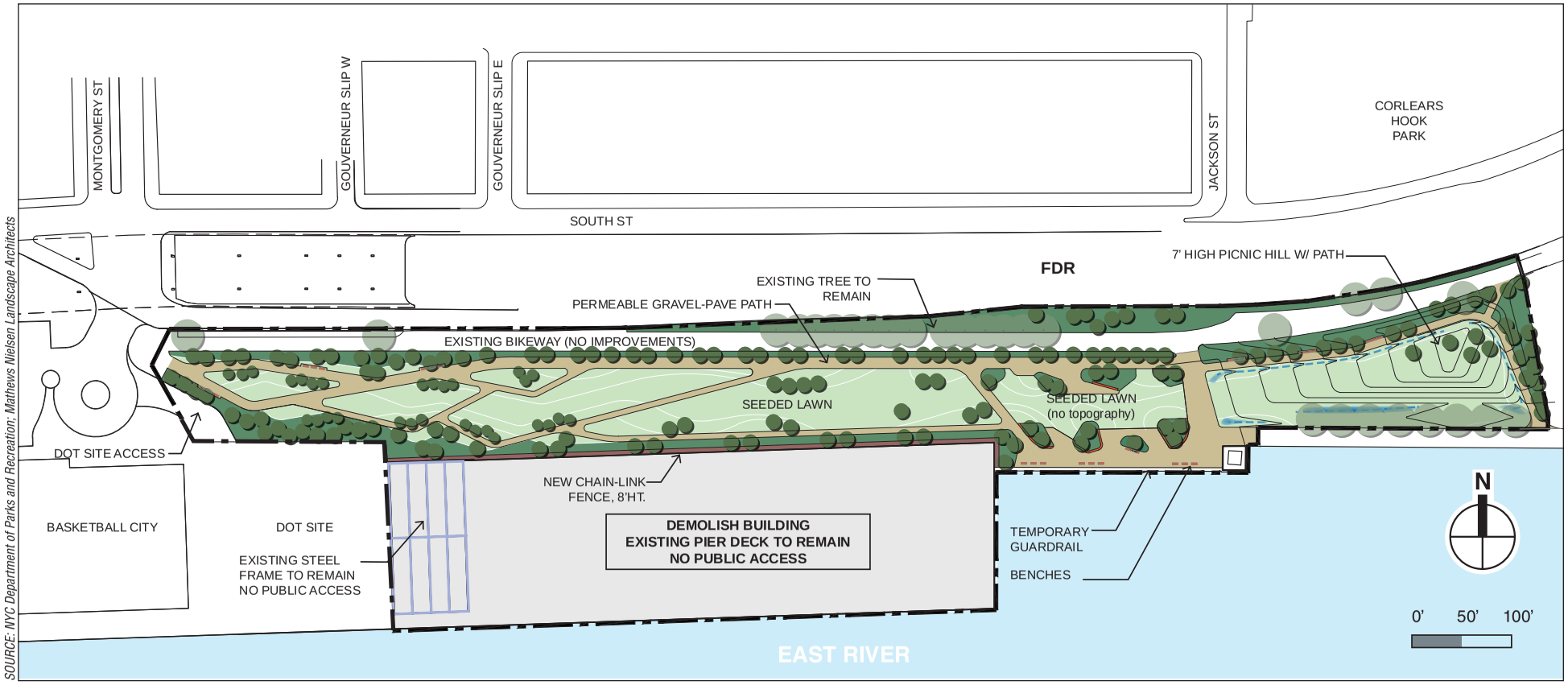
### ACTIONS AND APPROVALS

The proposed action, LMDC's funding for improvements to Pier 42, is subject to review under NEPA and SEQRA. CEQR and the 2014 *CEQR Technical Manual* are referenced as appropriate. LMDC is the lead agency for the environmental review, and this EA will serve as the basis for LMDC's Record of Decision under NEPA and findings under SEQRA. LMDC's review of the proposed Pier 42 project under Section 106 of the National Historic Preservation Act, HUD regulations and other regulations are incorporated into this EA.

The proposed Pier 42 project may require other regulatory agency actions, permits, and/or approvals on the State and City level. DPR, as the entity which will carry out the proposed Pier 42 project, will seek any additional approvals for the project.

## C. FRAMEWORK FOR ANALYSIS

This EA focuses on the areas of most concern for the proposed construction and operation of the Pier 42 open space. Detailed analysis sections follow the customary approach to presenting an




SOURCE: NYC Department of Parks and Recreation; Mathews Nielsen Landscape Architects

NOTE: FOR ILLUSTRATIVE PURPOSES ONLY

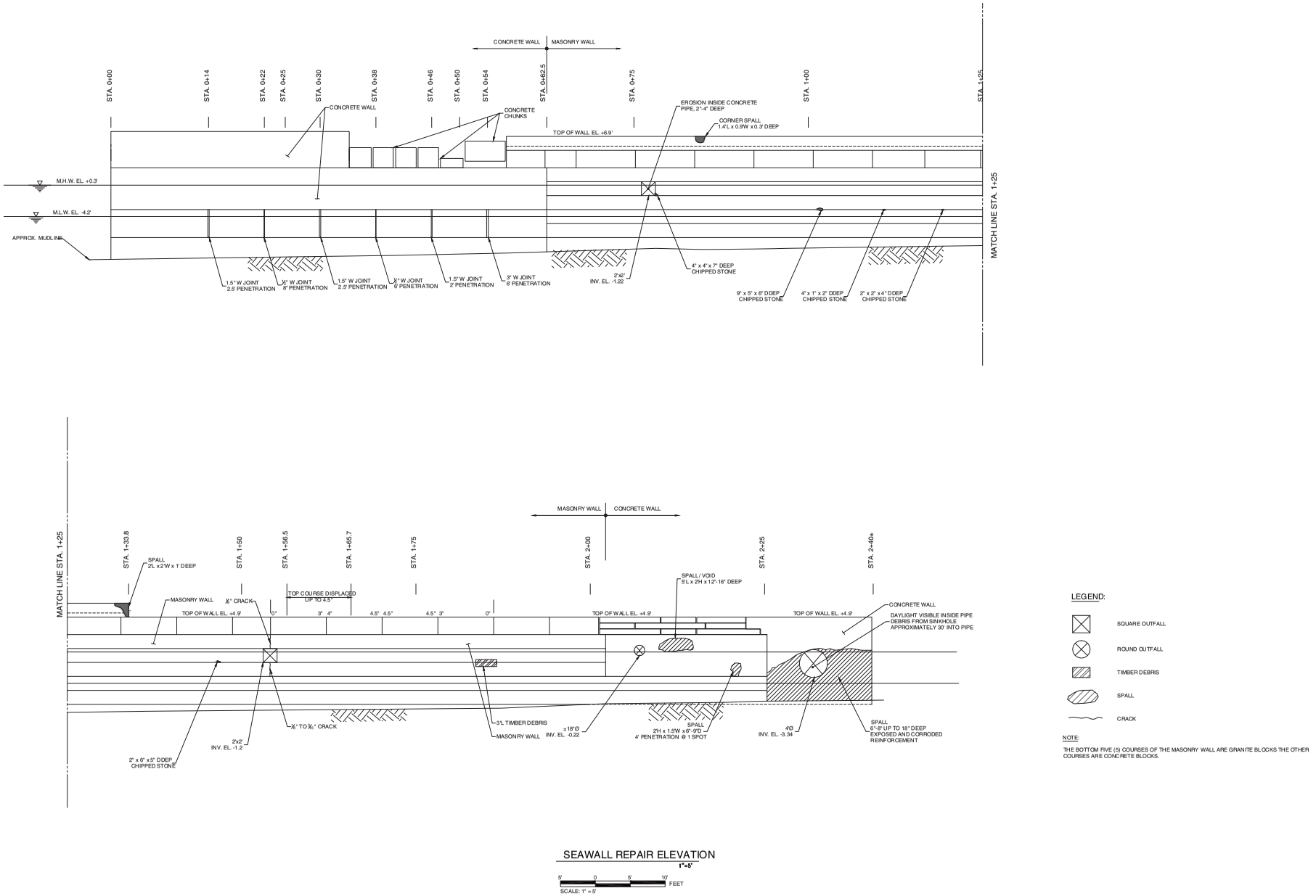
LEGEND

- Existing Tree
- Proposed Tree
- Proposed Shrub
- Proposed Meadow Grass, Perennials and Turf Grass
- Permeable Gravel-Pave Path
- Bench
- Swale
- Project Limit

**PIER 42**

Proposed Site Plan

**Figure 5**




Proposed Bulkhead Repair Elevation

**PIER 42**

**Figure 6**

impact analysis under NEPA, SEQRA, and CEQR, starting with a baseline of existing conditions in the relevant study areas and then forecasting those conditions forward to a time in the future when the project would be expected to be completed and operational if approved. Future year conditions with the proposed project are then compared to future conditions without the proposed project as a basis for presenting incremental change and identifying impacts. The reference point of conditions without the project is established by adjusting existing conditions to account for other known developments, policy initiatives, and trends that are expected to influence future conditions in the study area. This future condition without the project is then modified by overlaying the development and activity expected from the proposal under review to form a depiction of future conditions with the project in place. This comparison of future conditions with and without the project identifies the project impacts and the need, if any, for mitigation.

Screening analyses are provided for those areas in which the proposed project is not expected to affect. Conclusions of the FEIS for the Esplanade Project are considered as appropriate and where relevant to this project.

## SCHEDULE

For analysis purposes it has been assumed that the proposed Pier 42 project would take 27 months to construct and be completed by 2018.

## CONSTRUCTION PERIOD CUMULATIVE EFFECTS ANALYSIS

When the Esplanade Project was undergoing environmental review, the major recovery projects in Lower Manhattan were in construction. Environmental Performance Commitments (EPCs) were developed to avoid and reduce the cumulative construction impacts in five areas of potential concern which were air quality, access and circulation, cultural resources, noise and vibration, and economic effects. These were considered in the FEIS for the Esplanade Project in particular in relation to the nearest major recovery projects: the South Ferry Subway Terminal and the Fulton Street Transit Center (now Fulton Center).

Fulton Center is largely complete. Both it and the South Ferry Subway Terminal are distant from Pier 42 (approximately 1.3 miles and 1.6 miles, respectively). While the concern for cumulative impacts has been reduced, nevertheless DPR will adhere to the EPCs as well as Local Law 77 during construction of the proposed project.

Although Pier 42 is within the area of the East Side Coastal Resiliency project, that project is in the early planning stages and what construction work would take place in this area is not known. Therefore, the construction analysis focuses on the construction activities associated with the proposed Pier 42 project only.[1] ✷

[1] Consistency of the complete, operational Pier 42 master plan with the East Side Coastal Resiliency project is discussed in Chapter 2, Section A, "Land Use, Zoning, and Public Policy."

# Chapter 2: Environmental Analyses

This chapter assesses the potential environmental effects of the proposed project, consistent with the National Environmental Policy Act (NEPA), the State Environmental Quality Review Act (SEQRA), and the methodology set forth in the 2014 *City Environmental Quality Review (CEQR) Technical Manual*.

Screening analyses are presented below, while the following detailed analyses are presented in individual sections which follow:

- Land use, zoning and public policy (Chapter 2, Section A)
- Historic and cultural resources (Chapter 2, Section B)
- Urban design and visual resources (Chapter 2, Section C)
- Hazardous materials (Chapter 2, Section D)
- Construction (Chapter 2, Section E)
- Environmental Justice (Chapter 2, Section F)

## SOCIOECONOMIC CONDITIONS

A socioeconomic assessment should be conducted if a project may reasonably be expected to create substantial socioeconomic changes within the area affected by the action that would not occur in the absence of the action. Actions that would trigger a socioeconomic analysis include the following:

- Direct displacement of 500 or more residents or more than 100 employees.
- Direct displacement of a business that is uniquely significant because its products or services are dependent on its location; it is the subject of other regulations or publicly adopted plans aimed at its preservation because of its type or location; or it serves a population that is uniquely dependent on its services, in its particular location.
- The development of 200 residential units or more or 200,000 square feet (sf) or more of commercial use that is markedly different from existing uses, development, and activities in the neighborhood. This type of development may lead to indirect residential or business displacement, respectively.
- The development of 200,000 sf or more of retail on a single development site, creating the potential to draw a substantial amount of sales from existing businesses within the study area. This type of development may lead to indirect business displacement due to market saturation.
- Impacts on a specific industry; for example, if a substantial number of residents or workers depend on the goods or services provided by the specific affected business, or if it would result in the loss or diminution of a certain product or service that is important within the City.

The project site does not contain any residential units. A portion of the project site that falls within East River Park is currently used by the Department of Parks and Recreation (DPR) for vehicle storage and staging for park maintenance. It is assumed that DPR would relocate the parking and the vehicle storage and staging for park maintenance. Another portion of the project site is currently leased to a parking operator. The parking facility, which would be removed, employs relatively few workers and would not exceed the 100 employee threshold for further analysis. Therefore, the proposed project would not result in any significant adverse impacts due to direct displacement of residents or businesses.

The proposed project would not introduce any commercial or residential use to the project site, and, therefore, would not result in any indirect displacement. For these reasons, the proposed project would not result in any significant adverse impacts on socioeconomic conditions, and further analysis is not warranted.

## COMMUNITY FACILITIES AND SERVICES

The proposed project would not displace any community facilities and hence would not result in any significant direct effects on community facilities and services. As the proposed project would not introduce any new workers or residents who would increase demand on the area's community facilities, it would also not result in significant indirect effects on public schools, libraries, hospitals, child care centers, or police and fire protection.

## OPEN SPACE

An open space assessment is typically conducted if an action would result in the physical loss of public open space or generate a number of new residents or workers sufficient to noticeably diminish the ability of an area's open space to serve the existing or future population. The proposed project would not introduce any new workers or residents to the project site, and would therefore not increase demand for open space resources. While the proposed project would have a slightly different footprint than the previously approved project, it would provide more open space and would replace an underutilized lot with new public open space, helping to alleviate the shortage of open space experienced by the dense residential and worker populations of Lower Manhattan. Similar to the vision for Pier 42 in the Esplanade Project, the proposed project would increase public access to the waterfront and provide the recreational and open space amenities needed to support Lower Manhattan as a diverse, mixed-use neighborhood. Therefore, the proposed project would not result in any significant adverse impacts to open space, and no further analysis is required.

## SHADOWS

A shadows assessment is required if the proposed project would result in structures (or additions to existing structures) of 50 feet or more, or if the project site is located adjacent to, or across the street from, a sunlight-sensitive resource. Sunlight-sensitive resources include publicly-accessible open spaces and sunlight-dependent features of historic and cultural resources (such as stained glass windows and other features for which the effect of direct sunlight is described as playing a significant role in the structure's importance as a historic landmark). The proposed project would result in the creation of a raised knoll on an area that is currently used for maintenance vehicles and storage in East River Park. The knoll would be about seven feet tall. While it would create a variation in topography, any shadow that this open space feature might cast would not be a significant adverse impact. Further, the proposed project would remove the

pier shed which would otherwise cast a shadow on the open space. Overall, the project would not result in significant adverse shadows impacts and no additional analysis is warranted.

## NATURAL RESOURCES

The 2007 FEIS assessed the potential impacts of the Esplanade Project on terrestrial and aquatic natural resources. In this area the Esplanade Project involved not only the beach on the Pier 42 platform and the small craft launch area to the east but also the creation of a cove through removal of an approximately 0.46-acre portion of Pier 36 adjacent to Pier 42. The proposed project would only involve the demolition of the pier shed and the creation of a landscaped open space on the upland area with views of the river; the proposed project would not include the creation of the beach, the cove, the small craft launch area, or the wave attenuator.

The project site is currently occupied by parking and vehicle storage areas and a building. Natural resources are limited to ruderal vegetation (plants growing in waste places and along roadsides) and a few street trees growing along the FDR and on the edges of East River Park that, along with the exterior of the existing building, provide potential habitat for only urban-adapted, non-native wildlife (i.e., rock pigeon [*Columbia liva*], European starling [*Sterna vulgaris*], house sparrow [*Passer domesticus*], and Norway rat [*Rattus norvegicus*]). Although the project site is adjacent to the East River, no structures would be constructed within or over the river for the proposed project, and as such, there would be no permanent losses of the river's aquatic resources or any impacts due to shading.[1]

When compared to the Esplanade Project plans for Pier 42, the proposed project would have a different footprint involving only upland areas. It would not result in any change in overwater coverage.

The proposed project would involve grout replacement and replacement of deteriorated modern concrete caps on certain portions of the bulkhead, which may require a New York State Department of Environmental Conservation (DEC) Tidal Wetlands Permit and, potentially, a United States Army Corps of Engineers (USACE) Nationwide Permit. In-water activity for the proposed project would be limited to possible construction staging off shore. Potential impacts to aquatic resources from any temporary staging of construction barges would be limited to minor and temporary increases in suspended sediment during mooring installation, temporary occupation of a small area of benthic habitat by the moorings, and short-term shading beneath the barges. Any such effects would not result in significant or permanent adverse impacts to the river's water quality, littoral zone tidal wetland, Essential Fish Habitat, or aquatic biota, including threatened and endangered species.

Project construction would be conducted under a DEC State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity, and a Stormwater Pollution Prevention Plan (SWPPP) would be implemented. The SWPPP would comply with DEC technical standards for erosion and sediment control and include structural (e.g., silt fencing) and non-structural (e.g., routine inspection, dust control, cleaning, and

[1] As part of the Esplanade Project, the removal of the Pier 36 platform to create a cove was intended to offset some of the overwater coverage proposed elsewhere—specifically, the expansion of the esplanade and the creation of the archipelago near the Battery Maritime Building and Pier 6. The archipelago was not built and the esplanade was not widened. Therefore, the cove is no longer needed and the portion of Pier 36 where it was to be located will remain in place.

maintenance programs) best management practices**.** Implementation of erosion and sediment control measures and stormwater management measures identified in the SWPPP would minimize potential impacts to water quality of the East River from the discharge of stormwater runoff during land-disturbing construction activities, including the demolition of the pier shed and the grading of the upland areas. Construction of the proposed project would not involve dewatering, and any hazardous materials encountered during construction activities would be handled and removed in accordance with City, State, and federal requirements to minimize potential adverse impacts on water quality. The proposed project would reduce impervious surface coverage from the existing condition by approximately 45 percent, and would therefore be expected to greatly reduce runoff entering the East River. Overall, stormwater during the construction and operation of the proposed project would not have significant adverse impacts to water quality, littoral zone tidal wetland, or aquatic biota, including threatened and endangered species.

On the basis of Federal Emergency Management Agency (FEMA) revised preliminary Flood Insurance Rate Maps issued on January 30, 2015, the project site is within the 100-year floodplain (the area with a 1 percent probability of flooding each year) and has 100-year flood elevations ranging from +11 to +12 feet North American Vertical Datum of 1988 (NAVD88). New York City is affected by local flooding (e.g., flooding of inland portions of the city from short-term, high-intensity rain events in areas with poor drainage), fluvial flooding (rivers and streams overflowing their banks), and coastal flooding (e.g., long and short wave surges that affect the city's shorelines along the Atlantic Ocean and tidally influenced rivers such as the Hudson River and East River). The East River is a tidal strait connecting Long Island Sound to New York Bay, and the flood elevation is controlled by the tidal conditions within New York Bay, Long Island Sound, and the Atlantic Ocean, rather than fluvial conditions[2]. Because the floodplain within and adjacent to the project site is controlled by astronomic tide and meteorological forces (e.g., nor'easters and hurricanes) and not by fluvial flooding, floodplains would not be affected by grading or other construction for the proposed project. The proposed repairs to the bulkhead would improve its longevity and durability during storms. The proposed project would comply with applicable New York City Building Codes and FEMA requirements regarding non-residential structures within the 100-year floodplain. For these reasons, the proposed project would not have significant adverse impacts to floodplains or alter flooding conditions within or around the project site.

No significant adverse impacts to terrestrial resources would result from the proposed project. As noted above, the project site contains areas of invasive vegetation and street trees, providing suitable habitat for only the most urban-adapted, non-native species of wildlife that are ubiquitous throughout the city. No habitat is present to support any federally- or state-listed species. As such, the proposed project would not affect any sensitive, uncommon, or otherwise important species of plants or wildlife, and would not degrade or eliminate habitat that is capable of supporting diverse or native biological communities. The proposed project would benefit wildlife and increase biodiversity within the project site by replacing a paved parking area and building, which currently provide no resources for native species, with open space and landscaping that would provide food and shelter. Overall, the proposed project would have no

[2] FEMA. 2013. Flood Insurance Study, City of New York, New York, Vol. 1. FEMA Flood Insurance Study 360497V000B, December 5, 2013.

significant adverse impacts to plants, wildlife, or other terrestrial natural resources, including federally- or state-listed species.

## WATER AND SEWER INFRASTRUCTURE

A preliminary water analysis is required if a project would result in a demand for water of more than one million gallons per day or if the project is located in an area that experiences low water pressure (such as the Rockaway Peninsula and Coney Island). The *CEQR Technical Manual* provides guidelines for when a preliminary sewer analysis is required: if the project site is located in a combined sewer area, and would exceed 1,000 residential units or 250,000 square feet of commercial, public facility and institution and/or community facility space, or if the project site involves development on a site five acres or larger where the amount of impervious surface would increase. The proposed project would not result in any new demand for water and sewer infrastructure as compared to the previously-approved project, and, therefore, would not meet any of these thresholds. Further, the lawn area would be created by the removal of impervious pavement and all pathways on the project site would use permeable paving material, reducing the amount of impervious surface on the project site by approximately 45 percent. Planting would consist of native and adapted species that would require no irrigation or little use of potable water. For these reasons, the proposed project is not expected to result in any significant adverse impacts to water and sewer infrastructure, and no further analysis is required.

## SOLID WASTE AND SANITATION SERVICES

Few projects generate substantial amounts of solid waste (50 tons a week or more) that would result in a significant adverse impact. The proposed project would not result in any new demand for solid waste and sanitation services as compared to the previously-approved project. Therefore, the proposed project would not result in any significant adverse impacts on solid waste and sanitation services, and no further analysis is required.

## ENERGY

A detailed assessment of energy impacts is typically limited to actions that could significantly affect the transmission or generation of energy or that generate substantial consumption of energy. The proposed project would not result in any buildings on the project site that would have energy demands, and the lighting on the project site would be solar-powered. Therefore, the proposed project would not result in significant adverse impacts to the consumption or supply of energy, and no further analysis is required.

## TRANSPORTATION

As with the Esplanade Project, the proposed project would be attractive to the nearby neighborhood population and generate trips in the vicinity of the project site. As compared to other areas of the Esplanade Project site, this project site is near a stable residential area not a dense commercial center with growing residential uses. The previously-approved project was not expected to exceed analysis thresholds for transit, or to result in any significant adverse impacts due to traffic at the intersection closest to the project site (South Street and Montgomery Street) or to pedestrian circulation.

Compared to the Esplanade Project plans for Pier 42, the proposed project would not include the creation of the cove, the small craft launch area, or the beach area—all of which have the potential to be more attractive to more distant users. The proposed project consisting of a lawn

area with paths and a knoll would not be expected to increase demand for transportation service beyond the previously planned improvements. It would likely generate fewer trips than the previously-approved plan for Pier 42, due to the lack of these destination features. In addition, the entrance to Pier 36 and Basketball City has flaggers for events, and the intersection is stoplight controlled with painted crosswalks. For these reasons, the proposed project is not expected to result in any significant adverse impacts to traffic, transit, or pedestrian circulation.

The Pier 42 apron is currently leased to a parking operator and functions as a public parking lot with a licensed capacity of 400 spaces. While this parking lot was not contemplated as part of the 2007 FEIS, it is typical of development sites in the City, where temporary parking is made available on an interim basis while the development is being planned and designed. Therefore, the removal of the parking tenant would not be considered a significant impact.

The 2007 FEIS described potential pedestrian improvements including an enhanced north-south esplanade along the East River. The proposed project would result in an enhanced esplanade and would provide an improved connection to Montgomery Street. It would not be expected to result in any significant adverse impacts to pedestrian safety.

## AIR QUALITY

The proposed project would not be expected to generate any additional traffic as compared to the Esplanade Project, and it would not result in any changes in traffic patterns. The proposed project would not include any heating/hot water, ventilation, and air conditioning systems. Overall the proposed project would not generate any new mobile source emissions or stationary source emissions. Therefore, the proposed project would not result in any significant adverse impacts to air quality, and no further analysis is required.

## GREENHOUSE GAS EMISSIONS

Increased greenhouse gas (GHG) emissions are changing the global climate, which is predicted to lead to wide-ranging effects on the environment, including rising sea levels, increases in temperature, and changes in precipitation levels. According to the *CEQR Technical Manual* guidance, a GHG emissions assessment is typically conducted only for larger projects being reviewed in an EIS, or in cases when the project would result in development of 350,000 square feet (sf) or greater, when the project is a city capital project, or when the project includes larger-scale power generation or has the potential to fundamentally change the City's solid waste management system. The proposed project would not result in any structures 350,000 sf or greater, and it would not meet any of the other CEQR criteria that would warrant assessment of GHG emissions. No further analysis is required.

## NOISE

As the proposed project would not generate any additional traffic as compared to the Esplanade Project, it would not have the potential to generate in any significant adverse noise impacts due to traffic.

However, Pier 42 is located adjacent to the FDR Drive, which results in high noise levels due to existing vehicular traffic particularly in the area where the roadway is at grade.

The United States Department of Housing and Urban Development (HUD) has noise exposure standards, although the standards are intended for evaluation of noise exposure at residential uses rather than open space (the HUD noise exposure guidelines are not applicable to open space

that is not associated with an adjacent sensitive receptor such as residences). As such, they are based on the day-night average sound level ($L_{dn}$), which averages noise levels over a 24-hour period with a 10 dBA penalty for noise occurring between 10PM and 7AM. Because of the night-time penalty, the $L_{dn}$ metric is particularly sensitive to night-time noise, which is appropriate for evaluation of residential uses where people sleep and are consequently particularly sensitive to noise occurring during night-time hours. For an open space use that would not be open during the night-time hours, the $L_{dn}$ metric and consequently the HUD noise exposure guidelines are not an appropriate evaluation method. Consequently, the noise analysis uses noise exposure guidance from the *CEQR Technical Manual* to evaluate noise at the site of the proposed new open space.

As with the previously-approved project, $L_{10(1)}$ noise levels within the Pier 42 open space are expected to be in the high 70s dB(A). The portion of the project site directly north of the existing pier shed currently experiences some noise that is generated by vehicular traffic on the FDR Drive and is reflected back from the north wall of the shed. In the future with the proposed project, the shed structure would be removed, and that reflected noise would not occur. Consequently, in this area north of the shed, noise levels in the future with the proposed project would be somewhat lower than existing noise levels. Additionally, noise levels at portions of the site that are further from the FDR Drive would be lower than the maximum levels experienced directly adjacent to the roadway. However, noise levels on the project site would still be above the 55 A-weighted decibel (dBA) $L_{10}$ noise level for outdoor areas requiring serenity and quiet contained in the *CEQR Technical Manual* noise exposure guidelines. The FEIS considered potential mitigation measures to reduce noise levels in proposed open spaces, including walls and a berm in the vicinity of Pier 42, which would provide some attenuation depending on its design, height, and location.

Although noise levels would be expected to be above the 55 dBA $L_{10(1)}$ guideline noise level, they would be comparable to noise levels in a number of open space areas that are also located adjacent to heavily trafficked roadways, including the Brooklyn Bridge Park, Hudson River Park, the East River Park, Central Park, Riverside Park, and other urban open space areas. The 55 dBA $L_{10(1)}$ guideline is a worthwhile goal for outdoor areas requiring serenity and quiet; however, due to the level of activity present at most New York City open space areas and parks (except for areas far away from traffic and other typical urban activities) this relatively low noise level is often not achieved.

## PUBLIC HEALTH

As described above and in subsequent sections of this EA, the proposed project would not result in any significant unmitigated adverse impacts to air quality, water quality, hazardous materials, noise, or any other analysis area. Further, it would result in an increase in the amount of open space which is generally considered beneficial to public health. Therefore, no further analysis of public health is required, and no significant adverse impacts to public health are expected to occur as a result of the proposed project.

## NEIGHBORHOOD CHARACTER

As defined in the *CEQR Technical Manual*, neighborhood character is considered to be an amalgam of the various elements that define a neighborhood's distinct personality. These elements may include a neighborhood's land use, urban design, visual resources, historic resources, socioeconomics, traffic, and/or noise. An assessment of neighborhood character is

generally needed when a proposed project has the potential to result in significant adverse impacts in any of the technical areas listed above, or when the proposed project may have moderate effects on several of the elements that define a neighborhood's character. As discussed above and in the attachments to this EA, the proposed project would not have significant adverse impacts to or result in any moderate effects in these technical areas or other areas related to neighborhood character. Therefore, the proposed project would not result in any significant adverse neighborhood character impacts and a detailed neighborhood character analysis is not warranted. ✷

# A. INTRODUCTION

This attachment assesses the proposed Pier 42 project's potential impacts on land use, zoning, and public policy within a 400-foot study area, in accordance with the *City Environmental Quality Review (CEQR) Technical Manual*. The analysis characterizes existing conditions, evaluates changes in land use and zoning that are expected to occur independent of the proposed project, and identifies and addresses any potential impacts to land use, zoning, and public policy associated with the proposed project.

# B. METHODOLOGY

The project site is located on the East River adjacent to the Franklin D. Roosevelt (FDR) Drive between Montgomery Street to approximately 315 feet east of Jackson Street. This analysis of land use, zoning, and public policy examines the area within 400 feet of the project site, which is generally bounded by Water Street to the north, the East River to the south, Pier 36 to the west, and Corlears Hook Park and East River Park to the east (see **Figure 2A-1**).

The analysis begins by documenting existing conditions in the study area in terms of land use, zoning, and public policy. The analysis then projects land use, zoning, and public policy in the No Action condition by identifying developments and potential policy changes expected to occur within that time frame. It is assumed that in the No Action condition, the Pier 42 project would not be developed, and the project site would remain in existing conditions. The potential impacts of the proposed project are then assessed by comparing conditions with the proposed project with the projected conditions without the proposed project.

The proposed Pier 42 project would be completed by 2018.

# C. EXISTING CONDITIONS

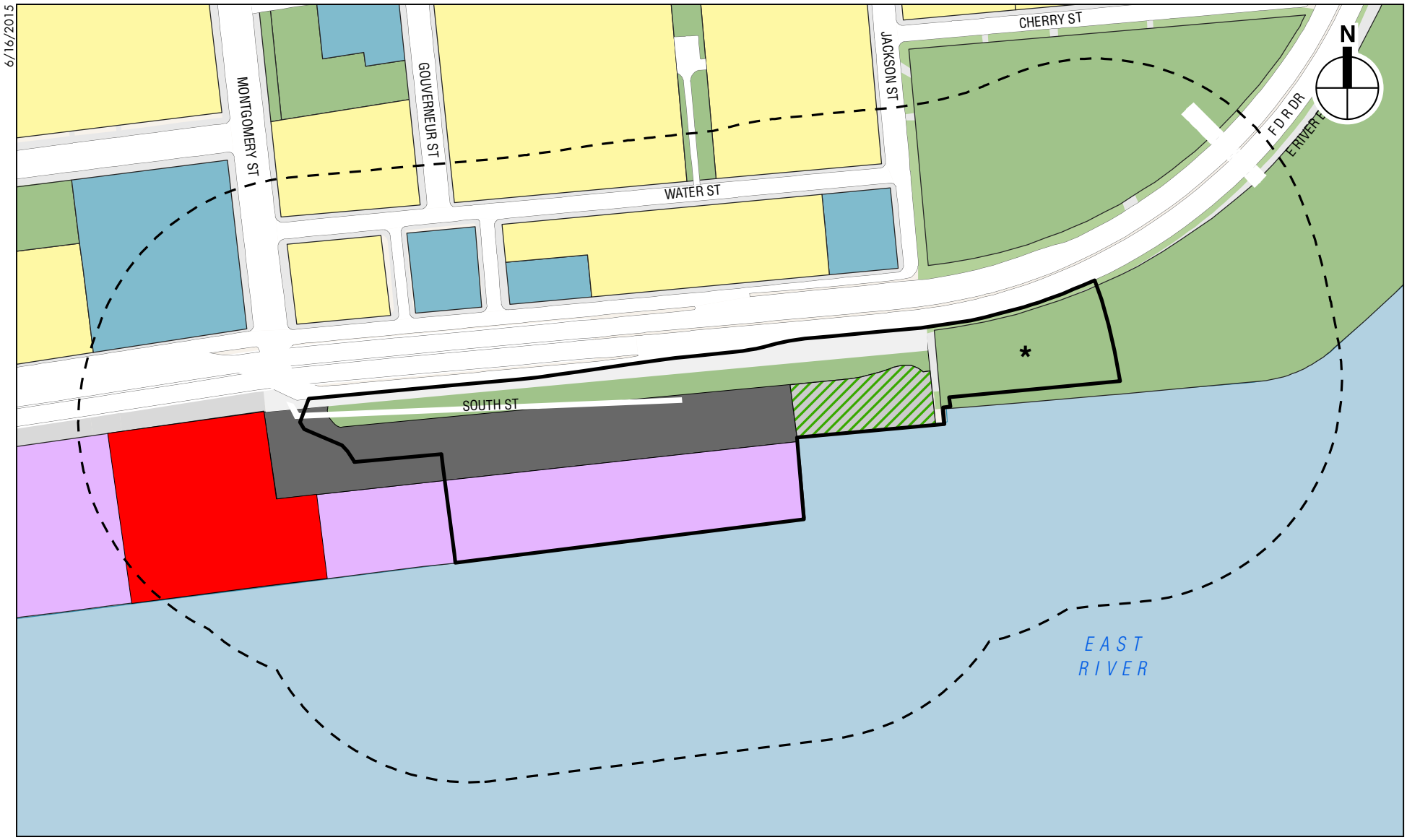
## LAND USE

*PROJECT SITE*

Pier 42 is located on the East River across the FDR Drive between Gouveneur Slip East on the west and approximately Jackson Street on the east. The project site includes Pier 42, its apron (paved area on the upland side of the pier), the adjacent paved upland area west to Montgomery Street, and a portion of East River Park east of Jackson Street to about 315 feet. The project site is located entirely within the 100-year floodplain.

*Pier 42*

Pier 42 is a former industrial pier with a shed approximately 160 feet wide by 625 feet long. Painted beige, the pier shed is derelict, with windows open to the elements. An approximately




Existing Land Use

**PIER 42**

**Figure 2A-1**

140 foot wide paved area between the pier shed and the bikeway/walkway along the FDR Drive is occupied by a public parking lot with a licensed capacity of 400 spaces. A portion of the upland area east of the pier shed is currently occupied by "Paths to Pier 42," a temporary open space that hosts events and art installations.

Only the pier platform and shed were part of the Esplanade Project.

*Upland Area to Jackson Street*

The 0.4-acre section of the Pier 36 apron that is part of the project area is paved and provides access to a New York City Department of Transportation (CDOT) parking and storage area between the pier sheds on Pier 36 and Pier 42, which is not a part of the project site. Relocation of the CDOT facility has been previously discussed but no specific plans are known at this time.

*Section of East River Park*

The 0.76-acre area of East River Park adjacent to "Paths to Pier 42" is largely paved and currently used for New York City Department of Parks and Recreation (DPR) vehicle storage and staging for park maintenance. This area was outside of the previously-approved Esplanade Project.

*STUDY AREA*

The 400-foot study area is generally bounded by Water Street to the north, the East River to the south, Pier 36 to the west, and Corlears Hook Park and East River Park to the east (see **Figure 2A-1**). The study area is located in the Two Bridges neighborhood in Community District 3.

The study area is characterized by a mix of residential and community facility uses north of South Street/FDR Drive and park uses throughout. However, the FDR Drive—particularly the elevated section—as well as the industrial uses on the waterfront have long separated the residents from the East River.

Directly across the FDR Drive from the project site is Gouverneur Gardens, a residential development consisting of several towers along Water Street and Montgomery Street. North of Gouverneur Gardens across Water Street is the New York City Housing Authority (NYCHA) Vladeck Houses, which surround Vladeck Park.

Community facilities in the study area include P.S. 137 and Saint Rose's Home nursing facility. The former Gouverneur Hospital, which has views over the FDR to the project site, has been renovated into supportive housing for individuals with mental illnesses or HIV/AIDS. Adjacent to the former Gouverneur Hospital to the east is the former Gouverneur Hospital Dispensary, which is currently in use as short-term housing for individuals in recovery from substance abuse.

Adjacent to the project along the waterfront are open space uses as well as parking. As described above, directly west of the project site is a parking lot used by CDOT. The pier shed and apron of Pier 36 west of the project site and the CDOT lot contain event space and Basketball City, an indoor basketball facility.

As well as the East River itself, the study area also contains a portion of East River Park. The adjacent portion of the park is currently used for composting by the Lower Eastside Ecology Center, and beyond that is the East River Park Amphitheater which is connected via a pedestrian bridge across the FDR to Corlears Hook Park.

## ZONING

*PROJECT SITE*

An upland portion of the project site and the section of East River Park are mapped parkland. The pier and most of the rest of the project area are located in an M1-4 zoning district (see **Figure 2A-2**). M1-4 is a light industrial district that permits most commercial uses, including retail, services, and light manufacturing. Certain community facility uses, including parks and recreational facilities, hospitals, and houses of worship are also allowed in M1-4 districts. The maximum permitted floor area ratio (FAR) is 2.0 for commercial and industrial uses and 6.5 for community facilities.

A small portion of the project site, between "Paths to Pier 42" and the section of East River Park is an R7-2 zoning district. R7 districts are medium-density residential districts. The maximum allowable FAR in R7-2 districts ranges from 0.87 to 3.44.

**Table 2A-1** provides a summary of the zoning districts mapped on the project site and in the study area.

**Table 2A-1**
**Study Area Zoning Districts**

| Zone | Allowable Floor Area Ratio (FAR) | Use |
|---|---|---|
| R7-2 | 0.87-3.44 Residential; 6.5 Community Facility | Medium-density residential district |
| C6-4 | 10.0 Commercial[1]; 10.0 Residential[1]; 10.0 Community Facility | High-bulk commercial district |
| M1-4 | 2.0 Manufacturing; 2.0 Commercial; 6.5 Community Facility | Light industrial district with stringent performance standards |
| **Notes:** | 1. Can be increased with 20% public plaza bonus. | |
| **Sources:** | *New York City Zoning Resolution*. | |

*STUDY AREA*

The M1-4 district extends throughout the western portion of the study area along the waterfront. The eastern portion of the study area contains mapped parkland in East River Park and Corlears Hook Park. The R7-2 district is mapped on the blocks directly north of the FDR Drive and west of Jackson Street.

Other than the M1-4 and R7-2 districts, the study area includes a C6-4 district mapped in the northwestern portion of the study area, north of FDR Drive and west of Montgomery Street (see **Table 2A-1**). C6-4 districts are medium-bulk office districts and have a maximum commercial and community facility FAR of 10. Residential development is permitted up to 10 FAR (R10 equivalent).

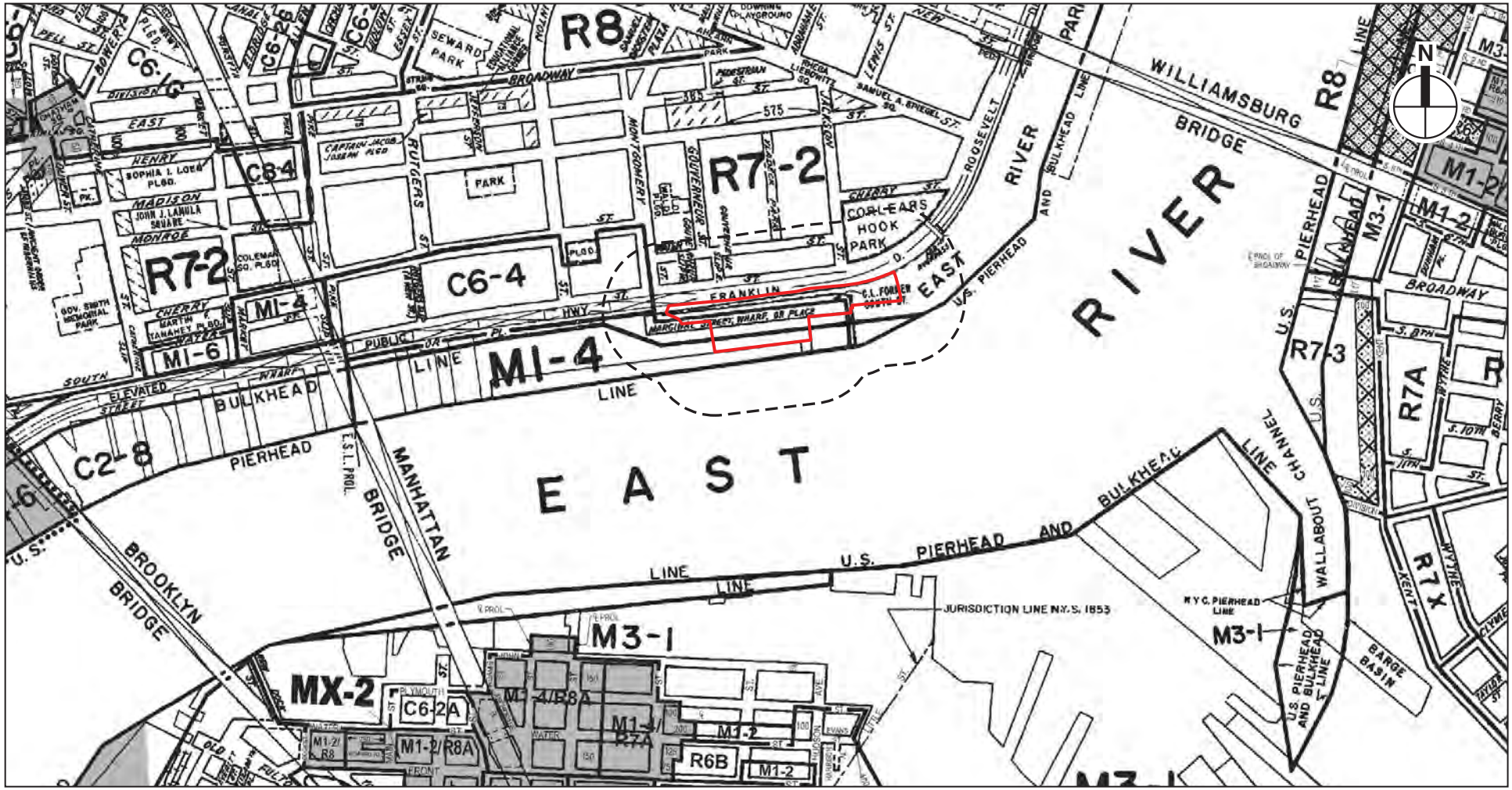
## PUBLIC POLICY

*PROJECT SITE*

*Lower Manhattan Development Corporation*

The Lower Manhattan Development Corporation (LMDC) was created in November 2001 as a subsidiary of the Empire State Development Corporation to help plan and coordinate the rebuilding of Lower Manhattan south of Houston Street. LMDC is charged with assisting New York City in recovering from the terrorist attacks on the World Trade Center, and ensuring that

5.19.15




*Project Site Boundary*

*Study Area Boundary (400-Foot Perimeter)*

*Zoning District Boundary*

*Special Purpose District*

*C1-1 Overlay*

*C1-3 Overlay*

*C1-4 Overlay*

*C1-5 Overlay*

*C2-4 Overlay*

**PIER 42**

Existing Zoning

**Figure 2A-2**

Lower Manhattan emerges as a strong and vibrant 24-hour community. The centerpiece of LMDC's efforts is the creation of a permanent Memorial for the World Trade Center site. In addition, LMDC has funded numerous projects to enhance access to the waterfront, including the development of the East River Esplanade, pathways to the water at Catherine, Montgomery, Peck and Rutgers Slips; as well as the Pike and Allen Malls.

*New York City's Vision for Lower Manhattan*

On December 12, 2002, Mayor Michael Bloomberg released *New York City's Vision for Lower Manhattan* with the stated purpose of connecting Lower Manhattan to the world around it, building new neighborhoods, and creating public places that make Lower Manhattan one of the most appealing places in the world. The Vision discusses various recommendations to help revitalize and improve Lower Manhattan as a global center of business by creating new regional transportation links. Other goals include improvements to streetscapes, the expansion and creation of public plazas and parks, and the continued revitalization of and enhanced access to the waterfront. The Vision aims to spark private market reactions from these public investments.

*PlaNYC and OneNYC*

In April 2007, the Mayor's Office of Long Term Planning and Sustainability released PlaNYC: A Greener, Greater New York (PlaNYC). Since that time, updates to PlaNYC have been issued that build upon the goals set forth in 2007 and provide new objectives and strategies. In 2015, One New York: The Plan for a Strong and Just City (OneNYC) was released by the Mayor's Office of Sustainability and the Mayor's Office of Recovery and Resiliency. OneNYC builds upon the sustainability goals established by PlaNYC and focuses on growth, equity, sustainability, and resiliency.

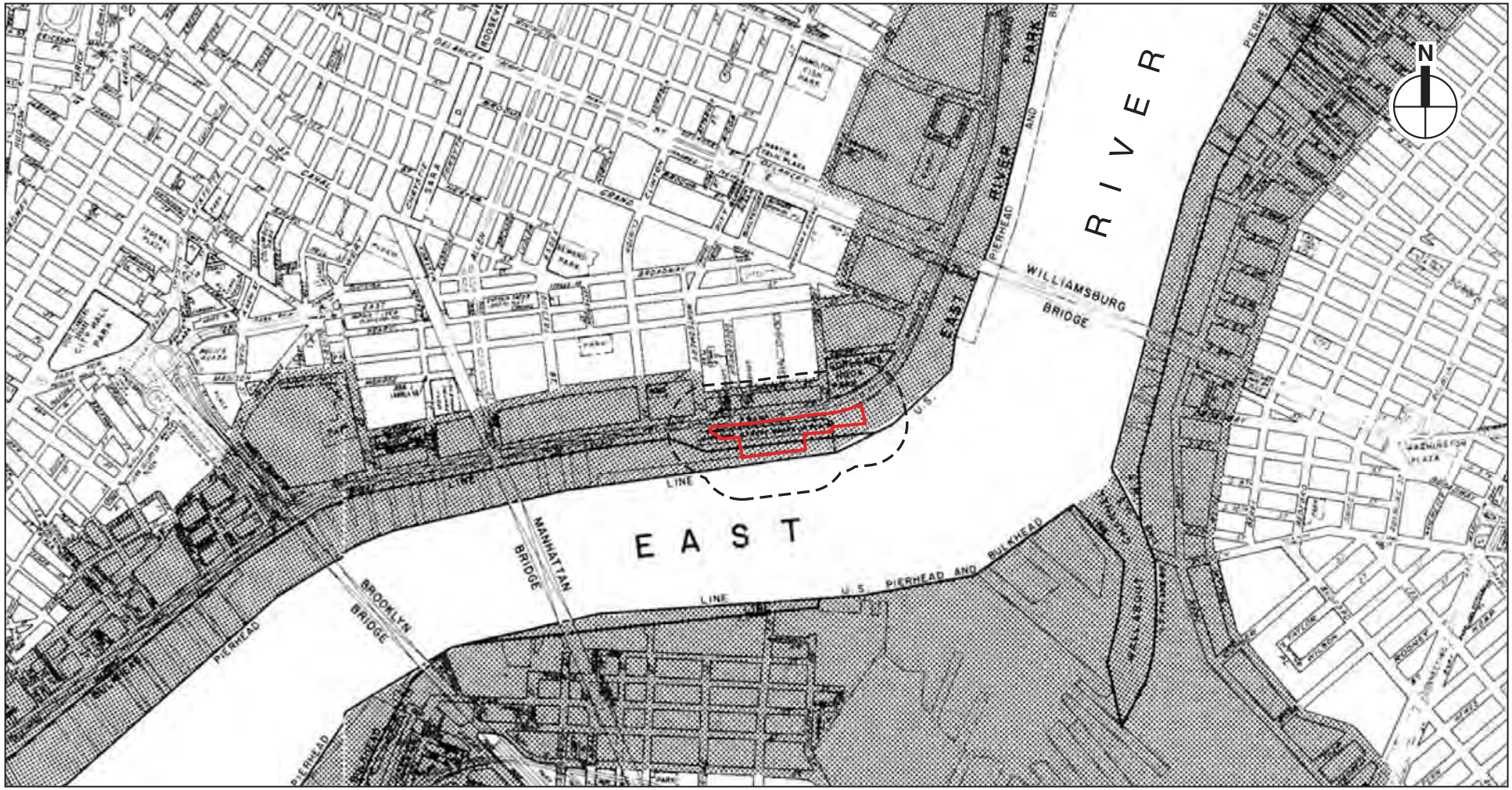
*Waterfront Revitalization Program*

The project site is located in the Coastal Zone designated by New York State and City, and is therefore subject to the Coastal Zone management policies of both the City and the State (see **Figure 2A-3**). The New York City Waterfront Revitalization Program (WRP) is the City's primary coastal zone management tool. The WRP is made up of 10 major policies focusing on the goals of improving public access to the waterfront; reducing damage from flooding and other water-related disasters; protecting water quality, sensitive habitats like wetlands and the aquatic ecosystem; reusing abandoned waterfront structures; and promoting development with appropriate land uses.

Revisions to the New York City Waterfront Revitalization Plan (WRP) were approved by the City Council on October 30, 2013. The revisions are intended to reflect policy elements included in the New York City Department of City Planning's (DCP's) 2011 *Vision 2020 New York City Comprehensive Waterfront Plan*, including incorporation of climate change and sea level rise considerations to increase the resiliency of the waterfront area, promotion of waterfront industrial development and both commercial and recreational water-borne activities, increased restoration of ecologically significant areas, and design of best practices for waterfront open spaces.

The changes still must undergo review and approval by the New York State Department of State (NYSDOS) and the U.S. Department of Commerce. The proposed project's consistency with the WRP has been assessed using the 2013 revisions. An assessment of the proposed project's consistency with the WRP is provided below, in Section F.

5.19.15




*Project Site Boundary*

*Study Area Boundary (400-Foot Perimeter)*

*Coastal Zone Boundary*

Coastal Zone Boundary

**PIER 42**

**Figure 2A-3**

*Comprehensive Waterfront Plan*

In March 2011, DCP released *Vision 2020: New York City Comprehensive Waterfront Plan*, a framework that aims to reinforce the connection between New Yorkers and the waterfront by increasing water transport, public access to the waterfront and economic development. The plan outlines eight goals for the 520 miles of New York City shoreline:

- Expand public access to the waterfront and waterways on public and private property for all New Yorkers and visitors.
- Enliven the waterfront with a range of uses integrated with adjacent uses in the upland communities.
- Support economic development on the working waterfront.
- Improve water quality through measures benefiting natural habitats, support public recreation, and enhance waterfront and upland communities.
- Restore degraded natural waterfront areas and protect wetlands and shorefront habitats.
- Enhance the public experience of the waterways that surround New York.
- Improve governmental regulation, coordination, and oversight of the waterfront and waterways.
- Identify and pursue strategies to increase the City's resilience to climate change and sea level rise.

Pier 42 is identified in the *Comprehensive Waterfront Plan* as part of the neighborhood reach strategies. Specifically, Pier 42 is identified in Reach 1-East River South, which seeks to "Study [Pier 42] for use as a park with water-dependent community uses with connection to East River Esplanade South." The *Comprehensive Waterfront Plan* is also reinforced by the New York City Waterfront Action Agenda, a three year implementation component that includes high-priority projects designed specifically to catalyze investment on the waterfront.

*STUDY AREA*

There are no other relevant public policies that apply within the study area.

## D. THE FUTURE WITHOUT THE PROPOSED PROJECT

### LAND USE

*PROJECT SITE*

Absent the proposed project, in the "No Action condition," the Pier 42 project would not be developed, and the project site would remain in existing conditions, as an underutilized site. Independent of the proposed project, the Con Ed building on the eastern waterfront corner of Pier 42 will be rebuilt slightly taller to be more resilient to storm events. DPR is coordinating with Con Ed on the design.

*STUDY AREA*

There are two planned projects in the 400-foot study area that will be developed in the future without the proposed project by 2018. The adjacent portion of East River Park that is currently used for composting by the Lower Eastside Ecology Center will be reconstructed into a

formalized composting facility with proposed enhanced treatment of the liquid waste (leachate) through a constructed wetland. The composting facility and wetland are anticipated to be complete by 2018. In addition, a Citywide Ferry Service sponsored by NYCEDC is being considered. A potential dock location would be off the existing waterfront esplanade in East River Park near the east of the Pier 42 project site.

Just outside of the study area, Pier 35 (west of the project site and Pier 36) is currently under construction to become a public open space providing access to the waterfront, including picnic tables, outdoor grills, and possibly a boat launch. This site is part of the East River Waterfront Esplanade and Piers project, and is expected to be complete by 2017.

The Rebuild by Design competition, initiated by the United States Department of Housing and Urban Development (HUD) and other public agencies and civic partners, aimed to identify creative ways to address waterfront resiliency in the New York-New Jersey area in the wake of Hurricane Sandy. One of the winning designs of the competition was the "BIG U," a conceptual proposal to enhance storm protection and resiliency along Lower Manhattan's waterfront through the building of deployable flood barriers and other measures. In 2014, HUD announced $335 million in federal Community Development Block Grants-Disaster Recovery to the City of New York to implement coastal protection based on the "BIG U" proposal. The East Side Coastal Resiliency Project (ESCR) will build off the "BIG U" concept, with the objective of providing a flood protection system for the flood hazard area that is mapped along the East Side of Manhattan between Montgomery Street on the south and East 23rd Street on the north. As part of the flood protection improvements, it is also proposed to enhance and improve access to East River Park.

### ZONING AND PUBLIC POLICY

No other changes to zoning or public policy are expected on the project site or in the study area by the proposed project's build year.

## E. PROBABLE IMPACTS OF THE PROPOSED PROJECT

### LAND USE

As described above, the proposed Pier 42 project would redevelop the project site with a landscaped open space on the upland area and provide views to the river by demolishing the existing pier shed. The proposed design would remove the pavement from the upland area and demolish the pier shed—except for the four western bays of its steel structure. The pier would not be publicly accessible. A chain link fence and a shrub buffer would separate the pier from the new open space. The bulkhead in this area would be repaired by grout replacement and by replacement of deteriorated modern concrete caps. There would be access to the new open space from the Esplanade or from Jackson Street under the elevated FDR Drive on the west and from East River Park on the east. The easternmost portion of the open space would be filled to create a grassy knoll rising about seven feet. To its west the former pier apron would be a flat lawn area with crisscrossing permeable pavement walkways. An entry garden would occupy the westernmost section of the open space. Landscaping would provide a buffer to the CDOT yard on Pier 36 and to the rising elevation of the FDR Drive.

The proposed project would result in a change in land use on the site, as it would replace an underutilized site with publicly accessible open space. The proposed open space would be

compatible with and complementary to nearby park, residential, community facility and commercial uses, and would reestablish public access to the waterfront at this location. In addition, the proposed Pier 42 project would be compatible with the goals of the ESCR project, as it would be designed to be resilient to both storms and sea level rise. While the northern edge (50-foot-wide work zone) of the Pier 42 project site could be affected by the ESCR project with the possible construction of a flood wall along the FDR Drive service road and a berm south of the flood wall, the majority of the Pier 42 project would not be affected by ESCR, and both projects would advance the resiliency goals along this portion of the waterfront. Further, since DPR is the sponsor for both the Pier 42 project and the ESCR project, the goals and designs of both are being coordinated as they progress.

For these reasons, the proposed project would not result in any significant adverse impacts to land use on the project site or in the study area.

## ZONING AND DISCRETIONARY ACTIONS

The proposed project would not affect the existing zoning of the project site or study area. Public open space is a permitted use in the zoning districts mapped on the project site. Therefore, the proposed project would not result in any significant adverse impacts to zoning on the project site or in the study area.

The proposed project will require a waterfront certification from the City Planning Commission, because the parcel is intersected by the shoreline and as such is regulated by special waterfront zoning regulations. In 1993 New York City adopted special waterfront zoning regulations (Article VI, Chapter 2) to regulate the form, size and location of waterfront development. This regulation also governs the amount and quality of required public access associated with such a development and maintenance of visual corridors. DPR will work with the City Planning Commission to obtain certification that the project complies with requirements for public access and visual corridors.

## PUBLIC POLICY

The proposed project would not include any changes to public policy on the project site or in the study area, and would be consistent with the public policies that currently govern the site and the surrounding area. By creating new open space and access to the waterfront, and closing the gap between the Esplanade Project at Pier 35 and East River Park, the proposed project would be consistent with the multiple initiatives described above to improve the quality of life in Lower Manhattan and provide public access to the waterfront. As previously described, the proposed project is specifically identified in the *Comprehensive Waterfront Plan* as part of the as part of the neighborhood reach strategies for the East River South area. While the proposed project would not include water-dependent community uses described in the plan, it would provide a connection to East River Esplanade South. Further, the proposed project would not preclude further development of Pier 42 for water-dependent uses. Therefore, the proposed project would be compatible with the *Comprehensive Waterfront Plan* and the strategy in Reach 1-East River South. The proposed project would be compatible with *PlaNYC's* Parks and Public Space and Waterways goals, by creating a new open space amenity for the community with public access to the waterfront. The proposed project would also be compatible with *OneNYC's* sustainability and resiliency goals, as it would be designed to be resilient to both storms and sea level rise.

An assessment of the proposed project's consistency with the New York City Waterfront Revitalization Program is provided below, in Section F.

Overall, the proposed project would not result in any significant adverse impacts to public policy.

## F. NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM CONSISTENCY

The project site is located within the City's designated Coastal Zone Boundary. Therefore, in accordance with the guidelines of the *CEQR Technical Manual*, an evaluation of the proposed project's consistency with the revised WRP policies was undertaken. As described above, the WRP policies are currently undergoing proposed revisions that have yet to be approved. An updated CAF has not yet been created to correspond to the proposed revisions. Therefore, the January 2003 version of the WRP CAF was used, but the policies analyzed for this section correspond to the proposed revisions to the WRP (see **Appendix A** for the WRP Coastal Assessment Form [CAF]).

The consistency assessment is provided below for all questions that were answered "yes" in the CAF (or their equivalent policies in the revised version, where they have been renumbered), as well as any relevant revised or new policies. Therefore, the following consistency assessment includes policies: 1, 2, 2.4, 3.3, 6, 6.1, 6.2, 6.3, 7.2, 8, 8.4, 8.6, and 10.

### CONSISTENCY OF PROPOSED PROJECT WITH THE WATERFRONT REVITALIZATION PROGRAM POLICIES

New York City's WRP includes 10 principal policies designed to maximize the benefits derived from economic development, environmental preservation, and public use of the waterfront, while minimizing the conflicts among those objectives.

**Policy 1**: Support and facilitate commercial and residential development in areas well-suited to such development.

The proposed project would not involve any commercial or residential development. Rather, the proposed project would provide open space resources that would support neighboring residential and commercial areas. Therefore, this policy is not applicable to the proposed project.

**Policy 2**: Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.

See responses to Policies 2.4 and 2.5, below.

*Policy 2.4: Provide infrastructure improvements necessary to support working waterfront uses.*

Like the previously-approved project, the proposed project does not include working waterfront uses. Therefore, this policy does not apply to the proposed project.

*Policy 2.5: Incorporate consideration of climate change and sea level rise into the planning and design of waterfront industrial development and infrastructure, pursuant to WRP Policy 6.2.*

The proposed project would involve the creation of new open space and would not include any industrial development. While the proposed project would include work on waterfront infrastructure—specifically, the bulkhead—this work would be limited to structurally necessary repairs, which would be sensitive to its historic context. The proposed project

would not involve the planning of new waterfront infrastructure. For these reasons, this policy does not apply to the proposed project.

**Policy 3:** Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation.

See response to Policy 3.3, below.

*Policy 3.3: Minimize conflicts between recreational boating and commercial ship operations.*

While the previously-approved Pier 42 project included facilities for recreational boating (a cove at the south end of the pier where small boats could moor temporarily and a small craft launch area protected by wave attenuators at the north end), the proposed project would not include any facilities to support recreational boating or commercial ship operations. Therefore, this policy does not apply to the proposed project.

**Policy 5:** Protect and improve water quality in the New York City coastal area.

See responses to Policies 5.1 and 5.5, below.

*Policy 5.1: Manage direct or indirect discharges to waterbodies.*

The proposed project is not expected to result in an artificial input of freshwater or effluent discharge to the East River. Because Pier 42 is an existing structure, stormwater runoff from impervious surfaces already exists, and would not be increased by the proposed project. Additionally, the proposed project would include pathways with permeable paving, which would reduce the amount of impervious surface on the project site by approximately 45 percent helping to slow the rate of stormwater discharge. Therefore, the proposed project is consistent with this policy.

*Policy 5.5: Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.*

The proposed project would not involve any residential, commercial, or industrial development that would increase demand for infrastructure, necessitating grey-infrastructure strategies. In-water work related to the proposed project would be limited to structural repairs to the bulkhead. These repairs would be sensitive to the bulkhead's historic context; therefore, ecological improvements to the bulkhead (e.g. terracing, replacement with soft shoreline) would not be appropriate. For these reasons, this policy is not applicable to the proposed project.

**Policy 6:** Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.

See response to Policies 6.1, 6.2, and 6.3, below.

*Policy 6.1: Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.*

On the basis of Federal Emergency Management Agency (FEMA) revised preliminary Flood Insurance Rate Maps issued on January 30, 2015, the project site is within the 100-year floodplain (the area with a 1 percent probability of flooding each year) and has 100-year flood elevations ranging from +11 to +12 feet North American Vertical Datum of 1988

(NAVD88). New York City is affected by local flooding (e.g., flooding of inland portions of the city from short-term, high-intensity rain events in areas with poor drainage), fluvial flooding (rivers and streams overflowing their banks), and coastal flooding (e.g., long and short wave surges that affect the city's shorelines along the Atlantic Ocean and tidally influenced rivers such as the Hudson River and East River). The East River is a tidal strait connecting Long Island Sound to New York Bay, and the flood elevation is controlled by the tidal conditions within New York Bay, Long Island Sound, and the Atlantic Ocean, rather than fluvial conditions[1]. Because the floodplain within and adjacent to the project site is controlled by astronomic tide and meteorological forces (e.g., nor'easters and hurricanes) and not by fluvial flooding, floodplains would not be affected by grading or other construction for the proposed project. The proposed repairs to the bulkhead would improve its longevity and durability during storms. The proposed project would comply with applicable New York City Building Codes and FEMA requirements regarding non-residential structures within the 100-year floodplain. In addition, the proposed Pier 42 project would be designed to be resilient to both storms and sea level rise. The removal of the pier shed would help to reduce stress on the pier structure, which is in unsound condition. The replacement of concrete paving with permeable paving and landscaping on approximately 7.35 acres of land would improve the site's ability to handle stormwater. In addition, the proposed project would be designed to flood with salt water resilient vegetation. The new comfort station and utility buildings would be raised above the 100-year flood level. For these reasons, the proposed project would not have significant adverse impacts to floodplains or alter flooding conditions within or around the project site, and the proposed project would be consistent with this policy.

*Policy 6.2: Integrate consideration of the latest New York City projections of climate change and sea level rise (as published by the NPCC, or any successor thereof) into the planning and design of projects in the city's Coastal Zone.*

On the basis of FEMA revised preliminary Flood Insurance Rate Maps issued on January 30, 2015, the project site is within the 100-year floodplain (the area with a 1 percent probability of flooding each year) and has 100-year flood elevations ranging from +11 to +12 feet North American Vertical Datum 1988 (NAVD88). The New York City Panel on Climate Change has projected a rise in sea level of 11 to 24 inches by the middle of the century (2050s middle range, 25th to 75th percentile), which would increase the 100-year flood elevations of the project site to approximately +12 to +14 feet NAVD88. Although the proposed project would be built below these elevations, the project consists of the creation of landscaped open space, and no buildings or other structures that would be vulnerable to flooding would be built as part of the proposed project. In addition, the proposed project's replacement of an impervious parking area and building with open space landscaped with trees, shrubs, and herbaceous plants would be consistent with New York City's climate change resilience strategies which include the protection and restoration of vegetated shoreline areas that can help buffer inland areas[2]. For these reasons, the proposed project would be consistent with this policy.

---

[1] Federal Emergency Management Agency. 2013. Flood Insurance Study, City of New York, New York, Vol. 1. FEMA Flood Insurance Study 360497V000B, December 5, 2013.

[2] City of New York. 2011. Vision 2020: New York City Comprehensive Waterfront Plan. Available from: http://www.nyc.gov/html/dcp/html/cwp/index.shtml

**Policy 7:** Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.

See response to Policy 7.2, below.

*Policy 7.2: Prevent and remediate discharge of petroleum products.*

As described in Chapter 2, Section D, "Hazardous Materials," past on-site uses (and uses of surrounding properties) indicate some potential for subsurface hazardous materials, including hydraulic oil. The regulatory databases included listings of a number of petroleum spills relating to Con Ed manholes and there are conduits for oil-containing high pressure pipes in and around the project site. In addition, the construction equipment stored at the project site included gasoline, diesel, and hydraulic equipment. Although the proposed project would involve the removal of portions of the existing paving, negative impacts on public health would be avoided by constructing the proposed project in accordance with the following measures:

- Demolition of the existing structures would be conducted in accordance with applicable regulatory requirements relating to asbestos-containing materials (ACM); lead-based paint; and PCB-containing equipment (e.g., transformers, electrical feeder cables, hydraulic equipment, and fluorescent light ballasts).
- Although little or no soil disturbance is associated with the proposed project (imported material would be placed on top of existing grade, following removal of asphalt/concrete), based on the Phase II findings, a Remedial Action Plan (RAP) and associated Construction Health and Safety Plan (CHASP) would be prepared for implementation during any subsurface disturbance associated with the proposed project. The RAP and CHASP would address requirements for items such as: soil management and disposal, dust control, and contingency measures should underground tanks or other unforeseen contamination be encountered.

Therefore, the proposed project would be consistent with this policy.

**Policy 8:** Provide public access to and along New York City's coastal waters.

See responses to Policy 8.4 and 8.6, below.

*Policy 8.4: Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.*

The proposed project is specifically intended to add and improve waterfront open space and recreation through the creation of new publicly accessible open space. The proposed project would add approximately 7.35 acres of waterfront open space on City-owned land. Therefore, the proposed project would help to develop waterfront open space and recreation on publicly owned land, and would be consistent with this policy.

*Policy 8.6: Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship.*

The proposed project would retain a portion of the steel frame of the Pier 42 pier shed, a former newsprint terminal building. It would also open up views of the waterfront by removing the remainder of the pier shed and creating an elevated, landscaped knoll. Therefore, the proposed project would be consistent with this policy.

**Policy 10:** Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City Coastal Area.

See responses to Policies 10.1 and 10.2, below.

*Policy 10.1: Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.*

As described in Chapter 2, Section B, "Historic and Cultural Resources," there is one known historic resource within the project site's boundaries—the East River bulkhead—and three additional known architectural resources within the area of potential effect (APE): the FDR Drive (S/NR-eligible), the former Gouverneur Hospital (S/NR-listed), and the former Gouverneur Hospital Dispensary (S/NR-eligible, NYCL-eligible). Consistent with the Esplanade Project's Programmatic Agreement (PA), LMDC and the City will consult with SHPO regarding the design of the proposed project on or around the historic, granite portions of the East River bulkhead. The proposed bulkhead work for the proposed project consists solely of minor repairs (grout replacement), and replacement of deteriorated modern concrete caps, and thus would not significantly adversely affect this historic resource.

The proposed piershed removal and creation of public open space would not be anticipated to adversely affect the other architectural resources in the APE. The proposed project would not result in any physical changes to the other architectural resources in the APE, or the replication of aspects of any of the architectural resources in the study area so as to cause a false historical appearance, or the introduction of significant new shadows or significant lengthening of the duration of existing shadows over historic landscapes or structures. The proposed project would also not result in any construction-related impacts to any architectural resources.

The proposed project would also not result in any significant adverse indirect impacts to any architectural resources. It would not isolate any architectural resource from its setting or visual relationship with the streetscape, or otherwise adversely alter a historic property's setting or visual prominence, nor would it introduce incompatible visual, audible, or atmospheric elements to a resource's setting. The proposed project would not eliminate or screen significant publicly accessible views of any architectural resource, but instead would be expected to enhance the context of surrounding architectural resources by improving and enhancing public open spaces with new amenities such as new landscaping and lighting. The removal of the pier shed structure on Pier 42 (with the exception of some of the steel frame) would be expected to enhance the visual context of the former Gouverneur Hospital and Gouverneur Hospital Dispensary buildings.

For all of these reasons, the proposed project would be consistent with this policy.

*Policy 10.1: Protect and preserve archaeological resources and artifacts.*

As described in Chapter 2, Section B, "Historic and Cultural Resources," no additional archaeological analysis is warranted for the southern half of the project site (Pier 42 itself). Areas of archaeological sensitivity have been identified within the northern half of the Archaeological APE, as described in the disturbance memorandum prepared by AKRF, Inc. in September 2015. As described in that memorandum, the entire project site is sensitive for archaeological resources associated with landfill and landfill-retaining structures below a depth of 2 feet, except in areas with greater disturbance caused by the installation of utilities or the excavation of basements. The original street surfaces may also be sensitive for the

remnants of street car lines (trolley tracks), wooden water mains, and concentrations of historic period artifacts. Finally, those historic lots that were not disturbed by basement excavation are sensitive for historic shaft features.

As currently proposed, grading and filling is proposed across the project site, with the majority of excavation expected to be limited to the removal of the concrete pad that is situated at approximately 2 feet below the ground surface. Fill material will then be used to raise the grade of the site, most dramatically at the eastern end of the project site. Benches will be installed that will require excavation to a depth of 2 to 3 feet; tree pits will be excavated to a depth of 3 to 4 feet, and fence foundations will be excavated to a depth of approximately 4 to 5 feet. However, much of this excavation will be through the newly added fill material. In addition, some existing subsurface infrastructure (including manholes) will be removed, which may require excavation to greater depths, although the majority of the area to be excavated to remove these structures would have been disturbed during their original construction.

Therefore, the disturbance memorandum determined that archaeological monitoring is recommended for any areas not previously disturbed by the installation of utilities or the excavation of basements and where excavation as a result of the proposed project would extend to depths greater than 2 feet below the existing ground surface. In addition, the memorandum recommended that an Unanticipated Discoveries Plan be prepared to outline the procedures that will be implemented in the event that unanticipated archaeological resources are encountered during the construction of the proposed project.

Consistent with the Esplanade Project's PA, the disturbance memorandum will be submitted to SHPO for review and comment. Subsequent to the review of the disturbance memorandum, LMDC and the City will prepare and submit to SHPO an Archaeological Monitoring Protocol and Unanticipated Discoveries Plan. In many areas, because of the introduction of fill materials, excavation associated with the proposed project would not result in impacts to depths greater than 2 feet below the current pre-construction ground surface. Therefore, it is expected that the archaeological monitoring program would be limited, and no monitoring would be necessary across the majority of the project site. OPRHP will have 30 days to submit comments and recommendations to LMDC and the City with respect to the adequacy of the Archaeological Monitoring Protocol/Unanticipated Discoveries Plan. In the event the unanticipated archaeological deposits or features are encountered during construction of the proposed project and adverse effects on those resources will result, LMDC and the City will immediately implement the procedure of the Unanticipated Discoveries Plan. The final Unanticipated Discoveries Plan will be made available on LMDC's website and upon request.

For all of these reasons, the proposed project would be consistent with this policy. ✷

# A. INTRODUCTION

This section considers the potential of the proposed Pier 42 project to affect historic and cultural resources on the project site and in the surrounding area. The project site is located on the East River waterfront adjacent to the Franklin D. Roosevelt Drive, from Montgomery Street to an area of the East River Park east of Jackson Street. The analysis characterizes existing conditions, evaluates changes to historic and cultural resources that are expected to occur independent of the proposed project, and identifies and addresses any potential impacts to historic and cultural resources associated with the proposed project. As described in detail below, the proposed project would not be anticipated to result in significant adverse impacts to historic and cultural resources.

The current proposal for Pier 42 is a modification of an earlier plan for the pier, which included the removal of the pier shed, creation of an urban beach on the Pier 42 platform and creation of a small craft docking area to the east of the platform were part of the East River Esplanade and Piers Project (Esplanade Project). Designed by the City of New York, the Esplanade Project was to improve a two-mile-long, City-owned public open space connecting the Whitehall Ferry Terminal and Peter Minuit Plaza on the south to East River Park to the north. The existing esplanade was to be enhanced, some new sections created, and several piers (including Pier 42) were to be renovated and redeveloped. Although many of the improvements associated with the Esplanade Project have been undertaken, work on Pier 42 was never funded and never begun.

As part of the Esplanade Project, a Programmatic Agreement (PA) between the New York State Historic Preservation Officer (SHPO), LMDC, and the Advisory Council on Historic Preservation (ACHP), was signed on August 3, 2007. The PA outlines all necessary steps to ensure that cultural resources—including both archaeological and architectural resources—within the Esplanade Project site are protected from impacts associated with the proposed project.

# B. METHODOLOGY

### IDENTIFICATION OF HISTORIC RESOURCES

First, a study area or area of potential effect (APE) is defined based on the characteristics of the proposed project and the context in which it takes place. In general, potential effects on historic resources can include both direct, physical effects (e.g., demolition, alteration, or damage from construction on nearby sites) and indirect, contextual effects, such as the isolation of a property from its surrounding environment, or the introduction of visual, audible, or atmospheric elements that are out of character with a property or that alter its setting.

Once the APE is defined, a list of officially recognized architectural resources within the APE is compiled. This includes: New York City Landmarks (NYCL), Interior Landmarks, Scenic

Landmarks, and New York City Historic Districts (NYCHD); resources calendared for consideration as one of the above by the New York City Landmarks Preservation Commission (LPC); resources listed on or formally determined eligible for inclusion on the State and National Registers of Historic Places (S/NR), or contained within a district listed on or formally determined eligible for listing on the Registers; resources recommended by the New York State Board for listing on the Registers; and National Historic Landmarks (NHL). A list of potential architectural resources within the APE is also compiled. These are identified based on field surveys of the APE and, where available, information from historic societies or preservation organizations with knowledge of the area. Potential architectural resources comprise properties that may be eligible for listing on the S/NR and/or designation as NYCLs.

The National Register Criteria for Evaluation are found in 36 CFR Part 60. Following these criteria, districts, sites, buildings, structures, and objects are eligible for the S/NR if they possess integrity of location, design, setting, materials, workmanship, feeling, and association and:

A. Are associated with events that have made a significant contribution to the broad patterns of our history; or

B. Are associated with the lives of significant persons in our past; or

C. Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

D. Have yielded, or may be likely to yield, information important in history or prehistory.

Properties that have been constructed within the last 50 years are ordinarily not eligible. Determinations of eligibility are made by SHPO. Generally, all properties that are listed on the NR are listed on the State Register, which has the same criteria for evaluation as the NR. Buildings, properties, or objects are eligible for designation as a NYCL or NYCHD when a part is at least 30 years old. Landmarks have a special character or special historical or aesthetic interest or value as part of the development, heritage, or cultural characteristics of the City, State, or nation. There are four types of landmarks: individual, interior, historic district, and scenic. Known historic resources as well as potential resources are identified and described below in Section C, “Existing Conditions.”

## ASSESSMENT OF POTENTIAL EFFECTS ON HISTORIC RESOURCES

Once the historic resources in the APE are identified, the effects of the project on those resources are assessed. As described above, project effects on known historic resources and those potential resources determined to meet eligibility criteria for listing on the NR identified in this section may include both physical and contextual effects. Direct effects could include physical destruction, damage, or alteration of a historic resource. In addition, visual effects, such as changes in the appearance of a historic resource or in its setting—including introduction of incompatible visual, audible, or atmospheric elements to a resource’s setting—are considered.

### ASSESSMENT OF POTENTIAL EFFECTS ON ARCHAEOLOGICAL RESOURCES

In September 2015, AKRF, Inc. prepared a disturbance memorandum/preliminary archaeological assessment of the archaeological APE.[1] The results and conclusions of this disturbance memorandum are summarized below and the memorandum will be submitted to SHPO for review and comment. As described below, the archaeological sensitivity of Pier 42 itself has previously been assessed and determined to have no archaeological sensitivity.

### IDENTIFICATION OF THE AREA OF POTENTIAL EFFECT

*ARCHAEOLOGICAL RESOURCES*

The APE for archaeological resources is the area of planned construction and disturbance on the project site (see **Figure 2B-1**). Archaeological resources are typically evaluated through a three-step process. The first step, Phase 1, consists of documentary research into the history of the site to determine the likelihood that archaeological resources may be present within the APE. Often, this step is divided into two phases: Phase 1A, which requires identifying areas that may contain archaeological resources, and Phase 1B, which involves subsurface testing to try to determine whether any resources are actually present. In some cases, a disturbance memorandum/preliminary archaeological assessment is prepared prior to the commencement of Phase 1 to identify areas of likely archaeological sensitivity and areas of known disturbance. The second step, Phase 2, consists of more extensive subsurface investigations (if Phase 1B testing indicated that resources are present) and additional reseasrch to establish the age, integrity, and research potential of the resources, and whether they may be S/NR-eligible. The third step, Phase 3, is considered the mitigation phase. Mitigation may consist of either avoidance of the resource or data recovery in the form of a full-scale excavation and documentation.

*ARCHITECTURAL RESOURCES*

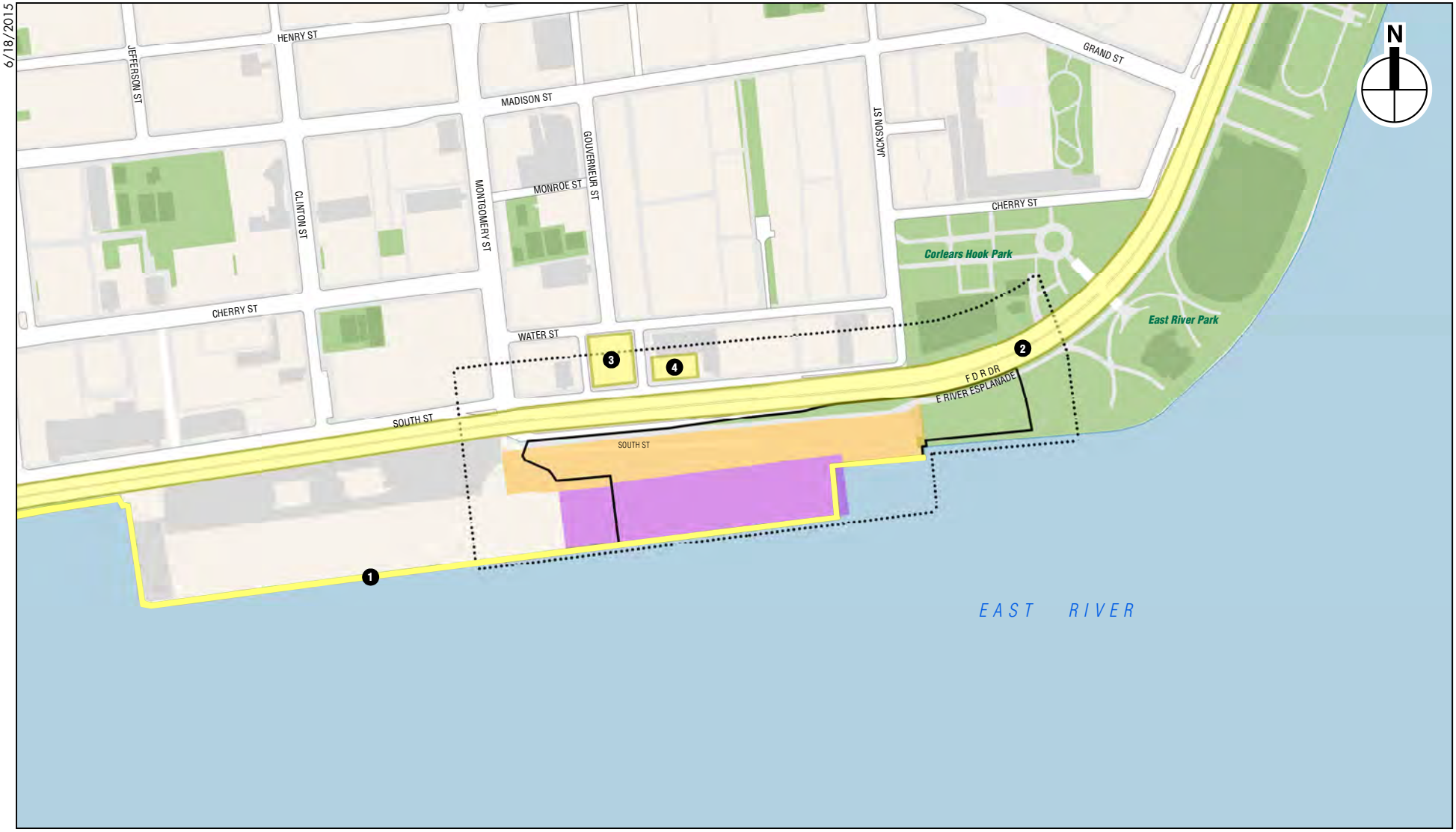
Based on potential effects due to on-site construction activities, and also to account for the project's potential visual and/or contextual impacts, the APE for architectural resources is defined as the streetfront opposite the project site (see **Figure 2B-1**).

## C. EXISTING CONDITIONS

### ARCHAEOLOGICAL RESOURCES

As described above, the APE for archaeological resources includes the project site itself: Pier 42; its apron (paved area on the upland side of the pier); the adjacent paved upland area west to Montgomery Street; and a portion of East River Park east of Jackson Street. The project site is composed of landfill that was constructed to expand the East River waterfront in the first half of the 19th century.

[1] AKRF, Inc. (2015): "Disturbance Memorandum and Preliminary Archaeological Assessment: Reconstruction of Pier 42; New York, New York." September 2015. Prepared for: The Lower Manhattan Development Corporation.




*Project Site / Archaeological Resources APE*

*Archaeological Resources APE - East River Park Connector*

*Archaeological Resources APE - Esplanade Project*

*Architectural Resources APE*

1 *East River Bulkhead (S/NR - eligible)*

2 *FDR Drive (S/NR - eligible)*

3 *Gouverneur Hospital (S/NR - listed)*

4 *Gouverneur Hospital Dispensary (S/NR - eligible, NYCL - eligible)*

0 400 FEET

Historic Resources Reference

**PIER 42**

**Figure 2B-1**

*ARCHAEOLOGICAL ASSESSMENTS OF THE PROJECT SITE AND VICINITY*

*East River Waterfront Esplanade and Piers Project*

The archaeological sensitivity of the portion of the project site represented by Pier 42 (south of the mapped streetbed of South Street) was evaluated in the 2007 *East River Waterfront Esplanade and Piers—Outboard Resources Phase 1A Archaeological Assessment*, prepared by Historical Perspectives, Inc. (HPI) in compliance with the PA that was established for the Esplanade Project (see **Figure 2B-1**). The study concluded that the first waterfront structures in this area were built in the 1840s and were altered or replaced in the early 20th century and again in the 1960s. The slips and waterfront areas were also dredged during the historic period.

As a result of the documented disturbance, the Phase 1A archaeological assessment determined that the area is not sensitive for precontact (Native American) or historic period archaeological resources. The conclusions and recommendations of the Phase 1A were accepted by LPC in a comment letter dated July 12, 2007 and by SHPO in a comment letter dated August 16, 2007. Therefore, the previously-evaluated portion of the project site is not included in the archaeological APE for the current Pier 42 project. The Phase 1A report identified areas of archaeological sensitivity elsewhere within the Esplanade Project site, but concluded that the first 2 feet below grade in all sensitive locations were disturbed by various episodes of street paving and grading and were therefore not archaeologically sensitive. The portion of the Pier 42 Archaeological APE that was determined to have no sensitivity was therefore not included in the area investigated as part of the analysis completed by AKRF in September 2015 (see below).

*East River Waterfront Access Project*

A large portion of the upland Pier 42 project site was included within the East River Park Connector project, a previously-proposed (but never constructed) project associated with LMDC's East River Waterfront Access Project (see **Figure 2B-1**). The proposed East River Park Connector project would have involved improvements to the East River Esplanade south of the FDR Drive, north of Pier 42, east of the western line of Montgomery Street, and west of the East River Park east of Jackson Street. As part of the preliminary environmental review of that project, LPC issued a comment letter dated December 20, 2006 that the site was potentially sensitive for archaeological resources associated with the 19th century landfill that makes up that location. LPC requested that a Phase 1A Archaeological Documentary Study be prepared to further define the area's archaeological sensitivity. However, because the project was terminated, the Phase 1A was not completed.

In 2009, as part of the East River Waterfront Access Project, a Phase 1A Archaeological Documentary Study of the streetbed of Montgomery Street north of South Street—adjacent to the currently proposed Pier 42 project site—titled, *Phase 1A Archaeological Documentary Study: Montgomery Street between Madison and South Streets, New York, New York* was prepared by AKRF for LMDC. The report concluded that the entire East River Waterfront Access project corridor was disturbed to a depth of 1 to 2 feet below ground surface as a result of the construction, repair, and maintenance of roads and subsurface utilities as well as the construction and demolition of buildings. Other portions of the East River Waterfront Access project site were determined to have moderate sensitivity for historic period archaeological resources associated with the 18th and 19th century residential occupation of those areas.

*ARCHAEOLOGICAL DISTURBANCE MEMORANDUM OF THE PIER 42 PROJECT SITE*

As described above, in September 2015, AKRF, Inc. prepared a disturbance memorandum/preliminary archaeological assessment of the archaeological APE.[2] The portion of the Pier 42 Archaeological APE that was previously determined to have no sensitivity was not included in the area investigated as part of the analysis. Therefore, the disturbance memorandum analyzed the disturbance of the northern half of the Pier 42 Archaeological APE. The memorandum reached the following conclusions.

*Summary of Previous Disturbance*

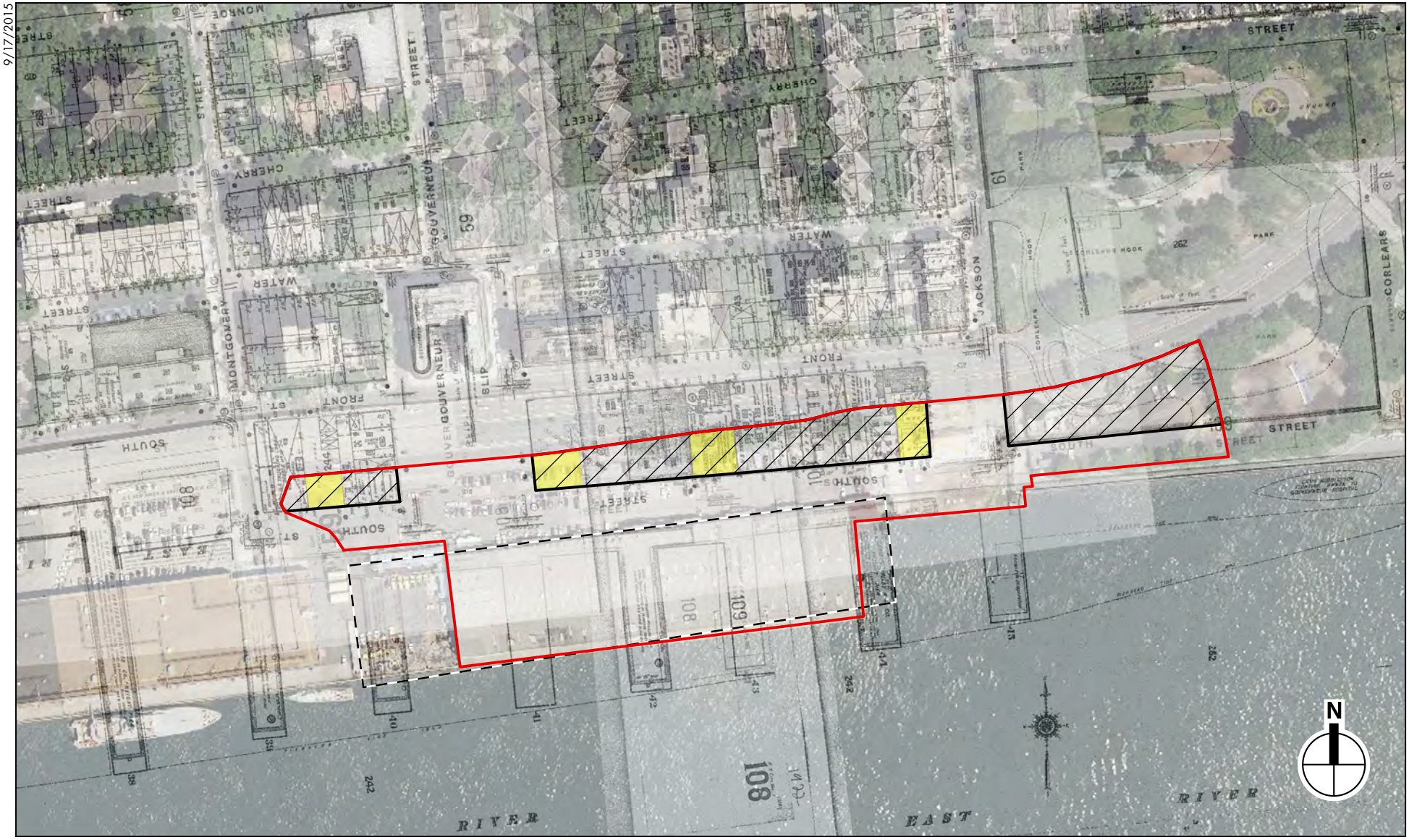
The project site has experienced disturbance as a result of both modern and historic development. As landfilling progressed and the shoreline expanded to the south, landfill-retaining structures (including the piers, wharves, and docks that formerly lined the waterfront and formed the slips at the ends of streets) were incorporated into the landfill. These areas were then divided into blocks and lots and developed with streets, early utilities, and buildings. Finally, the construction of the FDR Drive and its elevated viaduct immediately to the north of the project site likely resulted in some disturbance to the project site. The entire project site is determined to be disturbed to a depth of at least 2 feet below the ground surface, as a concrete pad covers much of the project site to that depth.

The installation of utilities would also have resulted in disturbance, with electrical, gas, and telecommunications lines expected to be at relatively shallow depths (2 to 3 feet below the ground surface); water lines at a depth of approximately 5 feet below ground surface; and sewer lines at greater depths of 6 to 10 feet below grade. However, portions of some of the streetbeds may not contain utility lines and may therefore be undisturbed. It is assumed that the locations of any existing utilities are disturbed from the ground surface to a depth of 2 feet below the bottom of the utility line and to a distance of up to 2 feet beyond the outer sides of each utility line, representing the trench that was likely dug as part of the line's installation. Any location where no utilities are present or where there is a space of 5 feet or more between the outer edges of existing utilities should be considered to be undisturbed. Those locations beneath the disturbed portions of existing utility trenches are also to be considered undisturbed.

As depicted on **Figure 2B-2**, the northern half of the project site was partially occupied with the historic blocks that once stood between Montgomery Street and the historic lines of Corlears, Front, and South Streets. The buildings on these historic lots were constructed and reconstructed numerous times during the 19th and 20th centuries and were demolished in anticipation of the construction of the FDR Drive and/or nearby Corlears Hook Park. It is assumed that the locations of historic lots within the northern half of the project site would have been disturbed to depths of at least 3 to 4 feet below the ground surface as a result of the construction and demolition of buildings. Several of these structures were constructed with basements, which would have resulted in deeper disturbance, perhaps as much as 8 to 10 feet below the ground surface.

[2] AKRF, Inc. (2015): "Disturbance Memorandum and Preliminary Archaeological Assessment: Reconstruction of Pier 42; New York, New York." September 2015. Prepared for: The Lower Manhattan Development Corporation.

9/17/2015




*Project Site*

*Limits of Historic Blocks in Study Area*

*Area of No Archaeological Sensitivity as Identified by HPI (2007)*

*Areas of Known Basement Disturbance*

*Notes:*
*Aerial photo: 2014*
*Historic map overlay: 1922 Sanborn Fire Insurance Maps*

0 400 FEET

# Archaeological Disturbance Map

**PIER 42**

**Figure 2B-2**

*Precontact Sensitivity*

The project site was within the East River until landfilling activities in the early 19th century extended the shoreline towards the project site. It is likely that the project site would have been dry, inhabitable land before the rise of sea levels that created Manhattan's shoreline several thousand years ago. However, any potential Native American archaeological resources in the vicinity that might have survived disturbance associated with dredging activities and the construction of docks, piers, and wharves (which would have required the driving of piles) would be very deeply buried and would not be impacted by the relatively shallow disturbance that is currently proposed. Therefore, the project site is considered to have no sensitivity for precontact archaeological resources.

*Historic Sensitivity*

The landfill making up the northern half of the project site was constructed gradually during the first half of the 19th century. By the 1850s, the site was developed with streets and historic blocks containing numerous residential and industrial/commercial structures. In its 2007 Phase 1A of the Pier 42 project site as well as a second Phase 1A that analyzed the inboard resources adjacent to the waterfront,[3] HPI identified several broad categories of potential historic period archaeological resources that may be present within the project site and the immediate vicinity. These categories include: river bottom remains (items discarded or dumped onto the river floor); sunken vessels; landfill-retaining structures and landfill deposits; land transportation elements; and wooden water mains. In addition, two additional categories have been added given the specific development history of the project site and in response to more recent archaeological finds in lower Manhattan: historic domestic shaft features and artifact deposits located within historic streetbeds. Each of these sensitivity categories is addressed below.

*River Bottom Remains*

Since the proposed project is expected to result in impacts to relatively shallow depths, it is not expected that any impacts would occur to river bottom remains, since these would be expected to be located at significantly greater depths than would be reached by the proposed project.

*Landfill-Retaining Structures and Landfill Deposits (Including Sunken Vessels)*

The proposed project site is highly sensitive for archaeological resources associated with the landfilling process, including landfill-retaining structures and the fill deposits themselves. As described previously, historic piers, wharves, and docks were often repurposed as landfill-retaining structures as shorelines were expanded. In addition, timber structures were often built for the specific purpose of retaining fill and supporting newly made land. Derelict vessels were also often used as landfill-retaining structures and can also become incorporated into landfill. These types of resources can be found at relatively shallow depths of only 2 to 3 feet below the ground surface.

*Land Transportation Elements*

Streetcar lines running through the streetbeds have been identified on historic maps of the project site along South Street east of Montgomery Street. While this location has been extensively disturbed as a result of the installation of utilities and the construction of the FDR

[3] HPI (2007): "East River Esplanade and Piers—Inboard Resources North of Brooklyn Bridge Phase 1A Archaeological Assessment." Prepared for: LMDC and AKRF, Inc., New York, NY.

Drive, there is still a chance that trolley tracks or other remnants of the 19th century street car line may be present within the streetbed.

*Wooden Water Mains and Artifact Deposits Within Historic Streetbeds*

It is possible that early wooden water mains may have been laid within these streetbeds throughout the project site. Similar water mains have been identified in similar streetbeds throughout Lower Manhattan and would be expected at shallow depths (less than three feet below the ground surface). Other concentrations of historic period artifacts may also be present.

*Historic Shaft Features*

Prior to the installation of water and sewer networks in Lower Manhattan in the mid-19th century, residents relied on historic shaft features (e.g., privies, cisterns, and wells) for the purposes of water-gathering and sanitation. While the historic lots that were situated within the project site were largely occupied by industrial or commercial facilities, residential structures do appear to have been built across the site prior to the installation of water and sewer networks. The historic lots not previously disturbed by basement excavation (see **Figure 2B-2**) should therefore be considered sensitive for shaft features. While the upper portions of these features may have been truncated as a result of subsequent development and disturbance, the lower portions of these features may still be extant within those undisturbed portions of the historic blocks.

## ARCHITECTURAL RESOURCES

There is one known historic resource within the project site's boundaries: the East River bulkhead.

### *EAST RIVER BULKHEAD (S/NR-ELIGIBLE)*

The bulkhead along the East River waterfront from Whitehall Street to Jackson Street was originally constructed as part of a major seawall construction campaign that was conceived by the New York City Department of Docks under the leadership of George Brinton McClellan in the early 1870s. Like the S/NR-eligible bulkhead along the Hudson River waterfront between Battery Place and West 59th Street, which was part of the same construction initiative, surviving portions of the original East River bulkhead structure are significant for their engineering and architectural qualities, for their role in the development of the New York City waterfront, and for their association with McClellan.

The Department of Docks was created in 1870 as part of New York State's reorganization of New York City's charter, to redevelop Manhattan's waterfront on the Hudson and East Rivers. By that time, the City's commerce centered on its ports, and the need for a more developed method of maintaining and administering its waterfront infrastructure was clear. The State deeded all previously ungranted underwater shoreline property to the City, and the Department was authorized to acquire, rebuild, and regulate existing commercial waterfront. McClellan, well known as general-in-chief of the Union Army during the Civil War and as the Democratic presidential candidate in 1863, was installed as the first engineer-in-charge. He brought previous engineering experience to the position, having served as the chief engineer of the Illinois Central Railroad and president of the Ohio and Mississippi Railroad, as well as working on the development of steam-powered warships following the Civil War. Under McClellan, a plan emerged in 1871 that centered on the creation of a continuous monumental masonry bulkhead from the Battery to 61st Street along the Hudson River, and from the Battery to 51st Street along the East River.

McClellan prioritized Lower Manhattan, where commercial activities were most densely concentrated, below Grand Street on the east side, and below 11th Street on the west side. He proposed a cast stone block bulkhead placed on a bed of piles;however, because the cast stone blocks were delayed in fabrication, granite blocks were used instead. Charles K. Graham, McClellan's successor, proposed a different fabrication method that promised to speed the progress of bulkhead construction and involved pouring concrete into a caisson on a pile foundation. This method was employed in some sections, chiefly along the Hudson River waterfront; however, the construction was criticized and abandoned as structurally unsound. Graham's successor, George Sears Greene, Jr., reinstated McClellan's block construction method to complete most of the bulkhead between the Battery and Grand Street along the East River during the 1880s. In general form, the McClellan plan was followed until the last major Hudson River terminal was finished in 1936.

The choice of a quarry-faced bulkhead with concrete foundations likely reflects a widespread desire among New York's commercial leaders for a waterfront with the imposing character of European ports, commensurate with the City's growing international stature. The granite-faced masonry bulkheads built by the city until ca. 1920 were unique within the Port of New York; no commercial bulkheads in the region were ever finished in such a deliberately monumental manner. The City bulkheads were also perhaps the earliest American examples of granite seawalls placed on concrete bases, breaking a long tradition of bulkhead foundations made of various timber cribwork designs. The carefully built granite walls created a consistent surface to waterfront sections, reinforcing an aura of commercial prominence.

By the turn of the 20th century, the East River waterfront in Lower Manhattan had been transformed into an almost continuous masonry bulkhead constructed of a combination of cast stone and granite blocks on wood piles. Typically, the visible bulkhead above the water line consisted of rough-cut granite ashlar with a capping course of larger granite blocks, with beveled upper edges surmounted by a simple squared timber "backing-log." The granite walls were backed by mass concrete and originally included four courses of granite blocks laid as alternating headers and stretchers to an elevation of about 9.4 feet above mean low water. These blocks were typically 4 feet long and 2 feet wide. Additional courses were sometimes added as bulkheads settled. Above the facing blocks, a coping of 8-foot-long, 3-foot-thick granite blocks rose about 2.5 feet to street level. Twelve-inch-square timber "backing-logs," bolted to the coping, rose above street level in most areas not covered by pier sheds, bulkhead sheds, or other structures. The backing logs helped prevent wheeled vehicles from rolling over the top of the bulkhead into the river. The waterfront was also characterized by an extensive system of wood piers. None of the 19th century piers remain intact above water today. A substantial metal railing has been added atop the bulkhead for much of its length, the majority of which likely dates to the construction of the FDR Drive along the waterfront.

According to Department of Docks annual reports, the section of the bulkhead between Pier 35 and Pier 42 was constructed in 1910. The section of the bulkhead north of Montgomery Street was likely reconstructed ca. 1939 as the south end of East River Park, built partly on landfill under the leadership of Robert Moses.

The following summary of the current condition of the bulkhead within the project site and surrounding area is based on the information provided in the 2007 *East River Waterfront Esplanade and Piers Final Environmental Impact Statement*, as well as an *Underwater*

*Inspection and Condition Survey, Pier 42 – Final Inspection Report* conducted in December 2013 by McLaren Engineering Group.[4]

The bulkhead is not visible behind the platform and shed of Pier 42. However, the portion of the bulkhead east of Pier 42 is exposed. The visible portion of the bulkhead closest to the Pier 42 piershed appears to be concrete, followed to the east by a granite block section topped by replacement blocks of a lighter color, and last another concrete section with broken blocks above. According to the McLaren report, the granite seawall ends approximately 250 feet east of Pier 42. The McLaren report identifies the bulkhead within the project site as being in overall fair condition, with some displaced stone, missing stones, and approximately 75 percent mortar loss from the mean high water line to the mud line.

Within the remainder of the APE, there are three additional known architectural resources. No potential architectural resources were identified within the architectural resources APE.

*FRANKLIN DELANO ROOSEVELT (FDR) DRIVE (S/NR-ELIGIBLE)*

The FDR Drive is 9.44 miles long, beginning at the end of the Battery Park underpass and running north along the East River to the 125th Street/Triborough Bridge exit. Originally known as the East River Drive, the FDR Drive meets National Register Criterion A in the fields of transportation and community/regional planning as an important link in New York City's transportation infrastructure. The FDR Drive, the West Side Highway, the Henry Hudson Parkway, the Harlem River Drive, and the Triborough Bridge approach form a crucial highway loop around Manhattan. Construction began on the FDR in 1934 under the direction of Robert Moses and was largely completed by 1967. Though segments of the structure have undergone alterations through the years, this linear resource has been determined to retain sufficient integrity overall to convey its historic significance.

*GOUVERNEUR HOSPITAL (S/NR-LISTED)*

The former Gouverneur Hospital is a red brick, Renaissance Revival-style structure occupying the full block between Water and South Streets and Gouverneur Slips East and West. Its U-shaped design is composed of a central section on Water Street and two projecting wings that tertminate in unusual curved ends and feature cantilevered metal balconies. It is the second Gouverneur Hospital to have stood on this site; the hospital was constructed in an east-to-west direction around the still-functioning older building, which was subsequently demolished. When it opened in 1901, the building was the most mdoern and best-equipped hospital in the city, and it served its constituency until 1961. It was designed by architect John Rochester Thomas, who introduced the use of the mansard roof to the city of Rochester, New York, and is noted for his designs of many other public and institutional buildings in the eastern United States. The hospital's original hipped roof of terra-cotta blocks covered with slate was replaced by an additional, fifth story in 1930. In addition, the original wing balconies were replaced with the current ones. Following its loss of accreditation in 1961, the hospital was used as a school for the developmentally disabled under the New York State Willowbrook Hospital system until 1978.

[4] The conditions summary provided in the 2007 FEIS was based on a number of sources, including the archives of the South Street Seaport Museum, Department of Docks annual reports, and a structural conditions survey completed in 1989 by TAMS on behalf of the New York State Department of Transportation (NYSDOT). Site visits were conducted in spring and summer 2006 to confirm current conditions.

The building was acquired and renovated by Community Access in the early 1990s. Since 1994, it has served as supportive housing for individuals with mental illnesses or HIV/AIDS.

*GOUVERNEUR HOSPITAL DISPENSARY, 7 GOUVERNEUR SLIP (S/NR-ELIGIBLE, NYCL-ELIGIBLE)*

The former Gouverneur Hospital Dispensary is located at the northeast corner of Gouverneur Slip and Front Street. It was designed by McKim, Mead and White and built in 1914-1917. The building was originally used as a dispensary for patients of the nearby Gouverneur Hospital; it also contained residences for nurses. The 7-story building is rectangular in form and is clad in red brick with stone ornament. There are stone stringcourses beneath the bands of windows at the third, fifth, and seventh floors. The second-floor windows are arched and surrounded with a brick keystone pattern; the third-floor windows have pedimented window heads. The corners of the building are accented with brick quoining. The building is topped with a denticulated cornice and a balustrade. The rear of the building, facing Water Street, is unornamented and surrounded by a chain link fence. In 1977, the building was converted to housing for homeless individuals suffering from substance abuse. It is still in use for short-term housing for individuals in recovery from substance abuse.

## D. THE FUTURE WITHOUT THE PROPOSED PROJECT

Absent the proposed project, in the "No Action condition," the Pier 42 project would not be developed, and the project site would remain in existing conditions, as an underutilized site.

There is one planned project in the surrounding area that will be developed in the future without the proposed project. The adjacent portion of East River Park that is currently used for composting by the Lower Eastside Ecology Center will be reconstructed into a formalized composting facility with a constructed wetland. A specific completion date has not been announced.

In addition, Pier 35, west of the project site and Pier 36, is currently under construction to become a public open space providing access to the waterfront, including picnic tables, outdoor grills, and possibly a boat launch. This initiative is part of the Esplanade Project, and is expected to be complete by 2017. As part of the Esplanade Project, the work at Pier 35 would be required to comply with the PA. As described more fully in Chapter 2, Section A, "Land Use, Zoning and Public Policy," the East Side Coastal Resiliency Project (ESCR)—currently under development—aims to provide a flood protection system for the east side of Manhattan between Montgomery Street on the south and East 23rd Street on the north. As part of the flood protection improvements, the ESCR project also proposes to enhance and improve access to East River Park.

In the future without the proposed project, the condition of architectural resources within the surrounding area could change. Architectural resources that are listed on the National Register or that have been found eligible for listing are given a measure of protection from the effects of federally sponsored or assisted projects under Section 106 of the National Historic Preservation Act. Although preservation is not mandated, federal agencies must attempt to avoid adverse impacts on such resources through a notice, review, and consultation process. Properties listed on the State Register are similarly protected against impacts resulting from state-sponsored or state-assisted projects under the State Historic Preservation Act. Private property owners using private funds can, however, alter or demolish their properties without such a review process.

Privately owned sites that are NYCLs or within New York City Historic Districts are protected under the New York City Landmarks Law, which requires LPC review and approval before any alteration or demolition can occur.

## E. PROBABLE IMPACTS OF THE PROPOSED PROJECT

As described in more detail in Chapter 1, "Project Description," the proposed project would remove the pavement from the upland portion of the project site and demolish the pier shed—except for the four western bays of its steel structure—to create a new open space, comprising a flat lawn area crisscrossed by permeable pavement walkways. An entry garden would occupy the western section of the open space, and the eastern portion of the open space (within East River Park) would be filled to create a grassy knoll. New solar-powered safety lighting would be installed. Landscaping would provide a buffer to the New York City Department of Transportation (CDOT) yard on Pier 36 and to the rising elevation of the FDR Drive. A chain link fence and a shrub buffer would separate the remaining pier platform from the new open space. The bulkhead in this area would be repaired by grout replacement and by replacement of deteriorated modern concrete caps.

### ARCHAEOLOGICAL RESOURCES

As described above, Pier 42 has been previously assessed and determined to have no archaeological sensitivity. Therefore, no additional archaeological analysis is warranted for the southern half of the project site (Pier 42 itself). Areas of archaeological sensitivity have been identified within the northern half of the Archaeological APE, as described in the disturbance memorandum prepared by AKRF, Inc. in September 2015. As described in that memorandum, the entire project site is sensitive for archaeological resources associated with landfill and landfill-retaining structures below a depth of 2 feet, except in areas with greater disturbance caused by the installation of utilities or the excavation of basements. The original street surfaces may also be sensitive for the remnants of street car lines (trolley tracks), wooden water mains, and concentrations of historic period artifacts. Finally, those historic lots that were not disturbed by basement excavation are sensitive for historic shaft features.

As currently proposed, grading and filling is proposed across the project site, with the majority of excavation expected to be limited to the removal of the concrete pad that is situated at approximately 2 feet below the ground surface. Fill material will then be used to raise the grade of the site, most dramatically at the eastern end of the project site. Benches will be installed that will require excavation to a depth of 2 to 3 feet; tree pits will be excavated to a depth of 3 to 4 feet, and fence foundations will be excavated to a depth of approximately 4 to 5 feet. However, much of this excavation will be through the newly added fill material. In addition, some existing subsurface infrastructure (including manholes) will be removed, which may require excavation to greater depths, although the majority of the area to be excavated to remove these structures would have been disturbed during their original construction.

Therefore, the disturbance memorandum determined that archaeological monitoring is recommended for any areas not previously disturbed by the installation of utilities or the excavation of basements and where excavation as a result of the proposed project would extend to depths greater than 2 feet below the existing ground surface. In addition, the memorandum recommended that an Unanticipated Discoveries Plan be prepared to outline the procedures that will be implemented in the event that unanticipated archaeological resources are encountered during the construction of the proposed project.

Consistent with the Esplanade Project's PA, the disturbance memorandum will be submitted to SHPO for review and comment. Subsequent to the review of the disturbance memorandum, LMDC and the City will prepare and submit to SHPO an Archaeological Monitoring Protocol and Unanticipated Discoveries Plan.

In many areas, because of the introduction of fill materials, excavation associated with the proposed project would not result in impacts to depths greater than 2 feet below the current pre-construction ground surface. Therefore, it is expected that the archaeological monitoring program would be limited, and no monitoring would be necessary across the majority of the project site. OPRHP will have 30 days to submit comments and recommendations to LMDC and the City with respect to the adequacy of the Archaeological Monitoring Protocol/Unanticipated Discoveries Plan. In the event the unanticipated archaeological deposits or features are encountered during construction of the proposed project and adverse effects on those resources will result, LMDC and the City will immediately implement the procedure of the Unanticipated Discoveries Plan. The final Unanticipated Discoveries Plan will be made available on LMDC's website and upon request.

In summary, the proposed project would be expected to comply with the Esplanade Project's PA, including SHPO review of the disturbance memorandum and the Archaeological Monitoring Protocol/Unanticipated Discoveries Plan and the implementation of the recommended archaeological monitoring program as necessary, and thus the proposed project would not be anticipated to have any significant adverse impacts on archaeological resources.

## ARCHITECTURAL RESOURCES

Consistent with the Esplanade Project's PA, LMDC and the City will consult with SHPO regarding the design of the proposed project on or around the historic, granite portions of the East River bulkhead. The design for such project components will be provided to SHPO when the designs are at preliminary (35%) and pre-final (75%) completion stages. SHPO may also elect, at the time that its written comments on the pre-final designs are submitted, to review substantially final designs. The public will have an opportunity to review final designs when they are completed by the city. The proposed bulkhead work for the proposed project consists solely of minor repairs (grout replacement), and replacement of deteriorated modern concrete caps, and thus would not significantly adversely affect this resource.

The proposed piershed removal and creation of public open space would not be anticipated to adversely affect the other architectural resources in the APE. Using the 2014 *CEQR Technical Manual* direct impact criteria, the proposed project would not result in the replication of aspects of any of the architectural resources in the study area so as to cause a false historical appearance, or the introduction of significant new shadows or significant lengthening of the duration of existing shadows over historic landscapes or structures. There would be no physical changes to any of the architectural resources identified above. The FDR Drive is located within 90 feet of the project site (the area of potential construction-related project impacts). However, the proposed construction does not involve blasting, pile-driving, or other activities typically associated with vibration damage. Therefore, a construction protection plan is not considered necessary for this resource. There are no other architectural resources located within 90 feet of the project site.

Using the 2014 *CEQR Technical Manual* indirect impact criteria, the proposed project would not isolate any architectural resource from its setting or visual relationship with the streetscape, or otherwise adversely alter a historic property's setting or visual prominence. The proposed

project would not introduce incompatible visual, audible, or atmospheric elements to a resource's setting. The proposed project would not eliminate or screen significant publicly accessible views of any architectural resource. The proposed project would be expected to enhance the context of surrounding architectural resources by improving and enhancing public open spaces with new amenities such as new landscaping and lighting. The removal of the pier shed structure on Pier 42 (with the exception of some of the steel frame) would be expected to enhance the visual context of the former Gouverneur Hospital and Gouverneur Hospital Dispensary buildings.

The Esplanade Project's PA states that following review and consultation regarding project designs or archaeological resources, LMDC, in consultation with SHPO and the City, will determine if there are any effects or adverse effects on historic properties listed or determined eligible for listing on the Registers, on Historic Districts, or—where appropriate—NYCLs, properties calendared for consideration by LPC, or properties defined by LPC as eligible for NYCL designation. All final findings on effects will be accompanied by documentation consistent with 36 CFR Section 800.11. The PA also notes that LMDC will make final findings of no historic properties affected, no adverse effect and adverse effect made pursuant to Section 4 of this Agreement, with supporting documentation, available to the public on its website and upon request at the time that final findings are provided to SHPO.

In summary, the proposed project would be expected to comply with the Esplanade Project's PA and would not be anticipated to have any significant adverse impacts on historic and cultural resources for the purposes of SEQRA and NEPA. In addition, the project would not be anticipated to have any adverse effects for the purposes of Section 106 of the National Historic Preservation Act. ✷

## A. INTRODUCTION

This section considers the potential of the proposed Pier 42 project to affect urban design and visual resources on the project site and in the surrounding area. The project site is located on the East River adjacent to the Franklin D. Roosevelt (FDR) Drive, from Montgomery Street to an area of the East River Park east of Jackson Street. The proposed project would remove the pavement from the upland portion of the project site, demolish the Pier 42 pier shed—except for the four western bays of its steel structure—and create new open space, connecting the East River Esplanade to East River Park.

Under the 2014 *City Environmental Quality Review (CEQR) Technical Manual*, urban design is defined as the totality of components that may affect a pedestrian's experience of public space. These components include streets, buildings, visual resources, open spaces, natural resources, and wind. An urban design assessment under CEQR must consider whether and how a project may change the experience of a pedestrian in a project area. The *CEQR Technical Manual* guidelines recommend the preparation of a preliminary assessment of urban design and visual resources, followed by a detailed analysis, if warranted based on the conclusions of the preliminary assessment. The analysis provided below addresses urban design characteristics and visual resources for existing conditions and the future without and with the proposed project.

As described below, the proposed project would not have any significant adverse impacts to the urban design or visual resources of the study area. It would be beneficial in removing a derelict pier shed that is blocking river views, a surface parking lot and a maintenance yard, and replacing them with a landscaped public open space. Further, linking the existing East River Park to the East River Esplanade which is in construction, will provide an important connection for all the communities along this stretch of the East River.

## B. METHODOLOGY

According to the *CEQR Technical Manual*, a preliminary assessment of urban design and visual resources is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning. Examples include projects that permit the modification of yard, height, and setback requirements, and projects that result in an increase in built floor area beyond what would be allowed 'as-of-right' or in the future without the proposed project. While the proposed project would comply with existing zoning regulations, it would change the appearance of the East River waterfront and thus the pedestrian experience in the surrounding area. Therefore, for the purpose of providing a conservative analysis, a preliminary assessment of urban design and visual resources has been prepared.

The study area for the urban design and visual resources analysis has been defined as the area within 400 feet of the project site, consistent with the study area for the analysis of land use, zoning, and public policy. This study area is generally bounded by Water Street to the north, the

East River to the south, Pier 36 to the west, and Corlears Hook Park and East River Park to the east (see **Figure 2C-1**).

The *CEQR Technical Manual* recommends an analysis of pedestrian wind conditions for projects that would result in the construction of large buildings at locations that experience high wind conditions, such as along the waterfront. While the project site is located on the waterfront, it would not result in the construction of any large buildings. Therefore, a pedestrian wind conditions analysis is not warranted.

## C. EXISTING CONDITIONS

### URBAN DESIGN

*PROJECT SITE*

The project site is located on the East River adjacent to the FDR Drive between Montgomery Street to east of Jackson Street. The project site is approximately 320,000 square feet (sf) in size and includes Pier 42, its apron (the paved area on the upland side of the pier), the adjacent paved upland area west to Montgomery Street, and a portion of East River Park east of Jackson Street (see Photos 1-4 of **Figures 2C-2** and **2C-3**).

Pier 42 is a former industrial pier abutting East River Park and comprises a wide apron and a pier shed over the water. The pier shed is a 32-foot-tall, 100,000-gross-square-foot (gsf) rectangular structure with several loading docks on its west elevation. It is partially faced in corrugated metal, and partially faced in brick. The pier shed is derelict, with windows open to the elements. Lighting for the Pier 42 pier shed is from building-mounted lights along the structure's roofline. The 74,340-sf paved upland area north of the pier shed is occupied by a surface parking lot and surrounded by a chain link fence. A portion of the upland area east of the Pier 42 pier shed is currently occupied by "Paths to Pier 42," a temporary open space that hosts events. This area, also enclosed by a chain link fence, includes a few picnic tables and art installations.

The 17,650-sf section of the Pier 36 apron that is part of the project site is currently used for access to the Pier 36 event space and the New York City Department of Transportation (CDOT) parking and storage area on Pier 36—which are not a part of the project site—as well as access to the parking lot, which is on the project site.

The 33,065-sf area of East River Park adjacent to the Pier 42 apron is largely paved and currently used for DPR vehicle storage and staging for park maintenance. It is surrounded by a chain link fence. This area is outside of the previously-approved Esplanade project south of the project site. The East River Park area also includes a paved path lined with benches and mature trees, immediately adjacent to the FDR Drive (see Photo 5 of **Figure 2C-3**). The park is separated from the drive by a metal fence with a concrete base. There is standard cobra head lighting in this portion of the project site.

Other than the Pier 42 pier shed, there are no buildings on the project site. The project site incorporates portions of several waterfront lots. There are no streets within the project site; the streets perpendicular to the project site dead end at South Street/FDR Drive. The project site is not publicly accessible, except for the portion of the East River Park immediately adjacent to the FDR Drive.


Project Location and Photograph Key

**PIER 42**

**Figure 2C-1**

View of Pier 42 pier shed and apron **1**

View of “Paths to Pier 42” portion of project site **2**

View of Pier 42 apron / East River Park portion of project site **3**

Views of the Project Site
**Figure 2C-2**

East River Park portion of project site **4**

East River Park portion of project site **5**

View inland from project site **6**

Project Site and Study Area Views

**Figure 2C-3**

*STUDY AREA*

There are two main streets in the study area: the FDR Drive and South Street. The FDR Drive, a multi-lane roadway that is elevated south of the project site and comes to grade near Pier 42, is one of the defining urban design elements of the study area. It is lit with cobrahead style lampposts and has wayfinding signage above, attached to gantries. The structure's footings extend down as two rows of fairly regularly spaced columns, and its underside is characterized by steel beams and columns with heavily riveted joints. There is vehicle storage beneath the viaduct. Additional lighting is provided by fixtures mounted to the underside of the FDR Drive. South Street is an at-grade, north-south through street that carries local traffic through the study area and provides curbside parking for cars and buses. The east-west streets in the study area dead end at South Street.

The study area also is defined by the East River, a natural feature that forms the project site's eastern boundary and separates Manhattan and Brooklyn. In general, the topography of the study area is flat; however, there is a slight upward grade change near the amphitheater in East River Park, north and east of the project site.

The study area is characterized by a mix of residential and community facility uses north of South Street/FDR Drive, and park uses throughout. Directly across FDR Drive from the project site is Gouverneur Gardens, four 21-story brick towers with square footprints along Water Street and Montgomery Street. North of Gouverneur Gardens across Water Street is the New York City Housing Authority (NYCHA) Vladeck Houses, a complex of 20 6-story buildings surrounding a long, linear open space (Vladeck Park). Half of the Vladeck Houses buildings have U-shaped footprints with side extensions; the other half have an unusual zig-zag footprint, and all are oriented perpendicular to the waterfront. Also within the study area are P.S. 137, a mid-20th century 4-story building with a mostly rectangular footprint and a large, fenced sports field facing the FDR Drive; the former Gouverneur Hospital, a red brick, Renaissance Revival-style structure with a U-shaped design, between Water and South Streets and Gouverneur Slip East and West; and the former Gouverneur Hospital Dispensary, a McKim, Mead and White-designed, 7-story red brick building with a rectangular form, in use for short-term housing for individuals in recovery from substance abuse (see Photos 6-8 of **Figures 2C-3** and **2C-4**).

As described above, directly west of the project site is a parking lot used by CDOT. Pier 36 is west of the NYCDOT lot. Pier 36 includes a 2-story utilitarian pier shed with a long, narrow footprint and a parking area adjacent to South Street/FDR Drive. The pier shed contains event space and Basketball City, an indoor basketball facility (see Photo 9 of **Figure 2C-4**).

In the southern portion of the study area, the East River waterfront bikeway/walkway is located below the western cantilevered portion of the FDR Drive and is a simple painted/marked path adjacent to the vehicle storage use. The bikeway/walkway shifts eastward at Montgomery Street, where it terminates. From Montgomery Street to East River Park, the path continues along an alignment of uneven pavement with unpaved areas on both sides, shaded by a few trees (see Photos 10-11 of **Figure 2C-5**).

Directly east of the project site is a portion of East River Park. The majority of this portion of the park is a fenced-off area currently used for composting by the Lower East Side Ecology Center. The waterfront side of the park, adjacent to the composting area, includes a paved path with a wood and metal railing along the river's edge, with benches and Flushing Meadows style lampposts. At the northern edge of the study area, East River Park includes an amphitheater from 1941, and Central Park style lampposts (see Photos 12-14 of **Figures 2C-5** and **2C-6**). On

View inland from project site, south to former Gouvernor Hospital Dispensary **7**

View southwest from Montgomery Street and South Street **8**


View to Pier 36 **9**



Study Area Views
**Figure 2C-4**


Bikeway/walkway below FDR Drive **10**


Upland area adjacent to Pier 42 **11**

East River Park area adjacent to project site **12**



Study Area Views
**Figure 2C-5**

East River Park, waterfront path north of project site **13**

View of amphitheater in East River Park **14**

View to waterfront from Montgomery Street **15**



Study Area Views
**Figure 2C-6**

the far side of the FDR Drive is Corlears Hook Park, a 4.36-acre park with a soccer field, play equipment, and many mature trees. Corlears Hook Park is connected to East River Park by a pedestrian overpass crossing the FDR Drive, near the amphitheater.

### VISUAL RESOURCES

Visual resources are an area's unique or important public view corridors, vistas, or natural or built features. These can include historic structures, parks, natural features (such as rivers), or important views.

*PROJECT SITE*

There are no visual resources on the project site. Although the project site includes a portion of East River Park, the affected area is largely paved and used for vehicle storage and park maintenance staging. As described above, the majority of the project site is not publicly accessible, and thus does not provide any publicly-accessible views to visual resources; however, from within the "Paths to Pier 42" open space (when open) as well as from the paved path in East River Park adjacent to the FDR Drive, there are extensive views of the Lower Manhattan skyline and the Brooklyn waterfront, as well as the Brooklyn and Manhattan Bridges.

*STUDY AREA*

In the study area, views toward the waterfront from Montgomery Street, Gouverneur Slip West, and Gouverneur Slip East are limited by the FDR Drive viaduct (see Photo 15 of **Figure 2C-6**). Views from South Street to the waterfront are also limited by the pier shed structures on Piers 35, 36, and 42. Views from East River Park—in particular along the waterfront path, and the pedestrian overpass above the FDR Drive—are extensive and include the Lower Manhattan skyline and the Brooklyn waterfront, as well as the Brooklyn, Manhattan, and Williamsburgh Bridges (see Photo 16 of **Figure 2C-7**). Views from the FDR Drive itself are fleeting, but include the visual resources described above as well as the pedestrian overpass connecting the two parks. Views to the former Gouverneur Hospital and Gouverneur Hospital Dispensary buildings from the area east of the FDR Drive are somewhat limited by this roadway and the concrete ramp that brings it to grade near the project site (see Photo 17 of **Figure 2C-7**). Views south from the "Paths to Pier 42" open space and East River Park are also somewhat limited by the pier sheds on Piers 36 and 42 (see Photo 18 of **Figure 2C-7**).

## D. THE FUTURE WITHOUT THE PROPOSED PROJECT

Absent the proposed project, in the "No Action condition," the Pier 42 project would not be developed, and the project site would remain in existing conditions, as an underutilized site. Independent of the proposed project, the Con Ed building on the eastern waterfront corner of Pier 42 will be rebuilt slightly taller to be more resilient to storm events. DPR is coordinating with Con Ed on the design.

There is one project in the surrounding area that will be developed in the future without the proposed project. The adjacent portion of East River Park that is currently used for composting by the Lower Eastside Ecology Center is proposed to be reconstructed into a formalized composting facility with a constructed wetland. This project is anticipated to be complete by 2018.

View south from pedestrian overpass **16**

View inland from Gouverneur Slip West **17**

View south to Pier 42 from East River Park **18**

Study Area Views
**Figure 2C-7**

In addition, Pier 35, west of the project site and Pier 36, is currently under construction to become a public open space providing access to the waterfront, including picnic tables, outdoor grills, and possibly a boat launch. This initiative is part of the Esplanade Project, and is expected to be complete by 2017. As described more fully in Chapter 2, Section A, "Land Use, Zoning and Public Policy," the East Side Coastal Resiliency Project (ESCR)—currently under development—aims to provide a flood protection system for the east side of Manhattan between Montgomery Street on the south and East 23rd Street on the north. As part of the flood protection improvements, the ESCR project also proposes to enhance and improve access to East River Park. These projects are anticipated to improve the visual quality and pedestrian experience of the area surrounding the project site.

## E. PROBABLE IMPACTS OF THE PROPOSED PROJECT

The proposed design would remove parked vehicles and pavement from the upland area and demolish the pier shed—except for the four western bays of its steel structure (see **Figure 5**). While the pier platform would not be publicly accessible, the removal of the structure would open up views to the river. A chain link fence and a shrub buffer would separate the pier platform from the new open space.

The open space would have a flat lawn area crisscrossed by permeable pavement walkways. An entry garden would occupy the western section of the open space, on part of the Pier 36 apron. Landscaping would provide a buffer to the CDOT yard on Pier 36 and to the rising elevation of the FDR Drive. The eastern portion of the new open space (within East River Park) would be filled to create a grassy knoll rising about seven feet. Solar powered safety lighting would be provided through the entire open space. The bulkhead adjacent to the open space would be repaired, as necessary. There would be access to the new open space from the bikeway/walkway along the FDR service road or from Montgomery Street under the elevated FDR Drive on the west and from East River Park on the east. The western entrance at Montgomery Street would be reconfigured to be more accessible and inviting to park users. Overall the new Pier 42 open space would provide an important connection from the East River Esplanade in construction, to the East River Park and its waterfront walkway.

### URBAN DESIGN

*PROJECT SITE*

The proposed changes to Pier 42 would alter the urban design of the project site, as it would be transformed from mostly inaccessible surface parking and derelict pier shed into publicly accessible open space. The proposed project would enhance the pedestrian experience of the project site by activating the site with new, public uses, and reestablishing public access to the waterfront at this location. The largely untended foot/bicycle/vehicle passageway along the FDR and its service road would become a landscaped open space with views to the river no longer blocked by parked cars and a derelict shed.

*STUDY AREA*

The proposed project would not result in any changes to natural features, open spaces, or streets in the study area. The proposed project also would not introduce any different uses to the study area. The proposed open space would support and be in keeping with the mix of uses—

residential and institutional and park—in the area. The proposed project would revitalize the project site and would introduce a new open space amenity for use by the nearby neighborhoods.

The proposed project would not change the scale of buildings in the study area; would not involve an area-wide rezoning that includes an increase in permitted floor area or changes in height or setback requirements; and would not result in substantial changes to the built environment of a historic district or components of a historic building that contribute to the resource's historic significance. Therefore, the proposed project would not be anticipated to significantly affect any urban design features of the project site or study area, or the general urban design character of the neighborhood.

Overall, the project would improve the pedestrian experience of the study area.

## VISUAL RESOURCES

*PROJECT SITE*

As described above, there are no visual resources on the project site. The removal of most of the Pier 42 pier shed would open up views through the project site to the surrounding waterfront. The creation of a landscaped open space in the place of parked vehicles and a wide expanse of pavement would represent a substantial improvement to the visual character of the project site.

*STUDY AREA*

The removal of most of the Pier 42 pier shed would open up views from the study area to surrounding visual resources—the East River, portions of the Esplanade along the river, the Brooklyn and Manhattan Bridges, and the Lower Manhattan skyline. The proposed project would not change urban design features so that the context of a natural or built visual resource is altered; would not obstruct any views to important visual resources, or eliminate any existing view corridors; and would not partially or totally block any unique views to a visual resource. Therefore, the proposed action would not be anticipated to result in significant adverse effects to visual resources.

Overall, the proposed project would not have any significant adverse impacts on urban design and visual resources. ✷

# A. INTRODUCTION

This section addresses the potential for the presence of hazardous materials resulting from previous and existing uses both on the project site and in the surrounding area, as well as potential risks related to the proposed Pier 42 project with respect to any such hazardous materials. The proposed project would involve demolition of the majority of the existing pier shed and the creation of lawn areas, permeable walkways, and a grassy knoll rising about seven feet. This landscaping would require removal of portions of the existing paving on the project site prior to filling.

This assessment included review of: the evaluation performed as a part of the 2007 Final Environmental Impact Statement (FEIS) for the Esplanade Project; a June 2014 *Phase I Environmental Site Assessment* (ESA) report prepared by Henningson, Durham & Richardson Architecture and Engineering, P.C (HDR); and a July 2014 *Draft Phase II Environmental Site Assessment* report (Phase II), also prepared by HDR.

The assessment in the FEIS for the Esplanade Project included a Phase I ESA of a larger project area (i.e., it included the findings of site reconnaissance, an evaluation of readily available historical information including previous environmental studies, and selected environmental databases and electronic records). The Phase II included the collection and laboratory analysis of soil and groundwater samples from the upland portion of the project site.

# B. EXISTING CONDITIONS

### SUBSURFACE CONDITIONS

The upland portion of the project site is approximately five to ten feet above mean sea level. A comparison of current maps with historical maps shows that all of this area was formerly under water. The Phase II borings encountered, beneath asphalt and/or concrete paving, historical fill material generally consisting of silty sand with gravel, brick, coal, ash, cinders, and wood. Groundwater was first encountered in the borings at between 5 and 8 feet below grade, though the variation is primarily the result of tidal fluctuations. Groundwater is likely brackish/saline and is not used as a source of potable water (Manhattan's water supply uses upstate reservoirs).

### FEIS ASSESSMENT AND PHASE I ESA

Both the FEIS assessment and the ESA identified past on-site uses (and uses of surrounding properties) that indicate some potential for subsurface hazardous materials. These uses included: a shipping pier (dating to at least the 19th Century); a newsprint terminal; railroad freight: a coal dock; and a Department of Street Cleaning dump. The pier has two truck scales that may include hydraulic oil. The regulatory databases included listings of a number of petroleum spills relating to ConEd manholes, and there are conduits for oil-containing high pressure pipes in and around

the project site. The construction equipment stored at the project site included gasoline, diesel, and hydraulic equipment.

The current pier shed was constructed in 1963, so it is possible that it may include asbestos-containing materials (ACM), lead-based paint (LBP), and PCB-containing items (e.g., hydraulic oil).

**PHASE II ESA**

The Phase II included 20 borings with collection of a soil sample from each at depths varying from 1 to 8 feet. Field screening at one of the locations indicated potentially elevated levels of volatile organic compounds (VOCs). One groundwater sample was collected. Laboratory analysis of soil samples indicated results consistent with the historical fill material, i.e., somewhat elevated levels (above New York State Department of Environmental Conservation [DEC] Restricted Residential Soil Cleanup Objectives, criteria typically used for comparison where routine soil disturbance occurs) of certain polycyclic aromatic hydrocarbons (PAHs) in four soil samples and certain elevated levels of metals (arsenic, barium, lead, and mercury). In the groundwater sample, only certain metals were detected. Although some of these metals were detected above drinking water standards, it should be noted that the water was brackish/saline and the results were not considered representative of true groundwater conditions given the turbid nature of the sample.

## C. THE FUTURE WITHOUT THE PROPOSED PROJECT (NO ACTION CONDITION)

In the No Action condition, the project site would remain in its current condition. There are no known current hazardous materials concerns associated with the current condition and this would be expected to continue.

## D. PROBABLE IMPACTS OF THE PROPOSED PROJECT (WITH-ACTION CONDITION)

The proposed project would involve demolition of the majority of the existing pier shed and the creation of lawn areas, permeable walkways, and a grassy knoll rising about seven feet. This would require removal of portions of the existing paving on the project site prior to filling.

Although these activities could increase pathways for human exposure, impacts would be avoided by performing the project in accordance with the following:

- Demolition of the existing structures would be conducted in accordance with applicable regulatory requirements relating to ACM, lead-based paint, and PCB-containing equipment (e.g., transformers, electrical feeder cables, hydraulic equipment, and fluorescent light ballasts).
- Although little or no soil disturbance is associated with the proposed project (imported material would be placed on top of existing grade, following removal of asphalt/concrete), based on the Phase II findings, a Remedial Action Plan (RAP) and associated Construction Health and Safety Plan (CHASP) would be prepared for implementation during any subsurface disturbance associated with the proposed project. The RAP and CHASP would address requirements for items such as: soil management and disposal, dust control, and

contingency measures should underground tanks or other unforeseen contamination be encountered.

- Removal of any encountered tanks would be performed in accordance with applicable regulatory requirements including DEC requirements relating to spill reporting and tank registration.
- Dewatering is not anticipated to be required for the proposed construction. However, were it to be needed, water would be discharged to combined sewers in accordance with DEP requirements or to the East River directly or via storm sewers in accordance with DEC requirements.

With these measures, the proposed project would not result in any significant adverse impacts related to hazardous materials. ✷

# A. INTRODUCTION

The proposed Pier 42 project would create a landscaped open space on the upland area and provide views to the river by demolishing most of the existing pier shed structure and all of its sheathing. This attachment summarizes the construction program for the proposed project and assesses the potential for adverse impacts during construction activities. The anticipated construction schedule and the types of construction activities likely to occur are described. The types of construction equipment and the expected number of workers and truck deliveries are also identified. Based on this information, an assessment of potential impacts from construction activity is provided.

# B. OVERVIEW OF CONSTRUCTION ACTIVITIES

## GOVERNMENTAL COORDINATION AND OVERSIGHT

Construction oversight involves several City, State, and Federal agencies. **Table 2E-1** lists the primary involved agencies and their areas of responsibility. The New York City Department of Buildings (DOB) enforces safety regulations to protect both the workers and the general public during construction. The New York City Department of Environmental Protection (DEP) enforces the *New York City Noise Code* and reviews and approves any needed Remedial Action Plans (RAPs) and Construction Health and Safety Plans (CHASPs). The New York City Fire Department (FDNY) has primary oversight of compliance with the *New York City Fire Code.* The New York City Department of Parks and Recreation (DPR), the project sponsor, has oversight of mapped parkland and is responsible for the oversight, enforcement, and permitting of the replacement of street trees that are lost due to construction. Section 5-102 et. seq. of the Laws of the City of New York require a permit to remove any trees and the replacement of the trees as determined by calculating the size, condition, species, and location rating of the tree proposed for removal.

At the state level, the New York State Department of Labor (NYSDOL) licenses asbestos workers. The New York State Department of Conservation (DEC) regulates disposal of hazardous materials. Project construction would be conducted under a DEC State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity, and a Stormwater Pollution Prevention Plan (SWPPP) would be implemented. The SWPPP would comply with DEC technical standards for erosion and sediment control. In addition, since the proposed project would involve grout replacement and replacement of deteriorated modern concrete caps on certain portions of the bulkhead, a DEC Tidal Wetlands Permit and, potentially, a United States Army Corps of Engineers (USACE) Nationwide Permit may be required. The State Historic Preservation Officer (SHPO) reviews the historic and cultural resources section of this Environmental Assessment and determines the need for a Construction Protection Plan (CPP).

**Table 2E-1**
**Construction Oversight in New York City**

| Agency | Areas of Responsibility |
|---|---|
| **New York City** | |
| Department of Buildings | Oversight for site safety |
| Department of Environmental Protection | Noise, RAPs/CHASPs |
| Fire Department | Compliance with Fire Code |
| Department of Parks and Recreation | Construction staging on public parks, tree protection |
| **New York State** | |
| Department of Labor | Asbestos workers |
| Department of Environmental Conservation | Hazardous materials, SWPPP, Tidal Wetlands Permit |
| United States Army Corps of Engineers | Nationwide Permit |
| State Historic Preservation Officer | Historic and cultural resources, CPP |
| **United States** | |
| Environmental Protection Agency | Air emissions, noise, hazardous materials |
| Occupational Safety and Health Administration | Worker safety |

At the federal level, although the United States Environmental Protection Agency (EPA) has wide-ranging authority over environmental matters, including air emissions, noise, hazardous materials, and the use of poisons, much of its responsibility is delegated to the state level. The Occupational Safety and Health Administration (OSHA) sets standards for work-site safety and construction equipment.

## CONSTRUCTION SCHEDULE AND ACTIVITIES

**Table 2E-2** shows the anticipated construction schedule for the proposed project. It would proceed in two primary stages: abatement/demolition and site work. As shown in **Table 2E-2**, each stage of construction would take approximately 15 months; since there would be three months of overlap between the two stages of construction, the total duration would be approximately 27 months.

**Table 2E-2**
**Anticipated Construction Schedule**

| Construction Task | Anticipated Schedule | Approximate Duration (months) |
|---|---|---|
| Abatement/Demolition | January 2016 to March 2017 | 15 |
| Site Work | January 2017 to March 2018 | 15 |
| **Source:** DPR, March 2015. | | |

It is anticipated that construction would begin in January 2016 with abatement of asbestos and other hazardous materials within the existing pier shed. Since the pier shed was constructed in 1963, it is possible that it may contain asbestos-containing materials (ACM), lead-based paint (LBP), and PCB-containing items (e.g., hydraulic oil). Once the pier shed is abated of asbestos and any other hazardous materials, structural demolition would commence. A majority of the existing pier shed would be demolished except for the four western bays of its steel structure. The demolition debris would be sorted prior to being disposed at landfills to maximize recycling opportunities. Materials and equipment staging could either occur within the project site or on barges. This stage of construction would also include the removal of the paved parking area on the apron adjacent to the pier shed. The concrete removed from the parking area would be temporarily stored in the on-site staging area and reused on site. The equipment used during

abatement and demolition may include excavators, small cranes, and various hand tools. Abatement and demolition activities are anticipated to take approximately 15 months to complete.

Site work is anticipated to begin in January 2017 and would overlap with abatement and demolition activities for approximately three months. Site work activities would involve the creation of a landscaped open space on the upland area. Grading and filling is proposed across the project site, with approximately 10,737 cubic yards of certified clean fill material imported to raise the grade of the site and for tree planting. The open space would have a flat lawn areas crisscrossed by permeable pavement walkways. An entry garden would occupy the western section of the open space (on part of the Pier 36 apron). The eastern portion of the open space (section of East River Park) would be filled to create a grassy knoll rising about seven feet. Site work activities would also include the installation of benches and sustainable solar lights. In addition, a chain link fence and a shrub buffer would be installed to separate the pier platform from the new open space. The replacement of concrete paving with permeable paving and landscaping would improve the site's ability to handle stormwater. Equipment or materials staging (i.e., temporary storage of on-site fill materials) for site work activities could either occur within the project site or on barges. The equipment used during site work may include backhoes, loaders, and compactors. Site work activities are anticipated to take approximately 15 months to complete.

## GENERAL CONSTRUCTION PRACTICES

### *STAGING AREAS AND DELIVERIES*

Access to the construction site would be controlled. The work areas would be fenced off, and limited access points for workers and trucks would be provided. Truck access to the project site would be via the intersection of South Street and Montgomery Street. Flaggers would be posted as necessary to control trucks entering and exiting the project site. As discussed above, materials and equipment staging during construction could either occur within the project site on the paved parking area adjacent to the pier shed or on barges.

### *PERIMETER SAFETY*

A variety of measures would be employed to ensure the safety of pedestrians and bicyclists passing through the area during the construction of the proposed project. For example, flaggers would be posted as necessary to provide guidance to pedestrians and bicyclists, and/or to alert or slow down the construction-related truck traffic. Public safety measures such as construction safety signs would be installed. All DOB safety requirements would be followed and construction activities would be conducted with care so as to minimize the disruption to the community.

### *HOURS OF WORK*

Construction activities for the proposed project would be carried out in accordance with New York City laws and regulations, which allow construction activities to take place between 7:00 AM and 6:00 PM. Construction work would typically begin at 7:00 AM on weekdays, with most workers arriving between 6:00 AM and 7:00 AM. Normally, work would end at 3:30 PM. Necessary permits would be obtained from the appropriate agencies if work is required outside

of normal construction hours (i.e., weekend and after-hour work). No work outside of normal construction hours could be performed until such permits are obtained.

*ACCESS*

Access along the existing bikeway/walkway/service road would be maintained at all times. It is imperative that this service road would remain open during construction because it serves as the emergency vehicles access route for East River Park.

*RODENT CONTROL*

During construction, the contractor would carry out a rodent (mouse and rat) control program, as necessary. Signage would be posted, and coordination would be conducted with appropriate public agencies. Only USEPA- and DEC-registered rodenticides would be utilized, and the contractor would be required to perform rodent control program in a manner that is not hazardous to the general public, domestic animals, and non-target wildlife.

## C. THE FUTURE WITHOUT THE PROPOSED PROJECT

Absent the proposed project, in the "No Action condition," the Pier 42 project would not be developed. Since funding was never obtained for the urban beach that was part of the previously approved Esplanade Project, it is anticipated that the project site would remain in its existing underutilized condition. As such, there would be no notable construction activity in the future without the proposed project.

## D. PROBABLE IMPACTS OF THE PROPOSED PROJECT

Construction of the proposed project, as is the case with any construction activity, may be disruptive to the surrounding area. However, other than nearby portions of East River Park, the project site is located at some distance from sensitive receptor locations and is separated from such receptors by FDR Drive. The nearest sensitive receptors other than East River Park are the community facility and residential buildings along South Street, located at a distance of approximately 150 feet or more north of the project site and separated from the project site by the FDR Drive which is partially elevated in this area. In addition, unlike typical ground-up construction, the project would not entail pile driving, extensive excavation, or superstructure construction activities, which often generate the highest levels of noise and air emissions.

As discussed in Chapter 1, "Project Description," when the Esplanade Project was undergoing environmental review, the major recovery projects in Lower Manhattan were in construction. Environmental Performance Commitments (EPCs) were developed to avoid or reduce the cumulative construction impacts in five areas of potential concern—air quality, noise and vibration, cultural resources, access and circulation, and economic effects (see **Table 2E-3**).

The EPCs were considered in the Final Environmental Impact Statement (FEIS) for the Esplanade Project, particularly in relation to the nearest major recovery projects: the South Ferry Subway Terminal which is distant from Pier 42 and the Fulton Street Transit Center (now Fulton Center) which is substantially complete. Although Pier 42 is within the area of the East Side Coastal Resiliency project, that project is in the early planning stages and what construction work would take place in this area is not known. Therefore, the construction analysis focuses on the construction activities associated with the proposed Pier 42 project only.

**Table 2E-3**
**Environmental Performance Commitments**

| Air Quality |
|---|
| Use ultra-low sulfur diesel fuel in off-road construction equipment with engine horsepower (HP) rating of 60 HP and higher. |
| Where practicable, use diesel engine retrofit technology in off-road equipment to further reduce emissions. Such technology may include Diesel Oxidation Catalyst /Diesel Particulate Filters, engine upgrades, engine replacements, or combinations of these strategies. |
| Limit unnecessary idling times to 3 minutes. |
| Locate diesel powered exhausts away from fresh air intakes. |
| Control dust related to construction site through a soil erosion sediment control plan that includes, among other things:<br>a. spraying of a suppressing agent on dust pile (non-hazardous, biodegradable);<br>b. containment of fugitive dust; and,<br>c. adjustment for meteorological conditions as appropriate. |
| **Noise and Vibration** |
| Where practicable, schedule individual project construction activities to avoid or minimize adverse impacts. |
| Coordinate construction activities with projects under construction in adjacent and nearby locations to avoid or minimize impacts. |
| Consider condition of surrounding buildings, structures, infrastructure, and utilities, as appropriate. |
| Prepare contingency measures in the event established limits are exceeded. |
| **Cultural and Historic Resources** |
| Establish coordination among projects to avoid or minimize interruption in access to cultural and historic sites. |
| Initiate public information and involvement outreach with sensitivity to local cultural resources. |
| Receive and provide current information to public about access during construction. |
| Monitor noise and vibration during construction as appropriate at any culturally significant sites identified by New York State Office of Historic Preservation and New York City Landmarks Preservation Commission. |
| **Access and Circulation** |
| Establish a project-specific pedestrian and vehicular maintenance and protection plan. |
| Promote public awareness through mechanisms such as:<br>a. signage;<br>b. telephone hotline; and,<br>c. web site updates. |
| Ensure sufficient alternate street, building, and station access during construction period. |
| Coordinate construction efforts by and among appropriate agencies of the City of New York. |
| **Economic Effects** |
| Undertake coordination and communication efforts to minimize residential and retail impacts. |
| Add appropriate signage for affected businesses and amenities. |

The following analysis describes the overall temporary effects of the proposed project's construction activities on transportation, air quality, noise, land use and public policy, socioeconomic conditions, community facilities, open space, historic and cultural resources, natural resources, and hazardous materials. Transportation

The *CEQR Technical Manual* describes a two-tiered screening procedure for the preparation of a preliminary analysis that determines whether quantified analyses of transportation conditions are warranted. The preliminary analysis begins with a trip generation analysis (Level 1 Screening Assessment) to estimate the volume of person and vehicle trips attributable to the construction of the proposed project.

According to the *CEQR Technical Manual*, if the construction of a building under the proposed project is expected to result in fewer than 50 peak hour vehicle trips and fewer than 200 peak hour transit or pedestrian trips, further quantified analyses are not warranted. When these thresholds are exceeded, detailed construction trip assignments (Level 2 Screening Assessment) are performed to estimate the incremental trips that could be incurred at specific transportation elements and to identify potential locations for further analyses. If the trip assignments show that

the construction of the proposed project would generate fewer than 50 peak hour vehicle trips at an intersection, fewer than 200 peak hour transit trips, or fewer than 200 peak hour pedestrian trips traversing a pedestrian element, then further quantified analyses are not warranted to assess the potential for significant adverse impacts on traffic, transit, pedestrians, parking, and vehicular and pedestrian safety during construction.

Limited construction workers and deliveries would be required for the construction of the proposed project. It is estimated that the peak construction period would have approximately 20 workers on-site and 10 truck deliveries per day. Therefore, the incremental construction vehicle, pedestrian, and transit trips would be well below the *CEQR Technical Manual* analysis thresholds described above. Furthermore, construction workers are expected to park in nearby off-street spaces or parking facilities and their limited parking demand is expected to be fully accommodated by the off-street spaces and parking facilities available within a ¼-mile radius of the project site. Therefore, the transportation increase due to construction activities for the proposed project would not result in significant adverse impacts.

## AIR QUALITY

Emissions from on-site construction equipment and on-road construction-related vehicles, as well as dust generating construction activities, have the potential to affect air quality. In general, much of the heavy equipment used in construction has diesel-powered engines and produces relatively high levels of nitrogen oxides ($NO_x$) and particulate matter (PM). Fugitive dust generated by construction activities also contains particulate matter. Finally, gasoline engines produce relatively high levels of carbon monoxide (CO). As a result, the primary air pollutants of concern for construction activities include nitrogen dioxide ($NO_2$), particulate matter with an aerodynamic diameter of less than or equal to 10 micrometers ($PM_{10}$), particulate matter with an aerodynamic diameter of less than or equal to 2.5 micrometers ($PM_{2.5}$), and CO.

Construction of the proposed project, as is the case with any construction activities, may be disruptive to the surrounding area. However, unlike typical ground-up construction, the project would not entail pile driving, extensive excavation, or superstructure construction activities, which often generate the highest levels of air emissions. In addition, other than nearby portions of East River Park, the project site is located at some distance away from sensitive receptor locations and is separated from such receptors by FDR Drive. The distances between potential emissions sources and these sensitive locations would result in enhanced dispersion of pollutants; therefore, potential concentration increments from on-site construction sources at such locations would be reduced.

Further, construction activities would be carried out in accordance with all applicable laws, regulations, and building codes as well as the requirement specified in the EPC described above. All measures required by the portion of the *New York City Air Pollution Control Code* regulating construction-related dust emissions would be implemented. For example, all trucks hauling loose material would be equipped with tight-fitting tailgates and their loads securely covered prior to leaving the construction site; and water sprays would be used to ensure that materials are dampened as necessary to avoid release of dust into the air. The construction of proposed project will also be subject to New York City Local Law 77, which would require the use of ultra-low sulfur diesel fuel (ULSD) and best available technology (BAT) for equipment at the time of

construction.[1] Overall, these emissions reduction measures are expected to significantly reduce pollutant emissions during the construction.

Based on the information presented above, the proposed project would not result in any significant adverse construction air quality impacts, and no further analysis is required.

**NOISE**

Impacts on community noise levels during construction would include noise from the operation of construction equipment and noise from construction and delivery vehicles traveling to and from the site. Noise and vibration levels at a given location are dependent on the type and quantity of construction equipment being operated, the acoustical utilization factor of the equipment (i.e., the percentage of time a piece of equipment is operating), the distance from the construction site, and any shielding effects (from structures such as buildings, walls, or barriers). Noise levels caused by construction activities would vary widely, depending on the stage of construction (i.e., demolition, installation of plant materials, etc.) and the location of the construction activities relative to noise-sensitive receptor locations.

As discussed above, construction of the proposed project may be disruptive to the surrounding area., in particular, to nearby residential and open space uses. However, unlike typical ground-up construction, the project would not entail pile driving, extensive excavation, or superstructure construction activities, which often generate the highest levels of noise emissions. In addition, other than nearby portions of East River Park, the project site is located at some distance away from sensitive receptor locations and is separated from such receptors by FDR Drive. FDR Drive is heavily trafficked and the construction activities at the project site would therefore not be expected to result in substantially increased noise at these receptor locations across FDR Drive.

Further, construction activities would be carried out in accordance with all applicable laws, regulations, and building codes as well as the requirement specified in the EPCs described above. Construction noise is regulated by the requirements of the *New York City Noise Control Code* (also known as Chapter 24 of the Administrative Code of the City of New York, or Local Law 113), the NYCDEP Notice of Adoption of Rules for Citywide Construction Noise Mitigation (also known as Chapter 28), and the USEPA's noise emission standards. These local and federal requirements mandate that specific construction equipment and motor vehicles meet specified noise emission standards; that construction activities be limited to weekdays between the hours of 7 AM and 6 PM; and that construction materials be handled and transported in such a manner as not to create unnecessary noise. As described above, for weekend and after hour work if necessary, permits would be required to be obtained, as specified in the *New York City Noise Control Code*. As part of the *New York City Noise Control Code*, a site-specific noise mitigation plan would be developed and implemented that may include source controls, path controls, and receiver controls.

[1] New York City Administrative Code § 24-163.3, adopted December 22, 2003, also known as Local Law 77, requires that any diesel-powered non-road engine with a power output of 50 hp or greater that is owned by, operated by or on behalf of, or leased by a city agency shall be powered by ULSD, and utilize BAT for reducing the emission of pollutants, primarily particulate matter and secondarily nitrogen oxides. DEP is charged with defining and periodically updating the definition of BAT. This legislation was specifically introduced to off-set increased emissions from the construction activities that will take place around the WTC site, and initially applies only to projects in lower Manhattan. These requirements are now required for all City construction projects citywide.

Based on the information presented above, the proposed project would not result in any significant adverse construction noise impacts, and no further analysis is required.

## OTHER TECHNICAL AREAS

### *LAND USE AND NEIGHBORHOOD CHARACTER*

As discussed in Chapter 2, Section A, "Land Use, Zoning, and Public Policy" the project site is located within the Coastal Zone boundary of the City's Waterfront Revitalization Program (WRP). Construction of the proposed project would be consistent with Coastal Zone policies. Construction activities would affect land use on the project site but would not alter surrounding land uses. As is typical with construction projects, during periods of peak construction activity there would be some disruption, predominantly noise, to the nearby area. There would be construction trucks and construction workers moving to and from the project site. There would also be noise, sometimes intrusive, from construction work as well as trucks and other vehicles backing up, loading, and unloading. These disruptions would be temporary and would have limited effects on land uses within the study area, particularly as most construction activities would take place within the project site or within portions of sidewalks and curb lanes of streets immediately adjacent to the construction site. Overall, while construction activities at the project site would be evident to the local community, the limited duration of construction would not result in any significant or long-term adverse impacts on local land use patterns or the character of the nearby area.

### *SOCIOECONOMIC CONDITIONS*

Construction activities associated with the proposed project would not result in any significant adverse impacts on socioeconomic conditions. Construction of the proposed project would not block or restrict access to any facilities in the area, affect the operations of any nearby businesses, or obstruct major thoroughfares used by customers or businesses. Construction would create direct benefits resulting from expenditures on labor, materials, and services, and indirect benefits created by expenditures by material suppliers, construction workers, and other employees involved in the construction activity. Construction also would contribute to increased tax revenues for the City and State, including those from personal income taxes.

### *COMMUNITY FACILITIES*

Construction of the proposed project would not block or restrict access to and from any community facilities in the area. Construction workers would not place any burden on public schools and would have minimal, if any, demand on libraries, child care facilities, and health care facilities. Construction activities would not materially affect the New York Police Department (NYPD), FDNY, or other emergency services or response times and the service road that serves as the emergency vehicles access route for the East River Park would remain open during construction.

### *OPEN SPACE*

While the proposed project would have a slightly different footprint than the previously approved project, it would provide more open space and would replace an underutilized lot with new public open space, helping to alleviate the shortage of open space experienced by the dense residential and worker populations of Lower Manhattan. The project site includes Pier 42, the

Pier apron on the upland side of the pier, the adjacent paved upland area west to Montgomery Street, and a portion of East River Park east of Jackson Street. No recreational open space resources outside of the project site would be used for staging or other construction activities. At limited times, activities at the project site may generate noise that could impair the enjoyment of nearby East River Park users, but such noise effects would be temporary. As described above, access along the existing bikeway/walkway/service road through the project area would be maintained at all times. Therefore, construction of the proposed project would not result in significant adverse impacts on open space.

*HISTORIC AND CULTURAL RESOURCES*

As described in Chapter 2, Section B, "Historic and Cultural Resources," no additional archaeological analysis is warranted for the southern half of the project site (Pier 42 itself). Areas of archaeological sensitivity have been identified within the northern half of the Archaeological APE. As described in that section, the entire project site is sensitive for archaeological resources associated with landfill and landfill-retaining structures below a depth of 2 feet, except in areas with greater disturbance caused by the installation of utilities or the excavation of basements. The original street surfaces may also be sensitive for the remnants of street car lines (trolley tracks), wooden water mains, and concentrations of historic period artifacts. Finally, those historic lots that were not disturbed by basement excavation are sensitive for historic shaft features.

Grading and filling is proposed across the project site, with the majority of excavation expected to be limited to the removal of the concrete pad that is situated at approximately 2 feet below the ground surface. Fill material will then be used to raise the grade of the site, most dramatically at the eastern end of the project site. Benches will be installed that will require excavation to a depth of 2 to 3 feet; tree pits will be excavated to a depth of 3 to 4 feet, and fence foundations will be excavated to a depth of approximately 4 to 5 feet. However, much of this excavation will be through the newly added fill material. In addition, some existing subsurface infrastructure (including manholes) will be removed, which may require excavation to greater depths, although the majority of the area to be excavated to remove these structures would have been disturbed during their original construction.

Therefore, the disturbance memorandum determined that archaeological monitoring is recommended for any areas not previously disturbed by the installation of utilities or the excavation of basements and where excavation as a result of the proposed project would extend to depths greater than 2 feet below the existing ground surface. In addition, the memorandum recommended that an Unanticipated Discoveries Plan be prepared to outline the procedures that will be implemented in the event that unanticipated archaeological resources are encountered during the construction of the proposed project.

Consistent with the Esplanade Project's Programmatic Agreement (PA), the disturbance memorandum will be submitted to SHPO for review and comment. Subsequent to the review of the disturbance memorandum, the Lower Manhattan Development Corporation (LMDC) and the City will prepare and submit to SHPO an Archaeological Monitoring Protocol and Unanticipated Discoveries Plan. In many areas, because of the introduction of fill materials, excavation associated with the proposed project would not result in impacts to depths greater than 2 feet below the current pre-construction ground surface. Therefore, it is expected that the archaeological monitoring program would be limited, and no monitoring would be necessary across the majority of the project site. OPRHP will have 30 days to submit comments and

recommendations to LMDC and the City with respect to the adequacy of the Archaeological Monitoring Protocol/Unanticipated Discoveries Plan. In the event the unanticipated archaeological deposits or features are encountered during construction of the proposed project and adverse effects on those resources will result, LMDC and the City will immediately implement the procedure of the Unanticipated Discoveries Plan. The final Unanticipated Discoveries Plan will be made available on LMDC's website and upon request.

The only historic resource on the project site is the East River bulkhead, and construction plans include re-grouting of the blocks and replacement of some more recent concrete pieces. Consistent with the Esplanade Project's PA, LMDC and the City will consult with SHPO regarding the design of the proposed project on or around the historic, granite portions of the East River bulkhead. The design for such project components will be provided to SHPO when the designs are at preliminary (35%) and pre-final (75%) completion stages. SHPO may also elect, at the time that its written comments on the pre-final designs are submitted, to review substantially final designs. The public will have an opportunity to review final designs when they are completed by the city. The proposed bulkhead work for the proposed project consists solely of minor repairs (grout replacement), and replacement of deteriorated modern concrete caps, and thus would not significantly adversely affect this resource.

*NATURAL RESOURCES*

As discussed in greater detail in the "Natural Resources" section under Chapter 2, "Environmental Analyses," the construction activities associated with the proposed project would not result in any significant adverse environmental impacts to the river's water quality, littoral zone tidal wetland, Essential Fish Habitat, aquatic biota, including threatened and endangered species, terrestrial resources, or floodplains.

*HAZARDOUS MATERIALS*

Chapter 2, Section D, "Hazardous Materials," states that impacts would be avoided by performing the proposed project in accordance with the following:

- Demolition of the existing structures would be conducted in accordance with applicable regulatory requirements relating to ACM; lead-based paint; and PCB-containing equipment (e.g., transformers, electrical feeder cables, hydraulic equipment, and fluorescent light ballasts).
- Although little or no soil disturbance is associated with the proposed project (imported material would be placed on top of existing grade, following removal of asphalt/concrete), based on the Phase II findings, a Remedial Action Plan (RAP) and associated Construction Health and Safety Plan (CHASP) would be prepared for implementation during any subsurface disturbance associated with the proposed project. The RAP and CHASP would address requirements for items such as: soil management and disposal, dust control, and contingency measures should underground tanks or other unforeseen contamination be encountered.
- Removal of any encountered tanks would be performed in accordance with applicable regulatory requirements including DEC requirements relating to spill reporting and tank registration.
- Dewatering is not anticipated to be required for the proposed construction. However, were it to be needed, water would be discharged to combined sewers in accordance with DEP

requirements or to the East River directly or via storm sewers in accordance with DEC requirements.

With these measures, the proposed project would not result in any significant adverse impacts related to hazardous materials during construction. ✷

## A. INTRODUCTION AND BACKGROUND

To satisfy Executive Order 12898 (EO 12898), *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (February 11, 1994), this environmental justice analysis has been prepared to identify and address any disproportionate and adverse impacts on minority or low-income populations that could result from the Pier 42 project. In addition, this environmental justice analysis was prepared pursuant to the U.S. Department of Housing and Urban Development (HUD) regulations found at 24 CFR Parts 50 and 58, which mandate compliance with EO 12898 for HUD and/or HUD applicants.

EO 12898 also requires federal agencies to work to ensure greater public participation in the decision-making process. For the proposed project, this requirement has been satisfied by the review process for this Environmental Assessment (EA) under the National Environmental Policy Act (NEPA).

This chapter analyzes the proposed project's potential effects on minority and low-income populations, to determine if disproportionately high and adverse impacts on those populations would result. This environmental justice analysis assesses the potential effects of the proposed project over the full range of environmental and health effects on minority and low-income populations.

In summary, the analysis concludes that the proposed Pier 42 project is not expected to result in any disproportionately high and adverse effects on minority and low-income populations and no environmental justice concerns are expected with the proposed project.

## B. METHODOLOGY

The environmental justice analysis for the proposed project follows the guidance and methodologies recommended in the federal Council on Environmental Quality (CEQ)'s *Environmental Justice Guidance under the National Environmental Policy Act* (December 1997), as summarized below.

### CEQ GUIDANCE

The CEQ, which has oversight of the federal government's compliance with EO 12898 and NEPA, developed its guidance to assist federal agencies with their NEPA procedures so that environmental justice concerns are effectively identified and addressed.

The CEQ methodology involves collecting demographic information on the area where the project may cause significant adverse effects; identifying low-income and minority populations in that area using census data; and identifying whether the project's adverse effects are disproportionately high on the low-income and minority populations in comparison with those on other populations. Mitigation measures should be developed and implemented for any

disproportionately high and adverse effects. Under NEPA, the potential for disproportionately high and adverse effects on minority and/or low-income populations should then be one of the factors the federal agency considers in making its finding on a project and issuing a Finding of No Significant Impact or a Record of Decision.

## METHODOLOGY USED FOR THIS ASSESSMENT

The assessment of environmental justice for the proposed project was based on CEQ guidance, as described above. It involved four basic steps:

1. Identify the area where the project may cause significant and adverse effects (i.e., the study area);
2. Compile population and economic characteristics for the study area and identify potential environmental justice areas (i.e., minority or low-income communities);
3. Identify the proposed project's potential adverse effects on minority and low-income communities; and
4. Evaluate the proposed project's potential adverse effects on minority and low-income communities relative to its overall effects to determine whether any potential adverse impacts on those communities would be disproportionate.

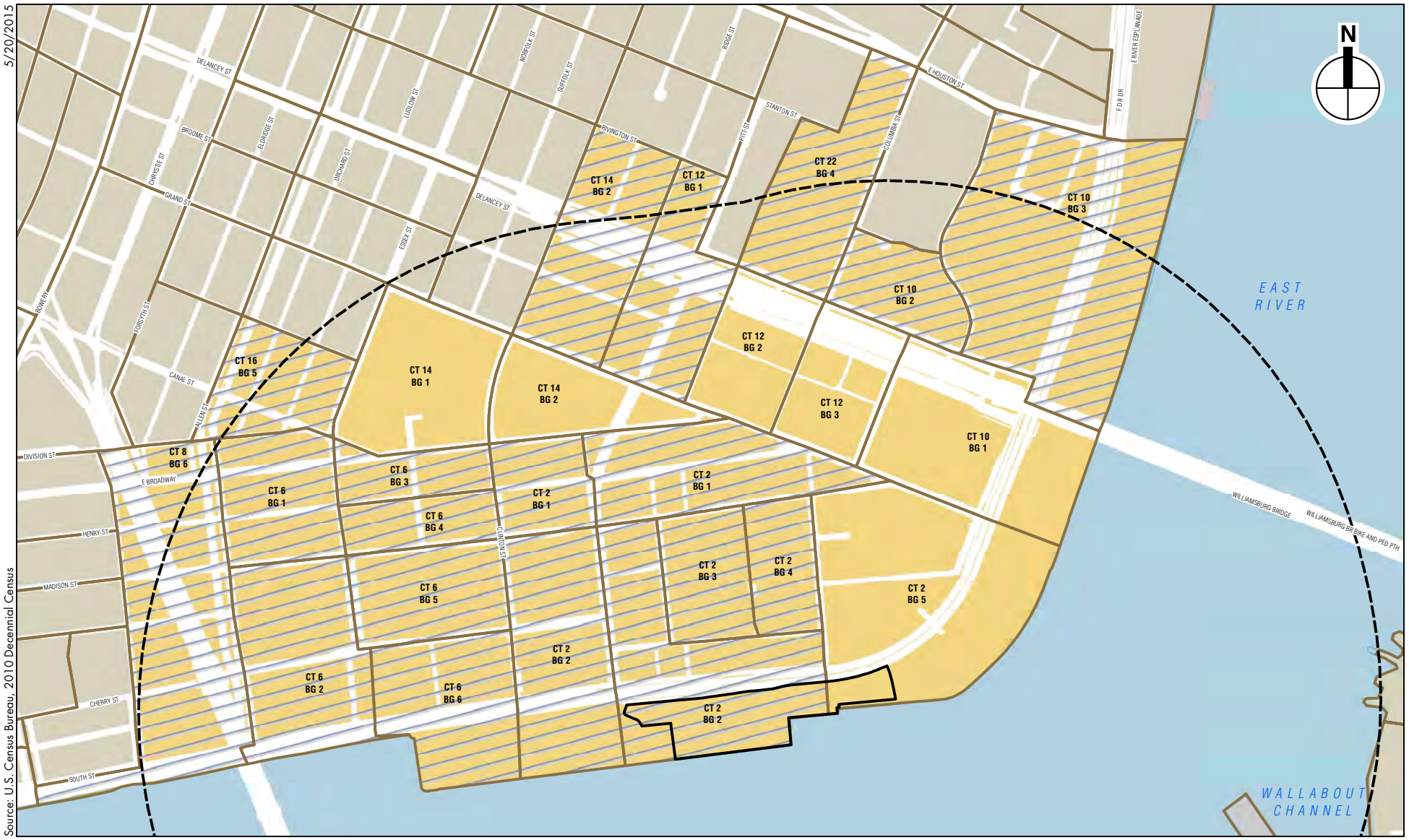
### *DELINEATION OF STUDY AREA*

The study area for environmental justice encompasses the area most likely to be affected by the proposed project and considers the area where potential impacts resulting from construction and operation of the proposed project could occur. The study area for environmental justice includes the census block groups that are at least 50 percent within the area of potential effect, which is generally the area within ½ mile of the project site for environmental justice analyses. As shown in **Figure 2F-1**, the study area includes 25 census block groups.

### *IDENTIFICATION OF POTENTIAL ENVIRONMENTAL JUSTICE AREAS*

Data on race, ethnicity, and poverty status were gathered from the U.S. Census Bureau's *Census 2010* and the 2009-2013 American Community Survey (ACS) 5-Year Estimates for the census block groups within the study area, and then aggregated for the study area as a whole. For comparison purposes, data for Manhattan and New York City were also compiled. Based on census data and CEQ guidance (described above), potential environmental justice areas were identified as follows:

- *Minority communities:* CEQ guidance defines minorities to include American Indians or Alaskan Natives, Asian and Pacific Islanders, African Americans or Black persons, and Hispanic persons. This environmental justice analysis also considers minority populations to include persons who identified themselves as being either "some other race" or "two or more races" in the *Census 2010*. Following CEQ guidance, minority communities were identified where the minority population of the affected area exceeds 50 percent.
- *Low-income communities:* The percent of individuals living below the poverty level in each census block group, obtained from 2009-2013 ACS 5-Year Estimates, was used to identify low-income populations. Because CEQ guidance does not specify a threshold for identifying low-income communities, all census block groups with a low-income population percentage that is meaningfully greater than in Manhattan—the proposed project's primary statistical




# Environmental Justice Study Area
## 2010 Minority Population

**PIER 42**

**Figure 2F-1**

reference area—were considered low-income communities. According to 2009-2013 data, in Manhattan, approximately 20 percent of the total population is living below the federal poverty threshold, so any block group with a low-income population equal to or greater than 25 percent was considered a low-income community.

## C. ENVIRONMENTAL JUSTICE POPULATIONS IN THE STUDY AREA

The environmental justice study area includes 25 census block groups (see **Figure 2F-1**). **Table 2F-1** shows population and economic characteristics in terms of race, ethnicity, and poverty status. The study area had a population of 41,588 in 2010, or approximately 2.7 percent of the total population of Manhattan.

Approximately 37.3 percent of the study area's population identified themselves as Asian, making up the largest racial or ethnic group. Approximately 79.8 percent of the residents of this study area are minority—a substantially larger proportion than in Manhattan (54.2 percent) and the City as a whole (66.7 percent). Because the study area's total minority percentage exceeds CEQ's 50 percent threshold, the study area as a whole is considered a minority community. Moreover, 19 of the individual block groups in the study area have minority populations that exceed the 50 percent threshold, ranging from 79.7 percent to 98.5 percent (see **Figure 2F-1**).

In addition, 15 of the block groups in the study area have low-income population percentages that are meaningfully greater than in Manhattan and the City as a whole, ranging from 25.2 percent to 83.2 percent (see **Figure 2F-2**). Overall, the study area has a low income population of 27.9 percent, and therefore exceeds the CEQ threshold of 25 percent and is considered a low-income community.

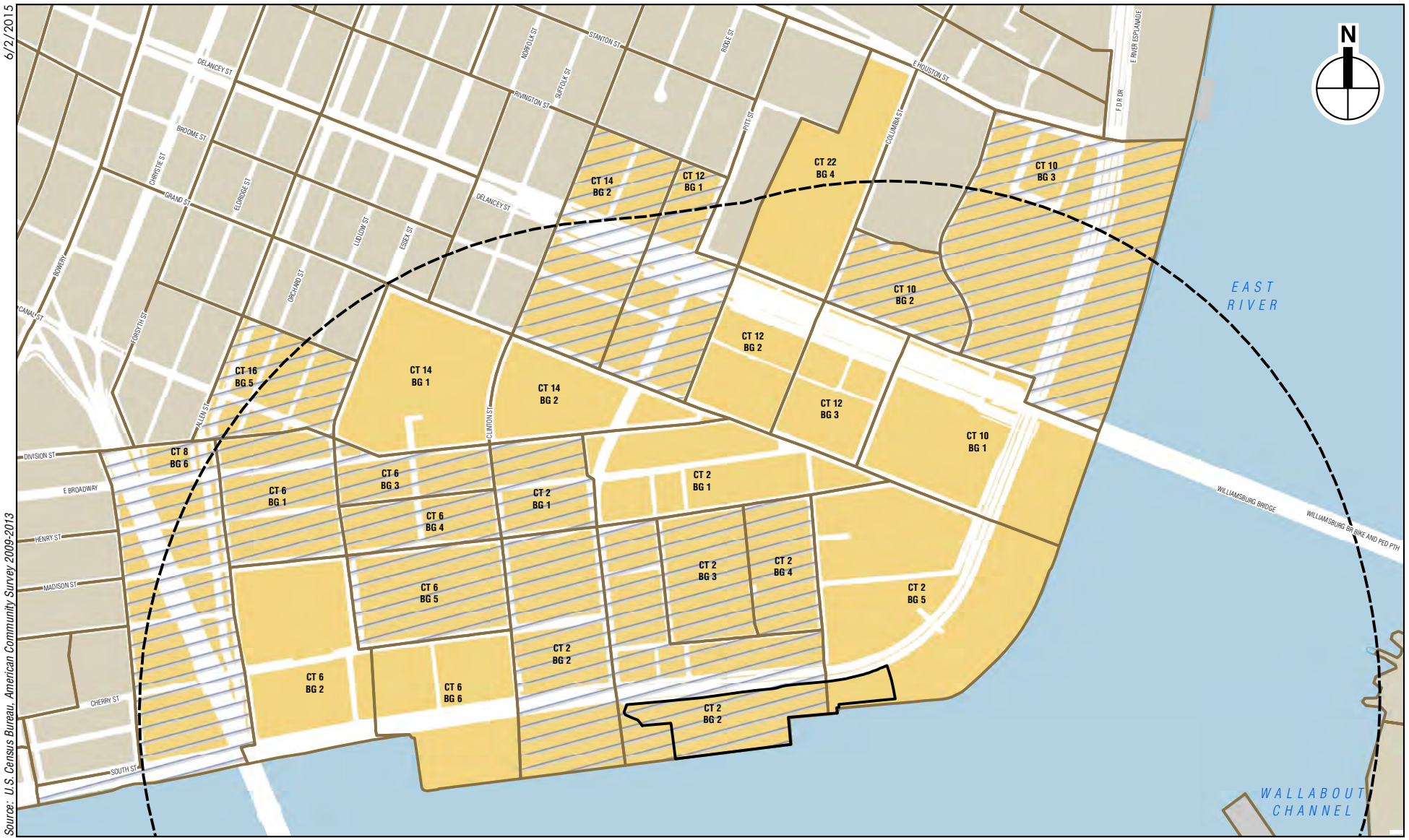
Minority representation in the study area exceeds the 50 percent minority threshold and low-income population exceeds the 25 percent threshold. Therefore, the entire study area is considered a potential environmental justice area, and more than half of its block groups are considered potential environmental justice communities.

## D. PUBLIC PARTICIPATION

EO 12898 requires federal agencies to work to ensure greater public participation in the decision-making process. In addition, CEQ guidance suggests that federal agencies should acknowledge and seek to overcome linguistic, cultural, institutional, geographic, and other barriers to meaningful participation.

The proposed project's public outreach and participation component required by EO 12898 has been satisfied by the review process for this EA under NEPA. Under NEPA, federal agencies are required to encourage early and meaningful public participation in the decision-making process.

To this end, the New York City Department of Parks and Recreation has held a number of meetings with the local community board and other local stakeholder groups. Further, the public will have the opportunity to comment on this EA during the 15-day public review period. The Lower Manhattan Development Corporation (LMDC) has circulated a notice of the availability of this EA to community groups in the affected area, and will consider any public comments that are received prior to issuing a statement of findings for the project.




Environmental Justice Study Area
Poverty Population

**PIER 42**

**Figure 2F-2**

## E. IDENTIFICATION OF DISPROPORTIONATE ADVERSE IMPACTS

As discussed throughout this EA, the proposed project would produce beneficial effects for the local community, providing an open space amenity to facilitate access to and use of the waterfront in an area that has a strong demand for open space. At the same time, the proposed project would not result in any significant adverse impacts. Therefore, the proposed project is not expected to result in any disproportionately high and adverse effects on minority and low-income populations. Overall, the proposed project would have a positive effect on the neighboring communities by creating and enhancing public open space and linking the adjacent neighborhoods to the East River. In addition, the proposed project would be in compliance with all applicable NEPA and HUD regulations related to environmental justice protections. Therefore, there are no environmental justice concerns expected with the proposed project.

## Table 2F-1
## Study Area Population and Economic Characteristics

| Census Tract | Block Group | Total Population | Race and Ethnicity (Percent)[1] | | | | | | Individuals Below Poverty Level (Percent)[2] |
|---|---|---|---|---|---|---|---|---|---|
| | | | White (non-Hispanic) | Black (non-Hispanic) | Asian (non-Hispanic) | Other (non-Hispanic) | Hispanic or Latino | Total Minority | |
| 2 | 1 | 988 | 12.7% | 3.0% | 72.9% | 0.5% | 10.9% | **87.3%** | **60.1%** |
| 2 | 2 | 2,070 | 2.8% | 13.7% | 26.3% | 1.4% | 55.8% | **97.2%** | **40.1%** |
| 2 | 1 | 611 | 16.0% | 11.6% | 32.9% | 0.8% | 38.6% | 84.0% | 23.7% |
| 2 | 2 | 1,705 | 20.3% | 15.2% | 27.7% | 3.0% | 33.8% | **79.7%** | **30.9%** |
| 2 | 3 | 1,702 | 6.2% | 12.9% | 24.4% | 0.8% | 55.6% | **93.8%** | **29.1%** |
| 2 | 4 | 1,317 | 3.9% | 13.7% | 23.9% | 1.7% | 56.8% | **96.1%** | **31.4%** |
| 2 | 5 | 1,981 | 56.0% | 6.6% | 11.4% | 2.9% | 23.2% | 44.0% | 9.8% |
| 6 | 1 | 2,283 | 9.6% | 0.5% | 86.2% | 1.6% | 2.1% | **90.4%** | **38.9%** |
| 6 | 2 | 2,541 | 3.4% | 13.1% | 51.0% | 1.6% | 31.0% | 96.6% | 24.1% |
| 6 | 3 | 1,171 | 13.5% | 0.6% | 78.0% | 2.7% | 5.2% | **86.5%** | **25.2%** |
| 6 | 4 | 1,586 | 7.2% | 1.5% | 85.6% | 1.0% | 4.7% | **92.8%** | **83.2%** |
| 6 | 5 | 1,749 | 2.3% | 16.0% | 32.1% | 1.1% | 48.5% | **97.7%** | **52.7%** |
| 6 | 6 | 2,037 | 5.1% | 8.3% | 54.9% | 2.4% | 29.4% | 94.9% | 23.7% |
| 8 | 6 | 1,698 | 4.1% | 0.1% | 94.5% | 0.6% | 0.8% | **95.9%** | **51.4%** |
| 10 | 1 | 1,434 | 73.3% | 3.3% | 6.3% | 2.4% | 14.7% | 26.7% | 5.9% |
| 10 | 2 | 1,595 | 2.6% | 15.6% | 15.5% | 1.6% | 64.6% | **97.4%** | **28.5%** |
| 10 | 3 | 3,183 | 1.5% | 20.5% | 12.3% | 1.0% | 64.7% | **98.5%** | **34.8%** |
| 12 | 1 | 1,608 | 19.3% | 3.9% | 21.8% | 1.2% | 53.7% | **80.7%** | **27.9%** |
| 12 | 2 | 862 | 79.6% | 1.4% | 4.6% | 2.3% | 12.1% | 20.4% | 0.0% |
| 12 | 3 | 927 | 73.6% | 1.2% | 8.7% | 3.5% | 13.1% | 26.4% | 6.5% |
| 14 | 1 | 1,492 | 67.8% | 3.3% | 11.5% | 4.1% | 13.3% | 32.2% | 1.2% |
| 14 | 2 | 1,513 | 70.8% | 2.7% | 10.4% | 2.2% | 13.9% | 29.2% | 8.9% |
| 14 | 2 | 1,477 | 20.1% | 8.1% | 20.7% | 2.0% | 49.1% | **79.9%** | **30.8%** |
| 16 | 5 | 1,653 | 19.4% | 0.7% | 75.7% | 1.0% | 3.1% | **80.6%** | **39.8%** |
| 22 | 4 | 2,405 | 8.4% | 16.8% | 30.4% | 2.3% | 42.2% | 91.6% | 11.1% |
| Study Area as a Whole | | 41,588 | 20.2% | 8.8% | 37.3% | 1.8% | 31.9% | **79.8%** | **27.9%** |
| Borough of Manhattan | | 1,537,195 | 45.8% | 15.3% | 9.3% | 2.4% | 19.8% | 54.2% | 20.0% |
| City of New York | | 8,175,133 | 33.3% | 22.8% | 12.6% | 2.8% | 28.6% | 66.7% | 20.3% |

**Notes:** 1. The racial and ethnic categories provided are further defined as: White (White alone, not Hispanic or Latino); Black (Black or African American alone, not Hispanic or Latino); Asian (Asian alone, not Hispanic or Latino); Other (American Indian and Alaska Native alone, not Hispanic or Latino; Native Hawaiian and Other Pacific Islander alone, not Hispanic or Latino; Some other race alone, not Hispanic or Latino; Two or more races, not Hispanic or Latino); Hispanic (Hispanic or Latino; Persons of Hispanic origin may be of any race).

2. Percentages in **bold** were identified as minority or low-income communities.

3. Percent of individuals with incomes below established poverty level. The U.S. Census Bureau's established income thresholds for poverty level defines poverty level.

**Sources:** U.S. Census Bureau's Census 2010 and 2009-2013 American Community Survey 5-Year Estimates; AKRF, Inc.

✷

# Appendix A

| For Internal Use Only: | WRP no._____ |
|---|---|
| Date Received:_____ | DOS no._____ |

**NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM**
**Consistency Assessment Form**

Proposed actions that are subject to CEQR, ULURP, or other local, state or federal discretionary review procedures, and that are within New York City's designated coastal zone, must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program (WRP)*. The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and subsequently approved by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, other state agencies or the New York City Department of City Planning in their review of the applicant's certification of consistency.

## A. APPLICANT

1. Name: **New York City Department of Parks and Recreation**

2. Address: **The Arsenal, Central Park, New York, NY 10021**

3. Telephone: **212.360.3402** Fax: _____ E-mail: _____

4. Project site owner: **New York City Department of Parks and Recreation**

## B. PROPOSED ACTIVITY

1. Brief description of activity:

   **The proposed design would remove the pavement from the upland area and demolish the pier shed—except for the four western bays of its steel structure. While the pier platform would not be publicly accessible, the removal of the structure would open up views to the river. A chain link fence and a shrub buffer would separate the pier platform from the new open space. The open space would have flat lawn areas crisscrossed by permeable pavement walkways. An entry garden would occupy the western section of the open space (on part of the Pier 36 apron). Landscaping would provide a buffer to the CDOT yard on Pier 36 and to the rising elevation of the FDR Drive. The eastern portion of the open space (section of East River Park) would be graded to create a grassy knoll rising about seven feet. Solar powered safety lighting would be provided. Certain portions of the bulkhead would be repaired by grout replacement and by replacement of deteriorated modern concrete caps. There would be access to the new open space from the bikeway/walkway along the FDR service road or from Montgomery Street under the elevated FDR Drive on the west and from East River Park on the east. It would also connect to the waterfront esplanade in East River Park.**

2. Purpose of activity:

   **The Esplanade Project and its components including Pier 42 were considered essential components of the ongoing revitalization of Lower Manhattan. The Esplanade Project recognized the rapidly increasing residential population in Lower Manhattan and the resulting heightened demand for open space. The goals of the Esplanade Project related to the current Pier 42 project are the following:**

   - **Provide open space amenities to Lower Manhattan communities underserved by the City's parks.**
   - **Create a vibrant, active and welcoming water's edge;**

- **Improve public access to the waterfront; and**
- **Provide a place for recreational and community activities.**

**Pier 42 would provide an open space amenity to facilitate access to and use of the waterfront. It would also be an important new open space near both East River Park and the portion of the Esplanade Project at Pier 35 (which is now being constructed).**

3. Location of activity: (street address/borough or site description):

   **The project site is located on the East River adjacent to the Franklin D. Roosevelt Drive between Gouveneur Slip East to approximately Jackson Street, and includes Pier 42, the upland pier apron, the paved upland area west to Montgomery Street and a portion of East River Park east of Jackson Street.**

## Proposed Activity Cont'd

4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:

   **Permit for bulkhead repair will be required from NYSDEC and, potentially, USACE.**

5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).

   **LMDC is providing HUD funding for the proposed project.**

6. Will the proposed project require the preparation of an environmental impact statement?

   Yes _____ No ×_____ If yes, identify Lead Agency:

7. Identify **city** discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project.

   **N/A**

## C. COASTAL ASSESSMENT

| **Location Questions:** | | **Yes** | **No** |
|---|---|---|---|
| 1. | Is the project site on the waterfront or at the water's edge? | × | |
| 2. | Does the proposed project require a waterfront site? | × | |
| 3. | Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters? | | × |
| **Policy Questions:** | | **Yes** | **No** |

The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.

Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.

| | | Yes | No |
|---|---|---|---|
| 4. | Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1) | × | |
| 5. | Is the project site appropriate for residential or commercial redevelopment? (1.1) | | × |
| 6. | Will the action result in a change in scale or character of a neighborhood? (1.2) | | × |
| **Policy Questions cont'd** | | **Yes** | **No** |
| 7. | Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3) | | × |
| 8. | Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2) | | × |
| 9. | Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2) | × | |
| 10. | Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1) | | × |
| 11. | Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2) | | × |
| 12. | Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2) | ×[1] | |
| 13. | Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3) | | × |
| 14. | Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3) | | × |
| 15. | Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1) | | × |
| 16. | Would the proposed project create any conflicts between commercial and recreational boating? (3.2) | | × |
| 17. | Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3) | | × |
| 18. | Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound-East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2) | | × |
| 19. | Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitats? (4.1) | | × |
| 20. | Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1and 9.2) | | × |
| 21. | Would the action involve any activity in or near a tidal or freshwater wetland? (4.2) | | × |
| 22. | Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3) | | × |

[1] Policy 2.3 is now Policy 2.4 in the revised policies. Policy 3.2 is now policy 3.3 in the revised policies. Policies 2.4 and 3.3 are discussed in Attachment A, "Land Use, Zoning, and Public Policy."

| | | | |
|---|---|---|---|
| 23. | Would the action have any effects on commercial or recreational use of fish resources? (4.4) | | × |
| 24. | Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5) | | × |
| 25. | Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1) | | × |
| 26. | Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1) | × | |
| 27. | Will any activity associated with the project generate nonpoint source pollution? (5.2) | | × |
| 28. | Would the action cause violations of the National or State air quality standards? (5.2) | | × |

| **Policy Questions cont'd:** | | **Yes** | **No** |
|---|---|---|---|
| 29. | Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C) | | × |
| 30. | Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3) | | × |
| 31. | Would the proposed action have any effects on surface or ground water supplies? (5.4) | | × |
| 32. | Would the action result in any activities within a federally designated flood hazard area or state designated erosion hazards area? (6) | × | |
| 33. | Would the action result in any construction activities that would lead to erosion? (6) | | × |
| 34. | Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1) | × | |
| 35. | Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1) | | × |
| 36. | Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2) | | ×[2] |
| 37. | Would the proposed project affect a non-renewable source of sand? (6.3) | | × |
| 38. | Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7) | | × |
| 39. | Would the action affect any sites that have been used as landfills? (7.1) | | × |
| 40. | Would the action result in development of a site that may contain contamination or has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2) | × | |
| 41. | Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3) | | × |
| 42. | Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8) | | × |

[2] The proposed project would involve work on the bulkhead, but this work would be limited to structurally necessary repairs. The proposed project would not involve the planning of new waterfront infrastructure.

| | | | |
|---|---|---|---|
| 43. | Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8) | ✕ | |
| 44. | Would the action result in the provision of open space without the provision for its maintenance? (8.1) | | ✕ |
| 45. | Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2) | | ✕ |
| 46. | Will the proposed project impede visual access to coastal lands, waters and open space? (8.3) | | ✕ |
| 47. | Does the proposed project involve publically owned or acquired land that could accommodate waterfront open space or recreation? (8.4) | ✕ | |
| 48. | Does the project site involve lands or waters held in public trust by the state or city? (8.5) | | ✕ |
| 49. | Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9) | | ✕ |
| 50. | Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1) | | ✕ |

| **Policy Questions cont'd:** | | **Yes** | **No** |
|---|---|---|---|
| 51. | Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10) | | ✕ |
| 52. | Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10) | ✕ | |

## D. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can be made, complete this section.

"The proposed activity complies with New York State's Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent Name: _____

Address: _____

_____ Telephone _____

Applicant/Agent Signature: _____ Date: _____