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## **APPENDIX A**

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### **Project Related Correspondence**

## **A.1 Natural Resources Correspondence**

## NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, New York Natural Heritage Program  
625 Broadway, Fifth Floor, Albany, NY 12233-4757  
P: (518) 402-8935 | F: (518) 402-8925  
[www.dec.ny.gov](http://www.dec.ny.gov)

April 29, 2021

John Rollino  
AECOM  
125 Broad Street, 15th Floor  
New York, NY 10004

Re: South Battery Park Resiliency Project  
County: New York    Town/City: New York City

Dear John Rollino:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

Enclosed is a report of rare or state-listed animals and plants, and significant natural communities that our database indicates occur within one mile of the project site.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our database. We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the NYS DEC Region 2 Office, Division of Environmental Permits, at [dep.r2@dec.ny.gov](mailto:dep.r2@dec.ny.gov).

Sincerely,



Heidi Krahling  
Environmental Review Specialist  
New York Natural Heritage Program



**The following state-listed animals have been documented  
in the vicinity of the project site.**

The following list includes animals that are listed by NYS as Endangered, Threatened, or Special Concern; and/or that are federally listed.

**For information about any permit considerations for your project, please contact the Permits staff at the NYSDEC Region 2 Office at [dep.r2@dec.ny.gov](mailto:dep.r2@dec.ny.gov), (718) 482-4997.**

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	FEDERAL LISTING
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**The following species has been documented nesting at two locations within 1/3 mile of the project site. An additional nest has been documented within one mile.**

<b>Peregrine Falcon</b> <i>Breeding</i>	<i>Falco peregrinus</i>	Endangered	5292
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**The following species have been documented in the Lower Hudson River and so could occur at the project site.**

<b>Shortnose Sturgeon</b>	<i>Acipenser brevirostrum</i>	Endangered	Endangered	1091
<b>Atlantic Sturgeon</b>	<i>Acipenser oxyrinchus</i>	No Open Season	Endangered	11464

This report only includes records from the NY Natural Heritage database.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the listed animals in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at [www.guides.nynhp.org](http://www.guides.nynhp.org), and from NYSDEC at [www.dec.ny.gov/animals/7494.html](http://www.dec.ny.gov/animals/7494.html).

## **A.2 TPA Memo and Response**

## Transportation Planning Assumptions Memorandum

**Project:** South Battery Park Resiliency Design Services  
**Client:** Battery Park City Authority  
**Date:** October 16, 2020: Revised November 10, 2020  
**Prepared by:** Atma Sookram AICP, CTP, PP, PTP

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### Introduction

AECOM is currently preparing an Environmental Impact Statement (EIS) for the Battery Park City Authority for the proposed construction of a flood barrier system in the South Battery Park City area of Lower Manhattan. This technical memorandum documents the assumptions regarding the anticipated Traffic, Parking, Pedestrian and Transit assessment that may be required to comply with the New York City *CEQR Technical Manual*. Specifically, the purpose of the memo is to present our proposed methodology for data collection and analysis during its permanent post-construction phase, as well as during construction (if determined to be needed). This memo has been revised to reflect the discussion held with NYCDOT on Thursday, November 5, 2020.

As part of the flood protection measures, two gate houses are proposed to be constructed in the pedestrian promenade of the Henry Hudson Greenway (HHG) in the Battery Park area (see **Figure 1**). There are two possible options under consideration; one is in the actual promenade (the option that would reduce the width of the promenade by approximately 12.5 feet and the other is in the existing green space next to the promenade as shown in **Figure 2**). Accordingly, to assess the potential impacts of the reduced width of the promenade on pedestrian mobility, pedestrian analyses are proposed to be conducted at the two locations.

### TRANSPORTATION SCREENING

According to the March 2014 *CEQR Technical Manual*, interrelationships between the key technical areas of the transportation system – Traffic, Parking, Transit, and Pedestrians – should be taken into account in any assessment. Furthermore, the individual technical areas should be separately assessed to determine whether a project has the potential to adversely and significantly affect a specific area of the transportation system. The March 2014 *CEQR Technical Manual* states that a preliminary trip generation assessment should be prepared to determine whether a quantified analysis of any technical areas of the transportation system is necessary. Except in unusual circumstances, a further quantified analysis would typically not be needed for a technical area if the proposed development would result in fewer than the following increments:

- 50 peak hour vehicle trips;
- 200 peak hour subway/rail or bus transit riders; or
- 200 peak hour pedestrian trips.

The March 2014 *CEQR Technical Manual* also states that if the threshold for traffic is not surpassed, it is likely that further parking assessment is also not needed.

The proposed South Battery Park Resiliency project has the potential to affect transportation operations both in its permanent, post-construction state (***During Operations***) and as well as during the construction of the flood resiliency measures (***During Construction***), as described in the following sections.

## DURING OPERATIONS

### Traffic and Parking

In its permanent, post-construction state the proposed flood resiliency measures will not generate any vehicular traffic trips; therefore, the CEQR threshold of 50 vehicle trips per hour will not be met or exceeded. Further, it is expected that all roadways temporarily affected by construction will be restored to their pre-construction configurations resulting in no permanent loss of capacity or effects on traffic operations or parking. Accordingly, detailed traffic and parking analyses are **NOT** required.

### Transit

In its permanent, post-construction state, the proposed flood resiliency measures will not generate any transit (bus or subway) trips; therefore, the CEQR threshold of 200 subway trips per hour and 50 bus trips per route, per direction per hour will not be met or exceeded. Therefore, detailed transit analyses are **NOT** required.

### Pedestrians

In its permanent, post-construction state, the proposed flood resiliency measures will not generate any pedestrian traffic trips; therefore, the CEQR threshold of 200 pedestrian trips per hour will not be met or exceeded.

However, the construction of the two proposed gate houses in the pedestrian promenade of the Henry Hudson Greenway may potentially affect pedestrian mobility along the promenade. To assess the potential impacts of the reduced width of the promenade on pedestrian mobility, CEQR level ***pedestrian analyses*** are proposed to be conducted at the two proposed gate house locations.

Specifically, it is proposed to conduct a detailed analysis of the pedestrian “walkway” element during the weekday AM, Midday and PM peak hours. Analyses will be performed for the Existing, Future No-Action and Future With-Action conditions. The analyses will be performed in accordance with the pedestrian impact assessment methodology presented in the 2014 *CEQR Technical Manual*.

### Pedestrian Data Collection

Beginning in March 2020 at the onset of the Covid-19 pandemic, NYCDOT suspended all data collection efforts until further notice. The moratorium on data collection was since lifted and data collection was allowed to resume beginning October 5, 2020.

Accordingly, we are proposing that pedestrian counts be taken at the two potentially affected gate house locations on the Henry Hudson Greenway for use in the analyses. The counts are proposed to be taken during the Fall 2020 traffic counting season following NYCDOT's data collection calendar for 2020 (which excludes major holidays, etc.). Counts will be taken on two weekdays during the 3-hour AM (6:30-9:30), Midday (11:30 – 2:30) and PM (4:00 – 7:00) peak periods, and during a 3-hour period (12:00-3:00 PM) on two Saturdays (or Sundays), using Miovision cameras. Approval to install cameras will be needed from NYCDOT.

### Comparison Counts at Adjacent Intersections

To compare pre- and post/during Covid pedestrian volumes, NYCDOT requested that pedestrian counts be taken at the crosswalks at two intersections: West Street @ Battery Place and Broadway @ Battery Place. These counts will be taken on one weekday and one Saturday during the time periods specified above. The 2020 counts will be compared to pre-Covid counts at these locations provided by NYCDOT to develop a "factor" to update the 2020 HHG counts. Since there are no Saturday pre-Covid counts at the two intersections, we propose using the weekday midday factor to adjust the 2020 Saturday counts on the HHG. NYCDOT concurred with this approach. The adjusted counts will then be used in the pedestrian analyses.

### Analyses

We propose conducting analyses at the two potentially affected locations during the weekday AM, Midday and PM, and Saturday peak hours.

Analyses will be performed for the Existing (2020), Future No-Action (TBD) and Future With-Action conditions analyses. CEQR growth rates will also be applied to the 2020 Existing (baseline) volumes to yield Future No-Action volumes. The Future With-Action conditions will reflect the reduced width of the promenade at the two locations for the proposed gate houses.

Potential pedestrian impacts will be identified based on measures of effectiveness (MOEs) for the Future No-Action and Future With-Action conditions using CEQR criteria for "sidewalks and walkways".

## DURING CONSTRUCTION

### Construction Screening Assessment

Potential traffic impacts are also likely to occur **during construction** of the proposed resiliency measures as a result of additional (temporary) truck and construction worker vehicles on the roadway network. Additionally, during construction there may be temporary lane closures, reduction in traffic lanes and other activities that may affect traffic operations. Accordingly, a screening assessment of traffic conditions During Construction will be performed to determine if detailed traffic analyses during construction is required.

Since construction of the proposed resiliency measures could potentially exceed two (2) years, a screening assessment of Construction traffic will be performed to determine if detailed traffic analyses "During Construction" will be required. The assessment would include an estimation of additional construction-related vehicle trips that would be generated on the roadway system as a



result of construction activities during the peak construction phase. Based on estimates of preliminary manpower distribution over the construction duration, the peak month of construction activity will be determined. The “*During Construction*” traffic impact assessment will be performed for a typical weekday during the peak construction month.

Construction activities will be assumed to take place during two major construction shifts. The first shift is assumed to occur from approximately 7:00 AM to approximately 3:00 PM which typically comprises approximately 90 percent of the total construction personnel workforce. The second shift is assumed to occur from approximately 3:00 PM to approximately 11:00 PM and would comprise approximately 10 percent of the total construction personnel workforce. The majority of the travel for construction personnel (approximately 80 percent) in the first shift would be assumed to take place during the hour immediately before the start of the shift and the hour immediately after the end of the shift, with the remaining travel occurring before and after these times due to the slight variations in the particular schedules and work activities of the various construction trades.

Due to the area’s proximity to the water, it is expected that a significant portion of construction materials will be shipped into the study area; however, truck trips into and out of the area would still be expected to occur. It is assumed that construction truck trips to and from the site would generally be made between the hours of 4:00 AM and 10:00 PM. Truck arrivals are expected to be generally uniform throughout this time period with slightly higher numbers of trips during the midday hours (8:00 AM to 1:00 PM) when on-site work activities are expected to peak. Some truck deliveries would also be made during off-peak times to ensure that materials are on-site prior to the start of the first shift. Trucks would typically remain on-site for relatively short durations (typically one hour or less). Trucks would be expected to use local truck routes in the area to arrive and depart the construction site(s).

The result of the screening assessment would indicate whether or not 50 or more vehicular trips are expected to occur at any intersection – the threshold for detailed analyses. If the threshold is not met, no further analysis of traffic during construction will be needed. If the threshold is met or exceeded, detailed traffic analyses during construction will be required and a scope of work for data collection and detailed analysis will be prepared and submitted to NYCDOT for review and approval.

## Schedule

As stated above, pedestrian counts on the Henry Hudson Greenway and the intersections of West Street @ Battery Place and Broadway @ Battery Place are proposed to be conducted in November 2020 before the Fall counting season ends in order to meet the overall 14-month EIS schedule. On the call of November 5, 2020, NYCDOT indicated that AECOM may proceed with the counts.

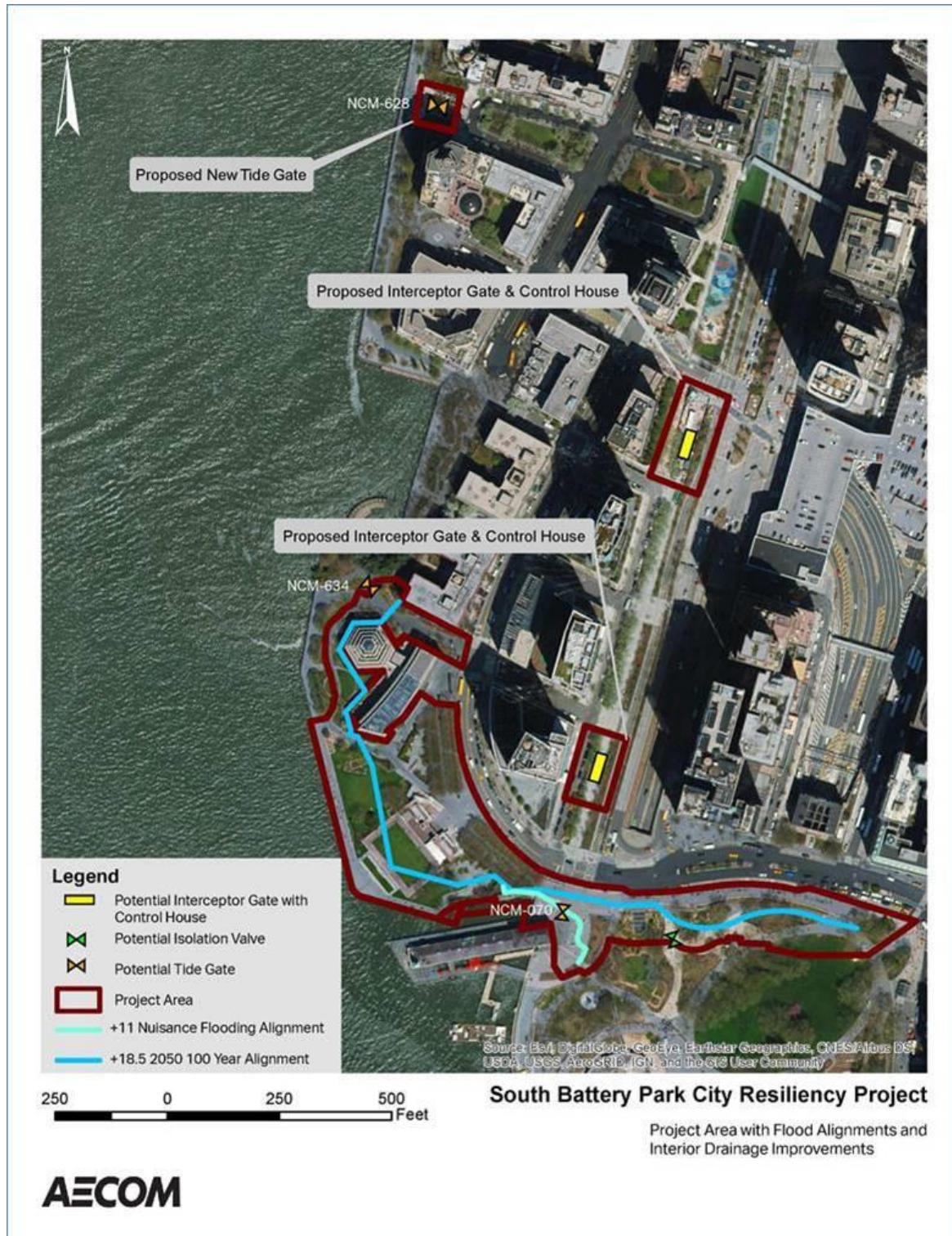


Figure 1



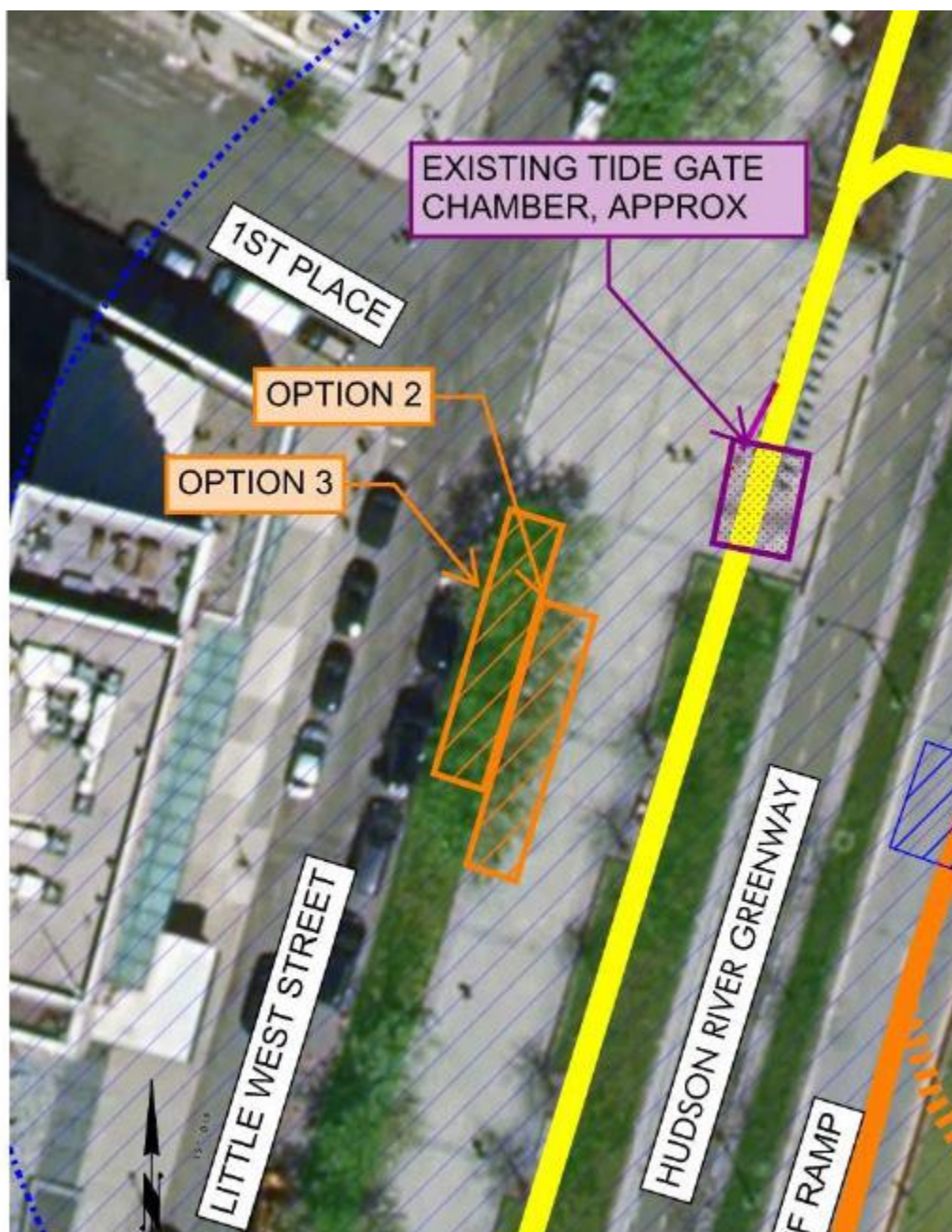


Figure 2

Zhang, Kaiqi

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From: Islam, Rubaiet <rislam@dot.nyc.gov>  
Sent: Friday, March 19, 2021 10:14 AM  
To: Sookram, Atma  
Cc: Ahmed, Shakil; Ullom, William; Pincar Jr, Edward; Mattera, John; Samuelsen, Michele; Peter, Tyler  
Subject: [EXTERNAL] RE: South Battery Park City EIS

Hi Atma,

We do not have any comments on the Traffic Screening During Construction Memo, and the memo is acceptable to NYC DOT.

Please address our comments on the Comparison Memo, and resubmit along with the back-up materials.

Thanks,  
Rubaiet

Rubaiet Islam, EIT (She/her)  
Office of Project Analysis/CEQR  
NYC DOT- Traffic Engineering & Planning  
55 Water Street, 6<sup>th</sup> Floor, 21-C  
212-839-7749 (Office)  
[rislam@dot.nyc.gov](mailto:rislam@dot.nyc.gov)

---

From: Sookram, Atma [mailto:Atma.Sookram@aecom.com]  
Sent: Thursday, March 18, 2021 7:45 PM  
To: Islam, Rubaiet <rislam@dot.nyc.gov>  
Cc: Ahmed, Shakil <SAhmed2@dot.nyc.gov>; Ullom, William <wullom@dot.nyc.gov>; Pincar Jr, Edward <EPincar@dot.nyc.gov>; Mattera, John <JMattera@dot.nyc.gov>; Samuelsen, Michele <msamuelsen@dot.nyc.gov>; Peter, Tyler <tpeter@dot.nyc.gov>  
Subject: RE: South Battery Park City EIS

Rubaiet:

Thanks for your expeditious review. We will address the comments on the Comparison Memo and resubmit along with the back-up materials.

I did not see any comments on the Traffic Screening During Construction Memo- I'm assuming there are none and the memo is acceptable to NYCDOT. Please confirm.

Thanks again.

**Atma R. Sookram**, AICP, CTP, PP, PTP  
Associate Vice President, Transportation Planning, NYC Metro Region  
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---

From: Islam, Rubailet <[rislam@dot.nyc.gov](mailto:rislam@dot.nyc.gov)>  
Sent: Thursday, March 18, 2021 4:27 PM  
To: Sookram, Atma <[Atma.Sookram@aecom.com](mailto:Atma.Sookram@aecom.com)>  
Cc: Ahmed, Shakil <[SAhmed2@dot.nyc.gov](mailto:SAhmed2@dot.nyc.gov)>; Ullom, William <[wullom@dot.nyc.gov](mailto:wullom@dot.nyc.gov)>; Pincar Jr, Edward <[EPincar@dot.nyc.gov](mailto:EPincar@dot.nyc.gov)>; Mattera, John <[JMattera@dot.nyc.gov](mailto:JMattera@dot.nyc.gov)>; Samuelsen, Michele <[msamuelsen@dot.nyc.gov](mailto:msamuelsen@dot.nyc.gov)>; Peter, Tyler <[tpeter@dot.nyc.gov](mailto:tpeter@dot.nyc.gov)>  
Subject: [EXTERNAL] RE: South Battery Park City EIS

Good Afternoon Atma,

We have reviewed the Response to Comments Memo, backup materials requested for the Comparison Memo and the Traffic Screening During Construction Memo, and the updated Traffic Screening During Construction Memo for the referenced project. Please see attached our comments.

Please let us know if you have any questions.

Thanks  
Rubailet

Rubailet Islam, EIT (She/her)  
Office of Project Analysis/CEQR  
NYC DOT- Traffic Engineering & Planning  
55 Water Street, 6<sup>th</sup> Floor, 21-C  
212-839-7749 (Office)  
[rislam@dot.nyc.gov](mailto:rislam@dot.nyc.gov)

---

From: Sookram, Atma [<mailto:Atma.Sookram@aecom.com>]  
Sent: Tuesday, March 09, 2021 2:37 PM  
To: Islam, Rubailet <[rislam@dot.nyc.gov](mailto:rislam@dot.nyc.gov)>; Ullom, William <[wullom@dot.nyc.gov](mailto:wullom@dot.nyc.gov)>  
Cc: Ahmed, Shakil <[SAhmed2@dot.nyc.gov](mailto:SAhmed2@dot.nyc.gov)>; Zhou, Jiaxu <[Jiaxu.Zhou@aecom.com](mailto:Jiaxu.Zhou@aecom.com)>; Dencker, Rachel <[rachel.dencker@aecom.com](mailto:rachel.dencker@aecom.com)>; Ducker, Renee <[renee.ducker@aecom.com](mailto:renee.ducker@aecom.com)>; Tiernan, Christine <[Christine.Tiernan@aecom.com](mailto:Christine.Tiernan@aecom.com)>; Lackovic, Terry <[terry.lackovic@aecom.com](mailto:terry.lackovic@aecom.com)>; AbiDargham, Antoine <[Antoine.AbiDargham@aecom.com](mailto:Antoine.AbiDargham@aecom.com)>; Lackovic, Terry <[terry.lackovic@aecom.com](mailto:terry.lackovic@aecom.com)>  
Subject: RE: South Battery Park City EIS

Rubailet/William:

Attached is a Response to Comments Memo addressing NYCDOT's comments of March 2, 2021. Also attached are the backup materials requested for the Comparison Memo and the Traffic Screening During Construction Memo, and the updated Traffic Screening During Construction Memo.

We hope these responses adequately address NYCDOT's comments and we look forward to DOT's approval of both documents at your earliest convenience so we can proceed with the time-sensitive EIS analyses.

Thank you!

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From: Ullom, William <[wullom@dot.nyc.gov](mailto:wullom@dot.nyc.gov)>  
Sent: Wednesday, March 03, 2021 10:16 AM  
To: Sookram, Atma <[Atma.Sookram@aecom.com](mailto:Atma.Sookram@aecom.com)>; Islam, Rubaiet <[rislam@dot.nyc.gov](mailto:rislam@dot.nyc.gov)>  
Cc: Ahmed, Shakil <[SAhmed2@dot.nyc.gov](mailto:SAhmed2@dot.nyc.gov)>; Zhou, Jiaxu <[Jiaxu.Zhou@aecom.com](mailto:Jiaxu.Zhou@aecom.com)>  
Subject: [EXTERNAL] RE: South Battery Park City EIS

Yes, that would be acceptable. Rubaiet and I had discussed the pros and cons of using 317.01 in our list of suggestions and figured that a reasonable case using engineering judgement could be applied to including 317.01 as well.

---

From: Sookram, Atma [<mailto:Atma.Sookram@aecom.com>]  
Sent: Wednesday, March 03, 2021 10:14 AM  
To: Ullom, William <[wullom@dot.nyc.gov](mailto:wullom@dot.nyc.gov)>; Islam, Rubaiet <[rislam@dot.nyc.gov](mailto:rislam@dot.nyc.gov)>  
Cc: Ahmed, Shakil <[SAhmed2@dot.nyc.gov](mailto:SAhmed2@dot.nyc.gov)>; Zhou, Jiaxu <[Jiaxu.Zhou@aecom.com](mailto:Jiaxu.Zhou@aecom.com)>  
Subject: RE: South Battery Park City EIS

William/Rubaiet:

I reviewed the Census tract map you sent yesterday and recommend that we use three (3) tracts (317.01, 13 and 9) for the revised estimation of mode splits and occupancy using the 2000 CTPP tables for construction workers. Please let me know if you agree with this.

Thanks for your help with this.

**Atma R. Sookram**, AICP, CTP, PP, PTP  
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From: Ullom, William <[wullom@dot.nyc.gov](mailto:wullom@dot.nyc.gov)>  
Sent: Wednesday, March 03, 2021 9:09 AM  
To: Sookram, Atma <[Atma.Sookram@aecom.com](mailto:Atma.Sookram@aecom.com)>; Islam, Rubaiet <[rislam@dot.nyc.gov](mailto:rislam@dot.nyc.gov)>  
Cc: Ahmed, Shakil <[SAhmed2@dot.nyc.gov](mailto:SAhmed2@dot.nyc.gov)>  
Subject: [EXTERNAL] Re: South Battery Park City EIS

Atma, just in case it was not clear in the comments, you should use the table data for construction workers only (i.e. TAB9X221 through TAB9X231.

---

From: Sookram, Atma <[Atma.Sookram@aecom.com](mailto:Atma.Sookram@aecom.com)>  
Sent: Wednesday, March 3, 2021 7:26:58 AM  
To: Islam, Rubaiet  
Cc: Ahmed, Shakil; Ullom, William  
Subject: RE: South Battery Park City EIS

Rubaiet:

We will review the census tract map and get back to you which ones we will be including in the revises estimation of mode splits and occupancy.

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-----Original Message-----

From: Islam, Rubaiet <[rislam@dot.nyc.gov](mailto:rislam@dot.nyc.gov)>  
Sent: Tuesday, March 02, 2021 6:51 PM  
To: Sookram, Atma <[Atma.Sookram@aecom.com](mailto:Atma.Sookram@aecom.com)>  
Cc: Ahmed, Shakil <[SAhmed2@dot.nyc.gov](mailto:SAhmed2@dot.nyc.gov)>; Ullom, William <[wullom@dot.nyc.gov](mailto:wullom@dot.nyc.gov)>  
Subject: [EXTERNAL] Re: South Battery Park City EIS

Hi Atma,

You don't have to include ALL tracts shown on the figure for the calculation of modal splits and vehicle occupancy. Only use the tracts that fall under the project location (possibly tract 13 and 9). Please note that the 2000 CTPP Census data will denote them as 1300 and 900.

Please let me know if you have any questions.

Thanks  
Rubaiet

Rubaiet Islam, EIT (She/her)  
Office of Project Analysis/CEQR  
Traffic Engineering & Planning  
55 Water Street, 6th Floor, 21-C  
212-839-7749 (Office)  
[rislam@dot.nyc.gov](mailto:rislam@dot.nyc.gov)

---

From: Sookram, Atma <[Atma.Sookram@aecom.com](mailto:Atma.Sookram@aecom.com)>  
Sent: Tuesday, March 2, 2021 6:23:36 PM  
To: Islam, Rubaiet  
Cc: Ahmed, Shakil  
Subject: RE: South Battery Park City EIS

Islam:

Thanks for the comments. I just want to verify that DOT is requesting that ALL tracts shown on the figure that was attached should be included in the calculation of mode splits and vehicle occupancy? Also, we included tracts 317.03 and 317.04 which are not shown on your map. Do we really need tract 5? Please verify.

Thanks.

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From: Islam, Rubaiet <[rislam@dot.nyc.gov](mailto:rislam@dot.nyc.gov)>  
Sent: Tuesday, March 02, 2021 4:46 PM  
To: Sookram, Atma <[Atma.Sookram@aecom.com](mailto:Atma.Sookram@aecom.com)>  
Cc: Pincar Jr, Edward <[EPincar@dot.nyc.gov](mailto:EPincar@dot.nyc.gov)>; Ahmed, Shakil <[SAhmed2@dot.nyc.gov](mailto:SAhmed2@dot.nyc.gov)>; Ullom, William <[wullom@dot.nyc.gov](mailto:wullom@dot.nyc.gov)>; Samuelson, Michele <[msamuelsen@dot.nyc.gov](mailto:msamuelsen@dot.nyc.gov)>; Peter, Tyler <[tpeter@dot.nyc.gov](mailto:tpeter@dot.nyc.gov)>; Mattera, John <[JMattera@dot.nyc.gov](mailto:JMattera@dot.nyc.gov)>; Li, Shuzuan <[slj@dot.nyc.gov](mailto:slj@dot.nyc.gov)>  
Subject: [EXTERNAL] RE: South Battery Park City EIS

Hi Atma,

We have reviewed the Construction Screening Memo, Transportation Planning Assumption Memo, and Pre-vs. During-Covid Comparison Memo for the South Battery Park Resiliency project. Please find attached our comments.

Please let us know if you have any questions.

Thanks  
Rubaiet

Rubaiet Islam, EIT (She/her)  
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\*\*\*\*\*

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NYC - Department of Transportation

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\*\*\*\*\*

## Transportation Screening Assessment “During Construction”

**Project:** South Battery Park City Resiliency Project EIS  
**Client:** Battery Park City Authority  
**Date:** December 16, 2020: Revised March 4, 2021  
**Prepared by:** Atma Sookram AICP, CTP, PP, PTP

---

### Introduction

AECOM is currently preparing an Environmental Impact Statement (EIS) for the Battery Park City Authority for the proposed construction of a flood barrier system in the South Battery Park City area of Lower Manhattan. The Lead Agency for the EIS is Battery Park City Authority.

The Project Area and other key project components including two gate houses that are being proposed to be constructed in the pedestrian promenade of the Henry Hudson Greenway (HHG) is shown in **Figure 1**.

A Transportation Planning Assumptions (TPA) Memorandum documenting the assumptions regarding the proposed Traffic, Parking, Pedestrian and Transit assessment during the permanent, post-construction state the proposed flood resiliency measures (i.e., **During Operations**) was prepared and submitted to Battery Park City Authority and NYCDOT on October 16, 2020. It was prepared in accordance with the transportation screening methodologies and criteria in the 2014 *CEQR Technical Manual*. The memo was revised on November 10, 2020 to reflect comments received from NYCDOT and agreements reached during a conference call with NYCDOT and AECOM on November 5, 2020.

It was concluded in the TPA memo that no detailed Traffic, Parking or Transit analyses would be required during operations. However, the construction of the two proposed gate houses in the pedestrian promenade of the Henry Hudson Greenway may potentially affect pedestrian mobility along the promenade. Accordingly, to assess the potential impacts of the reduced width of the promenade on pedestrian mobility, CEQR level pedestrian analyses were proposed to be conducted at the two proposed gate house locations.

This memo supplements the TPA memo and presents the results of a screening assessment that was performed to determine if detailed transportation analyses may be required **During Construction**. It has been updated to reflect comments received from NYCDOT on March 2, 2021.

Figure 1: Project Area



## TRANSPORTATION SCREENING

According to the March 2014 *CEQR Technical Manual*, interrelationships between the key technical areas of the transportation system – Traffic, Parking, Transit, and Pedestrians – should be taken into account in any assessment. Furthermore, the individual technical areas should be separately assessed to determine whether a project has the potential to adversely and significantly affect a specific area of the transportation system. The March 2014 *CEQR Technical Manual* states that a preliminary trip generation assessment should be prepared to determine whether a quantified analysis of any technical areas of the transportation system is necessary. Except in unusual circumstances, a further quantified analysis would typically not be needed for a technical area if the proposed development would result in fewer than the following increments:

- 50 peak hour vehicle trips;
- 200 peak hour subway/rail or bus transit riders; or
- 200 peak hour pedestrian trips.

The March 2014 *CEQR Technical Manual* also states that if the threshold for traffic is not surpassed, it is likely that further parking assessment is also not needed.

## DURING CONSTRUCTION

### Construction Screening Assessment

Since construction of the proposed resiliency measures is expected to exceed two (2) years, a screening assessment of Construction traffic was performed to determine if detailed traffic analyses “*During Construction*” will be required. The assessment includes an estimation of additional construction-related vehicle trips that would be generated on the roadway system as a result of construction activities during the peak construction phase. Based on estimates of preliminary manpower distribution over the construction duration, the peak month of construction activity was determined. The “*During Construction*” traffic screening assessment was performed for a typical weekday during the peak construction month.

### Level 1 Screening

#### Traffic

The preliminary screening thresholds in the March 2014 *CEQR Technical Manual* suggests that any project which generates 50 or more peak hour incremental vehicle trips through a single intersection in any given peak hour is likely to warrant a detailed traffic operations analysis. Conversely, projects that are anticipated to generate fewer than 50 peak hour incremental vehicle trips through a single intersection generally do not warrant detailed traffic assessments, and potential traffic impacts are not expected.



### ***Construction Trip Generation***

The number of vehicle trips that can be expected during construction was estimated based on review and consideration of the following components:

- The proposed construction schedule (and the peak construction phase)
- Expected number of construction workers per weekday during the peak construction phase
- Expected number of trucks per weekday during the peak construction phase

The number of construction workers and trucks were estimated during the peak hours on a typical weekday for the peak phase of construction.

### **Construction Schedule**

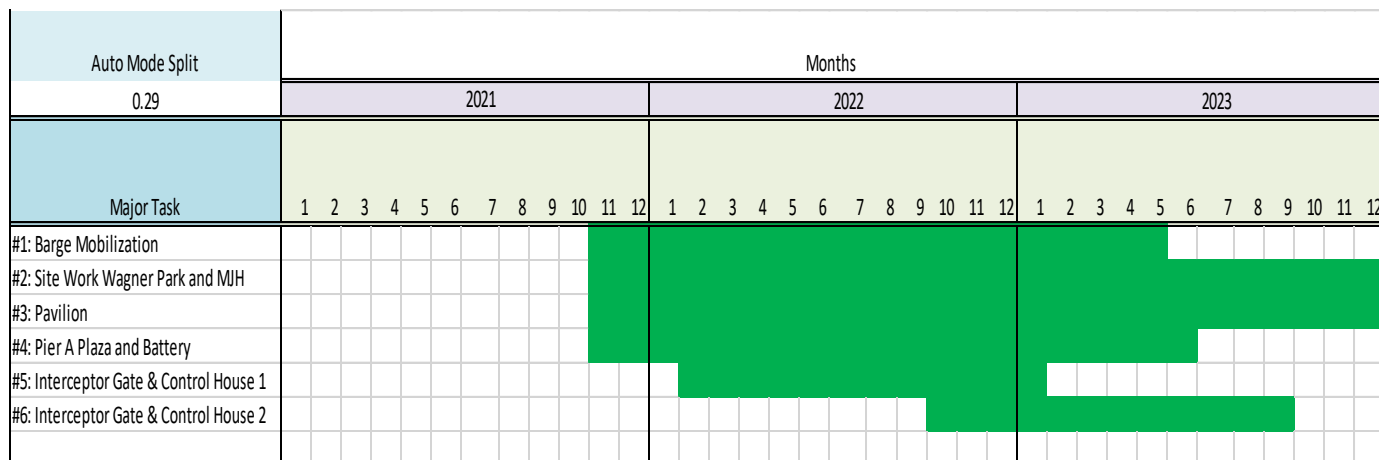
The project is proposed to be constructed in 26 months, involving six (6) major construction tasks, as follows:

- #1: Barge Mobilization
- #2: Site Work at Wagner Park and Museum of Jewish History (MJH)
- #3: Pavilion
- #4: Pier A Plaza and Battery
- #5: Interceptor Gate and Control House 1
- #6: Interceptor Gate and Control House 2

The estimated starting date for construction is expected to be November 2021. All construction is scheduled to be completed by the end of December 2023. The construction schedule is shown in **Table 1**. **Figure 2** presents a graphical illustration of the construction schedule, showing the duration of each major task as well as overlapping tasks.

<b>Table 1: Construction Schedule</b>			
<b>Major Task</b>	<b>Duration (Months)</b>	<b>Start</b>	<b>Finish</b>
#1: Barge Mobilization	19	11/21	05/23
#2: Site Work Wagner Park and MJH	26	11/21	12/23
#3: Pavilion	26	11/21	12/23
#4: Pier A Plaza and Battery	20	11/21	06/23
#5: Interceptor Gate & Control House 1	12	02/22	01/23
#6: Interceptor Gate & Control House 2	12	10/22	09/23

**Figure 2: Construction Schedule**



As shown in **Figure 2**, all six major work tasks will overlap for a 4-month period: three months in 2022 and one month in 2023; and at least five major tasks will overlap for several months in 2022 and 2023.

The number of vehicle trips to be generated during the peak construction phase was then estimated based on the combined number of construction workers and trucks expected during the peak months of construction.

### Construction Workers

The number of daily construction workers is expected to vary depending on the specific work task. The *task* with the highest number of daily construction workers is associated with the site work at Wagner Park and the Museum of Jewish Heritage with 43 workers per day (see **Table 2**). However, due to multiple overlapping work tasks, the highest number of daily construction workers (130) is generally expected to occur during the peak 4-month period: the last three months in 2022 and the first month in 2023 (see **Figure 2**).

For estimating purposes, it was assumed that workers will work one main shift between 7 AM and 3 PM, as is typical in New York City. Normally work would end at around 3:00 or 3:30 PM, but it can be expected that, in order to complete certain critical tasks (e.g., finishing a concrete pour), the workday may occasionally be extended beyond normal work hours. Any extended weekday workdays would generally last until approximately 6:00 PM and would not include all construction workers on-site, but only those involved in the specific task requiring additional work time.

Weekend or night work may also be occasionally required for certain construction activities. Appropriate work permits from NYC Department of Buildings (DOB) would be obtained for any necessary work outside of normal construction and no work outside of normal construction hours would be performed until such permits are obtained. The numbers of workers and pieces of equipment in operation for weekend work would typically be limited to those needed to complete

the particular task. Therefore, the level of activity for any weekend or night work would be less than that of a normal workday. The weekend workday, if necessary, would typically occur from 8:00 AM to 4:00 PM.

It was estimated that 29% of workers will arrive and leave in private vehicles; 69% would arrive and leave via transit; and 2% would arrive and leave by the walking/bicycling. These mode splits were based on the 2000 CTPP Reverse Journey to Work (RJTW) Data Tables for census tracts 9, 13, and 317.01 in Lower Manhattan for Construction and Excavation occupations. A vehicle occupancy rate of 1.19 persons per vehicle was estimated from the same data source. The “raw” and “rounded” modal splits are shown in **Table 3**.

**Table 2: Daily Estimate of Construction Workers and Trucks**

Major Task	Workers Per day	Trucks Per Day
#1: Barge Mobilization	1	0
#2: Site Work Wagner Park and MJH	43	4
#3: Pavilion	23	6
#4: Pier A Plaza and Battery	35	4
#5: Interceptor Gate & Control House 1	14	2
#6: Interceptor Gate & Control House 2	14	2

**Table 3: Modal Splits for Census Tracts 9, 13, 317.01**

Mode	Raw	Rounded
Drive	28.9%	29%
Subway	42.9%	43%
Bus	11.2%	11%
Ferry or Railroad	14.9%	15%
Bicycle or Walk	1.8%	2%
Taxi or Motorcycle	0.3%	0%
	100.0%	100%

## Trucks

Due to the area's proximity to the water, it is expected that a significant portion of construction materials will be shipped into and out of the study area by barges; however, truck trips into and out of the area would still be expected to occur. Trucks would typically remain on-site for relatively short durations (typically one hour or less). Trucks would be expected to use local truck routes in the area to arrive and depart the construction site(s).

The daily volume of trucks making deliveries to the site and hauling away debris and excavated materials from the site would vary according to the specific construction activity being undertaken. As shown in **Table 2**, approximately six (6) trucks, the highest number of daily trucks for any major task, are expected per day during the construction of the Pavilion. Between two and four trucks are expected per day for each of the other tasks, except for the task associated with barge mobilization which is not expected to generate any truck traffic.

## Daily Vehicle Estimates

Based on the above assumptions, the number of construction workers and trucks that can be expected during a typical weekday during the peak construction phase was estimated, as shown in **Figure 3**. As shown, the peak construction phase is expected to occur during the 4-month period from October 2022 through January 2023. On a typical weekday during this peak phase of construction, 32 construction worker vehicles *passenger car equivalents* (pces) and 45 trucks (pces) are projected to occur, for a total of 77 vehicles (pces). *Note: for purposes of this analysis, trucks were converted to pces using a conversion factor of 2.5.*

## Hourly Vehicle Trip Estimates

The estimated *daily* vehicle volumes were converted to *hourly* vehicle trips by applying appropriate temporal (hourly) and directional (in and out) distributions for construction workers and trucks. All of the workers are expected to arrive by 8 AM and leave by 5 PM, with 80 percent arriving during the 6-7 AM hour, and 80 percent leaving during the 3-4 PM hour. Trucks are expected to arrive at, and leave the Project Area, throughout the day between 6 AM and 5 PM.

**Table 4** shows the estimated number of vehicle trips for construction workers and trucks (separately and combined) that are projected to occur during a typical weekday. Specifically, it shows the estimated number of trips during the weekday morning peak arrival hour (6-7 AM) and afternoon peak departure hour (3-4 PM). During both of these hours, 31 vehicle trips are projected to occur: 28 in and 3 out during the AM peak hour; and 3 in and 28 out during the PM peak hour.

Since these Level 1 trip generation estimates do not exceed 50 vehicle trips during any hour, a Level 2 screening assessment (trip distribution and trip assignment) is not required. Accordingly, no intersection is expected to experience an increase of 50 or more vehicular trips during any hour, and therefore, ***no further traffic analysis during construction is needed.***



## Transit and Pedestrians

With a transit modal split of 69 percent, approximately 90 construction workers would arrive and leave *daily* by transit modes (bus and subway). During the AM and PM peak hours, approximately 72 workers would arrive and leave by transit modes, respectively. The projected increase in peak hour transit trips (72) does not meet or exceed the *CEQR* thresholds for detailed analyses, and therefore, ***no further transit analysis during construction is required.***

In addition, with 130 construction workers expected on a typical *weekday* during the peak construction period, the CEQR threshold of 200 pedestrian trips *per hour* is not expected to be met or exceeded. Therefore, ***no further pedestrian analysis during construction is required.***

### Figure 3: Estimated Daily Vehicles During Construction

[illegible]

**Table 4: Estimated Hourly Vehicle Trips**

Peak Truck PCEs =	45													
Peak Workers =	130													
Average Auto Occupancy=	1.19	persons/vehicle												
Worker Mode-Split Auto =	29%													
Worker Mode-Split Transit* =	69%													
Hour of Day	Temporal Distributions				Car Trips (Workers)			Truck (PCE) Trips			Total Vehicle Trips (PCEs)			
	Workers IN	Workers Out	Trucks IN	Trucks OUT	In	Out	Total	In	Out	Total	In	Out	Total	
12-1AM	0%	0%	0%	0%	0	0	0	0	0	0	0	0	0	0
1-2 AM	0%	0%	0%	0%	0	0	0	0	0	0	0	0	0	0
2-3AM	0%	0%	0%	0%	0	0	0	0	0	0	0	0	0	0
3-4AM	0%	0%	0%	0%	0	0	0	0	0	0	0	0	0	0
4-5AM	0%	0%	0%	0%	0	0	0	0	0	0	0	0	0	0
5-6AM	10%	0%	0%	0%	3	0	3	0	0	0	3	0	3	
6-7AM	80%	0%	6%	6%	25	0	25	3	3	5	28	3	31	
7-8AM	10%	0%	6%	6%	3	0	3	3	3	5	6	3	9	
8-9AM	0%	0%	11%	11%	0	0	0	5	5	10	5	5	10	
9-10AM	0%	0%	11%	11%	0	0	0	5	5	10	5	5	10	
10-11AM	0%	0%	11%	11%	0	0	0	5	5	10	5	5	10	
11AM-12PM	0%	0%	11%	11%	0	0	0	5	5	10	5	5	10	
12-1PM	0%	0%	11%	11%	0	0	0	5	5	10	5	5	10	
1-2PM	0%	0%	11%	11%	0	0	0	5	5	10	5	5	10	
2-3PM	0%	10%	11%	11%	0	3	3	5	5	10	5	8	13	
3-4PM	0%	80%	6%	6%	0	25	25	3	3	5	3	28	31	
4-5PM	0%	10%	5%	5%	0	3	3	2	2	5	2	5	8	
5-6PM	0%	0%	0%	0%	0	0	0	0	0	0	0	0	0	
6-7PM	0%	0%	0%	0%	0	0	0	0	0	0	0	0	0	
7-8PM	0%	0%	0%	0%	0	0	0	0	0	0	0	0	0	
8-9PM	0%	0%	0%	0%	0	0	0	0	0	0	0	0	0	
9-10PM	0%	0%	0%	0%	0	0	0	0	0	0	0	0	0	
10-11PM	0%	0%	0%	0%	0	0	0	0	0	0	0	0	0	
11PM-12AM	0%	0%	0%	0%	0	0	0	0	0	0	0	0	0	
<b>TOTAL =</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>32</b>	<b>32</b>	<b>63</b>	<b>45</b>	<b>45</b>	<b>90</b>	<b>77</b>	<b>77</b>	<b>153</b>	

## Parking

It is expected that all or most of the 32 daily construction worker vehicles during the peak construction period will utilize on-street or public off-street parking facilities within and near the Project Area. Alternatively, motorists could choose alternate modes of transportation. As stated in the *CEQR Technical Manual*, a parking shortfall resulting from a project located in Manhattan does not constitute a significant adverse parking impact, due to the magnitude of available alternative modes of transportation. Accordingly, no detailed parking assessment during construction is required.

## Summary and Conclusion

Based on the Level 1 screening assessment described above, it was determined that the traffic volume threshold of 50 vehicles per hour will **not be met or exceeded** at any intersection during the AM peak arrival and PM peak departure hours during construction. As shown in **Table 4**, the highest number of vehicle trips (in pces) would be 31 trips during each of the AM and PM peak hours, below the 50 vph threshold. In addition, it is expected that all or most of the 32 daily construction worker vehicles will utilize public off-street parking facilities within and near the Project Area.

Therefore, in accordance with the 2014 *CEQR Technical Manual*, this screening assessment concludes that **during construction** of the proposed South Battery Park City flood protection measures:

- No further analysis of **Traffic** is required.
- The thresholds for Transit analyses (200 trips per hour) and Pedestrian analyses (200 trips per hour) are not expected to be met; therefore, no **Transit** and **Pedestrian** analysis are required.
- Since a parking shortfall resulting from a project located in Manhattan does not constitute a significant adverse parking impact, due to the magnitude of available alternative modes of transportation, a detailed **Parking** assessment is **not** required.

Based on the above assessment, **no further transportation analyses During Construction are required** for the South Battery Park City Resilience project.

Zhang, Kaiqi

---

From: Islam, Rubailet <rislam@dot.nyc.gov>  
Sent: Thursday, March 25, 2021 4:01 PM  
To: Sookram, Atma  
Cc: Ahmed, Shakil; Ullom, William; Pincar Jr, Edward; Mattera, John; Samuelsen, Michele; Peter, Tyler; Dencker, Rachel; Tiernan, Christine; Ducker, Renee; Lackovic, Terry; Taylor, Jessica  
Subject: [EXTERNAL] RE: South Battery Park City EIS

Hi Atma,

We approve the findings of the Pre- and During-Covid Pedestrian Count Comparison Memo and do not have any further comment.

To assess the potential impacts of the reduced width of the promenade on pedestrian mobility, Please provide us the CEQR level *pedestrian analyses* at the two proposed gate house locations when completed.

Thank you,  
Rubailet

Rubailet Islam, EIT (She/her)  
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---

From: Sookram, Atma [mailto:Atma.Sookram@aecom.com]  
Sent: Monday, March 22, 2021 9:51 AM  
To: Islam, Rubailet <rislam@dot.nyc.gov>  
Cc: Ahmed, Shakil <SAhmed2@dot.nyc.gov>; Ullom, William <wullom@dot.nyc.gov>; Pincar Jr, Edward <EPincar@dot.nyc.gov>; Mattera, John <JMattera@dot.nyc.gov>; Samuelsen, Michele <msamuelsen@dot.nyc.gov>; Peter, Tyler <tpeter@dot.nyc.gov>; Dencker, Rachel <rachel.dencker@aecom.com>; Tiernan, Christine <Christine.Tiernan@aecom.com>; Ducker, Renee <renee.ducker@aecom.com>; Lackovic, Terry <terry.lackovic@aecom.com>  
Subject: RE: South Battery Park City EIS

Rubailet:

Attached for your final review is a Response to Comments Memo with our responses to NYCDOT's comments of March 18, 2021. Also attached is the revised Comparison Memo with the updated Table 1, and the back-up materials (Excel files). The overall factors for the intersection of Broadway/Battery Place did not change.

As always, we appreciate your expeditious review.

Thanks.

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---

From: Islam, Rubaiet <[rislam@dot.nyc.gov](mailto:rislam@dot.nyc.gov)>  
Sent: Friday, March 19, 2021 10:14 AM  
To: Sookram, Atma <[Atma.Sookram@aecom.com](mailto:Atma.Sookram@aecom.com)>  
Cc: Ahmed, Shakil <[SAhmed2@dot.nyc.gov](mailto:SAhmed2@dot.nyc.gov)>; Ullom, William <[wullom@dot.nyc.gov](mailto:wullom@dot.nyc.gov)>; Pincar Jr, Edward <[EPincar@dot.nyc.gov](mailto:EPincar@dot.nyc.gov)>; Mattera, John <[JMattera@dot.nyc.gov](mailto:JMattera@dot.nyc.gov)>; Samuelson, Michele <[msamuelsen@dot.nyc.gov](mailto:msamuelsen@dot.nyc.gov)>; Peter, Tyler <[tpeter@dot.nyc.gov](mailto:tpeter@dot.nyc.gov)>  
Subject: [EXTERNAL] RE: South Battery Park City EIS

Hi Atma,

We do not have any comments on the Traffic Screening During Construction Memo, and the memo is acceptable to NYC DOT.

Please address our comments on the Comparison Memo, and resubmit along with the back-up materials.

Thanks,  
Rubaiet

Rubaiet Islam, EIT (She/her)  
Office of Project Analysis/CEQR  
NYC DOT- Traffic Engineering & Planning  
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---

From: Sookram, Atma [<mailto:Atma.Sookram@aecom.com>]  
Sent: Thursday, March 18, 2021 7:45 PM  
To: Islam, Rubaiet <[rislam@dot.nyc.gov](mailto:rislam@dot.nyc.gov)>  
Cc: Ahmed, Shakil <[SAhmed2@dot.nyc.gov](mailto:SAhmed2@dot.nyc.gov)>; Ullom, William <[wullom@dot.nyc.gov](mailto:wullom@dot.nyc.gov)>; Pincar Jr, Edward <[EPincar@dot.nyc.gov](mailto:EPincar@dot.nyc.gov)>; Mattera, John <[JMattera@dot.nyc.gov](mailto:JMattera@dot.nyc.gov)>; Samuelson, Michele <[msamuelsen@dot.nyc.gov](mailto:msamuelsen@dot.nyc.gov)>; Peter, Tyler <[tpeter@dot.nyc.gov](mailto:tpeter@dot.nyc.gov)>  
Subject: RE: South Battery Park City EIS

Rubaiet:

Thanks for your expeditious review. We will address the comments on the Comparison Memo and resubmit along with the back-up materials.

I did not see any comments on the Traffic Screening During Construction Memo- I'm assuming there are none and the memo is acceptable to NYCDOT. Please confirm.

Thanks again.

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From: Islam, Rubaiet <[rislam@dot.nyc.gov](mailto:rislam@dot.nyc.gov)>  
Sent: Thursday, March 18, 2021 4:27 PM  
To: Sookram, Atma <[Atma.Sookram@aecom.com](mailto:Atma.Sookram@aecom.com)>  
Cc: Ahmed, Shakil <[SAhmed2@dot.nyc.gov](mailto:SAhmed2@dot.nyc.gov)>; Ullom, William <[wullom@dot.nyc.gov](mailto:wullom@dot.nyc.gov)>; Pincar Jr, Edward <[EPincar@dot.nyc.gov](mailto:EPincar@dot.nyc.gov)>; Mattera, John <[JMattera@dot.nyc.gov](mailto:JMattera@dot.nyc.gov)>; Samuelson, Michele <[msamuelsen@dot.nyc.gov](mailto:msamuelsen@dot.nyc.gov)>; Peter, Tyler <[tpeter@dot.nyc.gov](mailto:tpeter@dot.nyc.gov)>  
Subject: [EXTERNAL] RE: South Battery Park City EIS

Good Afternoon Atma,

We have reviewed the Response to Comments Memo, backup materials requested for the Comparison Memo and the Traffic Screening During Construction Memo, and the updated Traffic Screening During Construction Memo for the referenced project. Please see attached our comments.

Please let us know if you have any questions.

Thanks  
Rubaiet

Rubaiet Islam, EIT (She/her)  
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---

From: Sookram, Atma [<mailto:Atma.Sookram@aecom.com>]  
Sent: Tuesday, March 09, 2021 2:37 PM  
To: Islam, Rubaiet <[rislam@dot.nyc.gov](mailto:rislam@dot.nyc.gov)>; Ullom, William <[wullom@dot.nyc.gov](mailto:wullom@dot.nyc.gov)>  
Cc: Ahmed, Shakil <[SAhmed2@dot.nyc.gov](mailto:SAhmed2@dot.nyc.gov)>; Zhou, Jiaxu <[Jiaxu.Zhou@aecom.com](mailto:Jiaxu.Zhou@aecom.com)>; Dencker, Rachel <[rachel.dencker@aecom.com](mailto:rachel.dencker@aecom.com)>; Ducker, Renee <[renee.ducker@aecom.com](mailto:renee.ducker@aecom.com)>; Tiernan, Christine <[Christine.Tiernan@aecom.com](mailto:Christine.Tiernan@aecom.com)>; Lackovic, Terry <[terry.lackovic@aecom.com](mailto:terry.lackovic@aecom.com)>; AbiDargham, Antoine <[Antoine.AbiDargham@aecom.com](mailto:Antoine.AbiDargham@aecom.com)>; Lackovic, Terry <[terry.lackovic@aecom.com](mailto:terry.lackovic@aecom.com)>  
Subject: RE: South Battery Park City EIS

Rubaiet/William:

Attached is a Response to Comments Memo addressing NYCDOT's comments of March 2, 2021. Also attached are the backup materials requested for the Comparison Memo and the Traffic Screening During Construction Memo, and the updated Traffic Screening During Construction Memo.

We hope these responses adequately address NYCDOT's comments and we look forward to DOT's approval of both documents at your earliest convenience so we can proceed with the time-sensitive EIS analyses.

Thank you!

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From: Ullom, William <[wullom@dot.nyc.gov](mailto:wullom@dot.nyc.gov)>  
Sent: Wednesday, March 03, 2021 10:16 AM  
To: Sookram, Atma <[Atma.Sookram@aecom.com](mailto:Atma.Sookram@aecom.com)>; Islam, Rubaiet <[rislam@dot.nyc.gov](mailto:rislam@dot.nyc.gov)>  
Cc: Ahmed, Shakil <[SAhmed2@dot.nyc.gov](mailto:SAhmed2@dot.nyc.gov)>; Zhou, Jiaxu <[Jiaxu.Zhou@aecom.com](mailto:Jiaxu.Zhou@aecom.com)>  
Subject: [EXTERNAL] RE: South Battery Park City EIS

Yes, that would be acceptable. Rubaiet and I had discussed the pros and cons of using 317.01 in our list of suggestions and figured that a reasonable case using engineering judgement could be applied to including 317.01 as well.

---

From: Sookram, Atma [<mailto:Atma.Sookram@aecom.com>]  
Sent: Wednesday, March 03, 2021 10:14 AM  
To: Ullom, William <[wullom@dot.nyc.gov](mailto:wullom@dot.nyc.gov)>; Islam, Rubaiet <[rislam@dot.nyc.gov](mailto:rislam@dot.nyc.gov)>

Cc: Ahmed, Shakil <[SAhmed2@dot.nyc.gov](mailto:SAhmed2@dot.nyc.gov)>; Zhou, Jiaxu <[Jiaxu.Zhou@aecom.com](mailto:Jiaxu.Zhou@aecom.com)>

Subject: RE: South Battery Park City EIS

William/Rubalet:

I reviewed the Census tract map you sent yesterday and recommend that we use three (3) tracts (317.01, 13 and 9) for the revised estimation of mode splits and occupancy using the 2000 CTPP tables for construction workers. Please let me know if you agree with this.

Thanks for your help with this.

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From: Ullom, William <[wullom@dot.nyc.gov](mailto:wullom@dot.nyc.gov)>  
Sent: Wednesday, March 03, 2021 9:09 AM  
To: Sookram, Atma <[Atma.Sookram@aecom.com](mailto:Atma.Sookram@aecom.com)>; Islam, Rubalet <[rislam@dot.nyc.gov](mailto:rislam@dot.nyc.gov)>  
Cc: Ahmed, Shakil <[SAhmed2@dot.nyc.gov](mailto:SAhmed2@dot.nyc.gov)>  
Subject: [EXTERNAL] Re: South Battery Park City EIS

Atma, just in case it was not clear in the comments, you should use the table data for construction workers only (i.e. TAB9X221 through TAB9X231).

---

From: Sookram, Atma <[Atma.Sookram@aecom.com](mailto:Atma.Sookram@aecom.com)>  
Sent: Wednesday, March 3, 2021 7:26:58 AM  
To: Islam, Rubalet  
Cc: Ahmed, Shakil; Ullom, William  
Subject: RE: South Battery Park City EIS

Rubalet:

We will review the census tract map and get back to you which ones we will be including in the revised estimation of mode splits and occupancy.



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-----Original Message-----

From: Islam, Rubaïet <[rislam@dot.nyc.gov](mailto:rislam@dot.nyc.gov)>  
Sent: Tuesday, March 02, 2021 6:51 PM  
To: Sookram, Atma <[Atma.Sookram@aecom.com](mailto:Atma.Sookram@aecom.com)>  
Cc: Ahmed, Shakil <[SAhmed2@dot.nyc.gov](mailto:SAhmed2@dot.nyc.gov)>; Ullom, William <[wullom@dot.nyc.gov](mailto:wullom@dot.nyc.gov)>  
Subject: [EXTERNAL] Re: South Battery Park City EIS

Hi Atma,

You don't have to include ALL tracts shown on the figure for the calculation of modal splits and vehicle occupancy. Only use the tracts that fall under the project location (possibly tract 13 and 9). Please note that the 2000 CTPP Census data will denote them as 1300 and 900.

Please let me know if you have any questions.

Thanks  
Rubaïet

Rubaïet Islam, EIT (She/her)  
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---

From: Sookram, Atma <[Atma.Sookram@aecom.com](mailto:Atma.Sookram@aecom.com)>  
Sent: Tuesday, March 2, 2021 6:23:36 PM  
To: Islam, Rubaïet  
Cc: Ahmed, Shakil  
Subject: RE: South Battery Park City EIS

Islam:

Thanks for the comments. I just want to verify that DOT is requesting that ALL tracts shown on the figure that was attached should be included in the calculation of mode splits and vehicle occupancy? Also, we included tracts 317.03 and 317.04 which are not shown on your map. Do we really need tract 5? Please verify.

Thanks.

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[FORTUNE World's Most Admired Companies 2016]

From: Islam, Rubaiet <[rislam@dot.nyc.gov](mailto:rislam@dot.nyc.gov)>  
Sent: Tuesday, March 02, 2021 4:46 PM  
To: Sookram, Atma <[Atma.Sookram@aecom.com](mailto:Atma.Sookram@aecom.com)>  
Cc: Pincar Jr, Edward <[EPincar@dot.nyc.gov](mailto:EPincar@dot.nyc.gov)>; Ahmed, Shakil <[SAhmed2@dot.nyc.gov](mailto:SAhmed2@dot.nyc.gov)>; Ullom, William <[wullom@dot.nyc.gov](mailto:wullom@dot.nyc.gov)>; Samuelson, Michele <[msamuelson@dot.nyc.gov](mailto:msamuelson@dot.nyc.gov)>; Peter, Tyler <[tpeter@dot.nyc.gov](mailto:tpeter@dot.nyc.gov)>; Mattera, John <[JMattera@dot.nyc.gov](mailto:JMattera@dot.nyc.gov)>; Li, Shuzuan <[sli@dot.nyc.gov](mailto:sli@dot.nyc.gov)>  
Subject: [EXTERNAL] RE: South Battery Park City EIS

Hi Atma,

We have reviewed the Construction Screening Memo, Transportation Planning Assumption Memo, and Pre-vs. During-Covid Comparison Memo for the South Battery Park Resiliency project. Please find attached our comments.

Please let us know if you have any questions.

Thanks  
Rubaiet

Rubaiet Islam, EIT (She/her)  
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NYC - Department of Transportation

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## Pre- and During-Covid Pedestrian Count Comparison

**Project:** South Battery Park City Resiliency Project EIS  
**Client:** Battery Park City Authority  
**Date:** February 1, 2021: Revised March 22, 2021  
**Prepared by:** Atma Sookram AICP, CTP, PP, PTP

---

### Introduction

AECOM, through a sub-contractor, recently performed pedestrian counts in November 2020 at two locations on the Henry Hudson Greenway (HHG) on West Street (Route 9A) in the Battery Park City area of Lower Manhattan for use in pedestrian analyses for the South Battery Park City EIS. The counts were performed before Thanksgiving when NYC schools were open and after NYCDOT lifted the moratorium on data collection that went into effect in March 2020; however, data collection still occurred during the Covid pandemic.

As was requested by NYCDOT, AECOM concurrently collected pedestrian counts at crosswalks at two adjacent intersections (West Street @ Battery Place and Broadway @ Battery Place). The purpose of these crosswalk pedestrian counts was to conduct a comparison between pre-Covid conditions and during-Covid conditions, and to develop an adjustment factor(s) that could be applied to the 2020 “during Covid” counts on the HHG, based on NYCDOT’s guidance.

Specifically, NYCDOT provided “pre-Covid” pedestrian counts at the following four crosswalks during the specified time periods for use in the comparison with November 2020 “during Covid” counts:

1. West Street @ Battery Place West Crosswalk (Weekday Midday and PM)
2. Broadway @ Battery Place North Crosswalk (Weekday AM, Midday, PM and Sat.)
3. Broadway @ Battery Place East Crosswalk (Weekday AM, Midday, PM and Sat.)
4. Broadway @ Battery Place West Crosswalk (Weekday AM, Midday, PM and Sat.)

The purpose of this memo is to present the results of the comparison between the pre Covid and during Covid pedestrian counts at the above four locations, and the adjustment factors developed based on that comparison. AECOM will consult with NYCDOT to determine if and how these adjustment factors should be applied to the 2020 counts taken on the pedestrian promenade of West Street (Route 9A) for purposes of the EIS. This memo was revised to reflect comments received from NYCDOT on March 18, 2021.

### Comparison of Pre-Covid and During Covid Pedestrian Volumes

**Table 1** shows the comparison of the pre-Covid and 2020 during-Covid pedestrian volumes at the four crosswalks. Based on the availability of “pre-Covid” pedestrian count data, comparisons were performed for the following weekday time periods; pre-Covid Saturday counts are only available for the crosswalks at Broadway/Battery Place.

1. West Street @ Battery Place: West Crosswalk  
Weekday Midday (11:30 AM to 2 PM)  
Weekday PM (4-7 PM)
2. Broadway @ Battery Place: North, West and East Crosswalks  
Weekday AM (7:-9:30 AM)  
Weekday Midday (11:30 AM to 2:30 PM)  
Weekday PM (4-7 PM)  
Saturday Midday (12 Noon to 3 PM)

**Table 1: Pre- and During Covid Pedestrian Count Comparison**

Location	AM				MD				PM				SAT			
	Pre-Covid Raw	Pre Covid Grown to 2020	2020 Field Counts	Adj. Factor	Pre-Covid Raw	Pre Covid Grown to 2020	2020 Field Counts	Adj. Factor	Pre-Covid Raw	Pre Covid Grown to 2020	2020 Field Counts	Adj. Factor	Pre-Covid Raw	Pre Covid Grown to 2020	2020 Field Counts	Adj. Factor
West Street @ Battery: West X-Walk	-	-	-	-	953	960	43	22.3	1106	1114	61	18.3	-	-	-	-
Broadway/Battery: North X-Walk	1048	1050	370	2.8	1724	1728	545	3.2	1652	1656	389	4.3	1029	1032	432	2.4
Broadway/Battery: East X-Walk	1186	1188	344	3.5	1931	1936	445	4.4	982	984	288	3.4	2352	2358	880	2.7
Broadway/Battery: West X-Walk	587	588	176	3.3	1018	1020	251	4.1	721	722	181	4.0	1640	1644	631	2.6
Overall	2820	2827	890	3.2	4673	4684	1241	3.8	3354	3362	858	3.9	5021	5034	1943	2.6

Since the pre-Covid “raw” counts provided by NYCDOT were from years prior to 2020, to enable a fair comparison, they were “grown” to 2020 by applying a growth factor of 0.25 percent per year in accordance with the 2020 *CEQR Technical Manual*. These “grown” volumes were then compared to the 2020 field counts and a factor developed for each location, for each time period, and for all locations combined. The 2020 field counts represent the average of two weekdays for each time period.

The factor was calculated as the pre-Covid pedestrian volumes divided by the 2020 field (during Covid) volumes. In addition to calculating a “factor” for each location and time period, an *overall factor* for the three crosswalks combined at the intersection of Broadway and Battery Place was computed for each time period.

As shown, the pre-Covid counts at each of the four crosswalks are significantly higher than the counts taken in November 2020 during the Covid pandemic. The difference between the pre-Covid and during-Covid counts are greatest at the westerly crosswalk at West Street & Battery Place where the comparison was performed for the weekday Midday and PM peak periods.

At the Broadway/Battery Place intersection, the pre-Covid counts were also higher than the November 2020 field counts. The overall factors for the three crosswalks combined at this intersection range from 3.2 during the AM peak period; 3.8 during the Midday peak period; 3.9 during the PM peak period; and 2.6 during the Saturday Midday peak period.

### Adjustment to West Street Promenade Pedestrian Counts for Use in EIS

Prior to the analysis of pedestrian conditions on the West Street pedestrian promenade for the EIS, AECOM and NYCDOT should discuss if and how to adjust the during-Covid pedestrian counts collected in November 2020 to reflect pre-Covid conditions. Based on the foregoing discussion, the *overall* adjustment factors computed for the three crosswalks combined at the Broadway/Battery Place intersection during the weekday AM, Midday, PM and Saturday peak periods may be most appropriate to adjust the November 2020 pedestrian counts, since the West Street/Battery Place intersection only includes one crosswalk and the comparison is only done for two time periods.

In addition, since the comparison between pre-Covid and during-Covid conditions only included crosswalk *pedestrian* counts, it is also recommended that the factors developed from the pedestrian counts be used to adjust the November 2020 *bicycle* counts on the promenade.

We seek NYCDOT's approval of these proposed adjustments to the 2020 pedestrian and bicycle counts on the promenade before proceeding with the EIS pedestrian analyses.

## **A.3 Comments on Draft Environmental Impact Statement and Responses**

# South Battery Park City Resiliency Project

## Appendix A.3

### Comments on Draft Environmental Impact Statement and Responses

Battery Park City Authority (BPCA) released the Draft Environmental Impact Statement (DEIS) for the South Battery Park City Resiliency (SBPCR) Project to the public on May 4, 2022. The public comment period was open until June 10, 2022. Written comments were accepted via email and mail, and members of the public were able to provide oral comments at the public Hearing Meeting held on May 19, 2022. BPCA has considered all the comments received on the DEIS. This appendix summarizes and provides responses to the substantive written and oral comments received on the DEIS.

The comments and responses are organized into the following sections:

- **Section 1: Responses to Manhattan Community Board 1 (CB1) Comments**

This section contains summaries of and responses to the substantive comments received from Manhattan CB1 in a letter dated June 10, 2022, organized by subject matter.

- **Section 2: Responses to Public Comments**

This section contains summaries of and responses to the substantive comments received from the public, organized by subject matter. When more than one commenter provided a similar comment, these comments were grouped and addressed together. In total, 101 commenters provided 30 comments. This section also includes a table with a list of commenters that identifies the comment response numbers associated with the submitted comments.

- **Section 3: Responses to Agency Comments**

This section contains summaries of and responses to the substantive comments received from public agencies, organized by subject matter.

- **NYC Department of Environmental Protection (NYCDEP)**

- May 6, 2022 Letter
    - June 24, 2022 Letter
    - August 11, 2022 Letter

- **NYC Department of Parks and Recreation (NYCDPR)**

- June 1, 2022 Letter (Text Updates)
    - June 1, 2022 Letter (General Comments)

- **New York State Office of Parks, Recreation and Historic Preservation (NYSHPO)**

- June 28, 2022 Letter



# **South Battery Park City Resiliency Project**

## **Section 1: Responses to Manhattan Community Board 1**

The following are responses to comments on the DEIS, submitted by CB1, June 10, 2022.

### **ALTERNATIVES**

C1-1 The 2017 project designed by Perkins Eastman (Alternate 1) did not include the demolition of the park and included options to provide resiliency measures while retaining the current design.

R1-1 As discussed in Section 2.2.2.3 (Wagner Park – Alternative 1), Alternative 1 was not prudent or feasible because it does not meet the project purpose and need.

Perkins Eastman was retained by BPCA in 2015 and charged with performing an assessment of Wagner Park with respect to its resiliency against coastal storms and climate change, as well as with respect to other aspects of the park’s functionality, space allocation, sustainability, durability and other factors. Perkins Eastman was tasked with devising preliminary concepts for addressing the recommendations resulting from its assessment of Wagner Park. During the course of its assessment, Perkins Eastman consulted with and received information from the NYC Mayor’s Office of Rebuilding and Resiliency (a precursor to the current Mayor’s Office of Climate and Environmental Justice) regarding the design elevation standards that had been adopted at that time for the Lower Manhattan Resiliency Program. In contrast with present day criteria, which are expressed specifically in terms of a 2050s 100-year storm, the 2050s 100-year storm standards received by Perkins Eastman at that time were expressed as an assumed constant numerical design flood elevation (DFE) of 16.5 feet.

Based upon an assumed constant numeric DFE of 16.5 feet, Perkins Eastman devised a preliminary concept for Wagner Park that included the replacement of the existing pavilion with a new pavilion, the lower portion of which could be hardened as part of an overall flood barrier system that would include a line of deployable gates through Wagner Park and across Pier A Plaza capable of reaching an elevation of 16.5 feet and, when not in use, being stored vertically in compartments below the ground. The viability of Perkins Eastman’s preliminary concept was directly contingent upon two factors: 1) a DFE of 16.5 feet; and 2) future subsurface investigation and engineering to confirm that the subsurface conditions would be able to accommodate the vertical storage of the deployable gates. Perkins Eastman’s assessment did not involve any coastal modeling; however, its preliminary design concept served to inform the starting point and the broader scope for the South Battery Park City Resiliency Project Design that followed in 2018. Perkins Eastman had no further involvement in the Project and was not involved in the Project’s subsequent alternatives analysis. This subsequent analysis revealed that, contrary to the assumptions and contingencies underpinning the Perkins Eastman preliminary concept: 1) the LMDC’s target DFE was more precisely expressed, not as a numerical constant, but as a specific target storm (the 2050s 100-year storm); 2) the area’s DFEs would be variable, rather than constant, across Lower Manhattan and would depend heavily on shared assumptions as to the component elements of the DFEs and coastal modeling to determine

## Section 1: Responses to Manhattan Community Board 1 Comments

### South Battery Park City Resiliency Project

the exact DFE's for each specific point within the area; 3) based upon the coastal modeling for Wagner Park and the expanded South Battery Park City Project Area, the DFE for Wagner Park would be at least two (2) feet higher than the previously-assumed 16.5 feet; and 4) storing the deployable gates that would provide the additional height of intervention necessary to meet the actual target DFE in the subsurface conditions existing at Wagner Park would have presented significant design and construction challenges.

In addition, this alignment runs inland, closer to Battery Place, leaving most of the park on the wet side of the flood risk reduction system. At the higher DFE's identified, Alternative 1 would therefore leave the majority of Wagner Park unprotected during even storm events that are markedly less severe than the target storm event, a level of risk not contemplated at the time that the Perkins Eastman concept was developed. With the bulk of Wagner Park remaining unprotected from severe storm events and sea level rise, this alternative has the potential for prolonged periods of Park inaccessibility due to extensive repairs to and restoration of the Park after storm events, as well as considerable costs for recurrent repairs.

Furthermore, this alternative would be a higher risk option because it creates significant additional reliance upon major deployable elements across a much greater length of the flood barrier alignment, increasing the risk of mechanical and human error; thus failing to meet this specific project objective.

C1-2 Like SHPO in a letter dated (Feb 9, 2022), the community questions the need to demolish the pavilion and does not agree with the assertion that it could not be adequately renovated.

R1-2 As discussed in Section 2.2.2.3 (Pavilion Alternatives, Alternative 2 – Elevated Inland Pavilion), SHPO inquired as to the feasibility of elevating and relocating the Wagner Park Pavilion in a letter dated February 9, 2022. An analysis was performed by the Project Team, as well as third-party evaluations by three consulting/engineering firms (Watts Architects & Engineers, KPFF Engineers, and Nicholas Brothers, Inc.) to review the feasibility of elevating and relocating the existing Pavilion.

To meet the 19.8-foot DFE above the project datum for the 100-year storm, the existing grades of Wagner Park would need to be elevated to accommodate the buried floodwall infrastructure. To maintain a similar amount of continuous green space along the waterfront, the existing Pavilion would need to be shifted back towards Battery Place and elevated. The analysis determined that:

- Moving the existing Pavilion would not meet the Proposed Action's goals and objectives;
- Raising and relocating the existing Pavilion would substantially impair the original architectural character of the building and the relationship of the structure with the surrounding park;
- The tree-lined allées and the Battery Place street front would no longer align with the existing Pavilion, and portions of the structure would no longer be directly

## Section 1: Responses to Manhattan Community Board 1 Comments

### South Battery Park City Resiliency Project

accessible;

- The cost of relocating, elevating, and upgrading the existing Pavilion would be significant and would result in an end product that is obsolete and does not meet Wagner Park's programming needs;
- The existing Pavilion does not comply with the latest code requirements, including accessibility and seismic requirements; and
- The existing Pavilion does not meet sustainability goals and would prospectively incur higher energy and maintenance costs.

After review of the feasibility report and analysis summarized above, SHPO concurred that there were no prudent or feasible alternatives to the preferred alternative that would avoid or minimize harm to the existing Pavilion in Wagner Park, as reflected in a letter dated April 27, 2022.

C1-3 Professional planners, architects, landscape architects, and engineers on CB1 and in the community asked to see additional alternatives that included a careful review of the possibility of raising the streets in the immediate area and allowing the park to act as a passive barrier with access to the water as is the stated and accepted strategy at both the neighboring Battery and Hudson River Parks. The FEIS should include a full explanation of these alternatives.

R1-3 As discussed in Section 1.2 (Purpose and Need for the Proposed Action) of the FEIS, a purpose of the SBPCR Project is to "preserve to the maximum extent practicable, open space resources and opportunities to view and interact with the Manhattan waterfront, particularly in Wagner Park, Pier A Plaza and The Battery." As discussed in the January 15, 2020 Public Meeting #4 follow-up questions (see Appendix A.4.2), if the flood alignment were pushed back to Battery Place, then it would allow a majority of Wagner Park to flood during lower-level storms and be completely overtopped and flooded in a 100-year storm event in the year 2050. By siting the flood alignment within Battery Place, all of Wagner Park on the water side of Battery Place would be "sacrificial," and the same park and open space impacts contemplated by Alternative A would come into play, exacerbated by the sacrificial nature of any pavilion structure present in the Park. A visualization showing the 2050s 100-year storm event without the flood alignment can be found in the March 12, 2019 presentation in Appendix A.4.1.

There are multiple clear additional reasons that a raised Battery Place was/is not considered a viable placement alternative for the SBPCR flood barrier.

- Raising Battery Place to form a portion of the flood barrier for the Project would create significant impacts that would extend well beyond the section of Battery Place adjacent to Wagner Park, as heightened street elevations at this location would also impact extended sections of Battery Place in both directions, and could jeopardize the ability of Battery Place to connect to various cross streets, without

## Section 1: Responses to Manhattan Community Board 1 Comments

### South Battery Park City Resiliency Project

likewise impacting the elevations of those streets. The potential for an unintended set of follow-on impacts to the street infrastructure in Lower Manhattan, and the associated cost and disruption, is obvious.

- As stated in the January 15, 2020 Follow-Up Questions Document to Public Meeting #4 (see Appendix A.4.2), for flood risk management, stormwater drainage infrastructure is designed as a low point to prevent flooding in the surrounding residences, businesses, and critical infrastructure. Much of the stormwater drainage infrastructure in the Project Area is located in the Battery Place right-of-way. If Battery Place was elevated without elevating adjacent infrastructure and properties, pockets of induced flooding would be created along Battery Place where there are residences, businesses, and public facilities. As a result, all adjacent streets, intersections, and stormwater infrastructure would need to be significantly modified to provide proper stormwater drainage and connect the street network. As noted above, the need to extend this infrastructure redesign and modification well beyond the Project Area into other parts of Lower Manhattan would lead to enormous expense and disruption.
- The raising of Battery Place would impact the New York City Department of Environmental Protection's (NYCDEP) water infrastructure in the street below grade, which is not currently designed to take up to an additional 11-foot load of fill above it.
- The raising of Battery Place as a portion of the Project's flood barrier system would cause significant negative quality of life impacts to the surrounding neighborhood, as modifications to adjacent building parcels (potentially impacting vehicle and pedestrian entrances and possibly buildings themselves) would be required to achieve the gradual elevation change required to elevate the street bed and accommodate the buried flood wall.
- The "dry" side of Battery Place would still experience impacts to its views of the water.
- The raising of Battery Place would implicate and potentially adversely impact pedestrian circulation, safety and accessibility, as well as related transportation elements such as bus stops and bike safety measures.

For the reasons stated above, including most significantly the profound cost, time and disruption that would be associated with raising Battery Place to form a part of the SBPCR flood barrier system, this option was determined to be infeasible and not considered for further evaluation.

- C1-4 The community believes that most of the site planning design and programming elements noted under "Incorporating Community Engagement and Design Heritage into the New Design of Wagner Park" in the DEIS have been met. The CB is on record asking for 1) better connections to the arrival at street level along Battery Place; 2) more green space, less

## Section 1: Responses to Manhattan Community Board 1 Comments

### South Battery Park City Resiliency Project

hardscape, and more recreational areas; 3) accessible ascent via elevator to enter; 4) a better scaled (smaller) and true “pavilion in the park” rather than an imposing structure; 5) better access to the waterfront with step downs and Waterfront Edge Design Guidelines (WEDG) certified passive landscape features. The community was not provided with an opportunity to discuss the final location of the art and did not request an “arched and vaulted facade design.” The community was not involved in the early architectural design of the pavilion or landscape design for the park. Rather, the community was asked to react and opine on a relatively finished product after the Perkins and Will 2017 Alternate 1 was removed.

R1-4      Comment C1-4 includes concerns related to specific issues of the design of Wagner Park, but not related to the analyses in the DEIS. Nonetheless, the various concerns expressed are addressed below.

With respect to the connections to the arrival at street level along Battery Place, the Proposed Action would maintain and enhance the existing entrances to Wagner Park from the north and the south by reconstructing the north and south allées. The proposed allées would be designed for universal access to accommodate users of all ages and abilities, with widened 40-foot walkways, trees lining both sides, and a gentle 8 percent slope to the Pavilion. Along each allée, there would be new seating and plateaus along the walkway providing pedestrians opportunities to stop and rest. Adding additional access points along Battery Place to the upper park level and the Pavilion would increase hardscape and reduce the landscaping that is proposed along Wagner Park facing Battery Place. Refer to Section 3.5.5.3 (Minimization of Impacts in Wagner Park) and Section 1.3.3 (Wagner Park) of the FEIS for more information.

In response to concerns raised by the community and elected officials subsequent to the publication of the DEIS, in August 2022, BPCA announced that it would make changes to the design of the new Wagner Park to increase the lawn area by an additional 12,800 square feet. This revision represents a 74% increase in lawn space compared to the current design and removes 6,922 sf of hardscape, while preserving universal accessibility. BPCA has also added ten more trees to within Wagner Park, for a total net increase of 126 trees.

1. Concerns related to the elevators for the proposed Pavilion are addressed in Response R9-3.

2. Concerns related to the design of the Pavilion are addressed in Response 9-2 in Section 1.

Concerns related to waterfront access and WEDG certification are addressed in Response 4-2 in Section 1.

BPCA has provided a detailed summary of community engagement efforts for the SBPCR Project in a June 29, 2022, letter to the Battery Park City Neighborhood Association. BPCA has held 18 meetings from 2016 to 2022 that have included Community Board meetings,

## Section 1: Responses to Manhattan Community Board 1 Comments

### South Battery Park City Resiliency Project

public meetings, and workshops. A list of these meetings and links to their presentations is included in Appendix A.4.7.

## CONSTRUCTION PHASING AND IMPACTS

C2-1 CB requests that the staging area for construction equipment, as shown on the current construction staging maps adjacent to apartment buildings and The Museum of Jewish Heritage - a Living Memorial to the Holocaust be relocated away from both buildings to minimize community impact. The construction storage staging entrance is located and impacts the crosswalk for families, staff and students accessing daily to PSIS276 and P94M. This will further negatively impact the bus pick-up and drop-off of special needs students for P94M and the after-school programs. There is currently no crossing guard available on a permanent basis and the staging area will negatively impact access and safety for the schools. CB1 demands that BPCA determine a different staging location as there is no community benefit to removing open space that is not due to be demolished in the back of the Museum for a construction staging area.

R2-1 The staging area for the Museum of Jewish Heritage/Wagner Park Site work will be on the waterfront just north of 1<sup>st</sup> Place. The staging area will house construction management personnel and contractor management personnel in trailers. No personal vehicles are permitted to use this area for parking. Any vehicles on the site will be specifically used to perform or assist with the work. Additionally, the staging area will be used to store material salvaged from the park for reuse, which includes granite curbs and slabs, wood, benches, and other park elements. The staging area will be regularly cleaned and maintained. Only materials necessary for the adjacent and ongoing work will be stored on the job site.

For the majority of the work items, construction vehicles will enter and exit the jobsite from the entrances on Battery Place that are south of 1<sup>st</sup> Place. The 1<sup>st</sup> Place entrance is only intended to be utilized for the work items that are to occur on or adjacent to 1<sup>st</sup> Place. Museum of Jewish Heritage employees will continue to utilize their personnel entrance on 1<sup>st</sup> Place and the loading dock will remain active. Because of this, construction vehicles will be limited in this area. Flaggers will be present to direct construction vehicles into and out of the job site. Construction vehicles are not permitted to block access to the school, crosswalks, or the museum.

Staging plans were also discussed at CB1's Environmental Protection Committee Meeting on July 18, 2022. That presentation can be found in Appendix A.4.8.

C2-2 The project does not fulfill its obligation to adhere to the policy directive OneNYC2050 (OneNYC) which outlines the City's sustainability goals to reduce GHG emissions by 80 percent by 2050 sending zero waste to landfill by 2030. The demolition of the park and the creation of a new park has incomparable waste and cost associated with it. The community urges that the FEIS provide a detailed accounting of the cost benefit in this demolition and a

## Section 1: Responses to Manhattan Community Board 1 Comments

### South Battery Park City Resiliency Project

full assessment of the carbon footprint for the demolition and construction of the pavilion and new park.

- R2-2 BPCA has addressed questions about the sustainability of the new Pavilion in a letter dated June 29, 2022, and can be found in Appendix A.4.7. In order to maximize the sustainability of the SBPCR Project, the Design Team is pursuing International Living Futures Institute (ILFI) Zero Carbon and promoting best practices across all aspects of the SBPCR Project. Additionally, the site is fully electrified, and the design will also reduce total water use, including irrigation demand by 40 percent, with rainwater harvesting and water efficiency measures throughout.

During construction of the pavilion, a minimum of 50 percent of waste will be diverted from the landfill. This percentage may be higher depending on the contractor.

## HAZARDOUS MATERIALS

- C3-1 On June 8, 2022, BPCA provided to CB1 a letter with responses to ongoing questions and concerns, and the letter included a memo from AECOM (Subject SBPCR Soils Analysis, June 7, 2022) providing more detail on the issue of potentially hazardous materials. We request that this additional information is included in the FEIS, as well as a full explanation of the mitigation procedures and oversight be provided, including CAMP locations and daily monitoring records. The CB also urges BPCA to keep the public fully informed frequently about the nature of the potential hazards during the construction process, and the details of the Remedial Action Plan and Construction Health and Safety Plan, including posting of daily monitoring records and monthly meetings with community stakeholders for updates on construction and hazards.

- R3-1 A copy of the June 7, 2022 SBPCR Soils Analysis Memorandum is included in the FEIS within Appendix D.

As stipulated in the RAP, daily reports will be made during intrusive site activities and during all soil/fill or other regulated material handling. These daily reports will note if a contamination source is discovered. In addition, according to the CAMP, a logbook will be kept recording any exceedances found during real-time air monitoring for VOCs and particulate levels. This logbook will be available for review by NYCDEP.

To provide members of the public with regular updates and a point of contact during construction, a dedicated Community Liaison has been designated for the project. The Community Liaison will be present for all relevant public meetings, including the Manhattan Community Board 1 monthly District Service Cabinet Meetings that provide a forum for SBPCR to coordinate with elected officials, city agencies, and adjacent projects to deliver pertinent project information and share relevant updates to the community. In addition, the Community Liaison will be available to provide updates at the relevant Community Board Committee meetings as requested. BPCA will post air monitoring reports on the BPCA website monthly for public review.



## Section 1: Responses to Manhattan Community Board 1 Comments

### South Battery Park City Resiliency Project

C3-2 We understand from the June 8, 2022 letter from BPCA that while no lead or asbestos was used in the construction of the Wagner Park Pavilion, testing to confirm this assumption will be conducted in the coming weeks, prior to the commencement of demolition, and that results from the tests will be shared with CB1 as soon as they are available. CB1 requests that information and results from this testing is documented in the FEIS, confirming that there is no need to conduct lead or asbestos abatement with regards to the demolition of the Wagner Pavilion. If lead or asbestos is detected during the upcoming testing, CB1 requests that the FEIS include information on remediation and safety measures for the removal of those materials.

R3-2 While no lead or asbestos was used in the construction of the Wagner Park Pavilion, the RAP and CHASP (Appendix D of the FEIS), provide clear practices that will be followed for the management, removal and/or disposal of any hazardous building materials, including lead or asbestos, in accordance with all local, state, or federal regulations. As discussed in Section 3.15.3.5 (Hazardous Materials) of the FEIS, the RAP describes the remedial and mitigation measures that will be performed in accordance with all local, state, and federal laws when transporting or disturbing contaminated materials. As stipulated in the RAP, an inspection of the Wagner Park Pavilion was conducted and no asbestos was identified; accordingly, an Asbestos Assessment Report (ACP-5) has been completed and filed with NYCDEP. The results of the testing, and the ACP-5 Form, will be shared with CB1 after approval from NYCDEP.

Additionally, based on the age of the building it is not likely that lead based paints, which were phased out in the 1970's, will be a concern during demolition activity. Since this is a commercial building, a lead paint inspection is not required by NYCDEP. However, if the presence of lead based paint is suspected or encountered, it will be managed and monitored in accordance with NYCDEP, USEPA and OSHA rules and regulations regarding waste disposal and worker protection.

## NATURAL RESOURCES

C4-1 The community requests that a landscape plan be provided in the FEIS indicating the location of the trees being removed, replaced, and where the promised 86 new trees are being planted.

R4-1 To compensate for the removal of approximately 77 trees in The Battery, which is under the jurisdiction of NYC Parks, and within the NYCDOT ROW, 86 new trees would be planted, and three trees would be transplanted. Note that while 114 trees would be removed in total, the Proposed Action would replace the removed trees and add new trees, totaling 240 trees, to achieve a net gain of 126 trees throughout the Project Area.

The landscape plan is being revised to reflect the new design.

## Section 1: Responses to Manhattan Community Board 1 Comments

### South Battery Park City Resiliency Project

- C4-2 The community does not believe there is anywhere near enough of the passive landscape features and access to the water required in the WEDG guidelines and urges this be included in the FEIS.
- R4-2 As discussed in Section 1.3.3 (Wagner Park) of the FEIS, the design of Wagner Park has been developed to comply with the WEDG through innovative and integrated landscape, architectural, and engineering site planning. The SBPCR Project team is pursuing WEDG certification. The updated design for Wagner Park increasing the lawn area by 12,800 square feet is being reviewed by The Waterfront Alliance, and it is anticipated that the design will meet the criteria for WEDG certification. In addition to maintaining access to the waterfront esplanade, the SBPCR Project has added the Pier A Inlet Observation Platform, which creates a new opportunity to engage the waterfront. The shoreline improvements in Pier A Inlet are described in Section 1.3.3 (Wagner Park).

## OPEN SPACE

- C5-1 In terms of the long-term impact, CB1 has repeatedly questioned the need to demolish and redevelop the park and the pavilion, and is on record opposing this approach, including pointing out that design principles encouraged by Parks Without Borders are not reflected in this proposal for Wagner Park nor the northern end of The Battery. The community has questioned the significant removal of long-established trees which provide large shade canopies and are not able to be replaced in this current design. CB1 members have requested assurance that new green space in Wagner Park will be as large, or larger, than the existing space and have noted the importance of keeping as many trees as possible.

- R5-1 The existing Wagner Park is a passive park space that accommodates a variety of uses, including a lawn space, gardens, pedestrian pathways, a plaza, and access to the waterfront. The existing lawn space in Wagner Park is 33,750 square feet, and the Wagner Park design presented in the DEIS reduced the lawn space to 17,250 square feet to accommodate pathways throughout Wagner Park. In response to community feedback to increase the amount of lawn space in the Wagner Park design, the BPCA increased the lawn area for Wagner Park to a total of 30,050 square feet, which is an increase of 74 percent, or an additional 12,800 square feet, compared to the design presented in the DEIS. The new design removes 6,922 square feet of hardscape in Wagner Park. This new design will increase the amount of lawn space in Wagner Park available to all park users. The lawn space in the new Wagner Park design is well-positioned and designed to accommodate the broad array of community uses accommodated by the existing lawn.

In the design of Wagner Park, the Design Team balanced multiple types of uses in this passive park following five “key design principles”:

- Maximize the protected area
- Maximize public space
- Maintain design legacy
- Maintain views and access to the waterfront

## Section 1: Responses to Manhattan Community Board 1 Comments

### South Battery Park City Resiliency Project

- Create an adaptable site

Wagner Park has been designed to provide universal access and be inclusive for all users, regardless of age or ability. The design balances the many uses of Wagner Park by locating the Pavilion farther east to maximize the central lawn green space; providing lawns, gardens, event spaces, and a plaza; providing unobstructed views of the harbor and the Statue of Liberty from Wagner Park and Pavilion; and maintaining access to the waterfront esplanade along pedestrian pathways. The proposed design of Wagner Park maintains all the existing uses that are currently available in Wagner Park.

The NYC Parks Parks Without Borders initiative publishes a set of guidelines for the design of NYC Parks open space resources. However, these guidelines are not requirements or mandates for the design of all parks in City. BPCA continues to coordinate with NYC Parks on the design of the SBPCR Project in the portions of the Project Area within NYC Parks jurisdiction. NYC Parks has reviewed and provided comments on the DEIS related to open space, and the FEIS will incorporate all of NYC Parks comments.

C5-2 To continue to provide public programs and events which have traditionally taken place at Wagner Park, BPCA would be temporarily relocating all those programs and events to other parks and open space within Battery Park City for the duration of the Proposed Action's construction. However, even with this replacement programming, the impacts to open space during construction would not be fully mitigated. BPCA will continue to consider potential options to mitigate these temporary significant adverse impacts during construction. Should other mitigation options be identified, they will be included as part of the Final Environmental Impact Statement." CB1 requests to be engaged on specific plans for mitigating this impact, which must be included in the FEIS to ensure to the community that sufficient planning is ongoing to prevent a disruption of open space access during several years of construction. This must include a robust communication plan for engaging with all local residential building tenants, schools, daycare centers, afterschool programs, and private instructional centers about SBPCR and open space alternatives for their kids. We also request that the FEIS include details on how BPCA is coordinating with the Battery Wharf and other Lower Manhattan Coastal Resiliency (LMCR) projects to minimize impact to the community.

R5-2 It is anticipated that the temporary closure of Wagner Park and portions of The Battery during SBPCR Project construction would create additional demand for programmed activities in the areas of The Battery that will remain open during Project construction, leading to a significant adverse open space impact while the Project is under construction. BPCA has consulted with the New York City Department of Parks & Recreation (NYC Parks) regarding potential measures that would help to mitigate the added demand at the Battery during the construction phase of the Project. As a mitigation measure to address the significant impact to open space during construction, BPCA is committing to provide funding for four (4) additional, seasonal (i.e., May-October) "Playground Associate" positions, whose roles will be to support programming activities in The Battery during Project construction. Such funding

## Section 1: Responses to Manhattan Community Board 1 Comments

### South Battery Park City Resiliency Project

will continue for no less than two (2) consecutive years, beginning with the commencement of Project construction.

Additionally, BPCA has identified approximately 24,000 square feet of space that offers an opportunity for the creation of a temporary additional alternate play space for area residents and visitors. The area in question is directly across Battery Place from the Project Site, at the southern end of the Hudson River Greenway Pedestrian Promenade, south of Third Place. (See Figure 3.15.11 on page 3.15.73 of the FEIS.) Although maintained by BPCA, the referenced area is not owned by BPCA. Thus, approvals will need to be sought and secured from applicable State and City entities, and any proposed utilization of this space for the purposes outlined above are contingent upon receiving such approvals. If such approvals are granted, BPCA could expand the potential uses of the space to include the creation of a safe and inviting ground surface for play or respite, as well as play equipment and programming supplies available for use by the public. BPCA has recently conducted some preliminary outreach to community representatives to gauge their interest in pursuing this opportunity. Having received generally favorable initial feedback, BPCA will conduct further community outreach and solicit comments and suggestions, while concurrently seeking approval from the necessary agencies. If acceptable to community members and the relevant approving agencies, BPCA's objective would be to implement the improvements to the space in the spring of 2023 and to maintain improvements throughout construction of the Proposed Project.

It should be noted, that even with the mitigation measures mentioned above, the impacts to open space during construction will not be fully mitigated.

C5-3 The CB asks that the FEIS include scaled existing conditions and proposed project plans of the open spaces of the project at Wagner Park allowing for a full understanding of the alterations.

R5-3 The architectural drawings and project specifications for the SBPCR Project will be modified to include the increased lawn space in Wagner Park announced by BPCA on August 16, 2022. These documents will be made available to the public on the BPCA website.

Details of the proposed plan for Wagner Park, which will include the modification to the lawn, can be found in Section 1.3.3 (Wagner Park) of the FEIS. In addition, public presentations made to CB1, including on April 19, 2021 and March 21, 2022 provide detailed plans for the proposed design of Wagner Park. These presentations are included in Appendices A.4.3 and A.4.4, respectively.

Furthermore, scaled renderings comparing the existing conditions in Wagner Park to the proposed design can be found in Section 3.5.5.2 (Urban Design and Visual Resources – Wagner Park) of the FEIS.

## Section 1: Responses to Manhattan Community Board 1 Comments

### South Battery Park City Resiliency Project

#### PURPOSE AND NEED

C6-1 Contrary to what is stated as part of the project's purpose in the Draft Environmental Impact Statement (DEIS), the existing park and pavilion were not flooded during Superstorm Sandy—a once-in-a-century storm—and no residents within the vicinity of the SBPC were significantly compromised. The original landscape architect of the award-winning park, Laurie Olin (Hanna Olin) stated he designed the park at an elevated level, one of the highest points of Lower Manhattan and did not believe the raising of the existing park was required.

R6-1 As significant as they were, the levels of flooding experienced during Sandy are different from (and lower than) the design targets for the project. As discussed in Section 1.1 (Introduction) and Section 1.2 (Purpose and Need for the Proposed Action) of the Final Environmental Impact Statement (FEIS), the purpose of the South Battery Park City Resiliency Project (SBPCR) Project is to provide flood risk reduction within the Project Area for the current 100-year flood, which will allow the project to be certified by FEMA, thereby reducing the requirements for flood insurance for residents in the current flood plain. The Project area does not currently meet this requirement.

In order to be consistent with the targets of other Lower Manhattan Coastal Resiliency (LMCR) projects, SBPCR is also designed to be adaptable to provide flood risk reduction for a projected 100-year storm in the 2050s, inclusive of sea level rise, at such time as the North/West BPC Resiliency Project is constructed and a tie-in between the two systems is created. The design flood elevations necessary to meet these design objectives are determined by evaluating three factors that affect flood elevations – the projected height of water during a flood event, projected sea level rise, and wave action.

In determining the design flood elevation that will provide the necessary protection, the project team utilized FEMA estimates of the anticipated height of the water (not including waves) that would occur during a 100-year storm, known as the stillwater level. The stillwater elevation in the Project Area has been determined to be 11.3 feet above sea level. <sup>1</sup>

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<sup>1</sup> Flood zones are specifically identified by the Federal Emergency Management Agency (FEMA) on Flood Insurance Rate Maps (FIRMs). Properties with a federally-backed mortgage located in the 100-year floodplain are required to purchase flood insurance. Prior to Superstorm Sandy, the FIRMs were last updated in 2007. FEMA issued new preliminary FIRMs (pFIRMs) in 2013 and again in 2015. The 2015 pFIRMs showed a much larger area within the floodplain.

New York City appealed the 2015 pFIRMs on the basis that FEMA's modeling contained technical errors. In October 2016, FEMA announced that the City had won its appeal. FEMA has agreed to work with the City to revise the 2015 PFIRMs to better reflect current and future flood risk by creating two separate maps: one for flood insurance purposes, and the other for building and planning purposes. Until those new flood maps are issued, flood insurance requirements in New York City are based on the 2007 effective FIRMs, while Building Code and zoning requirements are based

## Section 1: Responses to Manhattan Community Board 1 Comments

### South Battery Park City Resiliency Project

The modeling for the project – and all other LMCR projects -- also considers sea level rise, in accordance with values established by the New York City Panel on Climate Change (NPCC), a 20-member independent advisory body consisting of leading climate change and impact scientists, academics, and private sector practitioners. In its most recent report issued in 2019 (NPCC3), NPCC used data from NOAA, the United States Army Corps of Engineers (USACE), and other leading climate scientists — as well as observed trends and its own scholarly work — to formulate various sea level rise projections for New York City. Among its findings, NPCC confirms both that the pace of sea level rise is quickening -- due in part to the acceleration of Arctic glacial melt -- and that, due to an array of factors, New York City sea level rise is outpacing the global average. In line with every other LMCR project, the SBPCR project team added the NPCC's 90<sup>th</sup> percentile future sea level rise projections to FEMA's current stillwater elevation definition when estimating the expected increase in stillwater elevation by 2050 — an increase of 30 inches.

The final primary consideration is wave impacts.<sup>2</sup> The project team used numerical wave models to determine the expected wave heights in the project area. Wave impacts in this area occur due to the study area's relative location in New York Harbor, where there is substantial "fetch," or space for waves to gain energy across open water before reaching land. After the waves break, the wave run-up on the shoreline structures and the possibility of wave "overtopping" of the flood barrier system can materially increase the projected design flood elevation.

The design of the SBPCR Project in relationship to the DFE throughout the Project Area is discussed in Section 1.3 (Project Description) of the FEIS. The DFE in Wagner Park is +19.8 feet, and the Height of Intervention (HOI) is 7.8 to 9.8 feet. To meet the projected DFEs for coastal surge, Wagner Park will be elevated 10 to 12 feet, and the buried floodwall will be constructed beneath the raised park, maximizing the amount of protected open space within the park, while maintaining views to the waterfront (see Section 1.3.3 [Wagner Park]). AECOM's Coastal Modeling Study can be found in Appendix A.4.5. A more detailed explanation of the considerations that informed such modeling can be found in Appendix A.4.11.

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on the more conservative of the 2007 FIRMs or the 2015 PFIRMs. (See NYC Department of City Planning, Flood Resilience Zoning Text, at <https://www1.nyc.gov/site/planning/zoning/districts-tools/flood-text.page>; NYC Flood Maps, Appeals, at <https://www1.nyc.gov/site/floodmaps/appeals/overview.page>. The SBPCR project has been designed accordingly.

<sup>2</sup> DFE formulation also considers a FEMA-required margin of error called "freeboard."

## Section 1: Responses to Manhattan Community Board 1 Comments

### South Battery Park City Resiliency Project

#### SHADOWS

- C7-1 The proposed new park building is 47' high, 10' higher than the existing Wagner Park pavilion (37' high). The DEIS states that the new location of the proposed building, east of the existing, would allow that "both structures cast a similar shadow pattern on the same areas of Wagner Park." The CB asks that the FEIS include the existing pavilion's shadows to allow for this comparison to be understood and confirmed.
- R7-1 Section 3.3 (Shadows) of the FEIS has been supplemented to provide a comparison of the existing Pavilion to the proposed Pavilion, including a detailed analysis of shadow durations and graphics. As stated in the DEIS, there would be no significant shadow impacts as a result of the Proposed Action.

#### TRAFFIC AND TRANSPORTATION

- C8-1 As requested by CB1, BPCA has provided a plan showing the pedestrian, bike, and car traffic flow to better understand exactly what will and will not be available to the public for the next two years. We request that the FEIS include details on how this circulation will be monitored to ensure proper circulation and safety, and how further changes will be made if needed.

- R8-1 As stated in Section 3.15.3.1 (Transportation), the Preliminary Maintenance and Protection of Traffic (MPT) plans for the SBPCR Project were submitted to NYCDOT on December 20, 2021, and were reviewed for purposes of including descriptions of the planned long-term and short-term roadway and sidewalk closures into the FEIS.

The selected Contractor will be responsible for finalizing and implementing the MPT plans and coordinating the implementation with the NYCDOT Office of Construction Mitigation and Coordination (OCMC). The Contractor will obtain work permits from NYCDOT. No deviations from the stipulations provided as part of the MPT will be permitted without written prior authorization from NYCDOT. Section 3.15.3.1 (Transportation) includes a summary of the planned roadway and sidewalk closures during construction. NYCDOT will monitor compliance with the MPT and any permits issued to the Contractor.

For the duration of construction, the Contractor will maintain communication and coordination with NYCDOT OCMC (and other agencies, as needed). Prevailing roadway and traffic conditions during construction are expected to be closely monitored and appropriate changes in the traffic stipulations made, as needed, in consultation with and upon approval by NYCDOT. Such refinements to the MPT plans would not only ensure that potential traffic and pedestrian disruptions during construction are minimized but that safety to motorists, pedestrians, bicyclists, and the public are maintained and prioritized.

Details related to pedestrian, bike, and vehicular traffic routes available during construction were presented to CB1's Battery Park City Committee on July 18, 2022. That presentation can be found in Appendix A.4.8.

## Section 1: Responses to Manhattan Community Board 1 Comments

### South Battery Park City Resiliency Project

- C8-2 CB1 has requested acknowledgment from the NY Department of Transportation, BPCA, Downtown Alliance, and New York City Transit (NYCT) that there is a plan to relocate bus stops to accommodate construction mobilization and staging as well, and a confirmation that this plan will incorporate CB1 requests as possible and incorporate community review as part of the plans. BPCA has responded that once they have received the contractor's initial proposed plan to temporarily relocate existing bus stops, the proposed plan will be provided to CB1 for input and comments before it is submitted to NYCT, NYCDOT, and the Downtown Alliance. CB1 requests that this is memorialized in the FEIS.
- R8-2 The Contractor will create the proposed plan to close and temporarily relocate existing bus stops during construction. BPCA will provide this proposed plan to CB1 for comment. The Contractor will then submit the proposed plan to NYCT and NYCDOT and seek the necessary approvals from NYCT. This process is summarized in Section 3.15.3.1 (Construction – Transportation) of the FEIS.
- C8-3 CB1 requests a revised plan with architectural drawings that we can see and share publicly that show inclusion of a bike lane along Battery Place, or a plan that shows how bike users may be effectively diverted from the Battery Bike Path to the Hudson River Greenway. This is already an issue that will only be exacerbated by construction in Wagner and has not been included in the new designs.
- R8-3 As stated in a letter to CB 1 on June 8, 2022 (see Appendix A.4.6), the new design does not change the bike path connection from The Battery to Hudson River Greenway. The Battery Bikeway will cross over Battery Place at the same location as it currently does and will connect directly to the Hudson River Greenway. The new design will, however, enhance safety by creating greater separation between pedestrian and bike traffic as the Bikeway crosses at the north end of Pier A Plaza, before connecting to the Hudson River Greenway. During construction, the existing bikeway will remain in service, however, a portion of the existing Battery Bikeway would be rerouted to maintain connectivity along the City's bikeway network in Lower Manhattan. The Battery Bikeway would be rerouted along The Battery's northern boundary from State Street to West Street. The temporary bikeway would be located to the north of the fixed wall separating The Battery from the sidewalk along Battery Place. The detour during construction is depicted in Section 3.15.3.7 (Other Technical Areas – Open Space) of the FEIS. Details related to the bike path were also presented to CB1's Battery Park City Committee on July 18, 2022, and a copy of this presentation can be found in Appendix A.4.8.

## URBAN DESIGN AND VISUAL RESOURCES

- C9-1 The community challenges the assertion that the SBPCR preserves "the character and design aesthetic of the community..., particularly views of the harbor and Statue of Liberty." The project provides no view from the urban streetscape anywhere near the new park. The existing Park entrance at street level under the existing pavilion's arch provides one of the most iconic views onto the NY harbor. This view will now be completely obliterated at street



## Section 1: Responses to Manhattan Community Board 1 Comments

### South Battery Park City Resiliency Project

level and will only be attained after a long and arduous ascent. The community strongly believes that the proposed action does not adequately minimize the adverse impacts on view from Battery Place to the Hudson River Waterfront and the Statue of Liberty. (See DEIS page 3.5-41)

- R9-1 Section 3.5.5.2 (Urban Design and Visual Resources – Wagner Park) of the FEIS acknowledges that the existing views of the harbor and the Statue of Liberty from Battery Place and the urban streetscape to the east of Battery Place will be obstructed by the elevated Wagner Park. However, the framed and unobstructed view of the Statue of Liberty has been recreated in the new Pavilion.

As discussed in Section 1.3.3 (Wagner Park) of the FEIS, the elevated Wagner Park was designed to meet the DFEs to deliver a reliable coastal flood control system to provide risk reduction to property, residents, and assets within the vicinity of South Battery Park City in response to the design storm event. To maintain pedestrian access to the elevated Wagner Park and Pavilion, Wagner Park was designed for universal access for pedestrians of all ages and abilities, which is described in Section 3.5.5.3 (Minimization of Impacts in Wagner Park) of the FEIS. The sloping allées were designed with an 8 percent slope and include plateaus and seating areas for pedestrians to stop and rest. The pathways within Wagner Park leading to the waterfront were also designed for universal access.

The design balances the many uses of Wagner Park by locating the Pavilion farther east to maximize the central lawn green space; providing lawns, gardens, event spaces, and a plaza; providing unobstructed views of the harbor and the Statue of Liberty from Wagner Park and Pavilion; and maintaining access to the waterfront esplanade along pedestrian pathways. The New York City Mayor’s Office for People with Disabilities has approved this approach for universal access that is inclusive all users.

- C9-2 Much concern has also been raised about the aesthetics and size of the new park building, which is much taller, bulky, and imposing than the existing award-winning Machado and Silvetti park pavilion. The proposed building includes a singularly unceremonious service entrance, located along Battery Place, directly centered on the entry to the site, one story above, yet adjacent to the street level entry of The Museum of Jewish Heritage.

- R9-2 As discussed in Section 1.2 (Purpose and Need for the Proposed Action) of the FEIS, the SBPCR Project was designed to provide ready adaptability to the DFE for the 2050 100-year storm, and Wagner Park would need to be elevated 10 to 12 feet to meet the DFE of +19.8 feet in Wagner Park. To accommodate the buried floodwall in Wagner Park, the existing Pavilion would be replaced with a new Pavilion constructed on the raised park. While raising the park is a necessity, the scale of the new Pavilion would be softened by design elements (i.e., landscaping and stone cladding). The location of the new Pavilion would be similar to the existing structure, but with a slightly smaller footprint and elevated approximately 11 to 12 feet above ground level and set back closer to Battery Place. A description of the new Pavilion is provided in Section 1.3.3 (Wagner Park). There would be added functionality to the new Pavilion compared to the existing Pavilion. The ground level

## Section 1: Responses to Manhattan Community Board 1 Comments

### South Battery Park City Resiliency Project

would include maintenance, programming, and storage space for the BPCA Parks Department and a kitchen to support the restaurant operating at the first level. The first level would include public bathrooms, a new community/educational center, and a restaurant with both indoor and outdoor seating. The second level would feature a green roof and provide additional public open space, while also accommodating the storage of mechanical equipment.

As stated in the June 29, 2022, letter to the Battery Park City Neighborhood (see Appendix A.4.7), in response to comments made by CB1 about the Pavilion's design along Battery Place and the service entrance, BPCA shifted the point of intersection of the arched allées further southeast to divide the service entrance doors, with one door located on each side. This eliminates the appearance of a singular wall crowded with doors. The dark stone cladding was eliminated, and the material was changed to a warm red concrete, consistent with the rest of the Pavilion, to soften the perceived coldness of the façade. The design of the guardrail was revised to be consistent with the character of other picket guardrails currently in use and proposed for Pier A Plaza and Wagner Park. The guardrail material will be high-quality, durable stainless steel that is in keeping with the high level of finish of the surrounding community and is appropriate to the marine environment.

- C9-3 The design assumes that all visitors coming to Wagner Park will be able to ascend approximately 150ft long ramps, which is neither reasonable nor equitable. For example, elderly with walkers or those with mobility issues who are not in wheelchairs would have great difficulty to ascend, particularly in inclement weather.

There is no access for people with disabilities to the elevator from street level to visit the park. The community was advised that design purposely discourages elevator use to avoid the costs associated with elevator security and maintenance. The community continues to believe this is a woefully inadequate reason to deny full accessibility.

- R9-3 Concerns related to Wagner Park design and accessibility are addressed in Response R5-1.

# South Battery Park City Resiliency Project

## Section 2: Responses to Public Comments

### List of Commenters

Name	Date Comment Received		Comment/Response Number
Abruzzo, Gianna	6/7/2022	Email	C5-4, C6-3, C2-1
Abruzzo, Gianna	5/17/2022	Email	C5-4
Agarwal, Reena	6/13/2022	Email	C1-5, C6-11
Ames, Mark	6/10/2022	Email	C1-2, C1-3, C5-1, C5-2, C8-4
Ajami Sasson, Gabi	6/3/2022	Email	C6-11, C8-4
Ajami, Gabrielle	5/19/2022	Oral Comment	C1-5, C8-4
Bakallbashi, Eni	6/2/2022	Email	C5-1
Barsotti, Elisa	6/10/2022	Email	C1-3, C5-1, C5-2, C8-4
Bartelme, Nicole	5/31/2022	Email	C6-3
Basilio, Anthony	6/6/2022	Email	C5-2, C6-1
Bega, Aferdita	5/24/2022	Email	C1-1, C1-4, C6-1, C8-2, C8-3
Bega, Klejda	5/19/2022	Email	C6-12, C8-1
Bernet, Mary Fisher	6/6/2022	Email	C6-7
Blank, Alice	5/19/2022	Oral Comment	C1-1, C1-6
Blank, Jessica	6/9/2022	Email	C6-1, C5-1
Blech, Mashi	5/19/2022	Oral Comment	C8-4
Buivid, Nancy	6/8/2022	Email	C6-7
Burlakov, Yuri	5/19/2022	Email	C6-1, C8-2
Buxbaum, Elyse	5/19/2022	Oral Comment	C1-5, C8-4, C6-11
Chapman, Wendy	5/19/2022	Oral Comment	C1-4
Chesney-Manz, Alanna, DVM	6/10/2022	Email	C6-1, C6-4, C5-3
Clark, Joanne	6/10/2022	Email	C1-3, C5-1, C5-2,
Cohen, Amy	6/10/2022	Email	C1-2, C1-3, C5-1, C5-2
Cohen, Korin	6/10/2022	Email	C1-3, C8-2, C5-2, C8-2

Name	Date Comment Received		Comment/Response Number
Cleary, Amber	6/3/2022	Email	C1-1, C6-1
Cuccia, Justine	6/9/2022	Email	C1-1, C2-1, C6-8
Daly, Emma	6/7/2022	Email	C8-2, C5-1, C8-4
Davis, Sandy	6/2/2022	Email	C1-1, C5-1
DeAngelo, Margo	6/11/2022	Email	C1-4, C2-2, C5-1, C5-2, C6-1
Dellaportas, John	5/31/2022	Email	C8-3
De la Cerda, Clara	6/10/2022	Email	C1-2, C6-1
De Martin, Monica	6/10/2022	Email	C1-2, C1-3, C5-1, C5-2, C8-4
Denis	6/13/2022	Email	C8-2, C6-6
Dhanani, Zeshan	6/7/2022	Email	C1-2, C1-4, C8-2, C5-2
Dimmick, Christine	6/2/2022	Email	C6-7, C8-2
Erez, Britni	5/19/2022	Oral Comment	C1-1, C1-4
Fariello, Vittoria	6/10/2022	Email	C1-2, C8-3, C5-1
Fisher, John	6/12/2022	Email	C5-1
Galati, Christopher	6/10/2022	Email	C1-1, C5-2
Gluck, Dan	6/7/2022	Email	C1-1, C5-1
Goldman, Jacky	6/1/2022	Email	C1-2, C5-1 C6-1, C8-4
Hall, Crystal	6/10/2022	Email	C8-2, C6-2, C6-4, C9-1
Heilweil, Martin	6/10/2022	Email	C1-2
Horan, Michael	6/10/2022	Email	C1-3, C5-1, C5-2
Hossain, Zafrin	6/7/2022	Email	C6-4
Hutchinson, Elijah	5/19/2022	Oral Comment	C8-4
Ireland, Barbara	6/10/2022	Email	C3-1, C6-5, C6-8, C6-9
Joyce, Brendan	6/11/2022	Email	C1-2, C1-3, C5-1, C5-2, C8-4
Joyce-Schleimer, Jared	6/10/2022	Email	C5-1
Juneja, Kevin	6/10/2022	Email	C1-3, C1-4, C8-4
Krutovsky, Alisa	6/1/2022	Email	C5-2, C5-3, C8-4
Larroque, Christopher	6/10/2022	Email	C1-3, C1-2, C5-1, C5-2, C8-4

Name	Date Comment Received		Comment/Response Number
Law, Victor	6/10/2022	Email	C1-2, C1-3, C5-1, C5-2, C8-4
Lee, Sherry	6/10/2022	Email	C8-2, C6-6, C5-2
Lipsky, Dorothy	6/2/2022	Voicemail	C5-3
Little, Edna	6/12/2022	Email	C1-3, C5-1, C5-2, C8-4
Mak, Adrian	6/6/2022	Email	C8-2, C6-1, C6-4
Makarovskaya, Amaliya	6/6/2022	Email	C1-1, C6-1, C6-4
Marsili, Daniel	6/9/2022	Email	C1-1, C5-1
Marte, Christopher	5/19/2022	Oral Comment	C1-2, C1-4
Martin, Mary-Margaret	6/9/2022	Email	C1-2, C6-1, C5-1, C5-2, C8-4
Matchett, Chris	6/7/2022	Email	C6-1, C6-4
Mayo, Erin	6/12/2022	Email	C1-3, C5-1, C5-2, C8-4
McGrath, James	6/9/2022	Email	C6-6
Mehta, Preeti	6/2/2022	Email	C1-2, C5-1, C6-1, C6-3
Merchant, Kiran	6/10/2022	Email	C1-2, C1-3, C5-1, C5-2, C8-4
Myburgh, Sandra	6/9/2022	Email	C1-2, C1-4, C5-1, C6-1, C6-3, C8-4
New York State Assemblymember Yuh- Line Niou	6/6/2022	Letter/Email	C1-1, C1-2, C6-4, C7-1
Nsubramani (no name)	6/9/2022	Email	C6-6
Patil, Bhanu	6/11/2022	Email	C1-2, C1-3, C5-1, C5-2, C8-4
Pennebaker, Stacy	5/19/2022	Oral Comment	N/A
Peronti, Maryann	6/12/2022	Email	C1-2, C1-3, C5-1, C5-2, C8-4
Raikes, Victoria	6/10/2022	Email	C8-2, C6-1, C5-1, C5-2
Regelson, Esther	6/3/2022	Email	C4-1
Ring, Susanne	6/9/2022	Email	C1-2, C6-1, C5-1, C6-3, C8-4
Robinson, Brian	5/19/2022	Oral Comment	C5-2
Rodriguez, Oswaldo	6/10/2022	Email	C5-1, C5-2
Sampath, Madan	6/10/2022	Email	C1-2, C1-3, C5-1, C5-2, C8-4

Name	Date Comment Received		Comment/Response Number
Saxena, Darby	6/10/2022	Email	C1-1, C1-2, C1-3, C5-1, C8-4
Shah, Bejal	5/19/2022	Oral Comment	C1-2, C8-2, C5-1, C8-4
Shahrودي, Julie	6/10/2022	Email	C8-2, C5-2
Sheindlin, Greg	6/9/2022	Email	C1-3, C5-4
Simpson, Mary	6/6/2022	Email	C6-8
Simpson, Tom	6/10/2022	Email	C6-7
Spasov, Sabrina	6/9/2022	Email	C1-2, C5-1, C6-1, C8-4
Stanton, Lauren	6/11/2022	Email	C1-2, C1-3, C5-1, C5-2, C8-4
Stein, Stephanie	6/11/2022	Email	C1-2, C1-3, C5-1, C5-2, C8-4
Stone, Atoussa	6/12/2022	Email	C1-2, C1-3, C1-4, C5-1, C5-2, C8-4
Tejada, Edgar	6/12/022	Email	C6-1
Rebecca Thomas and Andy Jaquith	6/10/2022	Email	C1-2, C6-1, C5-1, C8-4
Thompson, Bianca	6/10/2022	Email	C1-2, C1-3, C5-1, C5-2, C8-4
Thompson, Jake	6/10/2022	Email	C1-2, C1-3, C5-1, C5-2, C8-4
Thompson, Jim	6/9/2022	Email	C1-4, C8-2
Thompson, Rita	6/10/2022	Email	C5-1, C8-4
Turkel, Allison	6/6/2022	Email	C1-1, C6-4, C5-2
Vega, Ms.	5/19/2022	Oral Comment	C8-1, C6-12
Williamson, Mary	6/9/2022	Email	C5-1
Willis, Carol A.	5/23/2022	Email	C6-11
Yang, Philip	6/10/2022	Email	C1-2, C5-1, C8-4
Yang, Tom	6/10/2022	Email	C8-3, C5-2
Yuen, Lim	6/10/2022	Email	C1-3, C5-1, C5-2, C8-4
Yun, Sara	6/10/2022	Email	C1-2, C1-3, C5-1, C5-2, C8-4

# South Battery Park City Resiliency Project

## Section 2: Responses to Public Comments

### COMMUNITY ENGAGEMENT

C1-1 Commenters raised concerns that community feedback was not incorporated into the final design.

R1-1 As stated in a letter to the Battery Park City Neighborhood Association on June 29, 2022 (see Appendix A.4.7), BPCA has endeavored to meet the highest standards for transparency over the course of the SBPCR Project in reporting on the development of the designs and reflecting to the public the feedback received. With regards to government partners alone, BPCA has involved the New York City Mayor's Offices of Climate and Environmental Justice and People with Disabilities, New York City Department of Transportation (NYCDOT), New York City Small Business Services (NYCSBS), New York City Department of Education (NYCDOE), New York City Department of Environmental Protection (NYCDEP), FDNY, NYPD, New York City Economic Development Corporation (NYCEDC), the Public Design Commission, New York State Department Environmental Conservation (NYSDEC), New York State Department of Transportation (NYSDOT), State Historic Preservation Office (SHPO), United States Army Corps of Engineers (USACE), and others. Illustrative of the BPCA's engagement with stakeholders adjacent to the Project Area and most directly impacted by the SBPCR Project, the BPCA has engaged in focused dialogue with leadership of the Museum of Jewish Heritage regarding the Museum's design, architectural, and operational needs and concerns, and has also engaged with PS/IS276 on matters of park use and construction impacts, given the schools' proximity to Wagner Park and their regular use of the public space. Particularly regarding communication with CB1, dialogue was oftentimes informal, ongoing and iterative, with CB1 leadership discussing and brainstorming with the BPCA and its design team how best to address community concerns and incorporate, where possible, input provided in public sessions and via other means.

In response to concerns raised by the community and elected officials after the publication of the DEIS, in August 2022, BPCA announced that it would make changes to the design of the new Wagner Park to increase the lawn space by an additional 12,800 sf and totaling 30,050 sf of lawn area in Wagner Park. The existing lawn space in Wagner Park is 33,750 sf, so the new Wagner Park design provides a comparable amount of lawn space compared to the existing park. This revision represents a 74 percent increase in lawn space compared to the design presented in the DEIS. The additional lawn space was achieved by reducing a portion of the space allocated to gardens, as well as 6,922 sf of hardscape, while preserving universal accessibility. BPCA has also added ten more trees to within Wagner Park, for a total net increase of 126 trees.

The press release for this announcement can be found in Appendix A.4.10.

BPCA has also provided an additional list of examples in which community feedback was incorporated into the final design, including:

- The Pavilion street side design and Pavilion service entrance;

## Section 2: Responses to Public Comments

### South Battery Park City Resiliency Project

- Pier A Plaza;
- Maximizing sustainability in the Pavilion;
- Shade in the Amphitheatre;
- Alternatives to storage of soil and compost;
- Access at Pier A Inlet;
- Providing scaled drawings of the SBPCR Project;
- Material and plant salvage; and
- Picnic terraces.

Please see Appendix A.4.7 for descriptions of each of these examples.

C1-2 Commenters indicated that the Project should prioritize the community's needs in all aspects of the project design.

R1-2 As discussed in Section 1.2 (Purpose and Need for the Proposed Action) of the FEIS, the SBPCR Project was designed to balance multiple community needs, including flood risk reduction and the preservation to the maximum extent practicable of open space resources and opportunities to view and interact with the Manhattan waterfront.

The SBPCR Project is designed to provide flood risk reduction within the Project Area for the current 100-year flood, inclusive of increased intensity and frequency of rainfall, coastal surge, and predicted sea level rise. As part of the LMCR Master Plan, the SBPCR Project is also being designed with adaptability for the 2050 100-year storm event at such time as the North/West BPC Resiliency Project is completed and a tie-in between the two projects is created.

Regarding the preservation of open space resources, the SBPCR Project has been designed to conform to Universal Access design principals, which allows the park spaces in the Project Area, including Wagner Park and The Battery, to be usable by all regardless of their abilities and without the need for adaptation or specialized accommodations. The design of Wagner Park balances the many uses of Wagner Park by locating the Pavilion farther east to maximize the central lawn green space; providing lawns, gardens, event spaces, and a plaza; providing unobstructed views of the harbor and the Statue of Liberty from Wagner Park and Pavilion; and maintaining access to the waterfront esplanade along pedestrian pathways. The New York City Mayor's Office for People with Disabilities has approved this approach for universal access that is inclusive all users. In addition, the design of The Battery maintains the existing passive and active uses of the park, including preserving the Battery Bikeway connections.

In response to concerns raised by the community and elected officials after the publication of the DEIS, in August 2022, BPCA announced that it would make changes to the design of the new Wagner Park to increase the lawn space by an additional 12,800 sf and totaling 30,050 sf of lawn area in Wagner Park. The existing lawn space in Wagner Park is 33,750 sf, so the new Wagner Park design provides a comparable amount of lawn space compared to



## Section 2: Responses to Public Comments

### South Battery Park City Resiliency Project

the existing park. This revision represents a 74 percent increase in lawn space compared to the design presented in the DEIS. The additional lawn space was achieved by reducing a portion of the space allocated to gardens, as well as 6,922 sf of hardscape, while preserving universal accessibility. BPCA has also added ten more trees to within Wagner Park, for a total net increase of 126 trees.

The August 10, 2022 Frequently Asked Questions document provided by the BPCA (see Appendix A.4.9), provides a link to the Universal Design New York standards that were used for the design of the SBPCR Project.

- C1-3 Commenters indicated that the project renderings are inconsistent with one another and don't provide opportunity for meaningful understanding and opinion by the public.
- R1-3 The DEIS provides accurate and consistent renderings from street level, birds-eye, and aerial viewpoints. These renderings are consistent with the animated videos walking through the Project Area provided by BPCA and linked in the August 10, 2022 frequently asked questions (see Appendix A.4.9).
- The FEIS includes updated renderings that reflect the design changes to Wagner Park that will increase the lawn space by 12,800 square feet and add additional trees. Additionally, BPCA will post updated renderings and videos to their website.
- C1-4 Commenters indicated that public meetings were poorly advertised, and the project team lacked communication.
- R1-4 BPCA engaged with the public and CB 1 continuously throughout the project. In total, the BPCA has held 18 meetings from 2016 to 2022 that have included Community Board meetings, public meetings, and workshops. A list of these meetings and links to the associated materials are included on the BPCA website. Meeting notifications were posted to the BPCA website, communicated to the CB1, and advertised in local papers. Refer to the June 29, 2022 letter from BPCA to the Battery Park City Neighborhood Association (a copy of which is in Appendix A.4.7) for a further discussion of the public engagement efforts conducted by the BPCA over the course of the SBPCR Project.
- C1-5 Commenters acknowledged outreach opportunities were provided during the planning process.
- R1-5 Comment noted. Refer to the June 29, 2022 letter from BPCA to the Battery Park City Neighborhood Association in Appendix A.4.7 summarizing the public engagement efforts conducted by the BPCA over the course of the SBPCR Project.
- C1-6 Commenter requested the DEIS comment period be extended past June 3<sup>rd</sup> to allow people more time to review the document.
- R1-6 BPCA extended the DEIS comment period to June 10, 2022.

## Section 2: Responses to Public Comments

### South Battery Park City Resiliency Project

#### CONSTRUCTION

- C2-1 Commentor asked that soil samples are taken prior to any construction work and that the air is continuously monitored for particulate contamination.
- R2-1 Refer to Response 3-1 in Section 1 for a discussion of the soil sampling conducted and planned air monitoring during construction.
- C2-2 Commentor asked if noise and air abatement had been considered, considering the proximity of the school.
- R2-2 Refer to C3-1 in Section 1: Responses to Manhattan Community Board 1 Comments for a discussion of the soil sampling conducted and planned air monitoring during construction.
- With the proximity of residences and schools near the proposed construction at 1st Place, no traditional pile drivers will be used in this area. Instead, the contractor will use alternative means and measures such as drilled piles or press-in pile drivers, e.g. Giken. As a result, noise levels will be 30-40 decibels quieter compared to the use of traditional impact pile drivers (50 dBA for press in pile drivers compared to 95 dBA for traditional pile drivers). For a detailed description of noise mitigation measures that will be implemented during construction across the SBPCR Project Area, see Section 3.15.3.3 of the FEIS.

#### DRAINAGE

- C3-1 Commenter would like to see the water holding tanks or plans to show the underlying drainage systems.
- R3-1 The SBPCR design incorporates sustainable measures for stormwater management. Stormwater from planters and hardscape would be routed to an infiltration gallery located underneath the Esplanade, to reduce the point source discharge of stormwater to the Hudson River. The layout reduces risk of coastal flood hazards while enhancing waterfront access and providing a newly continuous waterfront walkway experience that improves Battery Park City's connection to the Pier A Plaza and The Battery. On the "dry" side of the flood alignment, a reuse cistern would capture stormwater generated during rain events. Reuse measures include site washdown, drip irrigation, and pavilion flush fixtures. Water captured by the cistern would be treated via a proprietary treatment system and distributed throughout the Park. Figure 1.3-12 in Section 1.3 of the FEIS depicts the cistern and other sustainable features of the proposed Pavilion.
- For a description and graphics of the drainage improvements that will be implemented as part of the SBPCR Project, see Section 3.8 Water and Sewer Infrastructure of the FEIS.

## Section 2: Responses to Public Comments

### South Battery Park City Resiliency Project

#### NATURAL RESOURCES

- C4-1 The design of Wagner Park needs to include habitat for wildlife, in particular ducks, geese, and shorebirds including migratory waterfowl protected under the Migratory Bird Act.
- R4-1 The project will improve the habitat for wildlife within Wagner Park by providing a variety of plantings within the ornamental gardens and 126 net additional trees. In addition, the living shoreline would convert a rip-rap slope devoid of vegetation into an area with vegetation, including intertidal and supra tidal habitat. These habitats are not present in southern Manhattan and they could provide additional resting and feeding habitat for shorebirds and other migratory birds.

#### OPEN SPACE

- C5-1 Commenters indicated that open space must maximize active green spaces and preserve old growth trees and playgrounds.
- R5-1 The open green spaces in Wagner Park and The Battery are passive open spaces as defined by the City Environmental Quality Review Technical Manual. A passive open space is used for relaxation, such as sitting or strolling. These passive open spaces, primarily in the Wagner Park lawn, have been preserved to the greatest extent possible. In response to community concerns, BPCA has increased the size of the lawn from that presented in the DEIS by 74% to 30,050 square feet and has included an additional 10 trees.
- There are no public playgrounds in the Project Area, so the SBPCR Project will have no impact on playgrounds.
- Response 6-7 below discusses the BPCA's efforts to salvage and reuse plants in the Project Area. To enable implementation of the SBPCR Project, some trees must be removed and will be replaced in-kind. Others will be transplanted to new locations. The SBPCR Project team has evaluated opportunities to transplant trees and will preserve existing trees in coordination with BPCA's horticulture team, as well as the Battery Conservancy. Overall, there will be a net increase of 126 trees in the Project Area.
- C5-2 Commenters did not support the closure of Wagner Park for two years and indicated the closure would result in a significant deterioration in the quality of life.
- R5-2 BPCA acknowledges that there will be a temporary significant adverse impact on open space during construction. To continue to provide public programs and events which have traditionally taken place at Wagner Park, BPCA would temporarily relocate all the programs and events from Wagner Park to other parks and open spaces within Battery Park City for the duration of the SBPCR Project's construction, as discussed in Section 3.15.3.7 – Open Space of the FEIS. However, even with this replacement programming, the impacts to open space during construction would not be fully mitigated. BPCA will continue to consider

## Section 2: Responses to Public Comments

### South Battery Park City Resiliency Project

potential options to mitigate these temporary significant adverse impacts during construction.

Refer to Response 5-2 in Section 1 for a discussion of the parking mitigation measures during construction.

- C5-3 Commenters requested the Wagner Park closure date to be moved to October.
- R5-3 Construction of the SBPCR Project will commence in October 2022, and the construction duration will remain two years. The FEIS has been updated to reflect this revised construction schedule.
- C5-4 Commenters asked how much flat, unobstructed green lawn space will be available for public leisure, and the total open lawn space in Wagner Park with and without the new design.
- R5-4 The existing lawn space in Wagner Park is 33,750 square feet, and the Wagner Park design presented in the DEIS reduced the lawn space to 17,250 square feet to accommodate pathways throughout Wagner Park. In response to community feedback to increase the amount of lawn space in the Wagner Park design, the BPCA increased the Wagner Park lawn area to 30,050 square feet, an increase of 74 percent, or an additional 12,800 square feet, compared to the design presented in the DEIS. The new design removes 6,922 square feet of hardscape in Wagner Park. This new design will increase the amount of lawn space in Wagner Park available to all park users.

## PROJECT DESIGN

- C6-1 Commenters indicated that the design should prioritize organic and natural elements with focus less on concrete.
- R6-1 As noted in Response 5-4 above, BPCA has revised the design of the park to increase the lawn size and remove 6,922 square feet of hardscape in Wagner Park, while maintaining universal accessibility. In addition, ten additional trees will be planted in Wagner Park, which is a change in net increase from 116 to 126 trees planted in the Project Area.
- This new design will meet the following design objectives to emphasize natural elements in Wagner Park:
- Simplify access to the lawn with gentle topography;
  - Strengthen relationship between the lawn and northern gardens; and
  - Increase diversity of lawn experiences through tree planting, gentle topography, and integrated garden beds.
- C6-2 Commenters indicated the project design should include a better scaled (smaller) and true “Pavilion” in the park rather than an imposing structure.
- R6-2 Refer to Response 9-2 in Section 1 for a discussion of the new Pavilion design.

**Section 2: Responses to Public Comments**  
South Battery Park City Resiliency Project

- C6-3 Commenters asked if the design could incorporate additional trees.
- R6-3 As noted above, the recent redesign includes an additional 10 trees, resulting in a net increase of 126 trees in the Project Area, including around the Museum of Jewish Heritage, on 1<sup>st</sup> Place, Wagner Park, Pier A Plaza, and The Battery.
- C6-4 Commenters indicated the project design lacks green space and lowers the amount of usable green space for families and residents in the community.
- R6-4 Refer to Response 5-4 above for a description of recent design changes and a comparison of the existing lawn space in Wagner Park compared to the newly-proposed lawn space in Wagner Park.
- C6-5 Commenter indicated the Wagner Park ramps will be difficult for the disabled, elderly and those in a wheelchair.
- R6-5 Concerns related to the Wagner Park design and accessibility are addressed in Section 1, Response R5-1.
- C6-6 Commenters request that Wagner Park not be demolished.
- R6-6 As discussed in Section 1.1 Introduction of the FEIS, BPCA has proactively guided the process for the design of the SBPCR Project, which, due to the need to elevate the topography of Wagner Park, has necessitated a significant redesign of the Park. The redesign of Wagner Park has retained as many aspects as possible of the original design intent and site organization for the Park. To this end, BPCA found that four of the original eight principles from the 1979 Master Plan remain relevant to the redesign of the Park, as well as certain additional portions of the Project Area and that they are pertinent to an understanding of BPCA's approach to the SBPCR Project design:
- Principle 1: Battery Park City should not be a self-contained new-town-in town, but a part of Lower Manhattan;
  - Principle 2: The layout and orientation of Battery Park City should be an extension of Lower Manhattan's system streets and blocks;
  - Principle 3: Battery Park City should offer an active and varied set of waterfront amenities; and
  - Principle 5: Circulation should reemphasize the ground level.
- C6-7 Commenters indicated the project design doesn't reuse materials, trees, or plantings from existing gardens.
- R6-7 As stated in Section 1.3.3 (Wagner Park) of the FEIS, the SBPCR Project's design calls for assessing all materials including existing site stone, wood, trench drains, trees, shrubs, and plants for salvage. A select amount of materials has been targeted to be reused within the

## Section 2: Responses to Public Comments

### South Battery Park City Resiliency Project

SBPCR Project site. The remaining materials would be recycled or reused offsite where possible.

In a letter to the Battery Park City Neighborhood Association on June 29, 2022 (see Appendix A.4.7), the BPCA stated that material and plant salvage is being maximized across the whole of the project site. The February 2021 update to CB1 identified what building and landscape materials are being reused in the new design (and not just salvaged) and explained that the SBPCR Project team is working closely with BPCA's horticulture team, as well as the Battery Conservancy, to salvage and reuse as many plants as possible—both within the Project Area and in neighboring park areas. BPCA also will be working more broadly with the State's and City's Parks Departments to salvage and reuse plants. These efforts are consistent with the Battery Park City Sustainability Plan.

- C6-8 Commenters asked for clarification on the pavilion floorplan and the location of the bathroom.
- R6-8 The men's and women's restrooms will be located on the park level. This level of the Pavilion is accessible to the public at the apex of the allées. The restrooms will be located on the eastern side of the Pavilion facing Battery Place. The pavilion floorplan for the park level has been included in the FEIS, see Section 1.3.3.3, Figure 1.3-6.
- C6-9 Commenter questioned the need for community space to be incorporated into the pavilion design, indicating community space is not frequently used and other spaces are available at 6 River Terrace, Asphalt Green, Stuyvesant and 200 Rector. Additional community space was not needed.
- R6-9 The new Pavilion was designed to balance the many uses of Wagner Park and the uses of the existing Pavilion. The existing Pavilion and Wagner Park are used for many programs and events throughout the year, which can be found in Section 3.15.3.7 (Other Technical Areas – Open Space) of the FEIS. In addition, the new Pavilion's community room creates new opportunities for BPCA to provide programs and events for the public. The new community room will also be used as an environmental education center. The new Pavilion's footprint is comparable to the existing Pavilion's footprint. No significant amount of green space was sacrificed to accommodate the new Pavilion's programmed areas, which include a restaurant that replaces the restaurant in the existing Pavilion, public restrooms, a community room, and maintenance and storage space required by BPCA Parks Operations. As shown in the April 19, 2021 CB1 update meeting (see Appendix A.4.3), the community space is on the park level, which is the same level as the restaurant and public restrooms. The community room is approximately 1,248 square feet.
- C6-10 Commenter noted that the Battery Place sidewalk is narrow and a pinch point.
- R6-10 The existing sidewalk on Battery Place at the north and south entrances to Wagner Park narrow to pinch points making it difficult for all pedestrians of any abilities to access the sidewalk. In response, the SBPCR Project will widen and repave this sidewalk from a width of 6 to 11 feet wide, providing universal access to pedestrians along Battery Place. Refer to

## Section 2: Responses to Public Comments

### South Battery Park City Resiliency Project

Section 3.5.5.3 (Minimization of Impacts in Wagner Park) of the FEIS for more information and renderings of proposed widened and repaved sidewalks.

C6-11 Several commenters indicated their support for the project.

R6-11 Comment noted.

C6-12 During Hurricane Sandy, the sea wall was breached near Chelsea turning the West Side Highway into a river. Fixing one part will not help if you have a breach elsewhere.

R6-12 The impacts of Superstorm Sandy were felt across the entirety of New York City resulting in more than 50 lives lost in New York and an estimated \$19 billion in damages and lost economic activity in New York City. Because of Lower Manhattan's highly vulnerable location and its outsized economic impact on New York City as a whole, the LMCR Project was initiated by the NYC Mayor's Office of Climate and Environmental Justice to reduce flood risk due to coastal storms and sea level rise in Lower Manhattan. The SBPCR Project is an integral part of the LMCR Project. The SBPCR Project's goal is to reduce risk from increasingly severe and more frequent storms, specifically a 100-year storm event, impacting the southernmost portion of Battery Park City. While the SBPCR Project will provide immediate risk reduction for a 100-year storm, it will also provide the ability to protect against the 2050 100-year storm event once the North/West Battery Park City Resiliency Project is constructed and a tie-in between the two projects is created.

While the SBPCR Project and LMCR Project are focused on the unique vulnerabilities in Lower Manhattan, the New York City Department of City Planning (NYCDCP) has worked with many neighborhoods impacted by Superstorm Sandy throughout New York City. NYCDCP created the Resilient Neighborhoods Initiative and has been working with the community in West Chelsea to identify a set of tools that address resiliency challenges specific to the neighborhood's built fabric and land uses. The resulting study focuses on a targeted review of zoning and retrofitting regulations and provides guidelines for adapting buildings and promoting an engaging, resilient streetscape.

## PROJECT FUNDING

C7-1 Commenter is concerned that BPCA did not apply for Federal Funding and instead financed the project entirely on bonds backed by ground rent increases.

R7-1 The SBPCR Project will not be funded by increases to the ground rents paid by residents of Battery Park City (BPC), and the Project will not result in any increases to residents and property owners' ground rent payments. Pursuant to its enabling legislation, BPCA has the ability to issue debt to fund its capital needs and expects to issue bonds to cover the cost of the project. BPCA's operating costs and debt service payments are funded out of its ground rent revenues and "payments in lieu of taxes" (the equivalent of New York City real estate taxes) that are collected by BPCA on the City's behalf. All revenues not used for BPCA operations and debt service are transferred on an annual basis to the City of New York. The

## **Section 2: Responses to Public Comments**

### **South Battery Park City Resiliency Project**

projected debt service for the project will not result in any increase in residents' ground rents. Notably, the City of New York (Comptroller and, through the Office of Management and Budget, the Mayor's Office), has approval rights over BPCA's capital plan and has provided approval for the financing of \$221 million for the project. It is also worth noting that, given that both a sufficient existing revenue stream and an existing finance structure exist to pay for the project, it would not be positioned to successfully compete for federal funding against projects for which funding alternatives are unavailable. Pursuing the project using the Authority's financing capabilities enables the work to move forward expeditiously, at no additional cost to residents and property owners of Battery Park City.

### **PURPOSE AND NEED**

- C8-1 Commenters asked if the cost of potential storm damage would be more than the cost to construct the project.
- R8-1 The current estimated cost of the project is at least \$221 million. The benefits of and the need for the project, both as an independent undertaking, and as part of the larger Lower Manhattan Coastal Resilience Project, are not entirely calculable but are broadly viewed as essential to the well-being and preservation of Lower Manhattan.
- C8-2 Commenters questioned if the project's purpose was to expand dining and event venues rather than address resiliency.
- R8-2 The purpose of the Project is not to expand dining and event venues, a point that has been clearly articulated since the inception of the Project design. The proposed Wagner Park was designed to be inclusive of many types of uses, many of which can be found in the existing Wagner Park design. The existing Pavilion in Wagner Park contains a restaurant, and the proposed design of the Pavilion will maintain that use.
- C8-3 Comments asked what the purpose of protecting Wagner Park when it was not flooded during Superstorm Sandy.
- R8-3 Refer to Response 1-1 in Section 1 for a discussion of the purpose of the SBPCR Project and its connection to the LMCR Master Plan.
- C8-4 Commenters voiced support for resiliency projects and believe action is needed to protect all of lower Manhattan from severe flooding.
- R8-4 Comment noted.

### **URBAN DESIGN**

- C9-1 Commenters responded that views of the harbor would be blocked by buildings and overplanting of tall trees from the SBPCR Project.



**Section 2: Responses to Public Comments**  
South Battery Park City Resiliency Project

R9-1 Refer to Community Board Response to C9-1 in Section 1 for a discussion of the urban design and views of the harbor.

# **South Battery Park City Resiliency Project**

## **Section 3: Responses to Agency Comments**

### **NYC Department of Environmental Protection (DEP)**

**MAY 6, 2022 LETTER**

#### **GENERAL**

C1-1 Please correct the page number for the construction air quality chapter in the table of contents (TOC). It is listed as being found on page 3.15-19, but it begins on page 3.15-20. However, the TOC links to the correct page.

R1-1 The TOC has been updated to reflect the correct page number.

C1-2 Please correct the page number for the construction noise section in the table of contents (TOC). It is listed as being found on page 3.15-30, but when it begins on page 3.15-31. However, the TOC links to the correct page.

R1-2 The TOC has been updated to reflect the correct page number.

#### **AIR QUALITY**

C2-1 Please perform the HVAC screening for the new enclosed Wagner Park Pavilion and provide backup materials. They should include the CEQR Technical Manual HVAC screening figure and a figure showing the closest building of similar or greater height relative to the new pavilion.

R2-1 HVAC screening has been conducted and is summarized in Section 3.12.3.2 of the FEIS. Backup was provided to the NYCDEP on June 14, 2022.

#### **NOISE**

C3-1 Please provide electronic noise measurement data log, calibrator and noise equipment calibration certificates, field notes, spot traffic data counts and all other back-up files for the five monitored sites. Also, please provide photographs of monitoring equipment set up at the sites.

R3-1 A complete package of support documentation was provided to NYCDEP on June 14, 2022 and is included in Appendix F.

C3-2 Pages 3.14-1 and 3.15-40 state that noise measurements were conducted for one-hour. However, noise level measurement durations listed in Table 3.15-14 range from 20 to 30 minutes. Please clarify this discrepancy.

R3-2 The text 'peak-hour noise levels' is generally referring to the noise that occurs during the peak periods of the day. As stated in Table 3.15-14, noise measurements were conducted for 20 to 30 minutes depending on the consistency of the local traffic and ambient

**Section 3: Responses to Agency Comments**  
**NYC Department of Environmental Protection (DEP)**  
South Battery Park City Resiliency Project

conditions. The measured noise levels were steady and consistent during the monitoring period, so they are assumed to reflect the one-hour or 60-minute period.

- C3-3 Please state the date when the baseline noise measurements were conducted within the noise chapter.
- R3-3 The exact dates when the baseline noise measurements were conducted is stated in Table 3.15-14 in Section 3.15.3.3 of the FEIS. The text in Section 3.15.3.3 has also been updated to clarify this.
- C3-4 Figure 3.14-1 does not depict the correct measurement location for Receptor 1. It should be located in the middle of the southern façade as detailed within the Response to NYCDEP comments on Air/Noise Construction Protocol document, dated 3/3/2021.
- R3-4 The measurements were conducted along the southern façade as indicated previously. The measurement was conducted closer to the corner of the southern façade rather than the middle. Due to the very low traffic observed during the monitoring period, this is an ambient site so the noise exposure along the southern façade is expected to be the same.

### **CONSTRUCTION (GENERAL)**

- C4-1 The list of equipment provided in Table 3.15-1 is different from the equipment analyzed for construction-related air quality and noise impacts. Please clarify this discrepancy and remove any equipment not needed to construct the project from Table 3.15-1.
- R4-1 Table 3.15-1 lists all the equipment included in the noise analysis. The table has been updated to remove any equipment not needed to construct the project.
- C4-2 It is stated on page 3.15-3 that the construction is completed by July 2024. However, Figure 3.15-1 shows the construction ends by May 2024. Please clarify this discrepancy.
- R4-2 The figure and text have been updated to reflect the current estimated date of completion.

### **CONSTRUCTION- RELATED AIR QUALITY**

- C5-1 In addition to modeling the elevated receptors on residential buildings, please include receptors on sidewalks adjacent to construction sites if the area would remain publicly accessible during construction.
- R5-1 Per a May 31, 2022 discussion with DEP, the closest sidewalk receptors along Battery Place immediately adjacent to the site were considered in the revised analysis. Since worst-case exceedances of PM<sub>2.5</sub> annual screening de minimis levels were predicted at sidewalk receptors, the use of best available technology (i.e., Tier 4 engines) was considered in a further modeling analysis. Under this analysis, no exceedances of PM<sub>2.5</sub> screening de minimis levels were predicted.

**Section 3: Responses to Agency Comments**  
**NYC Department of Environmental Protection (DEP)**  
South Battery Park City Resiliency Project

New York City's Local Law 77, signed in 2003, requires that all nonroad diesel-powered equipment use ultra-low sulfur diesel fuel and utilize BAT for reducing emissions. BPCA has committed to complying with Local Law 77 for the SBPCR project; therefore, construction equipment would comply with the BAT requirements further reducing potential PM<sub>2.5</sub> emissions.

C5-2 Please revise the air quality analysis for NO<sub>2</sub> as follows:

- a. The reasoning for excluding 1-hour NO<sub>2</sub> from the analysis is inadequate (i.e., the construction duration is less than the 3-year averaging period of the NAAQS). Please provide more explanation or evaluate 1-hour NO<sub>2</sub> and provide backup files.
- b. Please include a discussion on NO<sub>2</sub> modeling methodology, including the use of ARM2, and results in the Construction Air Quality Chapter.

R5-2 As directed in NYCDEP's subsequent letter dated, June 24, 2022, the explanation as to why 1-hour NO<sub>2</sub> was excluded from the analysis. (See DEP Response R4-1.)

C5-3 Regarding BAT:

- a) Please state whether Local Law 77 requirements have been applied to the analysis.
- b) Please explain within the chapter how Tier 4 engines and DPFs are incorporated within emission calculations.

R5-3 The modeling was conducted conservatively based on the DEC-established MOVES county-specific default parameters without applying Tier 4 engine emission standards nor exhaust DPFs. However, since the sidewalk receptors need to be considered as discussed in above Comment #10 Response, Tier 4 engine as one of BAC options was considered in a further dispersion modeling for PM<sub>2.5</sub> annual average and the results have been updated.

New York City's Local Law 77, signed in 2003, requires that all nonroad diesel-powered equipment use ultra-low sulfur diesel fuel and utilize BAT for reducing emissions. BPCA has committed to complying with Local Law 77 for the SBPCR project; therefore, construction equipment would comply with the BAT requirements further reducing potential PM<sub>2.5</sub> emissions.

**Section 3: Responses to Agency Comments**  
**NYC Department of Environmental Protection (DEP)**  
South Battery Park City Resiliency Project

- C5-4 As per Comment No. 3 on the AQ Modeling protocol document, screening thresholds are based on actual truck trips, not PCEs. Please revise the text accordingly, as per the response to the comment.
- R5-4 Text has been revised.
- C5-5 Per response to comment 7 of the AQ modeling protocol, consultant agreed to conduct detailed modeling around the interceptor gates/control houses. Please provide the results and backup materials for this modeling.
- R5-5 The control houses have been removed under the current design plan. The remaining flip-up interceptor gates installations at various locations would involve very limited equipment activities at each location, resulting in negligible air quality impacts for which no quantitative modeling analysis is warranted.
- C5-6 Please identify which AERMOD output files represent the annual PM2.5 results for year 1 and year 2 of the construction.
- R5-6 Updated PM2.5 modeling backup was provided to NYCDEP on June 14, 2022 .

**CONSTRUCTION-RELATED NOISE/VIBRATION**

- C6-1 Please note that CEQR does not provide a vibration threshold. Revise the 'Noise and Vibration' section on page ES-23 and page 3.15-35, to state in the absence of a CEQR vibration criteria, all historic structures within the study area were assessed based on the New York City Department of Buildings Technical Policy and Procedures Notice (TPPN) # 10/88 and all others using the Federal Transit Administration's Transit Noise and Vibration Impact Assessment Manual (September 2018).
- R6-1 The 'Noise and Vibration' section on page ES-23 and page 3.15-35 has been updated to state that all historic structures were assessed based on TPPN # 10/88.
- C6-2 Please revise mobile-source noise text to state that construction-related traffic will not double the noise PCEs.
- R6-2 Section 13.15.3.3 has been updated to clarify that construction traffic will not double the noise PCEs.

**Section 3: Responses to Agency Comments**  
**NYC Department of Environmental Protection (DEP)**  
South Battery Park City Resiliency Project

- C6-3 Please assess the noise levels due to impact equipment and disclose magnitude of noise impact, duration of noise impact, and area of noise impact. Then discuss why these construction-related noise impacts will not be significant.
- R6-3 The noise results already include the contribution from impact equipment. This is stated in the 'Principal Conclusions and Impacts' in Section 3.15.3.3 Noise and Vibration of the FEIS as well as in the 'Proposed Action' in Section 3.15.3.3 of the FEIS.
- C6-4 On page 3.15-32, please remove reference to 'New York State Department of Transportation's Engineering Instruction (EI) 05-044'.
- R6-5 The FEIS has been updated to clarify that construction vibration was assessed based on TPN # 10/88 rather EI 05-044.
- C6-6 Please explain why a new construction-related noise impact threshold of 65 dBA is being used. This threshold differs from the impact threshold of 3-5 dBA presented in the construction noise protocol. ('Response to NYCDEP comments on Air Noise Protocol March 2 2021.docx').
- R6-6 The impact criteria used for the project are explained in section 'Regulatory Context', which includes a description of the 3-5 dBA impact threshold. The text has been reviewed and updated for clarity in Section 3.15.3.3, page 3.15-35 of the FEIS.
- C6-7 Please provide all electronic noise and vibration calculation analyses/spreadsheets and all supportive files.
- R6-7 A complete package of support documentation was provided on June 14, 2022 to NYCDEP.
- C6-8 It appears all supportive noise tables and figures in Appendix F are mislabeled.
- R6-8 The labeling of all tables and figures in the Appendix has been reviewed and updated for clarity.
- C6-9 Please present construction-related noise impact in a concise manner to disclose magnitude of noise impact, duration of noise impact and area of noise impacts for each phase assessed. This discussion should be in the executive summary and construction noise and vibration sections.

**Section 3: Responses to Agency Comments**  
**NYC Department of Environmental Protection (DEP)**  
South Battery Park City Resiliency Project

- R6-9      The current executive summary provided in the ‘Principal Conclusions and Impacts’ Section 3.15.3.3 of the FEIS has been updated for clarity.

**JUNE 24, 2022 LETTER**

**AIR QUALITY**

- C1-1      Please remove ‘sensitive’ in the sentence beginning on page 2.12-2. The sentence should state: ‘Since this screening distance is less than the 110-foot distance between the new Pavilion and the closest building, potential HVAC air impacts would not be significant, and no further analysis is warranted (see Figure 3.12-2).
- R1-1      Text revised.

**NOISE**

- C2-1      Please correct noise levels listed in Table 3.14-1 and Table 3.15-14 for representative receptors 1 and 2. Noise levels do not correlate with the electronic noise meter data submitted. Similarly, the text describing the noise level ranges need to be corrected on page 3.14-1 and anywhere else in the document existing noise levels are referred to.
- R2-1      The measured noise levels were reviewed and updated to correctly reflect the electronic data. Please note that Site 1 was remeasured in February 2021 and is represented by subfolder “L6” rather than “L1” (January 2021).
- C2-2      Noise measurements for representative receptors 4 and 5 were conducted on February 25, 2021. Based on meteorological data reported at LaGuardia Airport, the wind speeds during monitoring, midday and afternoon monitoring periods on February 25, 2021, were greater than 12 mph, (reported 13 mph to 25 mph) exceeding the wind speed recommended for noise measurements as detailed within Section 33.2 of the CEQR Technical Manual.

The consultant explained that the wind speeds listed in the field notes were based on weather forecast. This issue is noted, and we will decide if any revision is needed after all other comments were addressed.

- R2-2      Comment noted. AECOM notes that wind speeds observed at LaGuardia Airport are not necessarily representative of conditions within and around Battery Park City. The AECOM staff member who conducted the monitoring observed wind speeds of 3-6 mph and does not believe that wind conditions at the time interfered with the equipment. In addition, the data collected on February 25, 2021, was generally consistent with previous monitoring results conducted on January 21, 2021. AECOM conservatively selected the lowest

**Section 3: Responses to Agency Comments**  
**NYC Department of Environmental Protection (DEP)**  
South Battery Park City Resiliency Project

recorded background noise levels for its analyses. Accordingly, AECOM believes the analyses conducted accurately represent the baseline noise levels in the vicinity of the construction and operation of the Proposed Project.

### **CONSTRUCTION (GENERAL)**

C3-1 The consultant's response to DEP's May 6, 2022 comment #8 states that Table 3.15-1 will be updated to remove any equipment not necessary to construct the project. The consultant agreed to confirm and revise the table accordingly.

R3-1 Table 3.15-1 was updated to remove equipment not included in the noise modeling analysis.

### **CONSTRUCTION- RELATED AIR QUALITY**

C4-1 Please revise the text to clarify that 1-hour NO<sub>2</sub> has been excluded from the construction-related air quality analysis for the following reasons:

- PM<sub>2.5</sub> is the critical pollutant based on emissions profiles developed, which shows that the 1-hour NO<sub>2</sub> impact would be proportionally less, and
- 1-hour NO<sub>2</sub> is based on a 3-year averaging period, however, the construction duration is less than two years.

R4-1 Text was revised accordingly in Section 3.15.3.2.

C4-2 Please either remove annual NO<sub>2</sub> results from the document (justified by comment 5 above) or include the annual NO<sub>2</sub> modeling methodology within the text, including the use of ARM2.

R4-2 Annual NO<sub>2</sub> results have been removed.

C4-3 The emissions for construction equipment were based on Tier 4 engine emission standards for new equipment. The consultant will check to determine if applying the credits for Tier 4 engines are necessary. If they are, the consultant will account for increase in emissions due to the deterioration of efficiency based on the age of the equipment.

R4-3 On a June 23, 2022 call with DEP, it was determined that because the air emissions associated with construction of the Proposed Project would not cause any exceedance of the NAAQS, no further modeling of the use of Tier 4 equipment (or any deterioration thereof) is required. Please note that BPCA will require the contractor to use Tier 4 equipment as required by New York City, so actual emissions will be lower than modeled.

New York City's Local Law 77, signed in 2003, requires that all nonroad diesel-powered equipment use ultra-low sulfur diesel fuel and utilize BAT for reducing emissions. BPCA has



**Section 3: Responses to Agency Comments**  
**NYC Department of Environmental Protection (DEP)**  
South Battery Park City Resiliency Project

committed to complying with Local Law 77 for the SBPCR project; therefore, construction equipment would comply with the BAT requirements further reducing potential PM<sub>2.5</sub> emissions.

- C4-4 Please include a description of typical construction means for flip-up deployable gates to explain why this project element does not have to be included in the AQ modeling analysis.
- R4-4 A statement was added to explain that construction of the flip-up deployables was included in the air quality modeling analysis and a description of typical construction was added in Section 3.15.3.2 of the FEIS under subsection "Engine Emissions."

**CONSTRUCTION-RELATED NOISE/VIBRATION**

- C5-1 Applying an overall 10 dBA noise reduction to account for unspecified general attenuation measured is not acceptable without proper documentation. The analysis should identify the major contributor of noise and specify reasonable attenuation measures and apply their typical attenuation values to the analysis.
- R5-1 Section 13.15.3.3 has been revised to reflect specific noise attenuation values for different types of noise control measures to be implemented and the resulting anticipated noise levels at various receptors have been updated accordingly (see revised Table 3.15-15).
- C5-2 Please correct Table 3.15-15. Receptor ID 6 (36 Battery Place) is a museum, not residential.
- R5-2 Table 3.15-15 was updated to reflect the correct land use for Receptor ID 6 (36 Battery Place).
- C5-3 Please provide qualitative discussion on the potential noise impacts on PS 276 and Battery Park City School, i.e. compare to quantified impacts at closer receptors.
- R5-3 A qualitative discussion on the potential noise impacts on PS 276 (Battery Park City School) was added to the discussion based on results predicted for other nearby receptors (see page 3.15-50).
- C5-4 On Page 3.15-33, please remove the following sentence: 'Finally, all of the nearby receptors include interior land uses resulting in lower indoor noise levels due to the building and window transmission losses.' Currently, all the assessment is based on the incremental increase in noise levels on the exterior of the buildings.
- R5-5 The text was updated accordingly.
- C5-6 On page 3.15-44, there is mention of construction being performed 'outside specified local noise ordinance work hours.' A statement that if construction is performed outside typical

**Section 3: Responses to Agency Comments**  
**NYC Department of Environmental Protection (DEP)**  
South Battery Park City Resiliency Project

construction hours, the noise levels from the construction activities will be comparable to those predicted for daytime noise levels.

- R5-6        The text was updated to include a statement regarding construction noise for work performed outside typical hours.
- C5-7        Please explain how distances were obtained for both construction-related noise and vibration assessments. For receptor 6 (36 Battery Place) where construction activities are expected to be very close to the building itself, the assessment should use a realistic distance, and discuss that there is no window or windows are not opened during normal operation of the facility.
- R5-7        The text was updated to include an explanation in the methodology section explaining how distances were obtained in Section 3.15.3.3, Modeling Assumptions. Additionally, a discussion was added explaining the sensitivity of the MJH with no open windows in Section 3.15.3.3, Modeling Assumptions..
- C5-8        On page 3.15-33, please delete the text: ‘methodology and approach’ was ‘presented to and approved by BEPA.’
- R5-8        The text was deleted.
- C5-9        Based on the results presented in the June 2022 version of the document, please remove the word ‘vibration’ and ‘noise exceedances’ on page 3.15-32. The sentence should state: ‘Although temporary elevated noise levels are predicted at these two sites, they would not persist due to the widespread use of BMPs and the temporary or sporadic duration of impact devices such as pile drivers and hoe rams.’
- R5-9        The text was updated as requested.
- C5-10       Page 3.15-37 details that cosmetic damage for non-historic buildings would be assessed using a limit of 2.0 in/sec. FTA’s construction-related vibration damage criteria depends on the building category. Please remove any reference in the chapter and supportive files that lists a vibration limit of 2.0 in/sec.
- R5-10       The text was updated to include the 0.5 in/sec criteria for all vibration activities.

**Section 3: Responses to Agency Comments**  
**NYC Department of Environmental Protection (DEP)**  
South Battery Park City Resiliency Project

C5-11 Page 3.15-50 incorrectly states that TPPN #10/88 limits vibration for historic structures to 2.0 in/sec. The maximum permissible peak particle velocity (PPV) listed in TPPN #10/88 for historic structures is 0.5 in/sec.

R5-11 The text was updated to correct this typo.

## **AUGUST 11, 2022 LETTER**

### **CONSTRUCTION (GENERAL)**

C1-1 Please change the 'Note' below Table 3.15-1 to reflect the table now refers to the number of equipment quantities assumed during each construction phase.

R1-1 A note has been added to Table 3.15-1 that the table now refers to the number of equipment quantities during the construction phase.

### **CONSTRUCTION- RELATED AIR QUALITY**

C2-1 Within the Model Results section (second paragraph), the CEQR PM2.5 de minimis criteria was corrected to screening threshold. Please ensure that this is changed throughout the entire document, i.e. the first paragraph still states that impacts were determined by comparing predicted increments to construction de minimis criteria.

R2-1 The statement in the first paragraph that referred to impacts were determined by comparing predicted increments to construction de minimis criteria was removed.

C2-2 Please state within the Construction Air Quality and Construction Air Quality Executive Summary sections of the document that the proposed project will either require to follow Local Law 77 or commit to follow Local Law 77.

R2-2 BPCA has committed to follow Local Law 77; a statement to this effect has been added [ADD WHERE].

### **CONSTRUCTION-RELATED NOISE/VIBRATION**

C3-1 Please note that noise measurements should not be conducted during high winds condition (>12 mph). However, in review of the predicted construction-related noise levels, it is unlikely that the higher measured noise levels would change the overall conclusion. Therefore, DEP will not request that the ambient noise levels be re-measured.

R3-1 Comment noted.

C3-2 Similar to comment 2, Table 3.15-1 (Anticipated Construction Equipment) was revised, but the text was not revised to reflect the change. For example, clam shovels were removed from Table 3.15-1, however it is still mentioned within the Principal Conclusions and Impact

**Section 3: Responses to Agency Comments**  
**NYC Department of Environmental Protection (DEP)**  
South Battery Park City Resiliency Project

section and under Noise heading on page 3.15-50. Please ensure that the change is addressed throughout the entire document.

R3-2        The text was revised to reflect Table 3.15-1 throughout the FEIS. Mention of any equipment that was removed from the table was also removed from the text, including the reference to clam shovels.

C3-3        As requested in DEP's June 23, 2022 comment letter, please correct noise level ranges for all receptors in Table 3.15-15 that are represented by measurement location 2, and the discussion of the analysis results for each receptor represented by measurement location 2.

R3-3        Noise ranges for all receptors in Table 3.15-15 that are represented by measurement location 2 have been updated.

C3-4        The paragraph added on page 3.15-50 states that PS 276 (Battery Park City School) is located between Sites 1, 8 and 9 along Battery Place and would experience construction-related noise levels ranging between 60 to 72 dBA, with resultant increases in noise levels from 1 to 9 dBA. Please explain how the range and the increases were determined.

R3-4        As shown in **Error! Reference source not found.**, maximum exterior construction noise levels are predicted to range from 53 to 76 dBA resulting in noise level increases between 1 to 16 dBA during the most noise-intensive stages of construction. The dominant noise sources include dump trucks, backhoes, pile drivers, and tractors, which account for 21, 15, 14 and 12 percent, respectively, of the total construction noise. Although pile drivers are typically the loudest construction equipment, their limited use results in a much lower contribution to the overall cumulative noise than dump trucks, which account for over 21 percent of the total noise. Receptors immediately adjacent to the proposed construction (such as Sites 1 and 6, occupants of 50 Battery Place and 36 Battery Place, respectively) would experience the highest noise levels. During all other times, the future construction noise levels are predicted to be at or slightly above the measured ambient levels. The predicted noise levels from the construction activities would not result in significant noise impacts due to the required use of multiple BMPs and the limited use of impact construction equipment such as pile drivers, hoe rams, and jackhammers.

At the Battery Park City School (PS 276), which is located between Sites 1, 8 and 9 along Battery Place, maximum exterior construction noise levels are predicted to range from 61 to 71 dBA resulting in noise level increases between 5 to 11 dBA during the most noise-intensive stages of construction. However, the Battery Park City School building was constructed in 2010 as part of the city's new "green development" initiative and is one of the first in the city to be built under the New York City School Construction Authority's Green Schools Guide. The green design includes double-glazed energy-efficient operable windows with central air conditioning, which reduces exterior noise levels by 28 dBA or more. As a result, exterior construction noise from the SBPCR Project of 61 to 71 dBA would

**Section 3: Responses to Agency Comments**  
**NYC Department of Environmental Protection (DEP)**  
South Battery Park City Resiliency Project

be reduced to 33 to 43 dBA indoors during the 24 non-consecutive months of construction activities surrounding the Museum of Jewish Heritage. Although a noise level of 50 dBA is comparable to typical noise levels in a commercial office setting (which is greater than the 45 dBA threshold recommended for a classroom according to CEQR Technical Manual), these noise levels would not be considered disruptive to classroom activities over the limited time period in which they are anticipated to occur.

Moreover, with the proximity of residences and schools near the proposed construction at 1st Place, no traditional pile drivers will be used in this area. Instead, the contractor will use alternative means and measures such as drilled piles or press-in pile drivers, e.g. Giken. As result from using press-in plie drivers or drilled piles, noise levels will be 30-40 decibels quieter compared to the use of traditional impact pile drivers (50 dBA for press in pile drivers compared to 95 dBA for traditional pile drivers).

The expected levels of noise are typical of New York City construction projects in residential areas and would comply with all New York City Noise Control Code and NYCDOB restrictions on construction noise. According to CEQR Technical Manual noise exposure criteria, noise levels at these receptors would at times during the construction period be in the “marginally unacceptable” range during the most noise-intensive period of construction and in the “marginally acceptable” range throughout the remainder of construction.

C3-5 Please revise the following sentence: ‘However, if any construction is performed outside normal weekday hours, the noise levels from the construction activities would be less than those predicted for peak daytime period due to the lower activity levels.’ to: ‘However, if any construction is performed outside normal weekday hours, the noise levels from the construction activities are likely to be less than those predicted for peak daytime period due to the potential for lower activity levels.’

R3-5 Sentence on page 3.15-44 was revised as requested.

# South Battery Park City Resiliency Project

## Section 3: Responses to Agency Comments

### NYC Department of Parks and Recreation (DPR)

#### JUNE 1, 2022 LETTER (TEXT UPDATES)

- C1-1 Page ES-7 (Second bullet under “The Purpose of the SBPCR Project is to:”) – Suggest rewording the beginning of the purpose statement to: “Preserve to the maximum extent practicable...”
- R1-1 Comment noted and language addressed.
- C1-2 Page ES-12 (Last sentence of first paragraph) – Suggest rewording this sentence to “This monument would be relocated as close to the current location as possible, in coordination with NYC Parks.”
- R1-2 Comment noted and language addressed.
- C1-3 Page ES-19 (Natural Resources row, Proposed Action column) – Suggest rewording as follows: “...The Battery, which is under the jurisdiction of NYC Parks...”
- R1-3 Comment noted and language addressed.
- C1-4 Page ES-20 (Water and Sewer row, Proposed Action column) – Recommend the summary should reference that the proposed sewer valve closures in The Battery would not lead to significant adverse impacts, based on modeling presented in Appendix E.
- R1-4 Comment noted and language addressed.
- C1-5 Page ES-26 (Natural Resources paragraph, line 7) – Suggest reword as follows: “...The Battery, which is under the jurisdiction of NYC Parks,...”
- R1-5 Comment noted and language addressed.
- C1-6 Page 3.2-1 (Third paragraph, third sentence) – Suggest reword sentence as follows: “The CEQR Technical Manual states the optimal open space ratio for residential populations is 2.5 acres of open space for every 1,000 residents” (same for Page 3.15-58, third paragraph)
- R1-6 Comment noted and language addressed.
- C1-7 Page 3.15-74 (Figure 3.15-12) – Suggest the figure be revised to show how the detour connects to existing bike lanes.
- R1-7 Comment noted and language addressed.

#### JUNE 1, 2022 LETTER (GENERAL COMMENTS)

- C2-1 BPCA will be required to obtain a Forestry Permit prior to start of any construction that impacts trees in NYC Parks and/or DOT ROW. Information can be found <https://www.nycgovparks.org/services/forestry/tree-work-permit>
- R2-1 Comment noted.

**Section 3: Responses to Agency Comments**  
**NYC Department of Parks and Recreation (DPR)**  
South Battery Park City Resiliency Project

- C2-2 NYC Parks' initial estimates on tree restitution fees for impacted trees in the Battery, is approximately \$3.4M. We noted that in the DEIS BPCA is estimating the fee to be approximately \$5.2M, which we assume accounts for additional tree removals in DOT ROW. The fee will be finalized upon BPCA's submittal of the tree permit and all necessary supporting documents.
- R2-2 FEIS updated with updated tree restitution fees.
- C2-3 Note that the tree replacement fee changes annually with the fiscal year, July 1 – June 30. Once the project applies for the Tree removal permit, the fee will be "locked in". Historically, the fee has gone up for the past 5 to 6 years.
- R2-3 Comment noted.

# **South Battery Park City Resiliency Project**

## **Section 3: Responses to Agency Comments**

### **New York State Office of Parks, Recreation and Historic Preservation (NYSHPO)**

#### **JUNE 28, 2022 LETTER**

- C2-1 We have reviewed the cover letter dated June 8<sup>th</sup>, 2022 and the revised Draft Environmental Impact Statement (DEIS) dated May 4<sup>th</sup>, 2022, submitted to our office on June 8<sup>th</sup>, 2022. Based upon our review, the document appears acceptable for historic and archaeological resources. Thank you for clarifying the APE associated with the Army Corps permit. We concur with the suggested mitigation for the adverse impact to Wagner Park and we look forward to reviewing a draft Letter of Resolution.
- R2-1 BPCA is preparing this FEIS in accordance with the SEQR and Section 14.09 of the New York SHPA (Section 14.09). In addition, because a federal permit will be sought from the USACE for the proposed improvements in Pier A inlet, the project must also comply with Section 106 of NHPA. The USACE Section 106 review will be limited to the effects of the Pier A inlet improvements, while the Section 14.09 review will consider the entirety of the Proposed Action. The language is reflected in the FEIS. .