

CHAPTER 15: COMMENTS AND RESPONSES

15.1 INTRODUCTION¹

This Chapter summarizes and responds to all substantive comments received during the public review period on the Draft Environmental Impact Statement (EIS) for the proposed Shaft 33B. The Draft EIS was prepared in accordance with New York City's City Environmental Quality Review (CEQR) as set forth in Executive Order 91 of 1977 and its amendments creating the Rules of Procedure for CEQR, adopted by the City Planning Commission on June 26, 1991 and revised in October 2001, as well as the State Environmental Quality Review Act (SEQRA), Section 8-0113, Article 8 of the Environmental Conservation Law, as set forth in 6 NYCRR Part 617.

Public review of the Draft EIS began on November 7, 2005 with the issuance of the Notice of Completion and the Draft EIS. As required under CEQR, the Draft EIS was available for public review for a minimum of 30 days following publication. The Draft EIS was circulated to interested and involved agencies and members of the public. A public notice advertising the availability of the Draft EIS and the date, time, and location of the public hearing on the Draft EIS was published in the *City Record* and in newspapers of general circulation in the affected area, including *The New York Post*, *New York Daily News*, and *Our Town*, a local weekly newspaper that is distributed in the Midtown area. The availability of the Draft EIS and information on the public hearing was also published in the New York State Department of Environmental Conservation's *Environmental Notice Bulletin*. The Draft EIS, on CD-ROM, was mailed directly to each member of the public who provided comments on the Draft Scope of Work and who had submitted comments on the project. In addition, the Draft EIS was posted on the New York City Department of Environmental Protection (NYCDEP) web page and hard copies of the document were made available in local libraries and Community Board offices. NYCDEP also met with the local Community Boards, Community Boards 6 and 8, to present the Draft EIS to each Board on November 14, 2005. NYCDEP also hosted two informational forums to present the Draft EIS methodologies and analyses to the public. These informational forums, held on November 17 and November 21, 2005, were intended to assist the public understanding the scope of the project and to assist the public in its review of the Draft EIS and included a substantial question and answer component. Copies of information presented at these sessions were posted on the NYCDEP website.

As required by CEQR, a public hearing was also held during the public comment period on December 5, 2005, to receive oral testimony from the public and from involved or interested public and private agencies. The public hearing was held on December 5, 2005 at the High School of Art and Design at 1075 Second Avenue in Manhattan. The public comment period remained open for 45 days, until December 22, 2005.

¹ Note: This entire chapter is new for the Final EIS.

This Chapter of the Final EIS identifies the organizations and individuals who commented on the Draft EIS during the public comment period, and then summarizes and responds to their comments. It considers all comments made at the public hearing on December 5, 2005, and all written comments submitted during the comment period, which ended on December 22, 2005. All commenters will receive a copy of the Final EIS on CD-ROM.

Section 16.2 lists all individuals and organizations that commented on the Draft EIS. Section 16.3 contains a summary of all comments made and a response to each of those comments. These summaries incorporate the content of the comments, but do not quote the comment directly. Where similar comments on the same subject matter were made by more than one person, a single comment summarizes all comments on that issue. Following each comment is a list in parentheses of people or organizations that made the comment. The comments are organized by subject area, following the same general order as the EIS.

15.2 LIST OF COMMENTERS

1. Gifford Miller, City Council Speaker, City of New York and Council Member, District 5, comments at the public hearing (presented by Jane Swanson) also submitted as written testimony.
2. Jessica Lappin, City Council Member Elect, District 5, comments at the public hearing (presented by Julie Hendricks) also submitted as written testimony; letter dated November 30, 2005.
3. Jonathan Bing, New York State Assembly Member, 73rd Assembly District, comments at the public hearing (presented by Barry Klein); letter dated November 18, 2005.
4. Liz Krueger, New York State Senator, 26th Senate District, comments at the public hearing (presented by Patrick McCandless) also available at lizkrueger.com; letter dated November 21, 2005.
5. Judy Schneider, Executive Vice President, East Sixties Neighborhood Association (ESNA), comments at the public hearing also submitted as written testimony.
6. Barry Schneider, President, ESNA, comments at the public hearing also submitted as written testimony; letter dated December 10, 2005.
7. Stephen Kass, Carter Ledyard & Milburn LLP, on behalf of the East Fifties Neighborhood Coalition (EFNC), comments at the public hearing also submitted as written testimony; letter dated December 22, 2005.
8. Christine A. Fazio, Carter Ledyard & Milburn LLP, on behalf of EFNC, comments at the public hearing; letter dated November 16, 2005.
9. David Becker, resident 333 E. 57th Street, representing EFNC, comments at the public hearing.
10. Linda Saputelli, chair, EFNC, comments at the public hearing.

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11. Jim Davis, resident 30 Sutton Place, vice chairman EFNC, comments at the public hearing.
12. Peter McHugh, member EFNC, comments at the public hearing; letter dated December 5, 2005; letter dated December 7, 2005; letter dated December 21, 2005.
13. Ronald Trost, resident 30 Sutton Place, vice chairman EFNC, comments at the public hearing.
14. Guy Smiley, president, Sovereign Apartments, 425 E. 58th Street, representing 360 co-op units at Sovereign Apartments, comments at the public hearing.
15. Patricia McHugh, resident 435 E. 57th Street and member EFNC, comments at the public hearing; letter dated December 7, 2005; letter dated December 19, 2005.
16. Arthur Nislick, resident 433 E. 56th Street, comments at the public hearing.
17. Rebecca Griffith, representing the owners of the 14 private townhouses known as Sutton Square, comments at the public hearing.
18. Community Board 8 (CB8), presented by Jackie Ludorf, chair, Environment and Sanitation Committee, comments at the public hearing.
19. Linda Salas, comments at the public hearing.
20. Michael Gregori, resident 400 E. 56th Street, comments at the public hearing.
21. Robert Lanzilotta, Manhattan Center for Early Learning, comments at the public hearing.
22. Rita Greenstein, comments at the public hearing.
23. Jane Kalmus, resident 410 E. 57th Street, comments at the public hearing.
24. Martin Bring, resident 300 E. 54th Street, vice president Connaught Tower Corporation, representative of E. 54th Street Neighborhood Association, comments at the public hearing also presented as written testimony by letter dated December 6, 2005.
25. Richard Kennedy, director 16 Sutton Place, comments at the public hearing.
26. Harold Abrams, resident 400 E. 59th Street, comments at the public hearing.
27. Sally Pope Davis, resident 30 Sutton Place, member EFNC, comments at the public hearing.
28. Sutton Area Community, Inc. (SAC), represented by Mary Clare Bergin, president, comments at the public hearing; letter dated November 23, 2005; letter dated December 14, 2005.
29. Lou Sepersky, chair Transportation Committee, Community Board 6, comments at the public hearing.
30. Food Emporium, represented by Judy Knop, comments at the public hearing.
31. Herndon Werth, comments at the public hearing.

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32. Michael Kelly, resident of the Brevard, E. 54th Street, comments at the public hearing.
33. East Sixties Property Owners Association (ESPOA), represented by Susan Lek, comments at the public hearing; letter dated December 13, 2005.
34. Robert Granovsky, comments at the public hearing.
35. Jessica Osborn, Board of Directors of 425 E. 58th Street, comments at the public hearing.
36. James Leniston, comments at the public hearing.
37. Penelope Josephides, comments at the public hearing.
38. Bernard Siegel, resident 400 E. 59th Street, comments at the public hearing; letter dated December 6, 2005.
39. Thomas Wong, resident 33 Sutton Place, comments at the public hearing.
40. Eunice Kathleen Forman, resident 425 E. 58th Street, comments at the public hearing; letter dated December 9, 2005.
41. Gabrielle Moraudiere, resident 300 E. 54th Street, comments at the public hearing.
42. Sivan Frank, resident 345 E. 56th Street, comments at the public hearing.
43. Suzy Jurst, comments at the public hearing.
44. Rebecca Nasser, resident 300 E. 54th Street, comments at the public hearing.
45. Juan Reyes, resident 300 E. 59th Street, comments at the public hearing.
46. Christian Robertson, member of Board of 418 E. 59th Street, comments at the public hearing.
47. Lucia Pang, resident 345 E. 56th Street, comments at the public hearing; letter dated December 9, 2005.
48. David Samuels, comments at the public hearing.
49. Francia Stone, resident 300 E. 59th Street, comments at the public hearing.
50. Viviane El-Yachar, resident 400 E. 59th Street, comments at the public hearing.
51. Jennifer Albero, resident 400 E. 59th Street, letter dated December 7, 2005.
52. Barry Biederman, resident 425 E. 58th Street, letter dated December 9, 2005.
53. Christopher and Marika Brahe, resident 333 E. 57th Street, email dated December 20, 2005.
54. A. Bricker, written comments received December 8, 2005.
55. Robert A. Buckles, resident 425 E. 58th Street, letter dated December 19, 2005.
56. Cannon Point North Board of Directors and tenant/shareholders, 25 Sutton Place South, represented by Michael Twersky, Secretary, letter dated December 12, 2005.

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57. Cathedral High School, Sister Elizabeth Graham, Principal; Mr. Vincent Marino, Assistant Principal; Mrs. Elizabeth Lawlor, Assistant Principal; letter dated November 28, 2005.
58. Community Board 6 (CB6), represented by Toni Carlina, District Manager, letter dated December 22, 2005 transmitting a Resolution passed on December 14, 2005.
59. Connaught Tower Corporation, written comments in form letter provided by a total of 10 members.
60. Robert David, resident 35 Sutton Place, letter dated December 10, 2005.
61. Arlene Davidoff, resident 300 E. 56th Street, letter received December 12, 2005.
62. Helen Doctorow, resident 333 E.57th Street, letter dated December 9, 2005.
63. Seena Dundes, letter dated December 12, 2005.
64. East Sixties Neighborhood Association (ESNA), written comments in form letter provided by a total of 39 members.
65. Howard W. Fiedler, M.D., letter dated December 6, 2005.
66. Charlotte Ford, resident 25 Sutton Place North, letter dated December 9, 2005.
67. Milton Forman, resident 425 E. 58th Street, letter dated December 8, 2005.
68. Margaret Fridecky, resident 345 E. 56th Street, letter dated December 8, 2005.
69. Sarah W. Gallagher, resident 1136 First Avenue, letter dated December 6, 2005.
70. Steven Gart, resident 345 E. 56th Street, letter dated December 11, 2005.
71. Marian Gibson, resident 36 Sutton Place South, letter dated December 13, 2005.
72. Carol Lippert Gray and Harold Perlmutter, M.D., residents 425 E. 58th Street, letter dated December 11, 2005
73. Gerald Green, resident 345 E. 56th Street, letter dated December 6, 2005; letter dated December 8, 2005.
74. Regina Green, resident 345 E. 56th Street, letter dated December 6, 2005; letter dated December 8, 2005.
75. Malcolm Gross, resident 425 E. 58th Street, letter dated December 15, 2005.
76. Zelda Gross, resident 425 E. 58th Street, letter received December 22, 2005.
77. Mrs. Zenith H. Gross, resident 400 E. 56th Street, letter dated December 8, 2005.
78. Ruth Heisler, resident 35 Sutton Place, letter dated December 11, 2005.
79. Robert F. Jacobs, resident 300 E. 54th Street, letter dated December 22, 2005.
80. Paula S. Kachurin, resident 345 E. 56th Street, letter dated December 9, 2005.

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81. Sheila and Steven Kamerman, residents 35 Sutton Place, letter dated December 14, 2005.
82. Andrew Kandel, resident 300 E. 54th Street, letter dated December 13, 2005.
83. Jaclyn L. Kandel, resident 300 E. 54th Street, letter dated December 16, 2005.
84. Felix H. Kent, resident 300 E. 54th Street, letter dated December 23, 2005.
85. Robin Krasner and Eric Mitchnick, resident 400 East 59th Street, letter dated December 20, 2005.
86. Mr. and Mrs. Harvey Krauss, residents 35 Sutton Place, letter dated December 8, 2005.
87. Jeff Krevat, resident 418 E. 59th Street, letter received December 15, 2005.
88. James La Cirignola, resident 419 E. 57th Street, letter dated December 6, 2005.
89. Arlette Laurent, resident 25 Sutton Place South, letter dated December 17, 2005.
90. John Langeloth Loeb, Jr., letter dated December 16, 2005.
91. Eleanor Earle Mascheroni, resident 435 East 57th Street, letter dated December 21, 2005.
92. Gilbert C. Maurer, resident 425 East 58th Street, letter dated December 13, 2005.
93. Edith and Scott McNutt, residents 35 Sutton Place, letter dated December 9, 2005.
94. Eileen and Alan Mintz, residents 35 Sutton Place, letter dated December 19, 2005.
95. Beth and Arthur Nelkin, residents 36 Sutton Place South, letter dated December 9, 2005.
96. New York City Landmarks Preservation Commission (NYCLPC), comments dated November 23, 2005, prepared by Gina Santucci (historic structures) and Amanda Sutphin (archaeology).
97. New York State Office of Parks, Recreation and Historic Preservation, State Historic Preservation Office (NYSSHPO), letter from Beth A. Cumming, Historic Preservation Specialist – Technical Unit, letter dated December 13, 2005.
98. M.S. Oberlander, resident 303 E. 57th Street, letter received December 5, 2005.
99. Jeanette Paladino, resident 36 Sutton Place South, email received December 19, 2005.
100. Edward Pappas, representing a coalition of buildings at 321, 245, 250, 300, 301, 320, 340, 345, and 350 E. 54th Street, letter dated December 15, 2005.
101. Edward Pauly, resident 333 E. 57th Street, e mail received December 22, 2005.
102. Gloria Prival, resident 36 Sutton Place South, letter dated December 17, 2005.
103. Residents of 400 E. 59th Street, letter signed by 62 residents, dated December 8, 2005.
104. Mrs. Faanya Rose, resident 425 E. 58th Street, letter dated December 12, 2005.
105. David and Leah Rosenthal, resident 35 Sutton Place, letter dated December 18, 2005.
106. Herbert Rothchild, resident 36 Sutton Place South, letter dated December 13, 2005.

107. Ronald Schanz, resident 36 Sutton Place South, letter dated December 19, 2005.
108. Jean Segall, resident 345 E. 56th Street, letter received December 15, 2005.
109. Hester Serafini, resident 418 E. 59th Street, letter dated December 15, 2005.
110. Aaron Siben, resident, letter dated December 14, 2005.
111. Emily F. Soell, resident 333 E. 57th Street, email dated December 21, 2005.
112. Harry B. Sokol, resident 411 E. 57th Street, letter dated December 6, 2005.
113. The Sovereign, 425 East 58th Street, represented by 124 residents, letter dated December 12, 2005.
114. Sutton Square, Inc., represented by Robert S. Appel, Secretary, letter dated December 21, 2005.
115. Muriel Tanz, resident 36 Sutton Place South, letter dated December 12, 2005.
116. Carrie Tassa, resident 300 E. 59th Street, letter dated December 14, 2005.
117. Robert and Tess Wachs, residents 418 E. 59th Street, letter dated December 15, 2005.
118. Sylvia Weiner, resident 400 E. 56th Street, letter dated December 15, 2005.
119. Leonard I. Weinstock, resident 25 Sutton Place South, letter dated December 15, 2005.
120. Donna Werner, resident 339 E. 58th Street, letter dated December 6, 2005.
121. Norman Wolf, resident 418 E. 59th Street, letter received December 9, 2005.
122. Alan Yoss, resident 425 E. 58th Street, letter dated December 13, 2005.

15.3 COMMENTS AND RESPONSES

15.3.1 Process and General Comments

Comment 1: We request that the comment period be extended until late January 2006 to allow additional review time on the Draft EIS, particularly given the length of the document and its publication during the holiday period. (Bing, Davis, Fazio, Frank, Krueger, Lappin, Peter McHugh, SAC, Wachs) I support this request unless it means a delay to the project so that spoils from the shaft would have to be removed by truck. (Miller)

Response: Unfortunately, NYCDEP was unable to grant this request. Granting the request for an extended comment period would jeopardize NYCDEP's goals for enhancing the City's water supply system by delaying the date when construction could start. Please note that NYCDEP has consistently demonstrated its commitment to coordinating with the local Community Boards

and members of the public regarding implementation of this important project, and has made considerable effort to facilitate public review of the Draft EIS and to encourage public participation in the environmental review process. This included multiple meetings with the affected Community Boards during the scoping process and after publication of the Draft EIS; distribution of the Draft EIS to a large mailing list of almost 900 people, including every one who signed in at the public hearing or commented on the Draft Scope of Work; and presentation of the Draft EIS conclusions at two informational sessions prior to the public hearing on the Draft EIS. Considering these efforts, and the fact that the Draft EIS public review period provided (November 7 through December 22, 2005) already exceeded the 30-day review period provided by law, NYCDEP believes the public review period provided was adequate. As described in the EIS, NYCDEP intends for the construction of Shaft 33B to coincide with the construction of City Tunnel No. 3, so that the Tunnel can be used for the removal of the rock during the construction of the Shaft. Once the concrete lining has begun, then the Tunnel will not be available for rock removal.

Comment 2: The comment period should not be extended past December 22, so that the project construction can commence in March 2006 as scheduled. If the comment period is extended, there would be additional truck traffic and the schedule would be extended by 14 months. (ESNA, B. Schneider, J. Schneider)

Response: Comment noted.

Comment 3: Once a site is selected, a task force should be established to include all relevant agencies, community groups, elected officials, and Community Boards. This group should meet regularly and monitor and review the project at every stage. In addition, a website should be established that will allow the community to communicate directly with all relevant agencies regarding the project and each agency should designate a staff member to monitor, respond to, and communicate with the community and the task force via the website. (Lappin, Miller) A Community Advisory Council should be formulated so that NYCDEP and the New York City Department of Design and Construction (NYCDDC) can provide information on an ongoing basis and benefit from community input. (Bing, Krueger)

Response: Throughout the construction period, NYCDEP will meet regularly with the public through the local Community Boards, Community Boards 6 and 8. These meetings can be held on a monthly basis, if the Community Boards deem that appropriate; on an as-needed basis; or at the Community Boards' request. This is

the same practice being followed at the other nine Shaft Sites currently under construction in Manhattan, which are located, for example, in Community Boards 1, 2, 6, and 7. At this time, NYCDEP believes that the project can be effectively coordinated through the Community Boards and will make every effort to be responsive to concerns of local residents as expressed to the Community Boards. Regarding water main construction, NYCDEP and NYCDDC will work with the Community Boards as more detailed plans progress for their construction. As acknowledged in the Draft EIS, water main construction is a disruptive process and potential adverse traffic impacts are anticipated during the construction. NYCDEP is committed to collaborating with NYCDDC and the New York City Department of Transportation (NYCDOT) to minimize this disruption to the extent practicable. Once a construction project is initiated, the NYCDDC conducts community outreach to keep the surrounding community informed about the construction. NYCDDC's website includes project information pages indicating where and when the project will occur and providing a NYCDDC contact person for general comments or concerns. In addition, as described in Section 5.1 of the EIS, NYCDDC would assign a Community Construction Liaison to the project to facilitate coordination with the Community Boards and assist in the circulation of project information throughout the community during the water main construction.

Comment 4: The Shaft Site should be selected carefully with community input. (Lappin)

Response: Community input is a critical component of New York City's City Environmental Quality Review (CEQR) process. For the Shaft 33B project, NYCDEP has consistently demonstrated its commitment to coordinating with the local Community Boards and interested members of the public regarding this important project. On April 8, 2005, NYCDEP acting as lead agency distributed for public comment a Draft Scope of Work for preparation of the Draft EIS for the proposed Shaft 33B project, identifying the purpose and need for the project, the potential sites to be considered, and the analyses to be conducted in the Draft EIS. A public hearing was conducted on May 9, 2005 to accept public comments on the Draft Scope of Work and comments were accepted via email and regular mail until July 6, 2005². During the "scoping" phase of the environmental review process, NYCDEP also attended meetings with

² The Draft Scope of Work public comment period was scheduled to have closed on May 19, 2005. However, due to several requests from members of the community, comments were accepted until July 6, 2005 and were considered and responded to in the Final Scope of Work.

Manhattan Community Board 8 (on April 18, 2005) and Community Board 6 (on May 25 and June 29, 2005) to discuss the project and identify public concerns. A Final Scope of Work and Response to Comments were issued on July 25, 2005.

On November 7, 2005, NYCDEP published the Draft EIS for public review and comment. The document was distributed to almost 900 people or organizations, including every one who signed in at the public hearing on the Draft Scope of Work and/or submitted comments on that document. Copies of the Draft EIS were also made available for public review via the internet and in designated local repositories, such as public libraries and Community Board offices. Following distribution of the document, NYCDEP attended separate meetings with Community Boards 6 and 8 on November 14 to present the Draft EIS and answer questions. On November 17 and 21, NYCDEP hosted public informational sessions with a presentation of the conclusions of the Draft EIS and a substantial question and answer session. These sessions were provided to assist the public in their review of the Draft EIS and provide access to NYCDEP engineering and environmental planning and assessment personnel. Copies of the information presented at these sessions were posted on NYCDEP's website. In addition, a formal public hearing was held on December 5, 2005. The purpose of the public hearing was to officially record and accept public comments for response in the Final EIS. Written comments were accepted through December 22, 2005.

As required by CEQR, all substantive comments submitted during the comment period have been reviewed, considered, and responded to in the Final EIS. The Final EIS has been distributed in the same manner as the Draft EIS: the Final EIS, on CD-ROM, was mailed directly to each member of the public on the project's mailing list, including those who provided comments on the Draft Scope of Work and Draft EIS as well as all attendees who signed in at the public hearings on either document and any others who asked to be added to the mailing list. In addition, the Final EIS was posted on the NYCDEP web page and hard copies of the document were made available in local libraries and Community Board offices.

Comment 5: The NYCDDC should work with the community when selecting the water main routes and constructing the mains. (CB6, Lappin, SAC) We object to the selection of any shaft location without a presentation by NYCDDC of the shaft and the complete water main routing plan (CB6).

Response: As described in the Final EIS (see also the response to Comment 8 below), the discussion in the Final EIS regarding selection of the water main routes has been revised to clarify that the final water main route will be selected by NYCDEP for construction by NYCDDC. As in current and past practices, NYCDDC will endeavor to construct the water main along NYCDEP's selected route, but final alignment within the selected route will be determined by NYCDDC. NYCDDC is the agency with experience and responsibility for street work and will take the route that is prescribed by NYCDEP and survey location, design the job, and implement its construction. Also, NYCDEP will work with NYCDDC to join expertise about possible construction techniques. As noted above in the response to the previous comment, public input is an important component of the environmental review process being conducted for this EIS. As described in Section 5.1 of the EIS, throughout construction of the water mains, NYCDDC will continue to coordinate with the community through an extensive community outreach program to keep the affected neighbors informed about the construction activities. A Community Construction Liaison would be designated for the project and housed in the project's construction field office. The liaison would coordinate between the community, coordinating agencies, and the resident engineer in charge of the construction process.

Comment 6: The project is already in a stage of construction; NYCDEP will do what it wants regardless of what the public says. We're not getting answers to our questions. (Josephides, Robertson) The NYCDEP's obvious disregard for the project's many negative environmental outcomes, including traffic congestion, difficulties in emergency transport, bus travel, pedestrian obstructions, noise, and air pollution can only cause one to conclude that NYCDEP is heedless of the community and the environment. (Doctorow, Heisler, Krasner, Mitchnick, Soell) There was no opportunity for give-and-take or to receive answers to our questions at the public hearing; it seems that the hearing was merely a formality. (M. Forman) Residents packed the auditorium at the hearing, but neither the NYCDEP Commissioner nor anyone from NYCDDC bothered to attend. (Soell, Sutton Square)

Response: Please see the response to Comment 4 above. As described there, public input is an important component of the CEQR process. Please also note that CEQR requires NYCDEP as lead agency to consider environmental, social, and economic factors before proceeding with the project. The Draft and Final EIS documents provide detailed analyses of a full range of environmental issues, including the subject areas identified by the commenters, and identify the potential environmental impacts of the project so that this information will be

available to decision-makers for evaluation before determining whether to proceed with the project. Further, the comment is incorrect: the Shaft 33B project is not in construction. City Tunnel No. 3, Stage 2 – Manhattan Leg is now under construction, but the terminus point of the Tunnel will not be determined until the final location of Shaft 33B has been decided.

Comment 7: There has not been a lot of information about the project shared with the public until the past few months, and now we are being bombarded with misinformation, with different numbers and different agencies telling us different things. At this time of the year, a lot of people aren't available to participate and provide their opinion. (Frank)

Response: Please see the response to Comment 4 above.

Comment 8: The Draft EIS improperly segments the environmental review of the project. The Draft EIS defers selection of the water main route until after the selection of the Shaft Site is completed, even though construction of the shaft and water mains are indisputably part of the same action. Failure of the Draft EIS to analyze the shaft and water main construction together creates a classic case of impermissible segmentation. The Draft EIS concedes that the water main route could indeed be a route that was not even contemplated in the Draft EIS. Moreover, NYCDEP's choice of sites would constrain NYCDDC's options, resulting in segmentation. It is therefore premature and irrational to select the Shaft Site until the water main routes are also subject to environmental review. The Draft EIS makes the claim that NYCDDC's subsequent actions in selecting a water main route will be taken "outside of the SEQRA process." Why are NYCDDC's decision about the water mains not subject to environmental review? The shaft and distribution mains are interrelated elements of the system and cannot be viewed in isolation from each other. (Biederman, Ford, E. Forman, Malcolm Gross, Zeldia Gross, Heisler, Kamerman, Kass, Kelly, Krauss, Krevat, Patricia McHugh, Saputelli, Sepersky, Serafini, Smiley, Sutton Square)

Response: The comment is incorrect. First, the discussion in the Final EIS regarding selection of the water main routes has been revised to clarify that the water main routes will be selected by NYCDEP for design and construction by NYCDDC (see Section 5.1 in Chapter 5, "Water Main Connections"). Before construction, NYCDDC will prepare a detailed survey of the alignment, to identify all other buried infrastructure along that route. NYCDDC will also coordinate with any other construction projects that could be occurring at the same time as the water main construction project. Based on the results of the detailed survey and the coordination with other projects and on current and past practices, NYCDDC

will endeavor to construct the water main route along NYCDEP's selected route, but final alignment within the selected route will be determined by NYCDDC. NYCDDC is the agency with experience and responsibility for street work and will take the route that is prescribed by NYCDEP and survey the location, design the job, and implement its construction. Also, NYCDEP will work with NYCDDC to join expertise about possible construction techniques.

The final route will be determined after the Shaft Site has been selected, based on three factors: 1) more detailed survey information to be collected along the route; 2) further investigation into the feasibility of alternative construction techniques that might be used to further minimize the potential environmental impacts of the water main construction project identified in the Draft and Final EIS; and 3) ongoing coordination and collaboration between NYCDEP, NYCDDC, and the NYCDOT regarding construction techniques and alignment.

Second, no segmentation of the environmental impacts of the Shaft Site and water mains has occurred. As defined in SEQRA (6 NYCRR Part 617, §617.3(g)), "Segmentation means the division of the environmental review of an action such that various activities or stages are addressed under this Part as though they were independent, unrelated activities, needing individual determinations of significance." The regulations offer additional definition in §617.3(g) stating, "Actions commonly consist of a set of activities or steps. The entire set of activities or steps must be considered the action, whether the agency decision-making relates to the action as a whole or to only a part of it. (1) Considering only a part or segment of an action is contrary to the intent of SEQR. . . . (2) If it is determined that an EIS is necessary for an action consisting of a set of activities or steps, only one draft and one final EIS need be prepared on the action provided that the statement addresses each part of the action at a level of detail sufficient for an adequate analysis of the significant adverse environmental impacts." Since the Draft and Final EISs for Shaft 33B consider the potential environmental impacts of the entire set of activities or steps associated with Shaft 33B, including construction of the shaft and construction of its water mains, no segmentation has occurred.

The decision for the Shaft Site and the water main routing need not be made together in order for the environmental impacts of both elements to be analyzed, disclosed through the EIS process, and considered by agency decision makers. Please also note that the statement in the comment, "Moreover, NYCDEP's choice of sites would constrain NYCDDC's options, resulting in segmentation," is incorrect. As described later (see response to Comment 10), given that few sites are available for construction of the shaft that would meet the purpose and

need for the project, the route for the water mains must depend on the Shaft Site selected, rather than vice versa. The water mains are, therefore, necessarily a later phase in the design of the project. The New York State Department of Environmental Conservation's draft *SEQR Handbook* provides guidance with respect to how such later phases should be handled under SEQRA: "All known phases of a project should be considered in the determination of significance. If later phases are uncertain as to design or timing, their environmental significance should be examined as part of the whole action by considering the potential effects of total build-out. If, after completion of the review, it can be determined that the subsequent phases will cause no significant adverse impacts or that the impacts can be mitigated, initial phases can be approved and no further analysis under SEQR will be necessary."³

Although the final water main route has not yet been selected, it is not premature to analyze the potential environmental impacts of water main construction at this time, and in fact the Draft and Final EISs contain a full and detailed analysis of the environmental impacts associated with construction of the water mains along three feasible alternative routes. An evaluation of each of these routes from any of the potential Shaft Sites was also performed, to allow a reasonable comparison of the alternatives. Potential effects from construction and operation of the water mains along the three routes were not considered in isolation from any potential effects of construction and operation of the Shaft Sites—rather, the cumulative effects of construction and operation of the shaft and the water mains were analyzed for all four sites and all three water main routes and are presented in the EIS. In Sections of the document where that combined analysis was not clear in the Draft EIS, additional text has been provided in the Final EIS. Thus, the Draft and Final EISs prepared for the Shaft 33B project allow NYCDEP to be fully informed of the potential environmental consequences of the entire project.

Three feasible water main connection routes were developed for analysis in the EIS. These routes were provided to analyze the full range of environmental consequences associated with water main construction. Together, these alternative routes anticipate the likely options for water main construction that would be needed to connect the proposed Shaft 33B with the Third Avenue trunk main and therefore are representative of the final water main route to be selected for the water main connections. The environmental consequences

³ Source: New York State Department of Environmental Conservation's draft *SEQR Handbook*, available on the internet at <http://www.dec.state.ny.us/website/dcs/seqr/handbook/>.

associated with the use of these routes are therefore considered representative of potential environmental consequences that could result along the potential water main route that might ultimately be selected. The routes considered include a route that heads south from the Shaft Site along First Avenue and then turns west at E. 55th and E. 56th Streets (the First Avenue route); a similar route that heads east from the site to Sutton Place, to determine whether traffic congestion could be minimized in this configuration; and a route that heads directly west from the Shaft Site using E. 59th Street and E. 61st Street, to identify the effects of the shortest practicable water main route. The EIS thus evaluated a reasonable and realistic range of water main routes with varying construction durations to represent the potential impacts from a multitude of potential routes.

The Draft EIS does not claim that the selection of the water main routes would occur outside of SEQRA. Section 5.1 (page 5.1-3) of the Draft EIS stated, “The ultimate route for the water main connections from Shaft 33B, including the timing and sequencing of construction, will not be determined during or through the EIS process.” NYCDEP wishes to clarify that this statement was intended to convey the fact that the water main route will be selected after the Final EIS has been completed. It has been clarified in the Final EIS to read, “The ultimate route for the water main connections from Shaft 33B, including the timing and sequencing of construction, is best determined close to the time of construction and will not be determined until after the Shaft Site has been selected.” A review of the environmental impacts of the water main routes was conducted pursuant to the requirements of SEQRA and CEQR as part of the Draft EIS and Final EIS for Shaft 33B, as described above.

Comment 9: I’m appalled at the fact that there was very little coordination between NYCDEP and NYCDDC, both New York City agencies. (E. Forman, Mintz, Nelkin, Nislick, Pauly, Saputelli) In the list of approvals in the Draft EIS, there is no mention that NYCDDC is an involved agency or has discretionary approvals that would be based on this Draft EIS. (Kass) It seems strange that a decision could be reached at all when the appropriate bodies that will actually need to manage and complete the project aren’t involved in the discussion. (Mascheroni) The water main and shaft placement should be resolved together by NYCDEP and NYCDDC and the City should appoint an Executive to coordinate the decisions. (SAC)

Response: The Final EIS has been corrected to clearly indicate that NYCDDC would implement construction of the water mains, and therefore is treated as an involved agency for environmental review under CEQR. Please note, however,

that construction of water mains is not a separate discretionary action by NYCDDC. As lead agency, NYCDEP's discretionary action is the decision as to whether or not to proceed with construction of Shaft 33B as well as its required related infrastructure. NYCDDC implements that decision, as the City agency responsible for construction projects. Throughout the environmental review process and the development of the water main routes analyzed in the EIS, NYCDEP has coordinated with NYCDDC in recognition of their expertise, experience, and responsibilities regarding water main construction. NYCDDC is thus familiar with the potential water main routes analyzed in the EIS and the challenges that such construction poses. NYCDDC has also participated in the discussion and development of potential impact attenuation techniques for noise and air quality issues. NYCDEP and NYCDDC work closely together for all water main and sewer construction projects in the City and will continue this coordination for this project. The EIS clearly states in several places that the NYCDDC is intimately involved in the water main construction as the agency that undertakes this construction on behalf of the City, and thus its status its involvement with the project are disclosed in the document. NYCDDC is fully aware of the progress of the EIS process for the Shaft 33B project.

Comment 10: Why would you select a Shaft Site without any idea where the water mains are going to go? You might be looking at a completely different part of the neighborhood for the shaft if you knew this in advance. Why weren't the routes considered when selecting a Shaft Site? (M. Forman, Gray, Heisler, Kamerman, Krasner, Krauss, Krevat, Mintz, Mitchnick, Nelkin, Paladino, Perlmutter, Rose, Saputelli, The Sovereign, Wong)

Response: The EIS describes the process used to select the Shaft Site in Chapter 2, "Purpose and Need and Project Overview." As described there, the location for Shaft 33B is determined by several factors related to the existing water supply distribution system. In particular, the shaft should be located east of Park Avenue in the general vicinity of approximately E. 56th Street to E. 61st Street. Within this area, NYCDEP sought to identify potential sites that would be large enough to accommodate the Shaft Site without completely closing any street or avenue for an extended period of time and without acquisition of private property in active use (with the exception of surface parking lots). The water mains would run from the Shaft Site selected according to these criteria to Third Avenue, to meet the existing trunk main there. As described in Chapter 2, few sites are available that meet these siting criteria; the four sites analyzed in the EIS are the only such feasible sites identified by NYCDEP. Given that few sites

are available for construction of the shaft, the route for the water mains depends on the Shaft Site selected, rather than vice versa.

Comment 11: A thorough review of the alternatives for water main routes and a study of the noise, traffic, and safety issues associated with each alternative should be conducted. (Lappin, Miller, Nelkin, Reyes) This should be done in a full EIS. (Miller)

Response: The EIS prepared for the Shaft 33B project includes a thorough review of the alternatives for water main routes and the noise, traffic, and safety issues associated with each alternative. This information is provided in Chapter 5, “Water Main Connections,” for the preferred Shaft Site. A discussion of the water main connections from the alternative Shaft Sites is provided in each of Chapters 6, 7, and 8 of the EIS.

Comment 12: To fully measure the impact of the project, the shaft and its water mains should be considered jointly. Given the practical effect, why are they being presented separately? (Sepersky, Wong)

Response: The impacts of the shaft and its water mains are considered jointly in the EIS. Because multiple alternative sites and multiple alternative water main routes are described and evaluated in the EIS, this information is separated into different chapters as a way of organizing the voluminous analyses. A summary conclusion about the combined effects of Shaft Site and water main construction is also provided for each of the Shaft Sites. This discussion is provided in Chapter 5 for the preferred Shaft Site and Chapters 6, 7, and 8 for each of the respective alternative Shaft Sites. Please also see the response to Comment 8, above.

Comment 13: Since the water tunnel has not yet been constructed, and since the NYCDEP and NYCDDC have not yet put the project together as a whole, how can NYCDEP logically say they are making their final determination of the site? (E. Forman) The distribution of water throughout the area should be the first step; once those plans are completed, the riser sites could be intelligently selected. (Residents of 400 East 59th Street)

Response: Stage 2 of the Manhattan Leg of the Water Tunnel is currently under construction. The route for the final segment of the Tunnel, from Shaft 32B at E. 35th Street north to Shaft 33B, will depend on the ultimate location selected for Shaft 33B. The Tunnel will lead directly from Shaft 32B to Shaft 33B at its selected location. Given that few sites are available for Shaft 33B, and that the

Water Tunnel—which is being bored in solid bedrock well below the surface—can be shifted, the final route for the Tunnel depends on the site for the shaft, rather than vice versa. Please see the response to Comment 10 above regarding selection of the water main routes.

Comment 14: The residents of E. 54th Street are pleased that NYCDEP recognized that an EIS is the appropriate mechanism to disclose the potentially significant adverse impacts resulting from the siting and construction of Shaft 33B. (Bring)

Response: Comment noted.

Comment 15: The Draft EIS does not examine the cumulative construction impacts of Shaft 33B and connecting water mains with other public and private developments in the project area, particularly the Second Avenue Subway, reconstruction of the FDR Drive, rehabilitation of the Queensboro Bridge, and other private developments in the area. The FDR Drive reconstruction is already backing up First Avenue, because people get backed up on the FDR and come up First Avenue from 42nd Street. The E. 61st Street area already must absorb two other major construction projects, the Second Avenue Subway and East Side Access. Work on the Second Avenue Subway is likely to commence this spring and will be under construction for 16 years, with a peak construction year of 2010, according to the Metropolitan Transportation Authority's (MTA's) Final Environmental Impact Statement for the project. It is inevitable that some construction impacts from the Shaft 33B project would occur simultaneously with those of the Second Avenue Subway. Specifically, Phase 1 of the subway would locate a boring tunnel at 62nd Street on Second Avenue and a new subway entrance at Third Avenue and 63rd Street. Phase 3, which will partly overlap with Phase 1, also involves subway construction from 62nd Street down to 4th Street with a new station at 55th Street. The construction trucks entering and leaving the area and the closure of traffic lanes to accommodate the Second Avenue Subway appear not to have been accounted for in this Draft EIS. Private development projects are also proposed but were not accounted for, including the new research building at the Memorial Sloan-Kettering Cancer Center at 68th Street and First Avenue, the redevelopment of several high-rise buildings along First Avenue between 41st and 35th Streets (former Con Edison properties), the Solow building at York and 61st Street, the new Ronald McDonald House, and the new Rockefeller University dormitory. High-rise buildings are currently under construction on First Avenue between 61st and 62nd Streets and on First Avenue at 66th Street and on York Avenue. These traffic, noise, air quality, and

open space analyses in the Draft EIS do not appear to have accounted for these projects. (Davis, ESPOA, Fazio, Fridecky, Gallagher, Kass, Loeb, Schanz)

Response: This comment is incorrect. The EIS does examine the cumulative construction impacts of Shaft 33B with other construction projects in the immediate area that would be occurring within the same timeframe. These projects are identified in the discussion of “Future Conditions Without the Project” throughout the EIS and then this Future Without the Project serves as the baseline against which the potential impacts of the project can be compared in the evaluation of Future Conditions With the Project.

The reconstruction of the FDR Drive and rehabilitation of the Queensboro Bridge are already under way, and therefore the analysis of existing traffic conditions includes consideration of the disruption caused by these projects. The FDR Drive Reconstruction Project has maintained all travel lanes and travel patterns to the extent possible, and the analyses for the EIS reflected any diversions in the existing baseline conditions. This existing baseline is used to forecast Future Conditions Without the Project and Future Conditions With the Project.

Construction for the Second Avenue Subway project within the Study Areas analyzed in the EIS is not anticipated to occur at the same time as construction for Shaft 33B or its water mains. According to the Final Environmental Impact Statement for the Second Avenue Subway, dated April 2004, subway construction will begin with the segment that extends from E. 96th Street to E. 63rd Street (Phase 1), followed by the segment north of E. 96th Street. The third construction segment (Phase 3), to extend from E. 62nd to Houston Street, may be constructed while the other phases are still in construction, but would be unlikely to begin construction until after 2012, when Shaft 33B and its water mains are completed. First, subway construction was expected to begin in 2004, according to the Final EIS for that project, but has not yet begun and therefore has been delayed at least two years. Funding is not available in MTA’s current Capital Program (2005-2009) for either Phases 2 or 3, so construction of the first of those construction phases would not likely begin before 2010 at the earliest based on the information currently available. It is highly unlikely that adequate funding would be available to begin Phases 2 and 3 at the same time, so Phase 3 would not be expected to begin until some time later.

The only subway construction anticipated by 2012 in the area of the Queensboro Bridge is the small shaft site to be created on the west side of Second Avenue at approximately E. 66th Street (not 62nd Street, as indicated in the comment) to

facilitate construction of a curved tunnel segment in this area. This shaft site would be in construction for 3½ to 4 years. According to the Second Avenue Subway Final EIS, a total of approximately 60 trucks per day (over a 24-hour period) would travel to and then from this shaft site. Other than its effects on traffic due primarily to the loss of roadway area on Second Avenue, this shaft is too far from any of the construction work for Shaft 33B to have significant cumulative effects. This small shaft site could reduce or meter the flow of traffic traveling down Second Avenue immediately to its south, which would mean that less traffic would enter intersections along Second Avenue and cars would instead divert to other southbound routes, including York Avenue and Lexington Avenue, to avoid the bottleneck at E. 66th Street. To mitigate potential significant adverse traffic impacts associated with the loss of lanes on Second Avenue at this shaft site, the Second Avenue Subway Final EIS committed to maintaining five moving lanes on Second Avenue between E. 63rd and E. 59th Streets.

As noted in the comment, Phase 1 of the subway construction would also include a new subway entrance, at Third Avenue and E. 63rd Street, to the existing 63rd Street Station (which currently serves the F train). According to the Final EIS for the Second Avenue Subway, this would involve temporary use of two lanes of E. 63rd Street and some adjacent sidewalk to construct the new entrance using cut-and-cover construction. While this work could potentially occur at the same time as construction of Shaft 33B and its water mains, in general the subway work would be too far from the proposed shaft and water main construction to have potential for cumulative effects. If the E. 59th Street/E. 61st Street water main work was occurring on E. 61st Street when subway work was occurring on E. 63rd Street, construction activities would be coordinated through both projects' traffic management programs to avoid a cumulative effect related to work on these two streets at the same time.

NYCDEP and MTA have coordinated and would continue to coordinate regarding construction of these two important infrastructure projects. In the unlikely event that construction occurs at the same time in the same vicinity on both projects, both agencies would coordinate, in collaboration with NYCDOT and NYCDDC, to minimize disruptions to the surrounding community.

The East Side Access Project, which will create a new tunnel connection for the Long Island Rail Road from the existing 63rd Street Tunnel under the East River to Grand Central Terminal, will be in construction at the same time as Shaft 33B and its water mains. However, no above-ground construction activity is anticipated in the vicinity of the Shaft 33B project, according to the East Side

Access Final Environmental Impact Statement, dated May 2001. The new train tunnels would be constructed in bedrock approximately 150 feet below the surface, curving south and west from Second Avenue at E. 63rd Street to Third Avenue near E. 62nd Street and finally to Park Avenue at approximately E. 56th Street. The East Side Access Project would involve some above-ground construction activities to create new ventilation buildings and new entrances to Grand Central Terminal, but these would all be located close to Park Avenue and would result in minimal disruption to traffic patterns in their immediate vicinity.

The EIS describes the development projects that are expected to occur within or close to the Study Areas within the same timeframe as Shaft 33B and its water main connections in the discussions of the Future Conditions Without the Project. As discussed in Sections 4.2, 5.2, 6.2, 7.2, and 8.2 of the EIS, future development projects expected in the future in the vicinity of the preferred Shaft Site, alternative Shaft Sites, and water main connections include Ronald McDonald House, a new dorm for Rockefeller University, two rezonings on York Avenue between E. 60th and E. 62nd Streets, a new high-rise building on First Avenue between E. 60th and E. 61st Streets, a proposed residential building on the E. 61st Street Shaft Site itself, four new high-rise residential buildings on E. 57th Street, redevelopment of the Sutton Hotel (E. 56th Street between First and Second Avenues) and a new high-rise building at the southeast corner of Second Avenue at E. 53rd Street. In addition, as noted in Section 8.2, two recently completed buildings close to the E. 54th Street/Second Avenue Shaft Site, the Milan Condominium and associated low-rise building on E. 54th Street, will be fully occupied in the future. This information has been updated in the Final EIS to include the new development on the west side of Second Avenue at E. 53rd Street and the proposed redevelopment of the high school and elementary school on the west side of Second Avenue between E. 56th and E. 57th Streets.

The implications of these new developments are considered throughout the EIS in the discussions of the Future Without the Project in the EIS. Other developments mentioned in the comment (Memorial Sloan-Kettering Cancer Center and former Con Edison properties) are generally too far from the preferred or alternative Shaft Sites and water main routes to result in changes in the Study Area. Please note, however, that the traffic analyses in the EIS used a general background growth factor to account for most of those projects listed above, and included specific trips associated with several larger scale development projects, as discussed in Section 3.9, "Traffic and Parking," in Chapter 3, "Impact Methodologies." The specific projects for which additional

trips were calculated, in addition to those incorporated into the background growth factor, were 731 Lexington Avenue/Bloomberg Financial Headquarters, Memorial Sloan-Kettering Cancer Center, Cornell-Weill Medical Center at York Avenue and E. 70th Street, and the rezoning on York Avenue between E. 61st and E. 62nd Streets.

Comment 16: More people would be affected by construction at the E. 54th Street/Second Avenue Shaft Site than predicted in the Draft EIS. The Draft EIS did not take into account the new building at 310 E. 53rd Street. In addition, another 32-story residential building has just begun construction at 250 E. 53rd Street. (A. Kandel)

Response: The EIS describes the area around the E. 54th Street/Second Avenue Shaft Site as densely developed with a mix of small, medium, and large apartment buildings. It discusses the new building currently under construction at 310 E. 53rd Street in the description of Future Conditions Without the Project (see Section 8.2.3 in Chapter 8). Information about the new residential building at 250 E. 53rd Street has been incorporated into this Section of the Final EIS.

Comment 17: The Draft EIS describes very severe impacts on traffic, noise, and air quality during water main construction as temporary and thus not significant. The Draft EIS characterizes the water main construction on each street block as a separate action to claim the construction is “temporary.” These impacts occur anywhere over a period of five to seven years. A few months may be temporary, but five years is not temporary. Several years of impacts during water main construction cannot be considered insignificant. By not disclosing the true nature of the impacts, NYCDEP is misinforming the public and attempting to avoid committing to proper mitigation. (Fazio, Kass, Peter McHugh)

Response: As described in Chapter 3, the distinction between potential significant and temporary impacts was made primarily based on the combination of duration and severity of the effect on a specific sensitive population, according to CEQR guidelines. The potential adverse visual resources, traffic, and noise impacts that are anticipated from water main construction would not occur for a period of five to seven years.

The temporary visual resources and noise impacts associated with water main construction would occur only in the immediate vicinity of the construction activity, which is estimated to last 10 to 12 weeks on a given intersection of block. The effects of traffic congestion would last longer, however, since traffic would back up behind (“upstream of”) the construction zone. However, as

described in Section 5.9 of the EIS (see Table 5.9-16), the longest duration of adverse traffic impacts on the First Avenue corridor has been conservatively estimated at 76 weeks, over a total of 120 weeks when disruptions would be occurring.

The EIS acknowledges this ongoing delay and impact, and does not attempt to separate the impacts into different construction segments, as claimed in the comment. Table 11.3-5 in Chapter 11, “Comparison of Alternatives,” compares the traffic impacts that would occur for the different water main routes and the total duration of those impacts. This includes the disruptions and congestion that would occur at an intersection because of construction that is occurring several blocks away.

Moreover, as noted in Table 5.9-16, since intersection work could be conducted during off-peak hours at smaller construction zones and mid-block work would be at 200 feet at a time, the likely disruptions from connecting the water mains via the three potential routes analyzed are expected to be considerably shorter in duration. Although these short-term effects were not identified as significant, all transient and temporary effects were carefully reviewed and when feasible, measures have been identified and committed to for relief of the temporary effects. Specifically, as described in the EIS, the New York City Department of Transportation’s Office of Construction Mitigation and Coordination (OCMC) has jurisdiction over all in-street work proposed in the City and requires the preparation of Maintenance and Protection of Traffic (MPT) plans to attenuate traffic disruptions during such construction. The EIS explored the various components of the aggressive MPT plans that would be prepared for the water main construction project. These plans would incorporate all practicable attenuation measures to alleviate the potential temporary adverse impacts disclosed in the EIS.

Comment 18: One real problem with the Draft EIS and all reports like it is that impact areas are separated according to type and again in terms of severity. But this method is not analogous to what actually happens in communities to people, because actual people are subject to all these stresses simultaneously, so that the quality of their experience is not adequately reproduced by considering single measures. The Draft EIS does not consider the joint effect of these separate factors. Also, this method does not address the duration of cumulative effect of these exposures over time. As a result, we do not understand the potential permanent effect these supposed temporary inconveniences could have on the health and welfare of the population. (Patricia McHugh, Peter McHugh)

Response: The EIS was prepared following the guidance of New York City’s *CEQR Technical Manual*. Different environmental disciplines are necessarily evaluated separately, because different methodologies are used for each of the analyses. To capture the overall effect of multiple changes on one neighborhood, the EIS also includes an analysis of “neighborhood character,” which is intended to consider the interaction of all environmental areas in the neighborhood. The analyses of neighborhood character are discussed in this EIS in Sections 3.7, 4.7, 5.7, 6.7, 7.7, and 8.7.

Comment 19: The E. 59th Street/E. 61st Street water main route was not in the draft or final scoping document. (CB8, Saputelli)

Response: Chapter 1, “Executive Summary,” explains the modifications that were made to the description of the project after issuance of the Final Scope of Work and were analyzed in the Draft EIS. As explained in Chapter 1, the E. 59th Street/E. 61st Street route was developed (subsequent to issuance of the Final Scope of Work) for assessment to represent a more direct water main connection from the preferred Shaft Site to the Third Avenue trunk main. Together with the First Avenue route and the Sutton Place route, these three routes were intended to represent the full range of environmental issues that might occur from construction of the new water mains.

Comment 20: The fact that NYCDEP is both developer and reviewer of their own proposal is suspect. (Peter McHugh)

Response: Under CEQR as set forth in Executive Order 91 of 1977 and its amendments creating the Rules of Procedure for CEQR, adopted by the City Planning Commission on June 26, 1991 and revised in October 2001, as well as the State Environmental Quality Review Act (SEQRA), Section 8-0113, Article 8 of the Environmental Conservation Law, as set forth in 6 NYCRR Part 617, before undertaking discretionary actions, New York City agencies must consider the effects of those actions on the environment. This evaluation is done by the agency with the greatest role or responsibility in the discretionary action, referred to as the “lead agency.” This procedure is required by law (§6-08(b)(1) of the Executive Order No. 91 of 1977 as amended states, “when an action which may have a significant effect on the environment is initiated by an agency, the initiating agency shall be directly responsible for the preparation of a draft EIS”). For Shaft 33B, NYCDEP is the initiating agency and therefore is responsible for preparation of the EIS.

15.3.2 Purpose and Need and Project Overview

Comment 21: The site selected must be based on the least inconvenience, for the shortest duration, to the least number of residents of our neighborhood. (Buckles, Griffith, Lappin, Miller, SAC, Sutton Square)

Response: Under CEQR, NYCEP is required to consider environmental, social, and economic factors of its actions, and to develop wherever possible measures to mitigate or avoid adverse environmental effects. In determining that it will move forward with an action, NYCDEP must find that “consistent with social, economic and other essential considerations of state and city policy, from among the reasonable alternatives thereto, the action to be carried out or approved is the one which minimizes or avoids adverse environmental effects to the maximum extent possible” (§6-12(b)(1)) and “consistent with social, economic, and other essential consideration of state and city policy, all practicable means will be taken in carrying out or approving the action to minimize or avoid adverse environmental effects” (§6-12(b)(2)).

Please note that all four Shaft Sites analyzed in the EIS, as well as all potential water main routes, are located in a densely developed residential neighborhood. All four sites and all water main routes are close to residential uses, and some of the sites are also near other sensitive uses, such as schools. Among the sites, the preferred Shaft Site (at First Avenue and E. 59th Street) is the most buffered from nearby sensitive uses by a combination of distance from those uses; the presence of the Queensboro Bridge north of the site, which completely separates the site from the area beyond the Bridge; and the site’s greater distance to the nearest high-rise residential building compared to the other three Shaft Sites analyzed. As described in Chapter 11 of the EIS, of the four potential Shaft Sites, three would have water main connections of similar length that would result in similar disruptions during construction. Only one site, the E. 54th Street/Second Avenue Shaft Site, would have a shorter water main route, but this site would have several major disadvantages when compared to the other three potential Shaft Sites, including operational disadvantages and significant adverse impacts related to construction of the Shaft. All of these factors must be weighted and considered in NYCDEP’s decision making process.

Comment 22: It appears that not enough consideration has been given to the impact of a 59th Street or 61st Street location near the Queensboro Bridge. (Fiedler)

Response: Detailed analyses were conducted for the preferred Shaft Site (on E. 59th Street) and three alternative Shaft Sites (including one on E. 59th Street and one on

E. 61st Street), including water main connections from each of those Shaft Sites, for a full range of environmental impacts.

Comment 23: Arguments that delays to the schedule will mean the use of surface excavation techniques rather than raise bore techniques should be rejected. This delay is not the public's doing; construction of the tunnel has been under way for decades and all the other shafts are under way. There was no reason NYCDEP could not have built this shaft in a timely fashion and there is still no reason why it would not be feasible to ask the contractor to delay his exit from the tunnel and removal of the rail facilities to allow use of raise bore construction for Shaft 33B. (Kass)

Response: The fact that all the other shafts associated with Stage 2 of the Manhattan Leg of City Tunnel No. 3 are under construction but Shaft 33B has been delayed while a feasible site has been sought is the very reason why the construction schedule is so compelling. Shaft 33B will be the tenth and final shaft to be completed on Stage 2 of the Manhattan Leg, and until it is completed, the Tunnel cannot be fully operational. Providing critical water supply redundancy in the area is an important and urgent goal for NYCDEP.

Comment 24: The descriptions of construction are given in months as opposed to years, perhaps so that we won't notice that this is a seven-year project, if it is completed on time. (Davis)

Response: Descriptions are provided in months rather than years to provide more precise information.

Comment 25: What are the total costs of the project for each site, including water main connections? (Sepersky)

Response: The total costs for each site, including water main connections, have been added to Chapter 11 of the Final EIS.

Comment 26: Why has there been no maintenance on the water tunnel since 1917? (Siegel)
The Draft EIS provides very little information about the progress, route, and rate of construction of the tunnel. Why isn't this information shown on Figure 2-2?
Where are the other nine shafts of the Manhattan Leg, and where are the trunk lines to which they connect? (Patricia McHugh)

Response: City Tunnel No. 1 was completed and began operation in 1917. Maintenance and inspection of that tunnel require that it be shut down, which cannot occur until additional water supply is provided that can replace the water currently

provided by City Tunnel No. 1. In addition, because of the design of that first water tunnel, some tunnel machinery (such as valves) cannot be accessed until the tunnel has been drained of water, meaning that any shutdown cannot be made on a short-term basis. The need to complete City Tunnel No. 3 is based, in part, on the need to dewater City Tunnel No. 1 for inspection and maintenance.

Information on the other nine shafts of Stage 2, Manhattan Leg was not included in the Draft EIS because the selection of those sites was not considered relevant to the analysis of Shaft 33B and because the information was considered to be sensitive. In response to this comment, additional information on the general location planned for the water tunnel and the general location of the other nine shafts, all of which are currently under construction, has been added in the Final EIS (see Chapter 2 and Figure 2-3).

The other shafts associated with City Tunnel No. 3, including the nine shafts in construction and those already completed in Manhattan, have or will have water main connections that vary in length. Similar to Shaft 33B, these Shaft Sites were selected based on the availability of a site large enough to accommodate a water shaft that was underutilized and in the general vicinity of a trunk main to which connections could be made. For example, Shaft 31B, which is under construction at approximately E. 4th Street near Broadway, will have numerous connections to the local distribution system in the immediate vicinity, while Shaft 14B to City Tunnel No. 3, Stage 1, which is already in operation on York Avenue near E. 77th Street, has a water main connection that extends down York Avenue to E. 68th Street and then turns west and travels to First and Second Avenues. Distribution mains for the remaining nine Shaft Sites still in construction in Manhattan are currently in the planning phase of the design process, so specific information on the length of the routes is not available.

Comment 27: With all the underground work already undertaken, and all the tunnels that have been constructed to excavate the shafts already constructed, why can't these tunnels be used rather than doing work at the surface? This would avoid disruptions to traffic. (Samuels)

Response: Stage 2 of the Manhattan Leg of City Tunnel No. 3 is currently being constructed beneath Manhattan. The shafts are needed to deliver water from the new tunnel (450 feet below the surface) to the local distribution system. As explained in Chapter 2, "Purpose and Need and Project Overview," Shaft 33B could be constructed from the bottom upward (the "raise bore" method) or from the surface downward (the "surface excavation" method). In either case, some construction activities would be required at the surface. The raise bore method is

proposed at the preferred Shaft Site because it would require less surface activity. As explained in Chapter 2 and in Section 4.1, construction would not begin at Shaft 33B until the new City Tunnel No. 3 had been built to the site, and then the shaft would be constructed primarily from that new tunnel. Rock excavated from the shaft would be transported through the underground water tunnel before that tunnel is in use for water delivery.

The other nine shafts associated with City Tunnel No. 3, Stage 2, Manhattan Leg, are currently under construction now. These vertical shafts are spaced along the new water tunnel, and are some distance from Shaft 33B and therefore cannot be used in connection with construction of Shaft 33B.

The other construction activity that would affect the surface near Shaft 33B is construction of new water main connections, which are required to transport water from the top of the shaft (near ground surface) to the local distribution system. No large distribution mains currently exist to transport the new water that is brought from City Tunnel No. 3 via Shaft 33B into the local distribution system.

Please note, however, that NYCDEP is continuing to explore alternative construction techniques for use in constructing the water main connections. As described in Section 5.1 of the EIS, one such possibility is the use of “microtunneling,” which involves drilling a small tunnel beneath the street using a tunnel boring machine rather than excavating open pits (i.e., “cut and cover”) for the new water mains.

Comment 28: The Shaft 33B project would be an open invitation for those who wish to do major harm to the city to do so. Evacuation of the nearby area would be difficult with all the construction barriers in place. (Cathedral H.S.)

Response: As described in Chapter 2, the proposed Shaft 33B, including its necessary water main connections, is an important component of the City’s water supply system and its completion is important to ensure the required redundancy. Construction barriers would be placed around the Shaft Site during construction for safety purposes and to reduce potential noise impacts, but would not be located off-site and would not hinder evacuation plans. NYCDEP has its own dedicated police force that would monitor construction at the Shaft Site. For the Shaft Site and the water main construction routes, NYCDEP has coordinated with the NYPD and will coordinate with other public agencies regarding potential vulnerability and security risks. Please also note that water main construction would be temporary at any one location, and the construction zone would be separated from traffic lanes and the sidewalk by low concrete “Jersey” barriers, rather than

walls. This construction zone would be unlikely to hinder evaluation of a nearby area in an emergency.

Shaft Sites

Preferred Shaft Site

Comment 29: We support the preferred Shaft Site, since it would allow for installation of two risers, would allow use of the raise bore machine, is off-street and City-owned, and is adequate for construction staging with minimum impact on existing traffic patterns. (CB8, ESNA, Pappas, B. Schneider, J. Schneider)

Response: Comment noted.

Comment 30: We—including the East Fifties Neighborhood Coalition (EFNC), Sovereign Apartments, and Sutton Square—adamantly oppose E. 59th Street and First Avenue as the preferred Shaft Site. (Albero, Biederman, Fazio, Ford, Fridecky, Gallagher, Gart, Gibson, Gray, Griffith, Jurst, La Cirignola, Mascheroni, Peter McHugh, Oberlander, Paladino, Pang, Perlmutter, Reyes, Rose, Rosenthal, Schanz, Siegel, Smiley, Soell, Sutton Square, Werner, Wong)

Response: Comment noted.

Comment 31: Was the site at E. 59th Street and First Avenue chosen as the preferred site because the City already owns the property and this is seen as easier than doing the work necessary to secure one of the other more appropriate sites? (E. Forman) No rationale was provided for the selection of the preferred Shaft Site. (David, M. Forman) The decision about the new Shaft Site seems to have been reached hastily as a result of the earlier site being contested, and it was handled in a way to keep it “under the radar” as long as possible just so that the project could move forward. (Mascheroni) The Community Board got NYCDEP to move the site from 54th Street, and now NYCDEP has illegally moved it to our neighborhood. (Wachs)

Response: E. 59th Street and First Avenue is identified as the preferred Shaft Site based on the relative advantages at this site as compared to the other available feasible sites. This is based on various factors that include, but are not limited to, engineering considerations (e.g., design/water supply goals, constructability of the site), cost, and potential disturbance to the surrounding community. A full comparison of the alternative sites is provided in the EIS in Chapter 11, “Comparison of Alternatives.” The identification of the site at E. 59th Street and First Avenue as the preferred Shaft Site was in no way “illegal.” The procedures

set forth in SEQRA and CEQR have been followed throughout the environmental review. As noted above in response to Comment 4, an extensive public outreach process has been conducted in accordance with CEQR, including publication of Draft and Final Scopes of Work that identified this site as the preferred Shaft Site. Public comments were accepted on the Draft Scope of Work and on the Draft EIS, which also identified this site as the preferred Shaft Site. Following publication of the Final EIS, which includes response to these public comments, the NYCDEP Commissioner will identify the site selected for Shaft 33B, taking into account public concerns voiced throughout the CEQR process.

Moreover, the public outreach undertaken for this project exceeds the requirements of SEQRA and CEQR. In conjunction with the EIS process, NYCDEP attended several meetings with Community Boards and hosted informational forums that are not required by either law, but rather were provided as part of NYCDEP's effort to be responsive to community concerns and make project information readily available and easily accessible to interested members of the community. NYCDEP will continue the public outreach efforts regarding this project throughout the shaft and water main construction periods.

Comment 32: The area around the preferred Shaft Site is already overburdened by different projects and dangerous conditions—the Con Edison electrostatic lines, the Bridge, and now the shaft. (Kammerman, Reyes) The area already shoulders more than its fair share of municipal burden, with entrances to the FDR Drive, exits from the Queensboro Bridge, an MTA cooling tower, and two buildings containing inclusionary housing. (Gallagher) It makes sense to separate basic infrastructure elements, such as the Bridge, the electricity, and the water. (Wong) The Sutton Place community has been exposed to far too many City rehabilitation projects over the past several years, including the reconstruction of the FDR Drive, construction of several new residential buildings, and the closing of our parks and dog runs. Yet you plan to close another public space for a construction site. (Cannon Point North)

Response: The EIS analyzes the existing conditions at each of the four potential Shaft Sites and considers the cumulative effects of constructing Shaft 33B and its water main connections at each of those sites. As noted above in response to Comment 15, the evaluation considers the presence of other construction projects nearby in addition to the construction of the new shaft. Please note, however, that the Con Edison electrostatic lines are not “dangerous,” as cited in the comment; they are

part of the buried infrastructure beneath the street throughout Manhattan, similar to water, sewer, and other municipal utilities. In fact, electrostatic lines are buried beneath many streets in the neighborhood. The issue with these lines is that they are difficult to move, so that construction activities related to Shaft 33B sought to avoid moving them when practicable. Please also note that NYCDEP disagrees with the commenter's assertion that inclusionary housing is a burden to a neighborhood. Regarding open spaces, please see the comments below under the heading, "Open Space."

Comment 33: At the preferred Shaft Site, all permanent project elements, including the hatchways, air vent, and hydrants, should be located within the project site, without any elements on the sidewalk. (CB8, ESNA, J. Schneider)

Response: The hatchway at Shaft 33B would be located directly above the Shaft's distribution chamber, which would be on the NYCDOT site rather than the sidewalk. While the design of Shaft 33B is not yet complete, provisions will be made to locate the air vent within the boundaries of the site. Although the hydrants could also be located within the boundaries of the site, they would be used to flush water from the shaft when it is activated, and placement of the hydrants closer to nearby storm drains would reduce the distance the flushed water would have to travel to reach the sewer system. In addition, once the shaft is activated, the hydrants would be used as fire hydrants, which are more accessible and useful to the Fire Department when they are located on the sidewalk rather than elsewhere. Because locating the hydrants in sidewalk space provides operational advantages over locating them within the site, it is likely that they would be constructed on the sidewalk, close to the curb. At the preferred Shaft Site, no hydrants or other site features would be placed in the multi-use area (14 Honey Locusts Park), however. These hydrants are relatively common throughout the City, and it is not expected that their presence would be intrusive in terms of either urban design or pedestrian activity (see Sections 4.6 and 4.9, respectively).

Comment 34: The preferred Shaft Site would require a total of 20 months longer to construct than the E. 54th Street/Second Avenue Shaft Site, resulting in an extra 20 months of lane closures on First Avenue and E. 54th and E. 55th Streets. (Oberlander)

Response: The duration of construction at each potential Shaft Site and the duration of construction associated with the required water main connections are described in the EIS (see Sections 4.1, 5.1, 6.1, 7.1, and 8.1). As described there, construction at the preferred Shaft Site is estimated at 52 months, for completion in approximately mid-2010 (see Table 4.1-1 in Section 4.1). The water mains for

this site would require an estimated 31 to 51 months, depending on the route, and would be completed by 2012. Construction of the E. 54th Street/Second Avenue Shaft Site would likely take approximately 61 months using the raise bore method or approximately 70 months using the surface excavation method, for completion in approximately mid-2011 to mid-2012 (see Table 8.1-3 in Section 8.1). Construction of water mains for this site would take approximately 22 months. The lane closures required for construction of each Shaft Site are discussed in the respective chapters. Please also note that the construction periods for the shaft and water mains are expected to overlap somewhat, in order to meet the goals for activation of City Tunnel No. 3, Stage 2 – Manhattan Leg in 2012.

E. 59th Street/Second Avenue Shaft Site

Comment 35: The Draft EIS states that the E. 59th Street/Second Avenue Shaft Site is viable but would only allow one riser because of the narrow nature of the distribution chamber, although the width for that chamber described in the Draft EIS is the same as the chamber for the site on E. 61st Street, 30 feet by 45 feet. (Kass)

Response: The Draft EIS rounded the width of the distribution chamber at the E. 59th Street/Second Avenue Site to 30 feet. The actual width would be 26 feet, which is too narrow to accommodate two risers. The Final EIS provides this corrected number. Because of the presence of two underground oil-o-static lines beneath E. 59th Street near this site and the irregular shape of the site, which is dictated by its location adjacent to the Queensboro Bridge, the chamber cannot be widened beyond 26 feet without difficulty. If this site were selected, one oil-o-static line would have to be relocated to accommodate Shaft 33B with one riser. Widening the site further would require relocation of the second oil-o-static line and would make accommodation of construction vehicles at this constrained site difficult. In addition, space must be maintained along E. 59th Street for traffic to pass the construction zone and for construction-related trucks to pull up on the south side of the site to make deliveries. No room is available to the north, east, or west of the site for such deliveries, because of the presence of the Queensboro Bridge, its elevated entrance ramp, and the Second Avenue entrance to the Bridge, respectively.

Comment 36: The site at E. 59th Street and Second Avenue would be better than the preferred Shaft Site because water main construction could be completed in under six months instead of three years. (Albero, Gart)

Response: The E. 59th Street/Second Avenue Shaft Site analyzed in the Draft and Final EISs, which is located on the east side of Second Avenue, would require water main construction with a duration similar to that required for the preferred Shaft Site. As described in the EIS, water main construction from this site would take an estimated six months longer using the First Avenue and Sutton Place routes than connections from the preferred Shaft Site (47 and 57 months for the First Avenue route and Sutton Place route, respectively, vs. 41 and 51 for the preferred Shaft Site), and the E. 59th Street/E. 61st Street route would take the same amount of time at either site (31 months). For the response to a similar comment on a site at E. 59th Street on the west side of Second Avenue, see Comment 44 below.

E. 61st Street Shaft Site

Comment 37: One possible site for construction of the shaft is midblock on the north side of E. 61st Street, near the Bridge ramp, where there is an empty lot. (Wachs) Although the E. 61st Street Site is owned by the Archdiocese, acquiring it might not be a problem, because its location next to the Bridge ramp makes it unsuitable for a church or school. (M. Forman)

Response: The empty lot on the north side of E. 61st Street was thoroughly analyzed as a potential Shaft Site, the E. 61st Street Shaft Site, in the EIS. However, the site is owned by the Archdiocese of New York, which does not wish to sell the property. The Archdiocese has not been receptive to NYCDEP's acquisition or use of the site. This site was formerly occupied by a church, which was demolished in the 1990s, and as described in the EIS (see Section 7.2), the Archdiocese is currently planning to build a residential structure for priests on this property. Despite the presence of the Bridge ramp, the immediate area includes a school for developmentally challenged children (on E. 62nd Street adjacent to the ramp and to the potential Shaft Site) as well as numerous residential buildings.

Comment 38: The time required to acquire the E. 61st Street Site will probably be longer than the 10 months you allowed in the Draft EIS. This will mean that the surface excavation method must be used, further lengthening the construction schedule and making the traffic problem worse. (J. Schneider)

Response: Comment noted. The schedule estimates in the EIS are intended to be reasonably conservative. The EIS includes an evaluation of the impacts associated with construction using both possible construction methods—raise bore and surface excavation.

Comment 39: The E. 61st Street Site would avoid a good deal of the water main construction required for the preferred Shaft Site. (M. Forman)

Response: As described in the EIS (see Table 11.2-2 in Chapter 11, “Comparison of Alternatives”), the duration for construction of water main connections from the E. 61st Street site would be the same as from the preferred Shaft Site (31 months) using the E. 59th Street/E. 61st Street route, and would be approximately five months longer using the other routes (46 months for the First Avenue route and 56 months for the Sutton Place route, compared to 41 and 51 months, respectively, from the preferred Shaft Site).

E. 54th Street/Second Avenue Shaft Site

Comment 40: Siting the shaft in the street and directly in front of residential buildings at the E. 54th Street/Second Avenue Site would create noise, traffic, and safety problems for a greater number of people than would an off-street location. This site would affect more people than any of the other Shaft Sites. (A. Kandel, J. Kandel, Krueger, Miller, Pappas) Due to the dangerous and unmitigatable conditions that the shaft construction would create at the E. 54th Street/Second Avenue Shaft Site, this site should not even be considered a feasible alternative. The Draft EIS describes multiple problems with construction of a shaft at this site, and estimates that construction would last 61 to 70 months, or almost six years. Construction at this site would create a dangerous long-term condition for thousands of residents, including those at a senior citizens’ facility, and businesses, educational, and recreational institutions nearby; seriously impede traffic flow; and would be the most difficult site for NYCDEP’s contractors, making the construction period lengthier, more difficult, and more costly. The site’s irregular shape and ability to accommodate only one riser make it undesirable. The need to use surface excavation here would have dire environmental consequences that would make the impacts at the site more severe than at the other sites and would render the site untenable. It would result in obtrusive noise impacts and would require a temporary easement for use of a portion of open space. (Bing, Bring, Connaught Tower Corporation, Jacobs, A. Kandel, J. Kandel, Kent, Krueger, Nasser)

Response: Comment noted. The EIS describes the potential environmental impacts that would occur as a result of construction of Shaft 33B at the E. 54th Street/Second Avenue Shaft Site, and compares those impacts to the impacts at other sites in Chapter 11, “Comparison of Alternatives.” As described in the document, potential significant adverse impacts related to noise would be greater at the E. 54th Street/Second Avenue Shaft Site, but potential temporary adverse

impacts related to construction of water main connections would be smaller, because of the shorter duration of the water main construction activity. All of the Shaft Sites are located in close proximity to numerous residential buildings and a densely populated neighborhood, but the E. 54th Street/Second Avenue Shaft Site would be by far the closest to nearby buildings. See also the response to Comment 42 below.

Comment 41: The E. 54th Street/Second Avenue Shaft Site would not meet NYCDEP's Shaft Site selection criteria, because this site would not provide the minimum space needed by the Fire Department (FDNY) to operate fire trucks. The FDNY Firefighting Procedures Manual says that fire trucks require a minimum clearance of 21 feet to operate effectively, while this site would provide only 10 feet of clearance. It would also not allow for two risers. (Krueger)

Response: As described in Chapter 2 of the EIS and detailed in Appendix 1, three criteria were used during the site screening process to determine if a site might be feasible. Sites were found to be infeasible if they required condemnation of active private property, other than surface parking lots or vacant lots; if they required closing entire streets or avenues for construction of the shaft; or if they would not accommodate the required space needed for construction of the shaft. Based on these initial screening criteria, four potential sites were identified, and these included the E. 54th Street/Second Avenue Shaft Site.

As also described in the EIS (see Section 8.2 and Appendix 2), FDNY reviewed the potential alternative Shaft Site at E. 54th Street and Second Avenue and stated in comments dated March 30, 2004, that it has no objection to the construction of Shaft 33B at this site provided that certain conditions are met. The Shaft Site would meet FDNY's conditions, including provision of appropriate lane width. A 16-foot-wide travel lane and 5-foot-wide sidewalk would be maintained adjacent to the site on the south side of E. 54th Street extending approximately 83 feet east from Second Avenue, for a total of 21 feet unobstructed for use by FDNY. For the remainder of the construction site, a 23-foot-wide travel lane and 5-foot-wide sidewalk would be maintained, for a total of 28 feet unobstructed for use by FDNY. These and other conditions mandated by FDNY are described in Section 8.2 of the EIS.

Comment 42: Why was the E. 54th Street/Second Avenue Shaft Site the preferred site for such a long period and then it suddenly fell into disfavor? The NYCDEP commissioner vigorously defended that site as the preferred site. We know that the site was eliminated because the people who live near that site opposed it.

(David, Gerald Green, Regina Green, Patricia McHugh, Oberlander, Residents of E. 59th Street, Smiley)

Response: The E. 54th Street/Second Avenue Shaft Site is no longer the preferred site because of several critical factors that were identified as site evaluation was conducted. Most important, FDNY required that several changes be made to the original site configuration to ensure adequate access would remain for fire trucks. The revised site configuration prescribed by FDNY would make the site extremely difficult to construct. In particular, FDNY required a 16-foot-wide travel lane and 5-foot-wide sidewalk adjacent to the site on the south side of E. 54th Street extending approximately 83 feet east from Second Avenue, for a total of 21 feet unobstructed for use by FDNY. For the remainder of the construction site, a 23-foot-wide travel lane and 5-foot-wide sidewalk would be maintained, for a total of 28 feet unobstructed for use by FDNY. The need to maintain these two clear zones results in a very narrow site that would be difficult for construction. In addition, FDNY required a 10-foot-wide path bisecting the construction area on Second Avenue and a 10-foot-wide path bisecting the construction area on E. 54th Street. The path bisecting the construction zone on E. 54th Street would have to be maintained as an access point to the garage entrance serving the Milan Condominiums, requiring that construction activities yield to cars entering and exiting the garage at all times. In addition, a separate pedestrian way would have to be provided in the Second Avenue portion of the site. At the time NYCDEP was in its preliminary planning for potentially siting the shaft at the E. 54th Street/Second Avenue Shaft Site, these restrictions, including the presence of the garage, did not exist. With the site divided into multiple pieces by these clear zones, construction would be made substantially more difficult. In addition, while the E. 54th Street/Second Avenue Shaft Site in its original configuration could accommodate two risers, because of the need to provide a wide access lane for FDNY, this site no longer can accommodate two risers.

Other Sites

Comment 43: During the screening process conducted prior to the Draft EIS, some sites were eliminated that were infeasible, but a number of potential Shaft Sites were eliminated that are perfectly viable and should have been analyzed in the Draft EIS. They may have some impacts, but those impacts should be balanced against the impacts on alternative sites. (Biederman, M. Forman, Malcolm Gross, Zelda Gross, Kachurin, Kamerman, Kass, Krauss, Krevat, Loeb, Patricia McHugh, Peter McHugh, Pang, Residents of 400 E. 59th Street, Serafini, Siben, Wachs)

Response: As described in Chapter 2 and Appendix 1 of the EIS, a site screening evaluation was undertaken to identify sites in proximity to the boundary of the two water pressure zones to be served by Shaft 33B, the Middle Intermediate Pressure Zone (MIPZ) and the Northern Intermediate Pressure Zone (NIPZ). Sites were determined to be infeasible if they required condemnation of active private property, other than surface parking lots or vacant lots; if they required closing entire streets or avenues for construction of the shaft; or if they would not accommodate the required space needed for construction of the shaft. Some sites were also eliminated for other reasons, such as New York Police Department concerns. Based on this initial screening evaluation, only four potential sites were identified, and these were evaluated in the Draft EIS. NYCDEP does not know of any other feasible sites in proximity to the boundary on the Third Avenue trunk main between the two water pressure zones to be served by Shaft 33B, the MIPZ and the NIPZ.

Comment 44: Site 11 (at the northwest corner of E. 59th Street and Second Avenue at Tramway Plaza), is an important site because of its location on the west side of Second Avenue. A site at the northwest corner of Second Avenue and E. 59th Street would be better than the preferred Shaft Site, because there would be fewer water mains to build and construction time could be reduced to four months. With a site on the west side of Second Avenue, water main construction would neither cross Second Avenue nor interfere with Queensboro Bridge ingress and egress and would not affect First Avenue traffic at all. This site was eliminated because of its proximity to an existing subway tunnel and the fact that it might be adversely affected by construction or operation of the new Second Avenue Subway. This does not make sense, considering NYCDEP's ability to conduct blasting operations with care near sensitive structures. It's not clear why you could not expect MTA to take the same care when they build the new subway, which will also be constructed near many fragile structures, including historic properties. NYCDEP and MTA can work together to ensure that adequate construction protection methods are in place so as not to disturb the shaft during subway construction or operation. The possibility of vibration from the subway affecting the shaft seems ridiculous. (Biederman, M. Forman, Malcolm Gross, Zelda Gross, Kachurin, Kamerman, Kass, Krauss, Krevat, Loeb, Patricia McHugh, Peter McHugh, Pang, Residents of 400 E. 59th Street, Serafini, Siben, Wachs)

Response: As noted in the comment, Site 11, at the northwest corner of Second Avenue and E. 59th Street (Tramway Plaza), was eliminated because of its proximity to the future Second Avenue Subway. Based on design information developed for the

subway during Preliminary Engineering, provided by MTA, the new subway will have four separate tubes passing beneath Second Avenue between E. 56th and E. 57th Streets. Two of these, directly beneath Second Avenue, will carry the north- and southbound Second Avenue Subway service. The other two, beneath the blocks on the east and west sides of Second Avenue, will carry non-passenger trains between the Second Avenue alignment and Queens. These two outer tubes will curve from the 63rd Street Tunnel that passes below the East River between Second Avenue and Queens, and will join the regular Second Avenue Subway tunnels at approximately E. 56th Street. The western (southbound) of these two Queens tube alignments will pass directly beneath Tramway Plaza.

As shown in Appendix 1, Site 11 is approximately 154 feet long along Second Avenue and approximately 88 feet wide between Second Avenue on the east to the building line on the west. According to Preliminary Engineering drawings for the Second Avenue Subway, the center line of the new Queens inbound tunnel for the subway will be approximately 30 feet north of the curblineline. According to the Second Avenue Subway Final EIS, each subway tube will typically have a diameter of 21 to 23.5 feet. Conservatively using the smaller number, this means that the new subway tube will extend 10.5 feet from the track center line, so that the subway tube's western edge will be approximately 40 feet west of the Second Avenue curblineline beneath Tramway Plaza. This would bring the western edge of the subway tube to approximately 48 feet from the edge of the building line; i.e., a 48-foot-wide site would be available at Site 11 for a new water shaft. An accessway and buffer zone of a minimum of 7.5 feet must be provided between the building line and the Shaft Site, leaving a total site area at Tramway Plaza for Shaft 33B that is 40.5 feet wide. Shaft 33B would be 26 feet wide, with a minimum of 9 feet on either side to allow for a 4-foot work zone and 5 feet for the necessary excavation support systems. Placing the shaft as far west as possible, only 5.5 feet at most could therefore be provided between the edge of the shaft and the edge of the subway tunnel. In the opinion of the project engineers for Shaft 33B, this buffer area would be too small to guarantee the structural integrity of either the shaft or the subway. Please note that, according to the Second Avenue Subway Final EIS, the subway tubes themselves would generally be spaced so that the tunnel walls would be between 10 and 25 feet apart, indicating that at least 10 feet should be provided between the tube and an adjacent underground structure. Moreover, these dimensions are approximate and subject to revisions, since the Second Avenue Subway dimensions were obtained based on Preliminary Engineering, and since detailed plans for Shaft 33B at Tramway Plaza were not developed. As designs advance

for both projects, the narrow buffer between the two underground structures could become still smaller.

Other water shafts are planned for locations close to existing subways, as noted in the comment. However, all of these shafts maintain a buffer to protect the structural integrity of both the subway and the shaft. For example, at Shaft 32B at Second Avenue and E. 35th Street, a buffer of more than 25 feet would be provided. In addition, at the alternative Shaft Site for Shaft 33B at E. 59th Street and Second Avenue, the shaft would be located relatively close to the new subway tube, but an adequate buffer—of more than 80 feet—could be maintained.

Further, please note that it is incorrect to state that water main construction associated with Site 11 would not interfere with Queensboro Bridge ingress and egress. Surface construction along E. 59th Street between Second and Third Avenues would have adverse effects on Queensboro Bridge access, similar to those depicted in the EIS for the E. 59th Street/E. 61st Street route.

Comment 45: Site 8, at the southeast corner of E. 56th Street and Third Avenue, is even more preferable, because it would not require water main connections at all and therefore would avoid construction disruption and save tens of millions of dollars. According to the screening analysis, this site was eliminated because it is not wide enough for the shaft, but only 3 feet of space is needed to provide for the 39-foot site width and to allow one lane of traffic on E. 56th Street to remain open. NYCDEP's site plan shows that there is a 10-foot space between the limit of the underground garage and the sidewalk, space that is currently used for planters and stairs. Based on this information, NYCDEP should be able to take 3 of these 10 feet for shaft construction, through the use of a temporary easement or slight acquisition of private property, without impacting the adjacent underground parking garage. By using this 3-foot space plus the sidewalk space and two lanes of traffic on E. 56th Street, NYCDEP could construct the shaft immediately adjacent to the trunk main under Third Avenue. It is ridiculous to reject the most practical site because it is too narrow by three feet. NYCDEP has in the past used condemnation to acquire other parking lot sites for water tunnel shafts—such as Shaft 30B, a privately owned parking lot located at the corner of Grand and Lafayette Streets. (Biederman, M. Forman, Malcolm Gross, Zelda Gross, Kachurin, Kamerman, Kass, Krauss, Krevat, Loeb, Patricia McHugh, Peter McHugh, Pang, Residents of 400 E. 59th Street, Serafini, Siben, Wachs)

Response: Site 8 was evaluated and eliminated during the site screening process because it is not large enough to accommodate the shaft and its distribution chamber. As

described in Appendix 1, the site screening evaluation made a number of preliminary assumptions regarding the available site area, as follows:

1. A 20-foot travel zone would be maintained between the buildings on the north side of E. 56th Street and the Shaft Site. This travel zone would be occupied by a 5-foot-wide sidewalk and a 10-foot-wide travel lane for vehicles, as well as a 2.5-foot wide Jersey barrier between the sidewalk and the travel lane and another 2.5-foot Jersey barrier between the travel lane and the Shaft Site.
2. The site must be a minimum of 39 feet wide, which is the minimum width for a shaft construction zone with a single riser, assuming that the geological conditions are favorable (i.e., rock is just beneath the surface) and minimal excavation support would be required.
3. A minimum buffer zone of 7.5 feet must be provided between the southern edge of the shaft cofferdam and the northern extent of the subsurface structure underneath the plaza at 919 Third Avenue. The edge of this buffer zone coincides approximately with the northern edge of the surface planters, which are approximately 10 feet wide. Specifically, the area occupied by the public plaza serves as the roof of an underground parking garage for 919 Third Avenue. Based on field visits to the site and discussions with the building owner, project engineers concluded that the outside wall of the underground garage is located directly beneath the southern edge of the planters. An estimated 3 feet of additional structures would be expected beyond those outside walls in the northern direction (consisting of the wall thickness, the outer columns, and the necessary column footings), meaning that the edge of the underground foundation structures is beneath the planters, approximately 3 feet north of their southern edge.

Using these assumptions, and recognizing that total width of E. 56th Street is 60 feet from property line to property line, there is less than 1 foot of space remaining (20 feet for the road and sidewalk + 39 feet for the shaft site = 59). This 1-foot gap, combined with the 7 feet available underneath the planters before contacting the subsurface garage structure, leaves a buffer zone of 8 feet. However, additional analysis during the screening process indicated that the 10-foot-wide travel lane for vehicles would not provide enough turning space for vehicular access to the parking garage located in the building immediately north of the site, on the north side of E. 56th Street. The minimum lane size necessary to provide access to the northern parking garage is 15 feet, and NYCDEP believes that even with 15 feet, vehicular access to the garage may be

substantially affected. However, as discussed above, the site cannot be shifted southward because a buffer must be maintained between the shaft's cofferdam wall and the edge of the underground garage structure at 919 Third Avenue. If the site were shifted an additional 5 feet (i.e., the minimum required to provide vehicular access to the northern garage), the 8-foot buffer zone provided would be reduced to only 3 feet of space. NYCDEP and its consultants deemed 3 feet too close for adjacent construction, as it would likely damage the underground garage and possibly the building foundation.

Subsequent to the initial screening, additional analysis indicated the actual geological conditions would require a site wider than the initial 39 feet. Specifically, bedrock is approximately 10 feet deep at this site, and the necessary additional excavation support necessary to hold back both soil and rock would be minimally 9 feet on either side of the structure, resulting in a minimum site width of 44 feet (i.e., $9 + 26 + 9$).

Moreover, based on FDNY's comments on the E. 54th Street/Second Avenue Shaft Site, it is likely that FDNY would not approve a Shaft Site with only a 10-foot-wide travel lane along its side; for the E. 54th Street/Second Avenue Site, the travel lane alongside the site must be a minimum of 16 feet to satisfy FDNY's requirements for access to adjacent to high-rise residential structures. In a telephone conversation on January 17, 2006, Lieutenant Paul Geoghegan of FDNY confirmed that, since the site characteristics are similar to the E. 54th Street/Second Avenue Shaft Site, FDNY would likely impose the same requirements on Site 8.

By incorporating both the actual minimum site width of 45 feet and the minimum 16-foot lane for FDNY access, an additional 6 feet must be added to the original analysis conducted for the site screening evaluation. As a result, the initial screening buffer of 3 feet would become a deficit of 3 feet, meaning that 3 feet of the subsurface garage structure would have to be demolished. Therefore, based on current site information, the site would fall short of the minimum stated subsurface buffer of 7.5 feet by approximately 10.5 feet.

Please note that while NYCDEP does condemn surface parking lots for its shaft projects, it is not willing to condemn actively used private property, which would include parking structures, where other feasible alternatives exist.

Comment 46: NYCDEP selected a Shaft Site without taking into consideration how to get the water over to Third Avenue between E. 55th and 56th Streets. It does not make sense to select a site so far from the connection point and in a residential community. The Shaft Site should be placed as close to the trunk main

connection as possible, and this should be listed as a site selection criterion. If the site were closer to Third Avenue, such as at Third Avenue and E. 56th Street, you might have four months of construction of water mains instead of 41 months, the cost would be significantly lower, and the disruption to our residential community would be alleviated. (Abrams, Albero, Biederman, Brahe, Bricker, Buckles, David, Doctorow, Dundes, Fiedler, E. Forman, M. Forman, Fridecky, Gart, Granovsky, Gerald Green, Regina Green, Malcolm Gross, Zelda Gross, Heisler, Kachurin, Kamerman, Kennedy, Krasner, Krauss, Krevat, Loeb, Patricia McHugh, Peter McHugh, McNutt, Mintz, Mitchnick, Nelkin, Pang, Prival, Rose, Rosenthal, Schanz, Segall, Siben, Sokol, The Sovereign, Sutton Square, Tanz, Tassa, Trost, Wachs, Wolf, Yoss)

Response: As described in Chapter 2 and Appendix 1 of the EIS, a site screening evaluation was undertaken to identify sites in proximity to the Third Avenue trunk main at the boundary of the two water pressure zones to be served by Shaft 33B, the MIPZ and NIPZ. Thus, the initial site selection criteria were developed specifically to identify only those sites within an acceptable distance from the connection point to the Third Avenue trunk main. As described in the Final Scope of Work for the EIS, while Shaft 33B could be located at a greater distance from the connection point to the Third Avenue trunk main, the need to connect to that trunk main close to the boundary between the MIPZ and NIPZ would not change. As a result, sites located farther from the MIPZ would experience greater costs and potential traffic and noise impacts associated with the greater length of water main construction needed to connect to the distribution system. For this reason, NYCDEP restricted the review of available sites to those sites that are proximal to the northern portion of the MIPZ. This information has been added to the discussion of site selection in the Final EIS.

Once preliminary sites were thus identified, via a search for undeveloped or underutilized parcels, the sites were then reviewed for their feasibility. Sites were determined to be infeasible if they required condemnation of active private property, other than surface parking lots or vacant lots; if they required closing entire streets or avenues for construction of the shaft; or if they would not accommodate the required space needed for construction of the shaft. Based on these initial screening criteria, only four potential sites were identified, and these were evaluated in the Draft EIS. NYCDEP does not know of any other feasible sites in proximity to the boundary on the Third Avenue trunk main between the two water pressure zones to be served by Shaft 33B, the MIPZ and the NIPZ. The review in the Draft EIS considered the impacts associated with construction

at each site, including construction of the required water main connections. The final site will be selected taking into consideration these potential impacts.

Comment 47: There appear to be other sites available closer to Third Avenue, including the use of private property. In addition to the site at 919 Third Avenue, for example, the northeast corner of E. 56th Street and Third Avenue appears to have plenty of room. You could use the power of eminent domain and take over the building housing P.J. Clarke's. There's also demolition of the building on Third Avenue on the east side between E. 64th and E. 65th Streets: why not take that area before they start building to put the shaft there. There are enough sites up and down Third Avenue, and I understand you can go from the upper 60s to 53rd Street to hook into the main. (Gray, Gerald Green, Regina Green, Malcolm Gross, Zelda Gross, Kamerman, Kennedy, Krasner, Krauss, Maurer, Mitchnick, Nasser, Nelkin, Pang, Pauly, Perlmutter, Rose)

Response: As described in the response to the previous comment, NYCDEP does not know of any other feasible sites in proximity to the boundary between the two water pressure zones, the MIPZ and the NIPZ, on the Third Avenue trunk main. This boundary is located at approximately E. 54th Street. While a new water main connection for the MIPZ can be made slightly to the north of the zone boundary, it cannot be made as far north as the upper 60s, as indicated in the comment. E. 61st Street represents the northern limit for a connection to the Third Avenue trunk main from Shaft 33B. Please see the response to Comment 67 for more on the boundary. Regarding the infeasibility of a site at 919 Third Avenue, please see the response to Comment 45, above. The northeast corner of Third Avenue and E. 56th Street, directly across E. 56th Street from Site 8 (919 Third Avenue) is fully occupied by a 20-story building. As described in response to early comments and in the EIS (see Chapter 2), in its site selection process, NYCDEP considered sites that are occupied with active uses, other than surface parking lots, to be infeasible, because using underutilized property is far preferable to displacement of active uses. Therefore, the northeast corner of Third Avenue and E. 56th Street and the P.J. Clarke's site would both be considered infeasible. A site on Third Avenue between E. 64th and E. 65th Streets would be too far north. Please also note that both sides of Third Avenue between E. 61st and E. 65th Streets, including the block cited in the comment, are currently occupied by high-rise residential buildings.

Comment 48: Would the site at the southwest corner of E. 53rd Street and Second Avenue be possible? Someone has been harvesting buildings there. (Leniston) The two-story building housing the Off-Track Betting (OTB) facility is adjacent to a

construction site (at the southwest corner of E. 53rd Street and Second Avenue), where buildings are being demolished. OTB is owned by the City so no third-party consents would be needed and the building could be demolished quickly. Water mains could run across 51st or 52nd Street and 54th Street directly to Third Avenue, and would be much shorter and cheaper than the alternatives considered in the Draft EIS. (Kass)

Response: The site at the southwest corner of E. 53rd Street and Second Avenue is planned for development by the Related Companies with a high-rise residential building, and therefore is not available for a Shaft Site. Placement of the shaft on a property would preclude future development of that property with buildings. The developer has purchased development rights from the three low-rise adjacent properties that face Second Avenue to the south of the parcel. The OTB property mentioned in the comment is a two-story, privately owned building fully occupied by an active use, an OTB teletheater and restaurant. The Off-Track Betting Corporation, a public benefit corporation of the State of New York, pays rent to the private landlord. Therefore, acquisition or condemnation of this privately owned property would be required. As noted earlier, NYCDEP does not wish to use a site that is occupied by active uses other than surface parking lots, regardless of whether those uses are public or private. Further, the property is 50 feet wide by 100 feet deep, which is not large enough to satisfy the basic site criteria (which require a minimum of 39 feet in width and 175 to 200 feet in depth). To accommodate construction of Shaft 33B at this location, the site would have to extend 75 to 100 feet into Second Avenue, which is a total of 100 feet in width from building line to building line (including two approximately 15-foot-wide sidewalks and a 76-foot-wide roadway) Clearly, closing five lanes of Second Avenue at this location for an extended period of time would be likely to result in significant adverse traffic impacts at such a Shaft Site.

Comment 49: The site on the northwest side of Second Avenue at E. 56th Street would allow water main construction to be completed in approximately four months, rather than three years. (Gray, Perlmutter)

Response: The northwest corner of Second Avenue and E. 56th Street is fully occupied by the High School for Art and Design, and therefore is not available for use as a Shaft Site. If the commenter is referring to the northwest corner of Second Avenue and E. 59th Street, please see the response to Comment 44 above.

Comment 50: I suspect that NYCDEP is avoiding purchasing private property because that would necessitate compliance with the city's Uniform Land Use Review

Procedure (ULURP) and its required public hearings. That's not a proper reason for rejecting a site. NYCDEP has in the past used condemnation to acquire parking lot sites for water tunnel shafts—such as Shaft 30B, a privately owned parking lot located at the corner of Grand and Lafayette Streets. Another public agency, MTA, is currently utilizing a full blockfront plaza at 51 West 52nd Street to install a new vent shaft for its facilities. (Kass)

Response: NYCDEP agrees that compliance with ULURP is not a reason to reject a site and, as the commenter notes, has successfully completed the ULURP process for other Shaft Sites in Manhattan. Consistent with the site screening criteria applied for this project, the site for Shaft 30B was a surface parking lot; as noted earlier, NYCDEP is willing to acquire property occupied by surface parking lots. As noted earlier (see especially the response to Comment 43), NYCDEP does not know of any other feasible sites in proximity to the boundary between the two water pressure zones on the Third Avenue trunk main. The four feasible sites identified are evaluated in the EIS. Of these four sites, one—the E. 61st Street Site—is privately owned and would require compliance with ULURP, as noted in the EIS.

Comment 51: A site under a park would inconvenience fewer people. (La Cirignola)

Response: As noted earlier, NYCDEP does not know of any other feasible sites in proximity to the boundary between the two water pressure zones on the Third Avenue trunk main. No park sites are available that could be used for construction of a shaft.

Comment 52: DEP listed 11 site selection criteria, but only two consider the effects on the residents. (Peter McHugh)

Response: As described earlier (see the response to Comment 43), NYCDEP used three criteria to determine if a site was feasible or not: sites were determined to be infeasible if they required condemnation of active private property, other than surface parking lots or vacant lots; if they required closing entire streets or avenues for construction of the shaft; or if they would not accommodate the required space needed for construction of the shaft. Based on these initial screening criteria, only four potential sites were identified, and these were thoroughly evaluated in the Draft EIS. The discussion in Chapter 2 of the EIS of 11 factors that were used in preliminary evaluations of the sites refers to the preliminary evaluations conducted for the Draft and Final Scopes of Work, when developing the site layouts and identifying an initial preferred Shaft Site. Following completion of the Final Scope of Work all four sites were subject to

detailed analysis in the EIS of a range of environmental issues that might affect residents, including land use, open space, socioeconomic conditions, visual character, traffic, air quality, noise, and public health, among others.

Comment 53: NYCDEP should consider a site in a less densely populated area, perhaps on the other side of the East River. (Laurent)

Response: As described in Chapter 2 of the EIS (see Section 2.3.1), the purpose of Shaft 33B is to provide water to the densely populated area in the East 50s and lower East 60s, east of Park Avenue. The shaft cannot be located outside of this area and still provide water to this area. Shafts are located in different neighborhoods throughout New York City specifically to provide water to those neighborhoods.

Water Mains

Comment 54: The water main route should be selected so that the route poses the least inconvenience to the least number of residents. (Lappin)

Response: Please see the response to Comment 21.

Comment 55: The community has been repeatedly rebuffed in their efforts to get a final answer on the route that the water mains would take if the preferred Shaft Site is chosen. NYCDEP should have worked with NYCDDC to make sure that someone from NYCDDC was available to discuss potential water main routes and what the realistic options for the route are. It's unfair to ask the public to sign off on a Shaft Site when we have absolutely no idea where the water mains are going. If we knew where the water mains would be, we could identify possible Shaft Sites. (Biederman, Bing, Krauss, Saputelli)

Response: As detailed in response to Comment 8 and Comment 10, above, the Shaft Site must be selected before the water mains can be selected, since very few sites are available for construction of the shaft. A final water main route has not yet been selected. NYCDEP has provided detailed information in the EIS on feasible potential water main routes to analyze the range of environmental consequences associated with their construction (see in particular Section 5.1 of the EIS). The water main route will be determined after the Shaft Site has been selected, based on three factors: 1) more detailed survey information to be collected along the route; 2) further investigation into the feasibility of alternative construction techniques that might be used to further minimize the potential environmental impacts of the water main construction project identified in the Draft and Final EIS; and 3) ongoing coordination and collaboration between NYCDEP, NYCDDC, and NYCDOT regarding construction techniques and alignment.

NYCDEP recognizes the public concern regarding the water main aspect of the project and will continue to coordinate with the community as plans for the water mains progress in the future.

Comment 56: The statement in the Draft Scope of Work that NYCDDC would construct the water mains according to a plan provided by NYCDEP seems to be in direct conflict with the Draft EIS's statement that the exact timing, route, and methods of water main construction are not typically defined by NYCDEP, but by NYCDDC, which is the agency that implements the design and construction of water mains in New York City. (Krueger)

Response: As described in response to Comment 8, the discussion in the Final EIS regarding selection of the water main routes has been revised to clarify that the water main route will be selected by NYCDEP for design and construction by NYCDDC (see Section 5.1 in Chapter 5, "Water Main Connections"). Before construction, NYCDDC will prepare a detailed survey of the alignment, to identify all other buried infrastructure along that route. NYCDDC will also coordinate with any other construction projects that could be occurring at the same time as the water main construction project. Based on the results of the detailed survey and the coordination with other projects and on current and past practices, NYCDDC will endeavor to construct the water main along NYCDEP's selected route, but the final alignment within the selected route will be determined by NYCDDC. NYCDDC is the agency with experience and responsibility for street work and will take the route that is prescribed by NYCDEP and survey the location, design the job, and implement its construction. Also, NYCDEP will work with NYCDDC to join expertise about possible construction techniques.

Comment 57: The Draft EIS fails to identify a reasonable range of routes for the water mains. All routes in the document go south or north or east, requiring additional time for construction, rather than west. The EIS should have examined a water main route that proceeded west from the preferred site directly across 59th Street and, if the mains must run on two different side streets, one could possibly run south on the west side of Second Avenue and then west along 58th Street. (Davidoff, Fazio, Kass) The shortest route with the shortest construction period should have been examined. (Nislick)

Response: As noted in response to Comment 8, the three water main routes identified in the EIS are reasonable representations of feasible water main routes likely to be used, and were provided to analyze the full range of environmental consequences associated with water main construction. The Draft EIS evaluated

a reasonable and realistic range of water main routes with varying construction durations to represent the potential impacts from a multitude of potential routes. It did not evaluate all possible routes, nor did it include evaluation of routes unlikely to be constructed. The routes considered include a route that heads south from the Shaft Site along First Avenue and then turns west at E. 55th and E. 56th Streets (the First Avenue route); a similar route that heads east from the site to Sutton Place, to determine whether traffic congestion could be minimized in this configuration; and a route that heads directly west from the Shaft Site using E. 59th Street and E. 61st Street, to identify the effects of the shortest practicable water main route. The EIS thus evaluated a reasonable and realistic range of water main routes with varying construction durations to represent the potential impacts from a multitude of potential routes. See also the response to Comment 59 below.

Comment 58: In the Draft EIS there was a reference to construction of water mains northward from the preferred Shaft Site on First Avenue. Would mains move up the west side of First Avenue to approximately E. 61st Street, and then westward to a connection point or points at Third Avenue? (Sepersky)

Response: In the E. 59th Street/E. 61st Street route, one water main would be constructed along the west side of First Avenue to E. 61st Street and then proceed westward to Third Avenue (see Figure 5.1-1 in Chapter 5, “Water Main Connections”).

Comment 59: The EIS should have examined shorter routes from the preferred Shaft Site, directly west on E. 59th Street to Third Avenue. For example, it’s not clear why both mains couldn’t be placed in 59th Street sequentially, to avoid closing the street. (Kass)

Response: The routes considered include a route that heads directly west from the Shaft Site using E. 59th Street and E. 61st Street, to identify the effects of the shortest practicable water main route. As described in the EIS (see Section 5.1), no water main routes were analyzed that included two mains on a single east-west cross street, because of the substantial disruption to traffic that would occur with such a route. By constructing the east-west portion of the water main connection route along separate cross streets, traffic disruptions on a single corridor would be minimized. The construction of two mains along a single cross street would not be desirable, since it would require closure of the entire street. The construction of these mains one at a time—i.e., sequentially—would not avoid the need to close the street, as explained below.

As detailed in Section 5.1 of the EIS, for construction of a single water main on a cross street, the minimum trench width required would be 8 feet, consisting of 4 feet for the 48-inch water main, and 2 feet of work space on either side of the main. Including a 2.5-foot-wide concrete barrier and 8 feet of the adjacent roadway to allow deliveries, the width of the construction zone would be 18.5 feet. Adding a second water main would substantially increase the area that must be closed to traffic during construction, even if the construction is sequential.

If two water mains are constructed sequentially along a single side street, once the first water main had been placed beneath the parking lane of the street and the street repaved, the second main would be constructed alongside it in a separate construction zone using the center lane of the street. While two mains laid at the same time could be a total of 2 feet apart (to provide enough space for welding to occur), two mains laid sequentially would have to be farther apart, to provide enough space for the excavation support for the two separate trenches. The mains in this case would have to be a total of 6 feet apart.

On E. 59th Street, the first 4-foot-wide water main would occupy the first 6 feet of the street (including the 2-foot-wide workspace between the water main and the curb) and the buffer zone between the mains would occupy another 6 feet of the street. This would place the second main 12 feet from the curb. On both sides of this second 4-foot-wide water main there would be a 2-foot-wide work zone and a 2.5-foot-wide Jersey barrier. As a result, the second water main would fully occupy the center lane of the street, extending a total of 20.5 feet from the curb. The area directly above the first water main—between the curb and the work zone for the second water main—would not be wide enough for use by traffic, since it would be only 7.5 feet wide (i.e., the second water main would be 12 feet from the curb, but 4.5 of those 12 feet would be used by the 2-foot-wide work zone and the 2.5-foot wide Jersey barrier). Although truck deliveries could possibly take place within this space, this would require minor disturbance of the adjacent sidewalk (one side of the truck may need to be partially on the sidewalk). Otherwise, these trucks would have to use the single remaining lane, requiring that E. 59th Street be completely closed during non-peak hours to allow construction to proceed.

Another option would be not to place the water mains side by side, but rather to place one above the other. This would require excavation of much deeper trenches for the first water main placed beneath the street, also requiring the need for more substantial excavation support along the sides of the trenches and therefore widening the affected area and increasing the duration of the work. More importantly, NYCDEP prefers not to place water mains above other water

mains, because of the substantial difficulties in reaching the lower water mains if repairs or maintenance are needed.

Comment 60: For the E. 61st Street Shaft Site, NYCDEP failed to consider the reasonable water main route where one water main goes west on 61st and a second water main goes west on either 62nd or 63rd Street, connecting to a new pressure point located at 61st and Third Avenue. (Kass)

Response: The EIS considers reasonable worst-case water main routes in its analyses. As noted in response to Comment 8, the three water main routes identified in the EIS are reasonable representations of feasible water main routes likely to be used, and were provided to analyze the full range of environmental consequences associated with water main construction. The Draft EIS evaluated a reasonable and realistic range of water main routes with varying construction durations to represent the potential impacts from a multitude of potential routes. It did not evaluate all possible routes, nor did it include evaluation of routes unlikely to be constructed.

Comment 61: Rather than a pair of 48-inch water mains, could a single 60-inch main be used? Has this alternative been examined? (Sepersky) Why are two 48-inch mains needed, when they are connecting to a smaller 30-inch main? (Patricia McHugh)

Response: As described in the EIS (see Chapter 2, Section 2.4.2), use of one large 60-inch main instead of two 48-inch mains would eliminate the benefit of redundancy at Shaft 33B. With only one water main, if the main must be shut down for maintenance or repair, this portion of the MIPZ would have limited sources of water supply. In addition, during the shutdown, water in the portion of City Tunnel No. 3 north of E. 35th Street would be stagnant, necessitating lengthy and complex procedures to disinfect and reactivate this entire Tunnel segment once the main is repaired. For these reasons, having two water main connections from Shaft 33B is critical.

As also described in Section 2.4.2, use of two smaller mains, such as 36-inch mains, is feasible for connection to the 30-inch trunk main, but NYCDEP prefers to use larger water mains to supply water to the MIPZ and NIPZ, to better meet the goals of the project with respect to water supply redundancy and pressure. The analysis of 48-inch water mains in the EIS provides the reasonable worst case in terms of potential environmental impacts.

Comment 62: The preferred water main routing is the First Avenue route, because this would cross Second Avenue south of the Queensboro Bridge and south of E. 57th

Street, where traffic is dramatically lighter. Community Board 8 supports the siting of water mains along First Avenue and 55th and 56th Streets. (CB8, ESNA, B. Schneider, J. Schneider)

Response: Comment noted.

Comment 63: Sutton Square is opposed to the construction of water mains along First Avenue or Sutton Place. (Griffith, Sutton Square)

Response: Comment noted.

Comment 64: We are opposed to the construction of water mains along the E. 59th Street/E. 61st Street route, because of the unmitigated traffic impact on commercial, cultural, and educational institutions. (CB8, ESNA, J. Schneider)

Response: Comment noted.

Comment 65: We prefer the water main route along the E. 59th Street/E. 61st Street route, because it would disrupt less traffic on First Avenue and is near fewer residences. (Gerald Green, Regina Green, Werner)

Response: Comment noted.

Comment 66: All three of the proposed water main routes are totally unacceptable and would destroy our neighborhood for many years. (Gray, Malcolm Gross, Zelda Gross, Kamerman, Krauss, Perlmutter, Serafini)

Response: The EIS analyzes the environmental impacts of the three water main routes in detail in Chapter 5, “Water Main Connections.” The analyses include an evaluation of a full range of environmental impacts that can affect a neighborhood, as well as an evaluation of neighborhood character (see Section 5.7). Those analyses conclude that construction of water mains along any of the proposed routes are not anticipated to result in potential significant adverse impacts to neighborhood character.

Comment 67: NYCDEP should consider relocating the pressure point connection to meet the Shaft Site selected. (Gray, Malcolm Gross, Zelda Gross, Kamerman, Krasner, Krauss, Mitchnick, Pang, Perlmutter)

Response: The water from Shaft 33B will be directed to the existing large Third Avenue trunk main, where it will enter the existing water distribution system. No large trunk mains exist beneath First or Second Avenues that can be used for that purpose. Shaft 33B will provide water to two different water pressure zones, the Middle Intermediate Pressure Zone and the Northern Intermediate Pressure

Zone, and therefore should be located near the boundary between those two zones, located at approximately E. 54th Street. The boundaries of the pressure zones were not established by specific streets, but by the topography of the area. NYCDEP is considering the possibility of connecting to the Third Avenue trunk main as far north as approximately E. 61st Street. A connection farther north than that could result in water distribution problems, because a long segment of the Third Avenue trunk main could no longer be used to provide water supply to the immediate area, which would all be at a different water pressure (the pressure of the Northern Intermediate Pressure Zone) than that portion of the Third Avenue trunk main that was south of the boundary valve, which would be at the pressure of the Middle Intermediate Pressure Zone.

Comment 68: NYCDEP should consider redirecting the water tunnel (which has not yet been built) to line up with the Shaft Site, eliminating the need for water main connections. (Gray, Malcolm Gross, Zelda Gross, Krasner, Krauss, Mitchnick, Pang, Perlmutter)

Response: Stage 2 of the Manhattan Leg of the Water Tunnel is currently under construction. The route for the final segment of the Tunnel, from Shaft 32B at E. 35th Street north to Shaft 33B, has not yet been determined and will depend on the site selected for Shaft 33B. The tunnel will lead directly from Shaft 32B to Shaft 33B at its selected location. Given that few sites are available for Shaft 33B, and that the water tunnel—which is being bored in solid bedrock well below the surface—can be shifted, the final route for the Tunnel depends on the site for the shaft, rather than vice versa. Additionally, redirecting the Water Tunnel does not eliminate the need for water mains. As explained in Chapter 2, water is conveyed from the Tunnel to the surface through the shafts, and, from the shafts, water then flows from larger trunk mains to smaller distribution mains to service connections that supply individual buildings.

Comment 69: The construction of the water mains could ruin our new sidewalk, which we just paid to have replaced. (Tanz)

Response: The City of New York is responsible for replacing any street or sidewalk that must be disturbed by a City-sponsored construction project.

Comment 70: NYCDEP states in the Draft EIS that the water main route has not yet been determined, but according to the NYCDEP website, the First Avenue route is the “expected” route. Additionally, at the November 21, 2005 Informational Forum, the DEP Assistant Commissioner stated publicly that the First Avenue route is

the most likely to be chosen. Therefore our objections should be taken as seriously as if the route were final. (Sutton Square)

Response: All comments made during the public comment period are carefully considered by NYCDEP. Nonetheless, at this time, no final water main route has been selected. The NYCDEP website states that the First Avenue route is the “reasonable worst-case route.” This means that, in the EIS prepared under CEQR, the First Avenue route is intended to represent the worst-case environmental impacts that can be reasonably expected. It does not mean, however, that this is the expected route or that NYCDEP prefers a worst-case route.

15.3.3 Land Use and Community Facilities, Zoning, and Public Policy

Comment 71: The project’s impacts are more severe because it is planned for a residential area, where most inhabitants spend the greater part of their daily life, whereas if you put the shaft in an office area, where people are there only part of the time and there are fewer residences, this problem wouldn’t exist. The construction would be very disruptive to residences, schools, and houses of worship. Also, farther east, more people rely on foot traffic and buses. We suspect you’re trying to protect big business. The site should be located in a non-residential area. (Albero, Cannon Point North, Frank, Gray, Gerald Green, Regina Green, Malcolm Gross, Zelda Gross, La Cirignola, Patricia McHugh, Peter McHugh, Nasser, Pang, Perlmutter)

Response: The EIS analyzes the potential environmental impacts associated with construction of Shaft 33B and its water main connections at four potential sites that are located in predominantly residential areas and describes the disruptions that would occur. As noted earlier in response to numerous comments, based on an initial site reconnaissance and initial screening evaluation to eliminate infeasible sites, only four potential sites were identified within an acceptable distance of the Third Avenue trunk main’s boundary between the two water pressure zones to be served by the new shaft, and these were evaluated in the Draft EIS. NYCDEP does not know of any other feasible sites in proximity to the boundary on the Third Avenue trunk main between the two water pressure zones to be served by Shaft 33B, the MIPZ and the NIPZ.

Comment 72: The FBI offices on our block park their cars on our street with permission from the City. What will become of them during construction of water main connections on this block? (Gerald Green, Regina Green)

Response: The analysis of water main construction included an analysis of the construction's effects on parking (see Section 5.9). As described there, during construction of the water mains, curb lanes in each construction segment would be temporarily occupied by construction work zones. On side streets, each segment of construction would temporarily displace up to 10 curbside spaces through the construction area and up to 15 curbside spaces across from it. While the limits of disruption would shift, this level of curb space displacement would occur over a maximum period of 12 weeks per block. This displacement would be short-term and no potential significant adverse parking impacts would occur. Displaced parkers would be expected to park elsewhere in the neighborhood.

Comment 73: The E. 61st Street Shaft Site is an extremely poor site, because it backs up to the Manhattan Center for Early Learning and Intervention. This educational facility works with special needs children between three and five years old. These children have speech, occupational, and physical therapy in an attempt to treat these disabilities at an early stage of their development. This therapy requires near perfect silence to be effective. Most of these children have difficulty with sensory integration, and outside disruptions will completely disrupt their ability to focus. For this reason, we take great pains to soundproof our classrooms and therapy rooms. Any disruptions could have long-lasting negative effects on their developmental process. These emotionally and physically handicapped children will not be able to learn with a noisy construction project in their backyard. In addition, the traffic disruptions caused by the project would adversely affect the school's bus schedule, making it very difficult to operate an effective program. Moreover, many of the children suffer from severe asthma, so dust and allergens raised by the project would be of concern. Overall, the combination on noise, traffic delays, and air quality concerns would be devastating for the program. (CB8, ESNA, Lanzilotta, J. Schneider)

Response: Section 7.2, "Land Use and Community Facilities, Zoning, and Public Policy," in Chapter 7, "E. 61st Street Shaft Site," includes an evaluation of the project's potential impacts on the Manhattan Center for Early Learning and Intervention. It concludes that, due to the nature of the facility and the potential for noise impacts of a certain severity and duration, a potential significant adverse land use impact would occur to the facility throughout the construction period.

Since the completion of the Draft EIS, in response to this comment, observations were made of roadway traffic and curbside operations at the Manhattan Center for Early Learning and Intervention. Currently, traffic conditions in the area are congested during peak periods and the school schedules its school bus pick-up

and drop-off operations accordingly. Because all of its activities occur along E. 62nd Street, they would not be affected by the construction associated with the E. 61st Street Shaft Site. As described in the traffic analyses for that alternative Shaft Site (Section 7.9), traffic conditions in the surrounding area would not be greatly affected by construction at that Shaft Site, since construction activities would occur on-site and only a small number of truck trips would be expected. Traffic congestion is predicted to increase as a result of construction of the water main connections, as described in Section 5.9 of the EIS. As noted in the EIS (Section 5.16), aggressive mitigation measures would be implemented to minimize the delays resulting from the construction activities. While the overall travel time on area roadways would likely increase as a result of the combination of shaft and water main construction, it is expected that the school would be able to make necessary adjustments in scheduling school bus arrivals and departures, similar to what is done today, to react to the area's traffic conditions.

In terms of air quality, the analysis of air quality for this alternative Shaft Site included in the EIS (Section 7.11) concluded that no potential significant adverse air quality impacts would occur from construction at this Shaft Site or along any of the water main routes. Section 7.15, "Public Health," concluded that no potential significant adverse impacts on public health—including asthma—would occur from use of this site.

Comment 74: In response to a request by Community Board 6 for an inspection, the Fire Department found insufficient room on the street at the E. 54th Street/Second Avenue Site to fight fires that might occur in the buildings on E. 54th Street. (Miller) Construction would materially hinder emergency services to residences and businesses on the block. (Bing, Nasser) The ambulances, police cars, and fire trucks that go to Sutton Place go east on E. 54th Street; I saw them practicing to see if they could make it with the street in construction, and the trucks had to back up and try over and over again. (Moraudiere)

Response: As described in response to Comment 41, FDNY reviewed the potential alternative Shaft Site at E. 54th Street and Second Avenue and stated in comments dated March 30, 2004, that it has no objection to the construction of Shaft 33B at this site provided that certain conditions are met. The configuration of this Shaft Site as presented in the EIS would meet FDNY's conditions, including provision of appropriate lane width. A 16-foot-wide travel lane and 5-foot-wide sidewalk would be maintained adjacent to the site on the south side of E. 54th Street extending approximately 83 feet east from Second Avenue, for a

total of 21 feet unobstructed for use by FDNY. For the remainder of the construction site, a 23-foot-wide travel lane and 5-foot-wide sidewalk would be maintained, for a total of 28 feet unobstructed for use by FDNY. These and other conditions mandated by FDNY are described in Section 8.2 of the EIS.

Comment 75: The Draft EIS does not adequately consider the project’s effects on ambulances. How will fire trucks, ambulances, and emergency vehicles get through when water main construction is under way? It does not specifically discuss ambulances, and most of the discussion of emergency vehicles focuses on measures to be taken should an emergency vehicle be near the Shaft Site when blasting is planned. It appears that the Draft EIS does not discuss how water main construction will affect emergency vehicles, other than a statement that existing congestion could be worsened, resulting in longer queues, and it is anticipated that emergency vehicles could maneuver around congested areas, just as they do today. First Avenue and Sutton Place are a thoroughfare to some of the city’s most important emergency care and burn centers. If traffic is jammed down to the 30s over a 2- to 4-year period, emergency vehicles will not be able to use First Avenue to bring patients to hospitals located on York Avenue (i.e., New York-Presbyterian Hospital/Weill-Cornell Medical Center). This is a significant adverse impact that must be disclosed in the Draft EIS. Proper mitigation to minimize the impact should be developed and disclosed to the public for public review and comment, and the risk to emergency services should be considered in selecting both water main routes and the Shaft Site itself. The EIS should include specific information on the average response times in this neighborhood in 2004 to Segment 1 (cardiac arrest and choking) and Segment 2-3 (other life-threatening medical emergencies) incidents. What would be the effects on ambulance response times, first, to reach the patient, and second, to reach the hospital emergency room (and which hospital) for the several scenarios for water main construction? If the response times can be expected to increase, what effects would the different scenarios have on the number of deaths per 100,000 population. What measures, if any, are available to mitigate these impacts? (Becker, Biederman, Brahe, Cannon Point North, Davidoff, Davis, E. Forman, Gray, Greenstein, Kass, Mintz, Pang, Perlmutter)

Response: As noted in the comment, the EIS describes the effects of water main construction on emergency vehicles in Section 5.2, “Land Use and Community Facilities, Zoning, and Public Policy.” That Section of the document indicates that existing congestion in the area around the Queensboro Bridge could be worsened while construction of water mains is under way. Emergency vehicles would maneuver around congested areas just as they do today. As described in

the EIS, an aggressive mitigation plan will be in place to manage traffic congestion, in coordination with NYCDOT. Regardless of which site is selected, construction of water main connections would contribute to additional traffic congestion for the duration of the construction period, and emergency vehicles would adjust to this congestion. This is also true at the other Shaft Sites currently under construction, as well as at multiple other construction sites throughout the City. This does not negate the urgent need to construct Shaft 33B in the East Midtown area. Moreover, multiple routes are available to Manhattan's hospitals, including those located to the north of the Queensboro Bridge on York and First Avenues.

Comment 76: I went to the firehouse and asked the firemen their opinion. One of the guys on the engine truck said buildings would burn down, because firemen couldn't get through. (Gregori)

Response: Please see the responses to Comment 74 and Comment 75. Please also note that one of the purposes of Shaft 33B is to provide adequate water pressure in the MIPZ and NIPZ, to meet the FDNY's needs in fighting fires.

Comment 77: I urge you to study the impact that this project would have on the children that live and use this community. There's the Cathedral High School down the street; a pre-school, the Garden School, on E. 59th Street; and the Montessori school on E. 55th Street. The principal of Cathedral High School is very concerned about water main construction in front of the high school and how the noise would affect their learning and about their safety in the street. Safety for small children and their caretakers traveling to the pre-schools is also a serious concern, since it will be very hard to cross First Avenue once three lanes of traffic are closed. (Cathedral H.S., E. Forman, Wong)

Response: The EIS includes an analysis of potential noise impacts that would result from construction of the Shaft Sites and their water main connections on nearby sensitive land uses, such as schools. The schools identified in the comment, as well as other schools, are considered in the analysis. Construction activities at the preferred Shaft Site (E. 59th Street at First Avenue), the E. 59th Street/Second Avenue Shaft Site, and the E. 54th Street/Second Avenue Shaft Site would not result in predicted significant adverse noise impacts on any schools. Construction activities at the E. 61st Street Shaft Site would result in potential significant adverse noise impacts on the Manhattan Center for Early Learning. For any of the Shaft Sites, temporary adverse noise impacts would occur in the area immediate to the construction zone as water mains are constructed, if cut-and-cover construction is used. These impacts would be temporary, since they

would last only as long as the water main construction is located immediately nearby. As noted in the EIS, water main construction is expected to last approximately 12 weeks on most blocks and 10 weeks crossing street intersections.

An analysis of the project's effects on pedestrian conditions was also performed. Similar to any other roadway construction or utility maintenance project, protective measures would be implemented around the construction zone. Pedestrian crossing of First Avenue would be maintained throughout construction. By closing two to three traffic lanes for construction, the effective crossing distance would actually be reduced, thereby reducing the required crossing time and effectively increasing corner queuing space. Furthermore, NYCDEP has committed to providing resources for additional traffic enforcement agents (TEAs) to facilitate safe vehicular and pedestrian flow and avoid gridlock conditions at intersections.

Comment 78: The High School of Art and Design is planning a tremendous renovation project and P.S. 59 next door is going to be building on E. 56th Street. The construction of water mains at the same time as trying to build a school is going to make learning very difficult. (Wong)

Response: The Final EIS has been revised to describe the potential school construction project.

15.3.4 Open Space

Comment 79: If the preferred Shaft Site is selected, we request that NYCDEP totally fund the rehabilitation of 14 Honey Locusts Park and its extension (i.e., the NYCDOT site), as well as the triangle to the west of the park (this is part of Community Board 8's 197-a plan, which the Draft EIS acknowledges), to compensate for the six years of community disruption caused by this project. (Bing, CB8, ESNA, Krueger, Miller, J. Schneider) NYCDEP should work with the NYCDOT and the community to rehabilitate 14 Honey Locusts Park, its extension, and the triangle. (Lappin)

Response: As described in the EIS (see Section 4.3), NYCDEP will restore the portion of 14 Honey Locusts Park affected by the project in coordination with NYCDOT and the community, as applicable. In addition, NYCDEP will fund and support NYCDPR re-vegetation and greening efforts in the area, which could include provision of additional street trees or support for other open space improvement initiatives. NYCDEP would participate in a committee with the appropriate

Community Board committee chair and other City agencies as appropriate to determine how available funding would be spent.

Comment 80: We request that NYCDEP find an alternative to demolishing the 14 Honey Locusts Park triangle and three of the large Honey Locust trees. This area is integral to Community Board 8’s 197-a plan. (CB8, ESNA, Miller, J. Schneider)

Response: As described in the EIS, the trees in the 14 Honey Locusts Park triangle would have to be removed to allow traffic to be detoured around any water main construction that would occur on E. 59th Street between First and Second Avenues. This construction would occur if the E. 59th Street/E. 61st Street route is selected and constructed using cut-and-cover construction, or if the E. 59th Street/Second Avenue site is selected. There is no other possibility for routing traffic around the water main construction zone without completely closing the street to eastbound traffic, because of the entrance ramp to the Queensboro Bridge that passes over E. 59th Street on this block, which has support piers within the roadbed and adjacent sidewalk. At this time, complete street closure is not anticipated during water main construction. However, NYCDEP would coordinate with the community on this issue if this route or this Shaft Site were selected to explore options to minimize the adverse effects to the trees, such as protecting or transplanting the trees, if practicable. The specific measures required will be evaluated and coordinated with NYCDOT during design and construction.

Comment 81: Any permanent loss of parkland would have a negative impact on the quality of life in the neighborhood. (Lappin)

Response: Comment noted. As described in the EIS, none of the Shaft Sites analyzed would result in any permanent loss of parkland.

Comment 82: Fourteen Honey Locusts Park on E. 59th Street is well used by people in the neighborhood. The reason that three to five of its honey locusts were chopped down and its benches removed was because Command Bus Lines has a layover area on the west side of First Avenue under the Queensboro Bridge, and because of the Bridge work they’ve turned the park into a parking lot. Because the benches were removed, the park is now only used by people walking dogs from the Humane Society up the street. My concern is that the project would delay the rehabilitation of the park planned through the 197-a plan. (Werth)

Response: Section 4.2, “Land Use and Community Facilities, Zoning, and Public Policy,” and Section 4.3, “Open Space,” in Chapter 4, “Preferred Shaft Site,” of the EIS

describe the rehabilitation planned for 14 Honey Locusts Park by the New York City Department of Parks and Recreation, which is also recommended in Community Board 8's 197-a plan. As discussed in those Sections of the EIS, the rehabilitation is currently planned to occur in 2009, when the Queensboro Bridge Rehabilitation Program is complete. With construction of Shaft 33B on the preferred Shaft Site at E. 59th Street and First Avenue, a small portion of 14 Honey Locusts Park would be used for construction. Following completion of Shaft 33B's Stage 3 of construction, in 2008, the directly affected portion of the area would be restored in coordination with NYCDOT and the community as applicable. Therefore, the temporary use of a portion of 14 Honey Locusts Park would be consistent with the planned rehabilitation of the park.

Comment 83: The shaft should not be located at E. 59th Street and First Avenue, since, according to the New York Parks Commission, the neighborhood around Sutton Place is lacking in park space. (Gibson, Tanz) The Sutton Place community has been exposed to far too many city rehabilitation projects over the past several years, including the closing of our parks and dog runs. Yet you plan to close another public space for a construction site. (Cannon Point North)

Response: The EIS describes the shortage of park space in the area of the preferred Shaft Site in Section 4.3, "Open Space" in Chapter 4 and analyzes the project's effects on that shortage. The Section concludes that construction of Shaft 33B at the preferred Shaft Site at E. 59th Street and Second Avenue would not significantly exacerbate the shortage of park space in the neighborhood. As described there, the project proposes to use a small portion of 14 Honey Locusts Park (1,800 feet of the 11,900-square-foot area) for 23 months, during Stages 2 and 3 of construction. This area is already in use for multiple purposes: while it has been available for open space uses, it is under the jurisdiction of NYCDOT and has been and continues to be used for parking and as an access area for Bridge maintenance and rehabilitation work by NYCDOT. Recognizing the existing and ongoing use of the area by NYCDOT, the limited nature and duration of the proposed use, the area's lack of basic open space amenities, and the restoration of the area following construction staging, the use of that small portion of 14 Honey Locusts Park for construction of Shaft 33B was considered not to result in a significant adverse impact to that open space. Following completion of Stage 3 (in 2008) of construction, the directly affected area would be restored in accordance with NYCDOT and the community. In addition, NYCDEP will fund and support NYCDPR re-vegetation and greening efforts in the area, which could include provision of additional street trees or support for other open space improvements initiatives as described in the response to Comment 79.

15.3.5 Socioeconomic Conditions

Comment 84: Three major neighborhood supermarkets are located on First Avenue—if they can't get deliveries, where will people go for food? (Sokol) The Food Emporium at E. 59th Street and First Avenue is the company's flagship store. Food Emporium is concerned that traffic congestion would adversely affect the store's ability to receive deliveries, which arrive four to five days a week, and to conduct its significant delivery service. (Food Emporium) With all the traffic congestion, lane closures, and detours, shoppers who support the 59th Street retail center will go elsewhere. Five years of construction impacts from Shaft 33B will remove the Bridgemarket as a thriving economic and public venue for the community. (ESPOA, Kass) The socioeconomic analysis in the Draft EIS understates the impacts from traffic and construction closures to the area businesses. (Kass, Residents of 400 E. 59th Street) Losing one's livelihood is not a temporary effect. (Peter McHugh) The construction will put merchants along First Avenue out of business because of the loss of customers and inability to receive deliveries. Will you give them tax breaks or other assistance? (E. Forman, Gibson, Gregori, Heisler, Mintz, Pang, Tanz) Many of these are small family businesses. (Rosenthal, Wachs)

Response: The EIS includes an evaluation of potential effects on nearby businesses in its socioeconomic assessments, including in Sections 4.4, 5.4, 6.4, 7.4, and 8.4. These evaluations were based on the impacts identified in technical assessments conducted for the Shaft Sites and water main routes; for example, noise, vibration, and traffic and pedestrian circulation impacts resulting from the project. As discussed in the technical assessments, construction activities at the Shaft Site have the potential to result in significant adverse noise impacts on nearby residents and businesses. Other impacts along the water main routes would be temporary adverse impacts and therefore, although considered, were not weighed as heavily in drawing conclusions about socioeconomic effects, unless their combined effects could result in indirect displacement. Food Emporium and other retail stores at Bridgemarket (the Terence Conran Shop and Guastavino's) were among those businesses considered in the socioeconomic assessment. This analysis is provided in Section 4.4 in Chapter 4, "Preferred Shaft Site," and Section 5.4 in Chapter 5, "Water Main Connections." These analyses conclude that the area in the vicinity of the preferred Shaft Site is currently very noisy and subject to traffic congestion and that the addition of project-related noise and traffic congestion could at times make some businesses near the construction work less attractive to customers.

The effects of the project on parking spaces and curbside regulations are presented in Sections 5.9, “Traffic and Parking” and 5.16, “Mitigation Measures.” As discussed in those Sections, curbside deliveries were factored into the analyses. While some curbside availability and parking spaces may be displaced during construction, this would occur on a segment-by-segment basis. The project would not prevent deliveries to retail stores along the water main route. As noted in response to other comments, an aggressive mitigation plan would be in place during construction of the water main connections to address traffic congestion that might result from that construction project.

In general, after consideration of potential impacts on the potentially affected businesses in the vicinity of the Shaft Sites and along the water main routes, the EIS analyses concluded that although local economic conditions could decline somewhat during intense construction periods, the net effect on the area’s economy would be negligible. With the exception of several businesses adjacent to the E. 54th Street/Second Avenue Shaft Site, it is very unlikely that businesses or residents would relocate from the area as a result of construction of the project. Overall, the effects of the proposed project are not unlike the effects from other major construction in Manhattan that involves the use of heavy construction in close proximity to residential and commercial uses. Given the project’s location in a well-established neighborhood of Midtown Manhattan, large-scale neighborhood character or socioeconomic changes would not be expected to occur.

Comment 85: The E. 54th Street/Second Avenue Shaft Site would have a negative economic impact on nearby businesses that would be greater than at other sites. (A. Kandel)

Response: The EIS includes analyses of the socioeconomic effects of construction of Shaft 33B at all four sites analyzed, in Sections 4.4, 5.4, 6.4, 7.4, and 8.4, and the results of those analyses are compared in Chapter 11, “Comparison of Alternatives.” Chapter 11 notes that by far the greatest extent of potential construction-related effects on businesses would occur at the E. 54th Street/Second Avenue Shaft Site. As detailed in Section 8.4, “Socioeconomic Conditions” in Chapter 8, “E. 54th Street/Second Avenue Shaft Site,” a combination of construction-related effects could substantially lower sales to the businesses on the east side of Second Avenue immediately adjacent to the construction site, resulting in the possibility that certain businesses would close. In particular, the high noise levels from the construction site, the presence of a 10-foot-high wall around the construction site that would block views of the

nearest businesses from the surrounding area, and the presence of a narrow sidewalk next to that wall would make the businesses directly adjacent to the construction site less attractive to customers and could result in substantially lower sales and eventual indirect displacement of these businesses. However, given the Shaft Site's location in a well-established neighborhood of Midtown Manhattan, large-scale neighborhood character or socioeconomic changes would not be expected to occur, even with the loss of this small number of businesses. Therefore, it is not anticipated that construction of Shaft 33B at the E. 54th Street/Second Avenue Site would result in the potential for significant adverse socioeconomic effects during construction.

15.3.6 Historic Resources

Comment 86: There is no mention in the Draft EIS of how water main construction down E. 61st Street would affect Treadwell Farm, the oldest historic district in the City, with buildings that are nearly 200 years old. We oppose the E. 61st Street Shaft Site or the E. 59th Street/E. 61st Street water main route, because both would adversely affect the quiet residential nature of the Treadwell Farm Historic District. (ESPOA, Loeb) Water main construction would adversely affect the Day & Meyer Murray & Young building on Second Avenue. (CB8)

Response: This comment is incorrect. The Draft EIS describes the effects of water main construction on Treadwell Farm and other nearby historic resources, including the Day & Meyer Murray & Young building, in Section 5.5, "Historic Resources," in Chapter 5, "Water Main Connections." That Section of the EIS concludes that no potential significant adverse impacts would occur to any historic resources as a result of construction of the water mains along any of the routes. The E. 59th Street/E. 61st Street route would pass directly through the Treadwell Farm Historic District, and therefore NYCLPC would be consulted regarding the potential construction in the district to avoid any potential significant adverse impacts on this district. Overall, construction of the water mains would not be anticipated to result in potential adverse impacts to architectural resources, given the short duration of the work and the limited vibration.

Comment 87: There is no mention in the Draft EIS of the Mount Vernon Hotel Museum & Garden, a landmark built in the 1830s. Their building and educational program will be severely impacted by water main construction on E. 61st Street. (CB8, ESNA, J. Schneider)

Response: The Mount Vernon Hotel Museum & Garden is located on E. 61st Street between First and York Avenues, and, since it is more than 100 feet from the construction area, is outside the area where potential physical adverse effects might be anticipated as a result of water construction activities. The museum is within the 400-foot Study Area used to determine if construction might result in conflicts with surrounding land uses, however, and is therefore considered in Section 5.2, “Land Use and Community Facilities, Zoning, and Public Policy,” in Chapter 5, “Water Main Connections.” As described there, there would be temporary increases in noise levels as construction is occurring at the nearest intersection, and there would be temporary delays to traffic on E. 61st Street, but overall, no significant adverse land use impact to any of the nearby land uses are anticipated from water main construction.

Comment 88: Properties that are designated New York City Landmarks or listed on the National Register of Historic Places are located within the study areas. The EIS text should be revised to indicate that the proposed new pier construction for the Queensboro Bridge at the preferred Shaft Site will require a permit from the NYCLPC preservation department. The text is otherwise acceptable for architectural resources. (NYCLPC)

Response: The EIS text has been revised as requested.

Comment 89: NYCLPC concurs with the archaeological resources assessment conducted for the project. Scopes of work should be submitted to NYCLPC for future archaeological work for review and approval prior to implementation. The text of the EIS is appropriate with respect to archaeological resources. (NYCLPC)

Response: Comment noted.

Comment 90: In comments on the Draft EIS, the NYSSHPO has determined that the building at 310 E. 55th Street is eligible for the State and National Registers of Historic Places. (NYSSHPO)

Response: The EIS has been revised to reflect the NYSSHPO’s determination (see Section 5.5, “Historic Resources” in Chapter 5, “Water Main Connections”).

Comment 91: Since the project proposes to use funding from the New York State Revolving Fund, we have reviewed the Draft EIS in accordance with New York State’s Historic Preservation Act. Regardless of the alternative selected, the NYSSHPO recommends construction protection plans be put in place to protect all historic structures within the project area. As well as construction impacts, depending on the final location of the shaft, we would like to review any visual impacts from

the three permanent above-ground structures that may be added to the area. (NYSSHPO)

Response: The project no longer proposes to use funding from the New York State Revolving Fund. Therefore, the discussions of permits and approvals in the Final EIS have been revised. As a result, NYSSHPO will no longer be involved in the review of the project. Nonetheless, as described in the EIS, NYCDEP will work with NYCLPC to develop and implement a Construction Protection Plan for construction activities occurring near the Queensboro Bridge, which is the only historic structure located close enough to shaft construction activities to require such protection.

Comment 92: The NYSSHPO’s archaeological staff has reviewed the Draft EIS and concurs with the identified areas that would need additional archaeological study if they are selected as part of the project. (NYSSHPO)

Response: Comment noted.

Comment 93: Construction of Shaft 33B at the preferred Shaft Site would directly affect the Queensboro Bridge, a historic property listed on the State and National Registers of Historic Properties. The five-year construction of the shaft directly beneath the Bridge, particularly the blasting involved, could affect the Bridge as well as the use and enjoyment of the Bridgemarket. (Kass) The damage to the recently restored Bridge has not been carefully evaluated by NYCDEP. (Residents of 400 E. 59th Street) Has anyone investigated what blasting and digging will do to the structural integrity of the Queensboro Bridge? We are concerned about potential damage to the landmarked Queensboro Bridge. (Gray, Oberlander, Perlmutter, Siegel)

Response: The potential for structural effects to the Bridge was carefully evaluated early in NYCDEP’s site selection process, before the site at E. 59th Street and First Avenue was identified as a feasible potential site, and NYCDEP will continue to coordinate with NYCDOT and NYCLPC on this issue. The potential for construction activities for Shaft 33B at the preferred Shaft Site to adversely affect the historic Queensboro Bridge was then evaluated in the EIS in Section 4.5, “Historic Resources.” That analysis concluded that construction activities at the preferred Shaft Site would not be anticipated to result in potential significant adverse impacts to the Bridge. To ensure that no potential significant adverse impacts occur to the Bridge as a result of any of the proposed construction activities, a construction protection plan will be developed and implemented prior to construction in consultation with NYCLPC. Protection of the Bridge

would occur during all phases of construction. The construction protection plan would include protective measures to be taken during blasting to ensure that no potential significant adverse vibration impacts would occur to the Queensboro Bridge during blasting. NYCDEP would work closely with NYCDOT and NYCLPC to ensure that the Bridge would not experience vibration levels exceeding an acceptable limit. NYCLPC has reviewed and approved of the analysis and conclusions of the Draft EIS. NYCDOT has also reviewed the proposed plans. NYCDEP will continue to work with both NYCLPC and NYCDOT regarding any work in close proximity to the Bridge.

Comment 94: The DEIS fails to reflect the required consultation with the NYSSHPO regarding adverse affects to the historic Queensboro Bridge property from the Shaft 33B. Because the project is seeking significant state funding, the construction of Shaft 33B and its connecting water mains is subject to the State Historic Preservation Act, which requires agencies to consult with the NYSSHPO as early as possible. (Kass)

Response: Because NYCDEP intended to seek state funding, consultation with NYSSHPO was undertaken in accordance with the State Historic Preservation Act. As part of this consultation, NYSSHPO has provided comments on the Draft EIS, which are summarized above and included in Appendix 5 of the Final EIS. However, as noted above, the project no longer proposes to use funding from the New York State Revolving Fund and therefore NYSSHPO will no longer be involved in the review of the project.

Comment 95: The Queensboro Bridge is a New York City Landmark. The NYCDEP must therefore submit its plans for construction at E. 59th Street and First Avenue to NYCLPC for a report on the project's potential impacts on the landmark Bridge (including Bridgemarket), with plans for all future structures and landscaping on the site. The DEIS does not indicate whether this process has been followed. (Kass)

Response: The Draft EIS clearly states in Section 4.5 that the Queensboro Bridge is a New York City Landmark and that NYCDEP will coordinate with NYCLPC regarding construction activities near the Bridge (see page 4.5-6). See also the response to NYCLPC's comments above.

Comment 96: A lead agency must take the requisite hard look at all potential environmental impacts prior to selecting an action or one or more alternatives to that action. With regard to the water main construction, NYCDEP has chosen to defer the environmental review of that construction until after it approves the location of

the Shaft 33B site. That deferral violates SEQRA and CEQR because it commits the City to a definite location for Shaft 33B without a full examination of the environmental impacts of the water main routes proposed and prevents NYCDEP from making informed comparisons among alternative shaft locations and water main routes. Specifically, this failure occurred for two of the three principal water main routes for archaeological resources, since portions of the Sutton Place route and the E. 59th Street/E. 61st Street route were not evaluated for archaeological potential. The Draft EIS states that, should either of these routes be selected, NYCDEP will consult with NYCLPC to determine if an archaeological study is warranted, and if NYCLPC determines that a study is warranted, one will be prepared. (Kass)

Response: The Draft EIS did not violate CEQR and SEQRA or fail to consider the impacts of water main construction on archaeological resources. Rather, the Draft EIS clearly commits to specific future steps to address the possibility that archaeological resources may exist in the Sutton Place route and E. 59th Street/E. 61st Street water main routes. New York City has established procedures for avoiding significant adverse impacts to archaeological resources, set forth by NYCLPC, the City's expert agency in this area. NYCLPC's established procedures with respect to archaeological resources would be followed. As set forth in NYCLPC's publication, *Landmarks Preservation Commission Guidelines for Archaeological Work in New York City*, dated April 12, 2002, these procedures involve initial review by NYCLPC to determine if archaeological work is necessary, archaeological documentary study if warranted, archaeological field testing if warranted by the results of the study, and, for any archaeological resources identified using this process, measures to avoid significant adverse impacts such as monitoring during construction, data recordation, and/or excavation. With these measures in place, no potential significant adverse impact would occur to archaeological resources. As noted earlier, NYCLPC has reviewed and approved this approach for archaeological resources.

15.3.7 Visual Resources

Comment 97: Any permanent loss of street trees would have a negative impact on the quality of life in the neighborhood, and NYCDEP must ensure that any street trees or street furniture removed because of the project are replaced upon the project's completion. (Krueger, Lappin)

Response: NYCDEP recognizes the importance of street trees to a community. The EIS indicates that the potential elimination of mature street trees that could result from the water main construction project would have a temporary adverse impact on urban design. This impact would be offset by additional tree planting in the community. NYCDEP will work with the New York City Department of Parks and Recreation in this greening effort.

Comment 98: How can NYCDEP callously state that they will remove 75 trees from the east side of First Avenue and that the trees cannot be replaced due to interference with the water mains? Other possible sites would not require the removal of trees. (E. Forman)

Response: The EIS describes the full range of trees that might be lost depending on which water main routes are selected and depending on the proximity of the water main work to the trees. The number of trees affected depends less on the Shaft Site selected than it does on the water main routes. A comparison of the maximum number of trees that could be affected for each route from each site is provided in Table 11.3-4 in Chapter 11, “Comparison of Alternatives” with more detail provided in Appendix 6. As shown there, water main routes from the E. 54th Street/Second Avenue Shaft Site would affect the smallest number of trees, but the Shaft Site itself would affect the largest number of trees of all the potential sites. Among the other three Shaft Sites, the water main routes from the preferred Shaft Site would potentially affect slightly fewer trees than the water main routes from the other sites. This number of trees would be affected if water main construction down side streets uses a portion of the sidewalk for the construction zone, to minimize the effects to traffic on those streets. It is possible that the loss of these trees may be avoided or significantly reduced, depending on the construction alignment for the water mains (for example, by eliminating the use of the sidewalk area, substantially fewer trees would be affected). However, the EIS reflects the reasonable worst case scenario regarding the tree removal. The preferred Shaft Site itself would require the removal of only two trees (at 14 Honey Locusts Park) and the other two sites would not require the removal of any trees.

15.3.8 Neighborhood Character

Comment 99: Construction of Shaft 33B at the E. 54th Street/Second Avenue Site would cause a great disruption to the neighborhood’s quality of life. (Bing)

Response: The EIS considers the effects of construction of Shaft 33B and its water main connections on the neighborhood's quality of life in the discussions of neighborhood character. The evaluation of neighborhood character around the E. 54th Street/Second Avenue Shaft Site is provided in Section 8.7.

Comment 100: When describing neighborhood character, the Draft EIS describes buildings and traffic, but not the human beings who live there. According to the census, there are 16,047 of us, with a median age of 48, and we're all pedestrians who depend particularly on buses to get around. (Patricia McHugh)

Response: The evaluations of neighborhood character in the Draft EIS clearly state that the areas around each potential Shaft Site are densely populated residential neighborhoods. Additional information on the specific numbers of people in the neighborhood has been added to the Final EIS.

Comment 101: Construction of Shaft 33B at either of the E. 59th Street sites would greatly reduce the quality of life in the area. (Tanz, Tassa) The neighborhood around the preferred site is valued for its quiet and neighborhood feeling. (Serafini, Wachs) Siting Shaft 33B at the preferred Shaft Site and constructing water mains along First Avenue or Sutton Place will have a debilitating effect on a neighborhood already overburdened by traffic congestion, and the seven plus years of construction will seriously harm the unique character of our quiet, residential neighborhood. (Gibson, Griffith, Krasner, Maurer, Mitchnick, Sutton Square, Tanz) The damage to our quality of life has not been carefully evaluated by the DEP. (Residents of 400 E. 59th Street)

Response: The EIS considers the effects of construction of Shaft 33B and its water main connections on the neighborhood's quality of life in the discussions of neighborhood character. The evaluation of neighborhood character around the preferred Shaft Site is provided in Section 4.7. That analysis does not conclude that the project's construction would seriously harm the unique character of the neighborhood.

Comment 102: Many elderly people live in the neighborhood because of the convenient services available; once the construction starts and merchants are forced to close, how will those elderly people obtain needed services? (Pang, Rosenthal) The project will increase noise and air pollution in a residential area with a huge population of small children and elderly. (Zenith Gross, Krasner, Peter McHugh, Mitchnick, Segall) The noise impact for people along E. 55th and E. 56th Street would prohibit the elderly people who live there from coming out. (Salas)

Response: The EIS describes the disruptions that can be expected to occur to the surrounding neighborhood in the discussions of land use, socioeconomic conditions, neighborhood character, traffic and pedestrian conditions, noise, and air quality. None of those analyses reach conclusions that the project would result in the loss of neighborhood services or significant air pollution (see the response to Comment 84 for more on the effects of the project on local businesses). The project would result in significant adverse noise impacts on residences, schools, and other sensitive uses in the immediate vicinity of each of the potential Shaft Sites analyzed—and extending a full block in each direction from the E. 54th Street/Second Avenue Shaft Site. These impacts would only temporarily affect pedestrians and passersby. Temporary noise impacts would occur along the water main construction routes, but these would progress with the construction, affecting any one location for only a short duration.

Comment 103: While the Draft EIS recognizes the residential nature of Sutton Place, it does not go far enough in its analysis. The analysis of the neighborhood character around the preferred Shaft Site in Section 4.7 should have included Sutton Place in its study area. How can the study have such limited scope when the impact of construction will extend so much farther? (Griffith, Sutton Square) The NYCDEP’s definition of the neighborhood as an arbitrary 400-foot study area means that many neighborhood effects will be overlooked. A neighborhood comprises diverse uses and relations and has an identity. DEP has ignored the cumulative personal and community effects of siting the project in this location. (Peter McHugh)

Response: The Draft EIS uses a 400-foot Study Area for the consideration of neighborhood character, as well as land use and open space, following the recommendations of New York City’s *CEQR Technical Manual*, the guidance document used by the City in developing methodologies for evaluating environmental impacts. The 400-foot Study Area around the preferred Shaft Site is not intended to capture the entire neighborhood; rather, it is intended to encompass the area where potential impacts might occur from construction on the Shaft Site. A 400-foot Study Area was also used for the analysis of the effects of construction of the water main connections since this is the area where project effects would generally be most noticeable; that Study Area is described in Section 5.7 of the EIS. As noted in the Final EIS, in addition, other areas where project effects might be felt outside the 400-foot Study Area were also considered during the evaluation of neighborhood character.

Comment 104: This project would make it impossible to sell any property in the area. People will be trapped in their apartments. (El-Yachar, Fieldler, Gerald Green, Regina Green, Rothchild)

Response: Based on the analyses in the Draft and Final EISs, NYCDEP disagrees with this statement. The analyses of neighborhood character for each of the Shaft Sites and the water main connections do not conclude that significant adverse impacts to neighborhood character would occur. The real estate market in Manhattan, and particularly in the well-established East Midtown/Sutton Place neighborhood, is traditionally very strong and without a significant adverse impact to neighborhood character, it is very unlikely that a temporary construction project such as Shaft 33B and its water main connections would significantly affect sales of property in the area.

15.3.9 Infrastructure and Energy

Comment 105: The Draft EIS does not include any examination of existing utilities along possible water main routes. (Kass)

Response: The Draft EIS briefly describes the types of utilities located along the possible water main routes in Section 5.8, “Infrastructure and Energy,” in Chapter 5, “Water Main Connections.” Much more detailed information was collected but was not deemed necessary for full reporting of potential environmental impacts in the EIS. Rather, that Section of the EIS describes the process to be followed to support, maintain in place, or relocate the numerous utilities along the routes. As described in the discussion of methodology for this analysis in Section 3.8 in Chapter 3, “Impact Methodologies,” detailed information was collected for utilities at each of the potential Shaft Sites and along all of the potential water main routes so that the Shaft Sites and water main routes could be developed to avoid substantial conflicts with large infrastructure or infrastructure that would be difficult to relocate. Utility information was collected using current utility maps obtained from utility suppliers. Sewer and water utility maps were obtained from NYCDEP; electrical, oil-o-static electrical, natural gas, and steam utility maps were obtained from Con Edison; and telecommunication utility maps were obtained from Empire City Subway Company, a wholly-owned subsidiary of Verizon, Inc., which has a franchise from the City of New York to build and maintain conduit and manhole infrastructure in Manhattan and the Bronx. This planning level assessment was intended to be used to make sure that each of the sites and routes identified would be feasible and would avoid conflicts with specific infrastructure that is difficult to move, such as large water

mains or deep sewers. Once a route is selected, a detailed survey will be conducted to verify the presence and location of the utilities identified on the utility suppliers' maps.

Comment 106: According to an e mail from a representative of Verizon, Verizon would experience a major impact if NYCDDC were to decide to place water mains on E. 55th and E. 56th Streets to connect a water shaft to the Third Avenue trunk main. Verizon has a central office between Second and Third Avenues that provides telephone service to the surrounding area. There are over 100 ducts going east-west on both 55th and 56th Streets along with numerous manholes. It would not be feasible to put any new water mains on those blocks due to the current congestion under the street. If Verizon were forced to relocate its facilities by the City of New York, that would result in an expense of over \$10 million and a timeframe of a few years to complete the required telephone work. (Becker, Fridecky, Gerald Green, Regina Green, Pauly)

Response: A follow-up e mail from a representative of Verizon, dated December 12, 2005, from Robert A. Defuria at Verizon, indicates that the initial e mail from Verizon described in the comment was in response to a hypothetical question, was taken out of context and should be disregarded. Verizon regularly coordinates with City construction projects, together with other utility providers, by reviewing NYCDDC's detailed construction plans and attending an alignment meeting with NYCDDC and the other utility companies to address any concerns. Verizon is obligated to relocate any infrastructure requested by NYCDDC as part of its ongoing agreements with the City of New York. Please note that multiple Verizon ducts are buried beneath many streets in Midtown Manhattan, not just E. 55th and E. 56th Streets. Typically, Verizon will replace the existing copper lines with fiber optics, greatly reducing the number of lines needed. These lines are also very shallow and relatively small, facilitating their ability to be shifted.

Comment 107: It does not make sense to place a water main connection over existing Con Edison oil-o-static lines and adjacent to the Bridge. (Gray, Oberlander, Perlmutter)

Response: As noted earlier (see the response to Comment 32), Con Edison oil-o-static lines are common beneath Manhattan streets. These are discussed in the EIS because they are more difficult to relocate than other utilities, but their presence would not preclude the use of sites nearby. Multiple utilities are located beneath all Manhattan streets, including those streets near the Queensboro Bridge.

15.3.10 Traffic and Parking

Comment 108: It is not believable that you can build the shaft with little obstruction to traffic; at typical construction sites, traffic is a mess around the site with heavy trucks and heavy machinery. (Smiley) You have promised not to queue trucks, but I don't know how you can promise that. (Davis) The Draft EIS never confronts the fact of existing traffic congestion in the area, including at the approaches to the Queensboro Bridge and because of the FDR Drive reconstruction, and the likelihood of even greater traffic jams when 20-foot concrete barriers are erected at E. 59th Street and First Avenue, narrowing them to mere alleyways. There is only one moving lane on E. 59th Street between First and Second Avenues. E. 59th is a narrow two-way street and a truck turning onto First Avenue usually causes a traffic jam. Please visit our area in person to observe the traffic patterns. (Biederman, Maurer, Stone, Weinstock, Wolf, Yoss)

Response: The EIS includes details on the existing traffic patterns and traffic congestion around each of the Shaft Sites and water main connection routes. As explained in Section 3.9, "Traffic and Parking," in Chapter 3, "Impact Methodologies," traffic specialists did visit the area to observe traffic patterns, and existing transportation conditions within the Study Area were based on actual field counts. Numerous observations of traffic conditions in the Study Area were made by NYCDEP and its consultants. Based on this information, analyses were conducted to characterize existing conditions and to evaluate potential traffic impacts of project construction. This analysis includes specific details on construction truck traffic and required roadway disruptions. Where potential adverse impacts were identified, feasible measures were recommended for implementation to minimize and/or mitigate these impacts. The analyses also reflected the local traffic patterns associated with the FDR Reconstruction Project. Please note that only a small number of trucks would visit any of the Shaft Sites on a given day, with a maximum of three to five trucks during any single peak hour, but typically far fewer trucks than that.

At the preferred Shaft Site, the traffic barriers would extend slightly into E. 59th Street and First Avenue, but this in no way can be considered to narrow those streets to "mere alleyways" as claimed in the comment. As described in Sections 4.1 and 4.9 of the EIS, in the base configuration, a portion of the sidewalk along First Avenue and E. 59th Street would be used for the construction site, resulting in a narrower sidewalk. No lanes of either street would be used for the construction site. The alternate site configuration would require extending nine feet (one lane) into the roadways of both First Avenue and E. 59th Street, with

temporary pedestrian walkways constructed outside of that construction zone. Traffic on First Avenue north of E. 59th Street would not be adversely affected by this change, since the two westernmost lanes immediately south of the E. 59th Street intersection are reserved for turning vehicles. E. 59th Street would be restriped to eliminate a 9-foot-wide striped area that separates east- and westbound traffic, so that the street would continue to provide the same number of lanes as in the existing condition.

Comment 109: The preferred Shaft Site is at the confluence of traffic entering and exiting the FDR Drive and coming off the Queensboro Bridge and construction activities will cause terrible traffic problems. Even when Con Edison fixes a pothole on First Avenue, traffic backs up to the UN. When there was a fire recently on the Queensboro Bridge and traffic was stopped, First Avenue was stopped and cars diverted up Sutton Place. (Cannon Point North, David, Davis, Fazio, Ford, E. Forman, Fridecky, Granovsky, Gray, Gerald Green, Regina Green, Zenith Gross, Krauss, Krevat, Oberlander, Pang, Perlmutter, Residents of 400 E. 59th Street, Rosenthal, Smiley, The Sovereign, Tassa, Trost, Werner, Yoss) The entrance to the Bridge is so crowded every morning and every afternoon that we need a traffic cop there. I reverse commute on the Bridge every day and the project would make this impossible. (Siben) The large trucks making deliveries to the Food Emporium make traffic even more difficult. (Jurst) E. 59th Street is only one lane and provides the only entrance to the Bridge from the east. (Gray, Oberlander, Perlmutter, Stone) The E. 59th Street/Second Avenue Site is similarly infeasible. (Tassa)

Response: The EIS includes detailed analyses of potential traffic impacts that would result from construction at the Shaft Sites and from construction of required water main connections. The traffic analyses concluded that the construction of Shaft 33B at the preferred Shaft Site or the E. 59th Street/Second Avenue Shaft Site would not result in significant adverse traffic impacts. Thus, access to the Queensboro Bridge would not be significantly disrupted. Where nominal roadway disruptions could result from the shaft construction, conceptual maintenance and protection of traffic plans have been presented and will be further detailed in coordination with NYCDOT OCMC prior to and during construction. Construction of water mains to the preferred Shaft Site would result in temporary adverse traffic impacts. The EIS describes the back-ups that are predicted to occur on First Avenue. Please note that aggressive mitigation measures in coordination with NYCDOT are proposed. This would include the use of as many TEAs as are appropriate.

Please also note that typically, traffic congestion caused by emergency or unforeseen situations (such as the above-mentioned fire on the Bridge) is more pronounced than that under controlled and informed conditions. As explained in the EIS, motorists are expected to become acclimated to the traffic conditions and some may choose alternate routes for their travel during the water main connection construction (see Section 5.16). Furthermore, NYCDEP has committed to providing the necessary resources for additional TEAs to facilitate traffic flow and prevent gridlock conditions at intersections. The main purpose of stationing the existing traffic enforcement agent at the First Avenue and E. 59th Street intersection is to prevent trucks from accessing the Queensboro Bridge outer roadway, while also helping to facilitate traffic flow.

Comment 110: At the preferred Shaft Site, the traffic on the Queensboro Bridge and the FDR Drive poses significant safety problems. There are numerous accidents in the general area of E. 59th Street and First and Second Avenues, including at the corner of E. 59th Street and First Avenue. (Gerald Green, Regina Green, Jurst, Miller, Mintz, Stone)

Response: The EIS presents a summary of accident history at Study Area locations and characterized traffic safety in accordance with *CEQR Technical Manual* guidelines. The analysis concluded that no significant safety problems are anticipated from the proposed project.

Comment 111: For the preferred Shaft Site, the stoppage of bridge traffic during blasting and the disruption of traffic during construction of water mains are serious concerns. (Bing, Krueger) It is lunacy to shut down the Queensboro Bridge twice a day for four to eight years. (Prival) I support NYCDEP's proposed use of traffic enforcement agents to mitigate these effects. (Krueger)

Response: Comment noted. Please note that the statement regarding the Queensboro Bridge is incorrect: the Queensboro Bridge will not be shut down for project construction. As described in Section 4.9, "Traffic and Parking," in Chapter 4, "Preferred Shaft Site," it is anticipated that traffic at certain entrances to the Queensboro Bridge may be temporarily halted to accommodate blasting activities (e.g., traffic at specified intersections may be stopped for about 1 minute, one to two times per day, during the first four months of blasting activity), but otherwise traffic on the Bridge would not be affected. See Section 4.9 for a detailed discussion of the procedures to be followed during blasting activities.

Comment 112: We are concerned about the possibility of increased traffic accidents if drivers are caught unaware by blasts while on the Queensboro Bridge. (Gray, Perlmutter)

Response: Blasting techniques have been used elsewhere in the City for the construction of other Shaft Sites. There has been no correlation between these activities and traffic accident occurrences. As noted in the EIS, as a precautionary measure (such as those employed at other Shaft Sites in Manhattan), traffic may be temporarily halted up to twice a day during the first four months of blasting activity.

Comment 113: Even though you have predicted bad traffic conditions, they may in fact be much worse. I suggest an actual simulation of traffic disruption, by closing lanes on the relevant streets so we can all observe what will happen. (Osborn)

Response: The City has observed the effects of lane closures from previous projects and incorporated this experience into the analysis presented in the Draft EIS. As described in the response to Comment 108, the traffic analyses performed for the EIS were conducted in accordance with the guidelines of the *CEQR Technical Manual*. This methodology involved collecting actual field data on existing conditions in the Study Area and projecting future conditions using conservative assumptions. The methodology used for the EIS and recommended by the *CEQR Technical Manual* is used by traffic engineers to predict reasonable worst-case conditions that might result from proposed development projects.

Comment 114: Taxis will no longer cruise in the neighborhood with all the traffic congestion, and this will severely limit our ability to travel. (Zenith Gross, Patricia McHugh, Mintz, The Sovereign)

Response: While the EIS has disclosed anticipated traffic congestion and acknowledged likely travel inconveniences in the area as a result of water main construction activities, it is highly unlikely that taxis would no longer be available within the Study Area.

Comment 115: The Queensboro Bridge is a major commuting artery for hard-working New Yorkers who have to come into Manhattan, such as the taxi drivers, the police officers, the teachers, the people from other boroughs. The project would adversely affect these commuters. (Davis)

Response: Comment noted.

Comment 116: At the hearing last summer, one of the NYCDEP representatives described 12 lanes of traffic on First Avenue, but there are only six. (Davis)

Response: As stated in Section 4.9, “Traffic and Parking,” there are seven lanes on First Avenue. The number of lanes available for moving traffic depends on the time of day.

Comment 117: Parking for workers was not mentioned in the Draft EIS. The Final EIS should clearly state that workers connected with the construction of the project will not be using 14 Honey Locust Park or any of the sites adjacent to the Bridge to park their private vehicles. (J. Schneider)

Response: Private worker vehicles are not permitted to park illegally in the multi-use area and to further prevent this from occurring, NYCDEP will specifically instruct workers and the contractor to refrain from parking in this area. NYCDEP will work with the TEA(s) that would be assigned to the preferred Shaft Site to ensure that any violation of this directive is promptly addressed and the violator ticketed. Also, no staging of construction or construction vehicles or equipment will be permitted to encroach in to the multi-use area (with the exception of the 1,800 square feet of the area that would be utilized for a 23-month period.) However, NYCDEP can not restrict the rights of workers, as private individuals, from parking in legal parking spaces within proximity to the site. The number of workers that are anticipated to be working on site is low (10 to 15 in peak construction periods). According to the parking assessment performed for the EIS (Section 4.9, “Traffic and Parking”) this minimal additional parking demand is not anticipated to have a significant adverse impact on parking conditions in the project area.

Comment 118: Water main construction from the preferred Shaft Site would last a minimum of five years down First Avenue, which would result in a traffic nightmare. This traffic impact should be taken into account; the Draft EIS is incorrect when it says there would be minimum traffic disruption. (Smiley, The Sovereign) Regardless of what route is taken, the water main construction will cause major traffic disruptions in an area that already suffers from severe traffic congestion. (Schanz)

Response: The EIS discusses in detail potential traffic impacts associated with water main construction and this is an issue that will be considered by NYCDEP in its decision making. As described in response to Comment 17, the longest duration of adverse traffic impacts on the First Avenue corridor has been conservatively estimated at 76 weeks, over a total of 120 weeks when disruptions would be

occurring. This includes consideration of back-ups to traffic south of the construction zone. Table 11.2-5 in Chapter 11 provides a simple comparison of the duration of traffic impacts for different water main routes. Although these short-term effects were not identified as significant, all transient and temporary effects were carefully reviewed and when feasible, measures have been identified and committed to for relief of the temporary effects.

Comment 119: If we have to evacuate the East Side of Manhattan, how will we get to the FDR Drive and Queensboro Bridge in the gridlock caused by the project? (Siegel, Smiley, Weiner, Werner)

Response: The project would not result in gridlock that would affect any emergency evacuations of the East Side of Manhattan.

Comment 120: Even if water mains are installed along First Avenue instead of Sutton Place, Sutton Place will be adversely impacted because heavy lines of traffic will undoubtedly be redirected to Sutton Place. For example, Section 4.9 of the Draft EIS describes how cars will divert to Sutton Place when traffic is halted for blasting. This will also occur for water main construction. (Griffith, Sutton Square) Traffic will be diverted from First Avenue to Third Avenue, Park Avenue, and even Madison Avenue, compounding traffic problems on those other streets. Then they will return back to First Avenue via streets north of 59th Street, compounding the traffic congestion. (Heisler)

Response: The EIS addresses potential diversions due to water main construction. The potential for traffic diversions from First Avenue to Sutton Place and other avenues during water main construction is analyzed in Section 5.16, “Mitigation Measures.”

Comment 121: Constructing the shaft at the E. 54th Street/Second Avenue Site would snarl traffic in the surrounding area for years, particularly since E. 54th Street already has significant traffic congestion because it is a bypass to the FDR and is designated as a Thru Street by the New York City Department of Transportation. This street is also the first eastbound street to serve Sutton Place and a major route for postal trucks heading north up First Avenue from the postal service building on E. 54th Street east of Third Avenue. Even garbage pick-up by the New York City Department of Sanitation would be impossible with this site in place. Access to the garage under the Milan Condominium and the garage serving the Connaught Tower would be severely impacted. The Draft EIS did not do a complete study of traffic along Second Avenue at all times

during the day and night, even though it is highly trafficked during the late night and early morning hours. (Bing, Bring, A. Kandel)

Response: The “Thru Street” designation suggested in the comment terminates at Third Avenue. For the traffic analysis of the E. 54th Street/Second Avenue Shaft Site, peak traffic periods were considered. The results indicate that no significant adverse impacts to E. 54th Street traffic flow would occur from the construction of Shaft 33B at this location. To the extent possible, the layout of this alternative Shaft Site would provide reasonable maintenance and protection of traffic and management of access to nearby uses. A late Friday/Saturday night or early Saturday/Sunday morning analysis was not conducted because traffic levels during these periods are comparable to the afternoon peak period, for which the operating conditions were analyzed in the EIS.

Comment 122: NYCDEP should work closely with all relevant city agencies (e.g., NYCDOT, NYCDDC) and the community to ensure that any potential traffic impacts are minimized to the greatest extent possible. (Lappin) NYCDEP and NYCDDC should ensure that NYCDOT temporarily closes parking on the west side of First Avenue and works with the police to aggressively enforce these restrictions, and that TEAs are employed during this time. (Krueger)

Response: The EIS includes recommended measures as viable strategies to minimize traffic impacts and alleviate congestion. As discussed in Section 5.16, “Mitigation Measures,” parking prohibition is one of the measures considered to lessen traffic congestion during water main construction. NYCDEP will coordinate the implementation of these measures and appropriate enforcement with the other City agencies as appropriate during the planning and construction process and as required by the maintenance and protection of traffic plans developed and implemented for the project.

Comment 123: The Draft EIS does not seem to account for enough Traffic Control Agents, properly trained, to handle all the traffic problems. The Final EIS should specify a greater number of TEAs. (J. Schneider)

Response: The Final EIS has been updated to reflect that NYCDEP has committed to providing funding for as many additional traffic enforcement agents (TEAs) as appropriate to manage traffic conditions during construction. NYCDEP will continue its coordination with NYCDOT regarding the need for additional TEAs.

Comment 124: The E. 61st Street Site does not lend itself to getting trucks in and out easily and will tie up traffic on E. 61st Street, which is an exit from the FDR Drive and the Mount Vernon Hotel Museum located on the street. (J. Schneider)

Response: The EIS provides an estimate of construction truck traffic and characterizes the extent of disturbance from the associated truck movements in and out of the various potential Shaft Sites. As detailed in Section 7.9, “Traffic and Parking,” nominal disruptions would result from typical delivery activities at the Shaft Site. When larger trucks need to access the site, which would generally occur two to three times a month and no more than once a day during peak construction, a 2-minute traffic stoppage is projected. Based on existing peak hour traffic volumes, this temporary disruption could result in a traffic build-up of up to 22 vehicles or an increase in queues of approximately 440 feet (less than two street blocks or one avenue block).

Comment 125: The E. 59th Street/E. 61st Street water main route would severely impact the entrance and exits of the Bridge and FDR Drive and traffic on both streets would be a nightmare. Traffic on Second Avenue would back up into the 70s. There was no traffic study completed on Second Avenue other than the E. 59th and E. 61st Street intersections. Failure to examine conditions north of the intersection ignores the very real condition of traffic backing up into the 70s. (CB8, ESPOA, J. Schneider)

Response: The EIS acknowledges the potential for Queensboro Bridge and FDR Drive traffic diverting to alternate routes, including Second Avenue, and should the E. 59th Street/E. 61st Street route be selected, a comprehensive traffic management plan encompassing a wide range of strategies would need to be put in place (see Section 5.16). The EIS also states that connecting the water mains across intersections would take approximately 10 weeks to complete and would likely be conducted during off-peak periods to the extent possible to minimize traffic disruptions.

Comment 126: We disagree with the conclusions in the Draft EIS that construction, activation, and operation of Shaft 33B at the E. 54th Street/Second Avenue Site would not result in any potential significant adverse impacts to traffic and parking conditions. The only acceptable and realistic mitigation of the impacts at this site would be the elimination of the site as an alternative. (Bring, Connaught Tower Corporation, Jacobs, Kent)

Response: Comment noted. Please note, however, that the analyses of traffic and parking conditions were conducted according to the accepted methodology for such

studies, as presented in the *CEQR Technical Manual*, and these analyses did not conclude that any significant adverse traffic impacts would result.

15.3.11 Transit and Pedestrians

Comment 127: Everyone who lives in the neighborhood is a pedestrian. Of all the sites and water main routes, the preferred Shaft Site with water mains along the First Avenue route would be the worst possible scenario for pedestrians. The shaft construction zone would use all or part of the sidewalk, requiring a temporary sidewalk in the street and a Traffic Enforcement Agent, presumably to protect us from being hit by a construction vehicle or truck. This will be a hazardous condition. Prior to blasting, pedestrians would have only one minute to clear the construction zone. Also, under one proposal for water main construction, the sidewalks along First Avenue would be narrowed and trees and street furniture would have to be moved. Traffic congestion will be a nightmare for pedestrians. (Biederman, Brahe, E. Forman, Patricia McHugh, Mintz)

Response: The EIS followed the methodology outlined in the *CEQR Technical Manual* and provides detailed analyses of pedestrian operating conditions and concludes that adequate pedestrian flow would be maintained throughout construction.

Comment 128: It is already difficult to cross the street at any intersection in the 50s because of drivers edging through to avoid the traffic lights. This can only worsen with the expected shaft and water main connection work. Safety for small children and their caretakers is a serious concern, since it will be very hard to cross First Avenue once three lanes of traffic are closed. (E. Forman, Gerald Green, Regina Green, Weiner, Wong)

Response: Pedestrian crossing of First Avenue would be maintained throughout construction. By closing two to three traffic lanes for construction, the effective crossing distance would actually be reduced, thereby reducing the required crossing time. Furthermore, NYCDEP has committed to providing resources for additional traffic enforcement agents (TEAs) to facilitate safe vehicular and pedestrian flow and avoid gridlock conditions at intersections. Please also refer to the response above and to Section 5.10.

Comment 129: We request that NYCDEP work with the MTA on its proposal for a Bus Rapid Transit (BRT) plan that would include the bus lanes on First and Second Avenues in a pilot program. (CB8, Miller)

Response: NYCDDC and NYCDEP are both members of the MTA’s Technical Advisory Committee for the BRT program, and will continue to coordinate with the MTA on any proposed BRT for First and Second Avenues.

Comment 130: The neighborhood is particularly dependent on buses (M15, M31, and M57), because of the distance to the subway. Of the four described Shaft Sites and three water main routes, the preferred Shaft Site with water mains along the First Avenue route would be the worst possible scenario for buses. NYCDEP admits that water main installation will severely impact traffic flow on First Avenue in the area and cause queues backing up as far south as the 30s. Obviously, bus service will be slow and way behind schedule. (Biederman, Cannon Point North, E. Forman, Kass, Patricia McHugh, Peter McHugh, Sokol, The Sovereign)

Response: In Section 5.9, “Traffic and Parking,” the EIS characterized traffic back-ups as potentially extending to the First Avenue Tunnel, an increase of 3 to 5 blocks beyond those projected without the project, for a total distance of approximately 10 city blocks. MTA New York City Transit currently operates about 10 limited and 10 local M15 buses during peak hours (average of 3-minute headways) from South Ferry/City Hall/Lower East Side to East Harlem. The one-way scheduled travel time for the limited and local routes are 70 and 90 minutes, respectively, during peak periods. A slow-down in travel speed from 10 to 12 miles per hour (NYCDOT estimate of average peak period speed along avenues) to 5 miles per hour (stop-and-go congested speed) would translate to an increase of 3 to 5 minutes in travel time for a 10-block stretch or 4 to 6 percent of the total M15 northbound travel time. As stated in Section 5.16, mitigation measures would be implemented along with additional TEAs to facilitate traffic flow and minimize traffic congestion during construction along First Avenue. Based on the analyses performed for the EIS (see Section 5.10, “Transit and Pedestrians”) and the guidance in the *CEQR Technical Manual*, no significant adverse impacts on transit would occur from the proposed project.

Comment 131: Pedestrian conditions at the E. 54th Street/Second Avenue Site would be dangerous with only a narrow 7-foot alley between the building and the construction wall. (Bing)

Response: The EIS includes detailed analyses of pedestrian conditions and concludes that adequate pedestrian flow would be maintained throughout construction.

15.3.12 Air Quality

Comment 132: The huge traffic congestion that would be caused by construction of a shaft at either of the E. 59th Street sites would result in cars and trucks idling with nowhere to move, adding harmful air pollution. (Brahe, Ford, Gray, Krauss, Krevat, Pang, Perlmutter, Rosenthal, Tassa)

Response: Based on the traffic impact assessments conducted for the EIS and reported in Sections 4.9 and 6.9, no huge traffic congestion is expected with construction activities at either of these two potential Shaft Sites. The potential air quality effects from the construction of Shaft 33B at either of the E. 59th Street sites were addressed in Sections 4.11 and 6.11. In addition, potential impacts on air quality from activities related to construction of the water main connections (combined with Shaft Site construction) were also addressed in the EIS. Based on the results of these analyses, which considered both stationary sources (construction equipment) and mobile sources (vehicles), no potential significant adverse air quality impacts from construction-related activities at either of these potential Shaft Sites were predicted.

Comment 133: The impact of water main construction on air quality should be considered significant. The Draft EIS shows that construction of water mains on the First Avenue route would result in an increase of PM_{2.5}, the most harmful particulates, of 16 micrograms per cubic meter on a 24-hour basis, when the significance threshold is 5 micrograms per meter. This is over 300 percent of what is considered significant by both NYCDEP and the New York State Department of Environmental Conservation. (Fazio, Kass)

Response: The comment that the 24-hour PM_{2.5} incremental concentrations from the water main construction are more than 300 percent of what is considered significant by both NYCDEP and the New York State Department of Environmental Conservation (NYSDEC) is incorrect. As stated in the EIS in Chapter 3, "Impact Methodologies," Section 3.11, "Air Quality," under "Incremental Air Quality Thresholds," NYSDEC's thresholds⁴ for determining potential significant impacts are for projects with potential annual primary PM₁₀ emission of 15 tons or more. For such projects, a potential significant adverse impact may occur if the project results in maximum annual average incremental impacts more than 0.3 µg/m³, or more than 5 µg/m³ on a 24-hour basis. Projects that exceed the NYSDEC's 15 tons per year emissions threshold and the annual or 24-hour

⁴ NYSDEC Policy, CP-33, Assessing and Mitigating Impacts of Fine Particulate Matter Emissions, 12/29/03.

incremental concentration threshold are required to prepare an EIS to assess the severity of the impacts, evaluate alternatives, and employ reasonable and necessary mitigation measures to minimize the PM_{2.5} impacts of the source to the maximum extent practicable. According to the NYSDEC's policy, if primary PM_{2.5} emissions from the project do not equal or exceed 15 tons per year, then the PM_{2.5} impacts from the project shall be deemed insignificant and no further assessment shall be required under NYSDEC's policy. The estimated annual PM_{2.5} emissions from construction of the proposed shaft at any of the sites and its associated water main connections would be less than one ton per year (including the surface excavation method), well below the 15 tons per year threshold for NYSDEC permitting and PM_{2.5} guidance. The PM_{2.5} impacts are deemed insignificant under this criterion and no further assessment is required under NYSDEC's policy.

While the PM_{2.5} emissions from the shaft and water main construction would be insignificant under the NYSDEC's thresholds, the EIS still addressed the potential for 24-hour PM_{2.5} impacts by comparing maximum 24-hour total concentrations with the applicable current EPA standard. The results of that comparison showed that maximum total predicted 24-hour PM_{2.5} concentrations would be less than the current 24-hour PM_{2.5} National Ambient Air Quality Standard.

As noted in Section 3.11.1 of the EIS, the water main connection construction activities that would be contracted by NYCDDC will be subject to New York City Local Law 77, which will require the use of Best Available Technology (BAT) for equipment at that time. With such mandated state-of-the-art controls in place, there were maximum predicted short-term 24-hour PM_{2.5} incremental concentrations of 16 micrograms per cubic meter from water main construction-related activities at a sidewalk location adjacent to the work zone. However, maximum predicted 24-hour average incremental PM_{2.5} concentrations dropped off substantially as the distance from the work zone increases. For example, at about 65 feet from the work zone, 24-hour average incremental PM_{2.5} concentrations were less than 5 micrograms per cubic meter and less than 0.5 micrograms per cubic meter at 130 feet from the work zone. As discussed in Section 5.1, construction of a typical block segment was conservatively estimated to take 12 weeks; the maximum predicted temporary increase in PM_{2.5} concentrations from water main construction activities was predicted adjacent to such segments. As noted in Section 3.1 of the EIS, "In these determinations, NYCDEP considered the probability that the adverse impact would occur, the duration of the impact, its irreversibility, the geographic scope of the adverse

impact, its magnitude and the number of people affected. The distinction between potential significant and temporary impacts is made primarily based on the combination of duration and severity of the effect on a specific sensitive population. Transient and temporary effects have been carefully reviewed and when feasible, measures are being committed to relieve the temporary effects, but in accordance with CEQR guidelines, these short-term effects are not considered significant.” Based on the above, the potential incremental impacts from the construction of the water main connections would not result in significant adverse impacts on the surrounding community.

Comment 134: The area along E. 55th and E. 56th Street has a lot of retirees and young children who cannot walk far. The level of pollution would be so toxic from lead in the air and the [carbon] monoxide that there would be a lot of people getting sick and a lot of deaths. This includes elderly people and young children with immune systems at risk. (Zenith Gross, Krauss, Salas)

Response: The assessment of potential air quality impacts from water main construction activities are described in Sections 5.11, 6.11, 7.11 and 8.11 of the Draft EIS. Based on the results of this assessment, there were no predicted significant adverse air quality impacts from lead or carbon monoxide or other pollutants on the community from construction of Shaft 33B or its water main connections.

Comment 135: The E. 59th Street/E. 61st Street water main route would result in severe traffic congestion which would lead to additional air pollution in the community. (ESPOA)

Response: The potential air quality impacts from traffic congestion resulting from the construction of the water main connections were reported in Sections 5.11, 6.11, 7.11 and 8.11 of the Draft EIS. Based on the results of these analyses, there would be no significant adverse air quality impacts from the construction of the E. 59th Street/E. 61st Street water main connections route.

15.3.13 Noise

Comment 136: In addition to construction noise, which is analyzed in the Draft EIS, residents near the preferred Shaft Site would also have to deal with traffic noise and horn honking. Noise in the area is already intolerable, including horn noise, and the project would increase the amount of traffic backups and noise level from horn honking. (Fielder, Ford, E. Forman, Gray, Krauss, Krevat, Lappin, Pang, Perlmutter, Rosenthal, Tassa, Werner)

Response: Section 4.12, “Noise,” in Chapter 4, “Preferred Shaft Site,” describes the existing noise conditions in the vicinity of the preferred Shaft Site. As stated in that Section, the preferred Shaft Site is located in a noisy area that is influenced by traffic noise from the Queensboro Bridge, First Avenue, and E. 59th Street. Ambient noise monitoring was performed and the existing noise levels were factored into the analysis of the project’s potential to result in adverse noise impacts.

Comment 137: NYCDEP should ensure not only that traffic enforcement agents (TEAs) are on hand to mitigate the noise impacts. The TEAs should be trained to enforce the noise code and should issue summonses for illegal horn honking. (Lappin)

Response: NYCDEP has requested that the TEA(s) assigned to the preferred Shaft Site be authorized and equipped to issue tickets for illegal horn honking and will work with NYPD ensure adequate resources would be available for both traffic management and prompt ticketing to be accommodated by TEAs working on this project. As noted in the response to Comment 123, the Final EIS has been updated to indicate that NYCDEP is committed to providing additional TEAs as may be appropriate in the project area to manage traffic conditions during construction.

Comment 138: At the preferred Shaft Site, the traffic on the Queensboro Bridge and the FDR Drive poses significant noise problems. (Miller)

Response: Section 4.12, “Noise,” in Chapter 4, “Preferred Shaft Site,” describes the existing noise conditions in the vicinity of the preferred Shaft Site. As stated in that Section, the preferred Shaft Site is located in a noisy area that is influenced by traffic noise from the Queensboro Bridge, First Avenue, and E. 59th Street. Ambient noise monitoring was performed and the existing noise levels were factored into the analysis of the project’s potential to result in adverse noise impacts.

Comment 139: NYCDEP must employ modern blasting techniques and use the 20-foot wall around the site to mitigate the noise impacts associated with blasting. (Krueger)

Response: As explained in Section 4.12, “Noise,” and Section 4.13, “Vibration,” blasting for the project is regulated by a NYCDEP Tunnel Construction permit and by the FDNY. To reduce vibration and noise levels associated with blasting, construction specifications would require adherence to all applicable rules and regulations and would require the use of modern blasting techniques (for example, timed multiple charges and blast mats). NYCDEP would implement a

number of protective measures during blasting to minimize potential noise impacts, and a prefabricated 20-foot-high concrete wall would be constructed around the perimeter of the Shaft Site (except at the E. 54th Street/Second Avenue Shaft Site, where a 10-foot-high wall would be provided).

Comment 140: The noise impact of water main construction should be considered significant. For instance, the First Avenue water main route would pass a multitude of schools and community facilities. Changes in noise decibels of 15 dBA or greater, when the significance threshold is 3 dBA, is certainly a significant impact to those receptors, especially since most of the construction is anticipated during the day, when children are in school. (Fazio, Kass)

Response: As stated in Section 5.12, “Noise,” the water main construction would occur segment by segment and would not impact receptors along any given block for an extended period. The adverse impacts described in that Section are considered to be temporary adverse impacts due to their short-term duration. Section 5.12 also discusses measures that would be implemented to minimize potential noise impacts during construction.

15.3.14 Vibration

Comment 141: Please include a study of existing building conditions in the area, such as photographing existing cracks in the buildings, and monitor possible development of cracks in buildings that might result from construction. Is NYCDEP ready to handle future complaints if existing cracks widen or new cracks develop? This information should be included in the EIS. (Pang)

Response: Section 4.13, “Vibration,” includes a discussion of measures that would be taken to protect buildings in the area around the Shaft Site during construction. As described there, the contractor will be required to have a vibration control plan and monitoring program in place during all construction activities. As part of this program, the contractor would conduct an inventory of buildings in the zone of potential construction influence and vibration levels would be monitored in nearby structures and/or at the site perimeter. Recordings will be made by qualified personnel in the employ of an independent vibration consulting firm. If any construction activities result in vibration levels in excess of specified damage criteria as measured in the foundations of nearby structures, construction would be stopped until further precautionary measures were taken to reduce potential vibration impacts. Work would not begin again until the steps proposed to stabilize and/or prevent damage to the designated building

were approved. In addition, the project would carry insurance to cover the expense of restoration caused by any damage that might occur despite this precaution. In addition, further precautionary measures would be taken to protect fragile, sensitive, and historic buildings in the vicinity of the Shaft Site.

Comment 142: Since numerous buildings directly surround the E. 54th Street/Second Avenue Site, the blasting would have a more immediate and severe impact on residents than other locations. (A. Kandel)

Response: Section 8.13, “Vibration” in Chapter 8, “E. 54th Street/Second Avenue Shaft Site,” presents an analysis of the potential for the project to result in significant adverse impacts from blasting. As discussed in that Section, at the E. 54th Street/Second Avenue Shaft Site, the bedrock is close to the surface and residences and businesses are in close proximity to the Shaft Site. Alternate construction techniques, such as hydraulic splitting for work in the upper part of the Shaft, would be used to account for these factors. The EIS also concludes that vibration levels would still occur at levels that may be annoying to residents and other sensitive receptors, but such impacts would be short-term and temporary in nature and therefore would not be considered significant adverse vibration impacts.

15.3.15 Hazardous Materials

Comment 143: A lead agency must take the requisite hard look at all potential environmental impacts prior to selecting an action or one or more alternatives to that action. With regard to the water main construction, NYCDEP has chosen to defer the environmental review of that construction until after it approves the location of the Shaft 33B site. That deferral violates SEQRA and CEQR because it commits the City to a definite location for Shaft 33B without a full examination of the environmental impacts of the water main routes proposed and prevents NYCDEP from making informed comparisons among alternative shaft locations and water main routes. Specifically, this failure occurred for all water main routes, since the Draft EIS states that a Phase II ESA (which involves environmental testing of soil and groundwater in the areas of potential disturbance to determine the presence, type, and levels of contaminants that may be present) will be conducted after a water main route is selected. (Kass)

Response: The Draft EIS did not violate CEQR and SEQRA or fail to consider the impacts of water main construction in terms of the potential presence of hazardous materials and the possibility of significant adverse hazardous materials impacts

on the health and safety of workers and other nearby. Rather, the Draft EIS includes the results of Phase I Environmental Site Assessment (ESA) that were conducted for each of the water main routes, which identify the potential for the presence of hazardous materials. Based on this information, the EIS clearly commits to specific future steps—Phase II investigation and remediation measures, as appropriate based on the Phase II results—to address the possibility that hazardous materials may be present along the water main routes. New York City has established procedures for avoiding significant adverse hazardous materials impacts, developed by NYCDEP, which is the expert agency with respect to hazardous materials. Following these procedures, the Draft EIS identifies the potential for contamination along the water main routes and commits to Phase II testing and any remediation, where appropriate, once the water main trench is open. With these measures implemented, there would be no potential significant adverse hazardous materials impacts from construction of the water mains.

As discussed in the *CEQR Technical Manual*, the investigations of hazardous materials may be time-consuming and costly, and sometimes the area subject to environmental review is vast. Therefore, the timing of additional assessment work beyond the Phase I ESA may depend on the ability to describe the potential for significant impacts. NYCDEP has, in accordance with CEQR, made conservative assumptions on the type and extent of hazardous materials potentially present and the impacts that could result from these contaminants. This is the standard practice for projects, such as this one, that would require closure of street lanes in order to conduct the hazardous materials testing. These procedures would be followed for construction of the water mains, and therefore no significant adverse impact would occur.

15.3.16 Public Health

Comment 144: Increased danger to the health and welfare of a substantial number of citizens cannot be so cavalierly ignored in this selection process. (Kamerman)

Response: NYCDEP has considered the potential public health impacts on the surrounding communities for all of the potential Shaft Sites. Sections 4.15, 5.15, 6.15, 7.1, 8.15 and 11.3.15 of the EIS incorporate the results of these assessments.

Comment 145: No attention is given to the interactive health effects of noise and air quality. Asthma and hypertension are not temporary effects. Traffic produces noise and air pollution, which produce ill health, and this is not spelled out in the Draft

EIS. (Patricia McHugh, Peter McHugh) We are concerned about the possible long-term health effects of breathing construction-related particulate matter over several years. (Gray, Perlmutter)

Response: The public health impact analyses referenced in the response to the previous comment addressed the potential impacts from traffic and air pollution associated with the construction and operation of the potential Shaft Sites and water main connections. The potential impacts from noise and air pollution were determined by following the guidance in the *CEQR Technical Manual*. The air quality assessments evaluated the potential impacts associated with airborne emissions from construction on the surrounding community. Based on the results of these analyses, there would be no significant adverse air quality impacts from the construction of Shaft 33B or its water main connections.

