

**A. INTRODUCTION**

This chapter of the Farley Post Office/Moynihan Station Redevelopment Project Final Environmental Impact Statement (FEIS) summarizes and responds to the substantive oral and written comments received during the public comment period on the Draft Environmental Impact Statement (DEIS). The public hearing on the DEIS was held concurrently with the hearing on the project's General Project Plan (GPP). Public review of the DEIS began on April 27, 2006 with the distribution of the DEIS and the GPP. These comments include those made at the public hearing held by the Empire State Development Corporation (ESDC) on May 31, 2006 at the Farley Post Office, 421 Eighth Avenue and written comments submitted to ESDC through June 30, 2006, the close of the public comment period.

Section B identifies the elected officials, community board and organization members, and individuals who commented at the public hearing or in writing during the public review process. Section C summarizes and responds to each substantive comment. The comments are organized by subject area. Where multiple comments were made on the same subject matter, a single comment combines and summarizes the essence of those individual comments. Following each comment is a list of people who made the comment, identified by number as listed in Section B. Written submissions are included in Appendix D of this FEIS.

**B. ORGANIZATIONS AND INDIVIDUALS WHO COMMENTED ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)**

1. Michelle Adams, Executive Director of the Association for a Better New York (Spoken testimony and written submission dated May 31, 2006)
2. Dan Biederman, President of the 34th Street Partnership (Spoken testimony and written submission dated May 31, 2006)
3. Peg Breen, President of the New York Landmarks Conservancy (Spoken testimony and written submission dated May 31, 2006)
4. Noah Budnick, Deputy Directory, Advocacy, Transportation Alternatives (Written submission dated June 29, 2006)
5. Amanda Burden, AICP, Chair, New York City Planning Commission (Written submission dated June 21, 2006)
6. J. Lee Compton, Chair of Manhattan Community Board No. 4 (Written submission dated June 14, 2006)

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<sup>1</sup> This entire chapter is new for the FEIS.

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7. David Diamond, Chair of Manhattan Community Board No. 5 (Written submission dated June 28, 2006)
8. Thomas K. Duane, New York State Senator (Written submission dated June 30, 2006)
9. Laura Gallo, Vice President for Policies and Programs, of the New York Building Congress (Spoken testimony and written submission dated May 31, 2006)
10. Richard N. Gottfried, New York State Assembly Member (Written submission dated June 30, 2006)
11. Edward Kirkland (Spoken testimony)
12. Anna Levin, Co-Chair of the Clinton/Hell's Kitchen Land Use Committee of Community Board No. 4 (Spoken testimony)
13. Tim McGuinness, NYC & Company (Spoken testimony)
14. Kimberly Miller, representing Kent Barwick, President of the Municipal Art Society (Spoken testimony and written submission dated May 31, 2006)
15. Brian Murphy, Executive Vice President, New York City Economic Development Corporation (Written submission dated June 30, 2006)
16. Patricia Noonan, Senior Vice President for Policy and Economic Development of the Partnership for New York City (Spoken testimony and written submission dated May 31, 2006)
17. Robert Olmsted, P.E. (Written submission dated June 29, 2006)
18. Meile Rockefeller (Spoken testimony)
19. Michael Slattery, Real Estate Board of New York (Spoken testimony)
20. Michael Stern, Senior Associate General Counsel, Amtrak (Written submission dated June 29, 2006)
21. Scott Stringer, Manhattan Borough President (Spoken testimony and written submission dated May 31, 2006)
22. Andy Syder, Gray Line Section Chairman, Transport Workers Union, Local 225 (Written submission)
23. Ralph Tragale, Manager of Government and Community Relations for the Aviation Department of the Port Authority of New York and New Jersey (Spoken testimony and written submission dated May 31, 2006)
24. H. Charles Wedel, Chief Financial Officer of New Jersey Transit (Spoken testimony)
25. William H. Wheeler, Director, Special Project Development and Planning, Metropolitan Transportation Authority (Written submission dated June 30, 2006)
26. Andrea White, Bikestation Coalition (Written submission dated June 29, 2006)
27. Robert Yaro, President of the Regional Plan Association (Spoken testimony and written submission dated May 31, 2006)

## C. RESPONSE TO COMMENTS

### GENERAL COMMENTS AND PROJECT PURPOSE AND NEED

**Comment 1:** Moynihan Station may be the most important infrastructure project our City will embark upon for decades. It must move forward without undue delay. The State must set a firm completion date, as well as a start date, for the station as it is proposed. (3, 8, 13, 17, 21, 23, 27)

**Response:** The project developer will be required to commence, construct and complete the Moynihan Station portion of the project in accordance with a schedule approved by the Moynihan Station Development Corporation (MSDC) that will be part of MSDC's legal contracts with the developer.

**Comment 2:** The proposed project will protect the integrity of the historic Farley Building, improve public safety, improve transportation access to the Hudson Yards Area, catalyze development of the far West Side, create a greatly needed intermodal facility with a vibrant retail and restaurant component, improve the commute of thousands of transit riders, provide a great, light-filled entrance to New York City, create thousands of new jobs, and generate substantial tax revenue for the City. (2, 5, 6, 9, 12, 13, 16, 19, 21, 27)

**Response:** Comment noted.

**Comment 3:** The City concurs with ESDC and MSDC that the Moynihan Station Redevelopment Project is an important economic development project that would yield considerable long-term economic benefits to the City and State of New York. The City is committed to the creation of Moynihan Station and proud to be both a part of the project team and a project funding source and strongly supports the objectives of the project; however, the City's support, including a capital contribution, is contingent on the resolution of certain issues, including: demonstrating that the project is fully funded, resolution of a PILOT agreement, legal issues, design and zoning issues, approval of the final project budget by the New York City Office of Management and Budget, issues related to the described uses in the various project components, and completion of the Development Transfer Site building. (5, 15)

**Response:** ESDC/MSDC will resolve with the City, the New York City Economic Development Corporation, the project developer, and other interested parties as necessary, PILOT (Payments in Lieu of Taxes) payment schedules, including any impact to capital funding contributions, and project funding, generally, prior to finalization of the General Project Plan and closing with the project developer. ESDC and MSDC will work with the Economic Development Corporation and the Office of Management and Budget as necessary to resolve

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these matters. ESDC/MSDC will proceed in accordance with the City Planning Commission's letter dated June 21, 2006.

**Comment 4:** The City Planning Commission supports the project and the exercise of ESDC's statutory authority, provided that certain issues and concerns are addressed. (5)

**Response:** ESDC/MSDC will proceed in accordance with the letter from the City Planning Commission dated June 21, 2006.

**Comment 5:** The Metropolitan Transportation Authority appreciates its working relationship with ESDC as the project has developed. The MTA looks forward to continuing work with ESDC to take into account MTA's needs regarding subway and railroad access and passenger circulation. (25)

**Response:** ESDC/MSDC are continuing to coordinate the project with the MTA and the other railroads to ensure optimal design of station elements within the physical constraints of the site.

**Comment 6:** Amtrak is pleased to be working with ESDC and MSDC in advancing this important mass transit investment. Construction of the project will require close coordination with Amtrak to avoid any impacts to vital Amtrak and commuter rail service. It is Amtrak's intention to work with ESDC and MSDC in scheduling construction windows for the project and to minimize conflicts with the extensive intercity and commuter rail services. (20)

**Response:** ESDC/MSDC are continuing to coordinate the project with Amtrak (see also Response to Comment 5, above).

**Comment 7:** In addition to the transportation benefits associated with the new station, there would be an estimated \$9.5 billion in economic development benefits from the new Moynihan Station. Over 28,000 direct construction jobs are expected to be created and an additional 25,000 direct and indirect jobs will be produced during the approximate five-year construction schedule. Looking beyond the actual development period, nearly 20,000 permanent jobs will be generated creating about \$2 billion in additional personal income. (1, 16)

**Response:** Comment noted.

**Comment 8:** Moynihan Station, the extension of the Number 7 line, and the much needed second commuter rail tunnel underneath the Hudson (known as Access to the Region's Core) are helping to leverage billions in private investment and new taxes. Combined with the expansion of the Jacob K. Javits Convention Center, the Far West Side promises to become the logical extension of the largest central business district in the country. (2, 9, 16, 21, 23)

**Response:** Comment noted.

**Comment 9:** The proposed project addresses the infrastructure investment necessary to support New York City's increasing commerce, residents, jobs, and tourism. The current Penn Station, located beneath Madison Square Garden, already operates at capacity in serving the most congested commuter rail corridor in the nation. Every day overcrowded platforms and passageways make circulation within Penn Station difficult, even dangerous, and emphasize the inadequacy of Penn Station to meet passenger needs. The problem will only get worse as the population of the New York City metropolitan area continues to grow and the number of people using the Long Island Rail Road and New Jersey Transit increases. (9, 14, 23, 24, 27)

**Response:** Comment noted.

**Comment 10:** Moynihan Station is an integral part of New Jersey Transit's plan to expand trans-Hudson capacity and improve the commute into Manhattan. It will also complement other elements of the Access to the Region's Core project, including a new passenger rail tunnel and a new train station under 34th Street. (24)

**Response:** ESDC/MSDC are continuing to coordinate the project with New Jersey Transit.

**Comment 11:** Great cities are defined by their public spaces. New York is defined by great places like Grand Central Station, but the city lacks an appropriately grand and functional arrival point for riders of Amtrak, Long Island Rail Road, and New Jersey Transit. With Moynihan Station, there is an opportunity to atone for our past mistakes and build a bold new monument to New York's civic spirit. The transformation of the Farley Post Office must produce a grand gateway to New York City, and transportation should be the station's primary purpose, with room to grow as west side development drives demand. (14, 21, 27)

**Response:** Comment noted.

**Comment 12:** A long-term plan is needed to ensure that Moynihan Station is maintained to the same standard that Grand Central Terminal currently enjoys. (27)

**Response:** It is a project goal that the new Moynihan Station facility be developed, used, and maintained in a manner consistent with Grand Central Terminal, New York; Union Station, Washington, D.C.; and Union Station, Los Angeles. It is envisioned that the maintenance standards for the new station and common areas would ultimately be set and monitored by the condominium board, which would include representation from MSDC, the developer, and possibly some public users such as New Jersey Transit. See also the response to Comment 15, below.

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**Comment 13:** The existing substandard Penn Station lacks important safety features, including emergency egress and ventilation systems that are essential in the post-9/11 world, and that are an integral part of the plans for Moynihan Station. (27)

**Response:** As currently envisioned, the project will not be directed toward making physical improvements at the existing Penn Station.

**Comment 14:** The transfer of a million square feet of air rights away from the landmarked Farley Building to an off-site location will encourage new investment and positive changes on the north side of 34th Street from Eighth to Seventh Avenues. It will enhance and enliven the area. (2)

**Response:** Comment noted.

### **PROJECT DESCRIPTION**

**Comment 15:** The public sector must retain firm control over the design and programming of the project's private commercial components. The Moynihan Station Development Corporation must ensure that all of the development possibilities for this unique public asset are harnessed for the public good and that the developer gets a fair deal and not a blank check. Also, the public elements must remain public. Public spaces should serve the public interest; they should be controlled by the public authority so that the bottom-line interests of the private sector do not result in the over-commercialization of these spaces. The developer should have no role in the operation of the train and intermodal halls, the west end concourse, or the 32nd Street Pedestrian Corridor or the other elements of the project that will be occupied by public entities. (6, 10, 12, 21)

**Response:** As noted in the response to Comment 12 above, it is a project goal that the new facility be developed, used, and maintained in a manner consistent with Grand Central Terminal, New York; Union Station, Washington, D.C.; and Union Station, Los Angeles. Ultimately the condominium board, including representation from MSDC, the developer, and possibly some public users such as New Jersey Transit, would control the standards of maintenance for the station and for the common areas and common elements. The developer, as tenant of the commercial units, would have input into maintenance of the common areas, but minimum standards would be incorporated into ESDC/MSDC's legal contracts with the developer, including the condominium by-laws.

**Comment 16:** Retail signage and advertising displays in public areas such as the train hall and intermodal hall should be strictly limited so that those public areas are not overwhelmed by private uses. (6, 10)

**Response:** ESDC/MSDC legal contracts with the project developer that are being prepared, including the commercial unit leases, would impose restrictions on advertising and would include design, use, and operating guidelines that govern private uses. As mentioned elsewhere in this chapter, it is a goal of the project that the new facility be developed, used, and maintained in a manner consistent with Grand Central Terminal, New York; Union Station, Washington, D.C.; and Union Station, Los Angeles.

**Comment 17:** The project plans are vague about what the developer can do with the Western Annex. They speak of destination retail, including large format stores and fine dining, and a merchandise mart, but without any detail to make it real. While large format stores may be appropriate at this location, their impacts must be carefully managed. For example, big stores must be supported by a steady flow of trucks. The project plans indicate that truck bays will be located within the building on 31st Street, which is a significant improvement over the current situation, but how will truck deliveries be coordinated among retail tenants, the United States Postal Service, the hotel, and other users? Security screening for trucks must be planned for now, and it must not take place on city streets. As for the merchandise mart, it does not seem to be realistic, since previous efforts to establish similar facilities in or near Community Board 4 have failed. (6, 8, 10, 12, 14)

**Response:** As described in Chapter 1, “Project Description” of the DEIS, the environmental analyses used reasonable worst-case development scenarios to assess the potential for project impacts. Those reasonable worst-case development scenarios, which accounted for the development of destination retail within the Western Annex, covered a broad range of commercial uses and provided a conservative estimate of a range of potentially significant adverse environmental impacts that could result from the proposed project. The trip generation estimates developed for the analyses take into consideration trucking activities that would result from the various uses proposed for the Farley Complex. The project design allows for separate truck bays for the USPS and other building users, so that loading and unloading for the various uses does not conflict. The proposed reconfigured truck loading and unloading facilities on West 31st Street would offer an improvement over existing conditions, as noted in the comment, and they have been designed to serve the needs of all users within the redeveloped Farley Complex. Security specialists have been retained to develop a truck screening protocol. At this time, the details of this screening function have not been finalized; however, for security purposes, it is likely that all trucks would be appropriately screened outside the building before entering the loading facilities. The project’s design incorporates a 277-foot-long curb cut that transitions from street to sidewalk level along the truck loading area and ramps. Portions of this cut and sidewalk could be used for truck screening activities. However, it is possible that during peak activity, some queued trucks awaiting

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screening could occur on the north side of 31st Street adjacent to the building. However, this would be conducted at least 100 feet east of the Ninth Avenue intersection to allow for through traffic in that lane. Although the merchandise mart was proposed as part of the redevelopment by the conditionally designated developer, it was not included in the reasonable worst-case development scenario, because it would have lower trip rates than destination retail as described in the DEIS Project Description. The feasibility and appropriateness from a market perspective of a merchandise mart would be determined during final project planning.

**Comment 18:** This project is a great opportunity for public art. At least one percent of the \$556 million to be spent should be allocated to public art, and the developer should be required to include a comparable amount in its budget for the publicly-accessible commercial components of the project. Prior plans to include a commemoration of the life and work of A. Philip Randolph should be pursued, and the old Penn Station eagles now owned by Vornado should be returned to Moynihan Station. The community should be involved in the planning of public art. (6, 10, 12)

**Response:** The project developer would be required to collaborate with and support the Moynihan Station Arts Foundation in its role as curator of all public art and cultural and educational endeavors for the project; this is expected to include the installation of art works within the station spaces. The project would take into consideration the commemoration suggested, and any other reasonable suggestions with respect to art exhibits. The possibility of returning the old Penn Station eagles to Moynihan Station will be explored with the developer team.

**Comment 19:** The proposed PILOT must be explained to the public, and the schedule and proposed uses must be described in greater detail. It has been suggested that PILOTs could be used to fund maintenance of the completed Moynihan Station. This project will require enormous public financing and a significant gift of land and air rights to private developers. Determining a fair and favorable PILOT program is needed so that the public is duly compensated. The taxation policies set here will have a major implication not just for the station but for the development of the West Side. The decisions made for this area will set the pace of development in Manhattan for decades to come. (6, 8, 10, 12, 21)

**Response:** ESDC/MSDC will finalize the PILOT program with the New York City Economic Development Corporation prior to adoption of the final General Project Plan, and specific program details will be enumerated in the final General Project Plan. If PILOT proceeds are not available for long-term maintenance of the station, then such operating expenses would be paid through other project revenues such as rent.

**Comment 20:** The Moynihan Station Development Corporation should work with the Department of City Planning and others to develop a proactive planning strategy that welcomes pedestrians and commuters into the station from Seventh to Ninth Avenues, and beyond. (21)

**Response:** MSDC continues to work closely with the New York City Department of City Planning, the Economic Development Corporation, the New York State Metropolitan Transportation Authority, the Long Island Rail Road, New York City Transit, New Jersey Transit, the Port Authority, and others to proactively plan for satisfactory pedestrian and commuter “level of service” flows within Moynihan Station. Major new entrances to Moynihan Station would exist at Eighth Avenue and 31st Street, Eighth Avenue and 33rd Street, mid-block on West 31st and 33rd Streets, and via the 32nd Street pedestrian corridor through the Farley Complex. The project also includes major improvements to the underground 33rd Street subway connector and to the existing West End Concourse beneath the Farley Complex. Direct physical improvements to the existing Penn Station and to the Seventh or Eighth Avenue subways are outside of the scope and budget for the Moynihan Station project.

**Comment 21:** Don’t evade public process. We are dismayed that ESDC apparently intends to override local land use and landmarks laws. A project of this scale requires a transparent local public process and informed consideration by local authorities. We are particularly concerned that the project’s boundary is proposed to be expanded to the east side of Eighth Avenue, part of which is publicly-accessible open space that was created pursuant to plaza bonus provisions. None of this should happen without the public review and approvals required by the ULURP process. (6, 12)

**Response:** ESDC/MSDC are coordinating with the Department of City Planning concerning any necessary overrides to local land use and zoning regulations. The Development Transfer Site building is being designed to include the provision of high-quality indoor open space as a replacement for the portion of the outdoor plaza space that would be lost, as will be set forth in the final General Project Plan. The design of the indoor open space is also being coordinated with the Department of City Planning. Although ESDC is not required to follow ULURP, a public process has not been avoided in this case, since ESDC is following the procedures set forth in the UDC Act in its planning and approval of the project.

**Comment 22:** There has been no opportunity for members of the community, individually or through the community board, to comment directly on the off-site building, or more particularly, to work with the Moynihan Station Redevelopment Corporation in identifying community needs. The public deserves a role in the planning of the off-site development. (10, 18, 21)

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**Response:** As part of the public approval process, MSDC has met with Community Board 4 and various other community groups and elected officials. MSDC will also form a Community Advisory Committee (CAC) to advise MSDC on the development of the project.

**Comment 23:** Sections 4 and 16 of the State's Urban Development Corporation Act require that MSDC create a CAC and consult with local agencies, including both affected community boards. The Moynihan Station Development Corporation should act quickly to fulfill these requirements. The community needs a mechanism by which to have a hand in this project. With the implementation of the committee, the community will have an opportunity to address the following ancillary issues: (1) the footprint of the off-site building significantly reduces, and in some cases eliminates, pedestrian circulation into and around the West 34th Street subway entrance; (2) the proposed building should not take up the entire block but should be set back in alignment with One Penn Plaza to preserve the West 34th Street view corridor that includes views of the Empire State Building; and (3) maximum pedestrian capacity on the surrounding sidewalks must be preserved. (7, 8, 10, 21)

**Response:** MSDC will form a CAC to advise MSDC concerning the development of the project. With respect to the specific issues mentioned above, the existing subway entrances that now occupy portions of the sidewalks would be incorporated into the property line of the Development Transfer Site building. The pedestrian flow analyses completed for the project show that the resulting sidewalk areas around the proposed Development Transfer Site building would be sufficient to accommodate future pedestrian volumes, and no significant sidewalk impacts are projected to occur on the sidewalks around the Development Transfer Site building. Setting back the building as suggested would result in a smaller building footprint, which would in turn yield a taller structure to accommodate the proposed 1,000,000-square-feet of development. Although the proposed building would partially block eastward views of the Empire State Building along West 34th Street from Ninth Avenue and points west, views of the Empire State Building would open up closer to Eighth Avenue. At Eighth Avenue and from points east, views of the Empire State Building would be largely unobstructed. Therefore, views of the Empire State Building along West 34th Street would not be significantly affected.

## **LAND USE, ZONING, AND PUBLIC POLICY**

**Comment 24:** The proposed off-site location, with its immediate access to mass transit, seems more appropriate for commercial than for residential development. (7, 21)

**Response:** The floorplates of the proposed Development Transfer Site building would not be optimal for commercial uses. If an approximately 1.1 million-gross-square-

foot commercial building were to be constructed on the Development Transfer Site, it would likely need to have larger, more regularly sized floorplates, which would result in a building that is bulkier than the currently proposed building. Further, the project area around the Penn Station transit hub is intensely commercial, and the opportunity for developing the Development Transfer Site with residential uses would enhance the area around Moynihan and Penn Stations. As noted in Chapter 3, “Land Use, Zoning and Public Policy” of the DEIS, the proposed residential uses would be consistent with the residential and mixed-use character of the West 34th Street corridor to the west of the site, and they would support the Hudson Yards Rezoning goal of transforming the Farley Corridor Subdistrict into a major, dense Manhattan district with a mix of office, residential, and hotel uses supported by the new Moynihan Station transportation hub. In addition, developing residential uses in central business districts and around transit hubs is becoming an increasingly important urban planning objective.

#### **OPEN SPACE**

**Comment 25:** A greatly needed public amenity, the plaza on the off-site parcel that provided a density bonus to One Penn Plaza, is now proposed to be eliminated in order to accommodate a private developer. If the Moynihan Station Development Corporation were not authorized to override City and State regulations, this would be a direct violation of New York City zoning laws. Therefore, as a matter of sound planning policy, the plaza must be replaced with comparable open space. MSDC should work collaboratively with the Department of City Planning and Community Board 5 to come up with a plan that addresses this concern. Since the project will avoid the City’s ULURP process, significant care must be taken to ensure that there is adequate community consultation on the project. Community Board 5 should be included in the design process of the plaza replacement in order to allow those in the community, who will most use the plaza, an opportunity to opine on its key elements. (6, 7, 8, 10, 12, 18, 21)

**Response:** As noted in Chapter 6, “Open Space” of the DEIS, the project, which includes the removal of a portion of the open space on the Development Transfer Site, would not result in any significant adverse open space impacts that would require the development and implementation of mitigation. Further, the public indoor spaces developed as part of the project—the intermodal hall, 32nd Street pedestrian corridor, and station public areas—could be used for passive recreation. ESDC and MSDC have been working with the City Planning Commission to develop a replacement open space on the Development Transfer Site. That open space is currently designed as an approximately 6,000-square-foot interior public space and through-block pedestrian corridor. As noted in a letter from the City Planning Commission, dated June 21, 2006 and included in Appendix D of this FEIS, the “Commission believes that this proposed interior

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public space can serve as a valuable public amenity to compensate for the loss of the public plaza space that would result from construction” of the Development Transfer Site building. ESDC and MSDC will continue working with the City Planning Commission to ensure that the final design of the proposed indoor public space meets the City’s design goals. As noted above in the Response to Comment 23, MSDC will form a CAC. Replacement open space will be one of the project issues that will be considered by the CAC.

**Comment 26:** While the Moynihan Station Development Corporation maintains that the public space on the Development Transfer Site will be replaced by substantially greater indoor space in the new Moynihan Station, indoor and outdoor public spaces have different benefits and uses. Community Board 5 has expressed a desire to have a replacement outdoor public space in this area, but the zoning text mentions an indoor amenity as a possible substitute in situations such as these. Therefore, the Moynihan Station Development Corporation must decide how it wishes to proceed and provide a firm proposal to pertinent elected officials, Community Board 5, and the community at large for review. (8, 10)

**Response:** As noted in the response to Comment 25, ESDC and MSDC have made, in coordination with the City Planning Commission, a determination on the replacement public space, which is set forth in the General Project Plan for the Moynihan Station project. The replacement public space would be a high-quality indoor public amenity planned in consultation with the City. The DEIS considered the loss of the plaza on the Development Transfer Site and determined that the project would not result in significant adverse open space impacts requiring mitigation. Therefore, no additional open space accommodations are required.

**Comment 27:** To replace the eliminated public plaza on the off-site parcel, the developer should consider providing an off-site vest pocket park. Additionally, the off-site building should include public restrooms open 24/7 that would be maintained by the developer or management of the proposed building. (7)

**Response:** As noted in the responses to Comments 25 and 26, the replacement open space would be an approximately 6,000-square-foot, enclosed south-facing space within the building constructed on the Development Transfer Site. ESDC and MSDC will continue working with the City Planning Commission to refine the design and programming of the indoor public space.

**Comment 28:** The elimination of the public space on the east side of Eighth Avenue will be more than compensated for by the public spaces included within the Farley development, even though those are internal. (2)

**Response:** Comment noted.

## HISTORIC RESOURCES

**Comment 29:** The alterations to the historic Farley Building that will be necessary to accommodate Moynihan Station should be carried out in a way that has a minimal impact on the building's historic features. Changes to openings, as in transforming windows to doors, and the creation of new openings should not be larger than actually required for the purpose. The large arches that are the distinctive architectural features of the Western Annex should be respected, and changes such as canopies must be minimal and respectful. Signage on the building's exterior and interior must not diminish the architecture. (6, 21)

**Response:** As described in Chapter 1, "Project Description" of the DEIS, a primary goal of the project is the restoration and preservation of the Farley Complex, and as described in Chapter 8, "Historic Resources" of this FEIS, the project design is being developed in consultation with the New York State Historic Preservation Office (SHPO) to ensure that the design of the project components will be compatible with the historic character of the Farley Complex. In addition, a Programmatic Agreement will be entered into by ESDC, MSDC, the Federal Railroad Administration (FRA), SHPO, Developer C (if approved as the preferred developer), and perhaps the Advisory Council on Historic Preservation (the Council) to avoid, mitigate, and minimize adverse effects on the historic Farley Complex. Further, the conditionally designated developer is expected to apply for Federal Historic Preservation Tax Incentives and that application requires design review by the National Park Service (NPS) to ensure that the project meets the Secretary of the Interior's Standards for the Treatment of Historic Properties.

**Comment 30:** Review by the Advisory Council on Historic Preservation pursuant to Section 106 of the National Historic Preservation Act should be required. The applicability of this requirement should be carefully reviewed and not avoided. (6, 10)

**Response:** ESDC and FRA have consulted with the Council in accordance with Section 106 regulations, and a Programmatic Agreement will be entered into by ESDC/MSDC, SHPO, and other parties as described in the response to Comment 29, above.

**Comment 31:** The Landmarks Preservation Commission was created out of the ashes of the old Penn Station, and it is only fitting that they have a role in reviewing the plan for preserving the Farley Building, which is a true New York City Landmark. (10, 21)

**Response:** MSDC is consulting with the Landmarks Preservation Commission concerning this project and most recently met with the Commission's staff on May 25, 2006. Feedback on project design from that meeting was positive.

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**Comment 32:** Although the Moynihan Station Development Corporation is authorized to bypass both City Planning and Landmarks Commission approval, it is incumbent upon the Moynihan Station Development Corporation to inform the community of the specific changes to the Farley Building and to seek guidance to whether those changes are appropriate for this treasured landmark. (7)

**Response:** The DEIS includes detailed descriptions of changes to the historic Farley Complex and effects on the building's significant architectural features in Chapter 8, "Historic Resources," and the public was given an opportunity to comment on the project design at the public hearing held on May 31, 2006. The project design has been developed in consultation with SHPO to ensure the appropriateness of any proposed modifications to the Farley Complex. (See also response to Comment 29 above.)

**Comment 33:** The proposed station design is respectful of the building's great architecture. (3)

**Response:** Comment noted.

### **TRAFFIC AND PARKING**

**Comment 34:** Additional reflection is required in order to determine the impact on traffic the project will have in an already-congested area. Penn Station passengers currently use Seventh and Eighth Avenues as points of exit from Penn Station. Displacement of a portion of these people onto Ninth Avenue could have a large impact on the already-overwhelmed streets of Hell's Kitchen and Chelsea. These effects need to be fully studied. (8)

**Response:** The project's potential impacts on traffic and pedestrian conditions, including from Penn Station passengers exiting the station complex from the new Moynihan Station entrance on Ninth Avenue, were carefully studied in the DEIS. For identified significant adverse traffic and pedestrian impacts, the DEIS recommended practicable mitigation measures. It should be noted that the primary purpose of the project is to create a major transportation hub that improves circulation and relieves capacity constraints in the Penn Station complex, while easing pedestrian flow in and around Penn Station. Further, the project offers numerous transit improvements, including an increase in the number of passenger stairs, escalators, and elevators, the amount of passenger circulation space, and enhanced access to the Eighth Avenue A, C, and E subway line. It should also be noted that the proposed project would: (1) pull subway entrance stairs within respective building lines; (2) remove USPS trucks from the 31st Street roadbed and sidewalk into enclosed loading docks within the building line, which would improve pedestrian and vehicular flow along 31st Street between Eighth and Ninth Avenues; (3) reconfigure the existing unique and undesirable truck circulation pattern on Ninth Avenue, adjacent to the Farley Complex, and on a portion of 31st Street that directs USPS trucks

north on Ninth Avenue and into the Farley Complex's Ninth Avenue loading docks, which reconfiguration would allow for an south-bound additional lane width adjacent to the Farley Complex; and (4) eliminate the existing moat at the western portion of 33rd Street, which would increase the effective width of the sidewalk and allow for the creation of a taxi drop-off lane at that location.

**Comment 35:** If at all possible, there should be internal circulation for taxis and black cars in the Western Annex. (12)

**Response:** While taxi and black car pick-up and drop-off would not be internal, the project would significantly widen the sidewalk and would include a curb cut on a portion of West 33rd Street for taxi access that would remove pick-ups and drop-offs from the through travel lanes on the street. Previous designs for the project explored the possibility for internal taxi circulation in 1999 and determined that resulting traffic circulation problems, and an associated loss in useable building space, made internal circulation an undesirable option. In addition, internal circulation is not a desirable option for security reasons.

**Comment 36:** Due to severe limitations on widening the 33rd Street connector, it is a potential choke point. Stairways, tracks, private property, etc. are significant obstacles to widening. Moreover, the connector lacks redundancies, and if there were a fire or other incident in the Eighth Avenue subway, the connector could be closed and there would be no connection available, except unacceptably via track platforms. Therefore, the Moynihan Station project should allow for the construction of a second connection at 31st Street that should connect with New Jersey Transit's planned extension of the West End Concourse, the Moynihan Station concourse level, and perhaps the street. It should be equipped with both up and down escalators and ADA elevators. As there is no clearance over or adjacent to the existing tracks and platforms, the second passageway must be excavated beneath the subway tracks in the south half of 31st Street, perhaps encroaching on private property at the corners. (17)

**Response:** A 31st street connector is outside the scope of the Moynihan Station project, but nothing that would be built would preclude the future construction of a 31st Street connector.

**Comment 37:** Congestion of the 33rd Street connector is further aggravated because it also serves as an exit from the southbound Eighth Avenue subway local platform. This situation can be mitigated if the southbound platform were extended several car lengths to the south with a new cross connection to the West End Concourse that would give access to Moynihan Station. The platform extension would be carved out of the same open space below the Farley Building in which the West End Concourse was built. It would take many subway passengers out

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of the choke point and facilitate travel from Penn Station/Moynihan Station to Lower Manhattan. (17)

**Response:** The recommendation in the comment is beyond the scope of the Moynihan Station project.

**Comment 38:** The west end of the new 34th Street Station built as part of the ARC project is expected to have connections to the Eighth Avenue subway. A good linkage is needed between Moynihan Station and the 34th Street Station, which might be accomplished if there were a north-south connecting passageway between the 34th Street Station and Penn Station and the 33rd Street connector within the proposed off-site development. (17)

**Response:** The improvement recommended in the comment is beyond the scope of the Moynihan Station project. The conceptual plans for the New Jersey Transit ARC project include a primary circulation corridor to be constructed between a new station, to be built under 34th Street between Sixth and Eighth Avenues, and the existing Penn Station. This corridor will extend north to south, from 33rd to 34th Streets, approximately mid-block between Seventh and Eighth Avenues, entering Penn Station at the LIRR's 33rd Street Connecting Concourse, providing direct access to both existing Penn Station concourses to the south, as well as to the proposed Moynihan Station concourses to the west.

### **TRANSIT AND PEDESTRIANS**

**Comment 39:** Connections to other mass transit must be optimized. (12)

**Response:** As described in Chapter 1, "Project Description" of the DEIS, the project includes new facilities for rail passengers (i.e., Moynihan Station), an increase in the number of passenger stairs, escalators, elevators, and the amount of passenger circulation space, improved access to some passenger/commuter trains from the existing Penn Station to the Farley Complex, enhanced access to the Eighth Avenue A, C, and E subway line, and significant access improvements to the Eighth Avenue subway entrance.

**Comment 40:** Moynihan Station will expand Manhattan's mass transit capacity, getting cars off our crowded roads, something that the City must do now. (21)

**Response:** Comment noted.

**Comment 41:** The Moynihan Station Development Corporation should fund and build secure indoor bicycle parking in Moynihan Station. According to the New York City Department of City Planning's 1999 Bicycle Survey Report, the lack of secure bicycle parking is the primary obstacle to potential commuter cyclists in New York City, and the Department's 1999 Bicycle Parking Needs Study ranked

transit stations as the most desired locations for secure bicycle parking. Chicago, San Francisco, Los Angeles, Seattle, Washington DC and other cities have secure bike parking projects in operation or development at major transit hubs. New York has more transit riders and cyclists than all of these cities and should have secure bike parking at transit as well. (4, 26)

**Response:** MSDC will discuss incorporating this suggestion into the project design with the developer.

### CONSTRUCTION IMPACTS

**Comment 42:** A construction task force should be established, consisting of representatives of Community Boards 4 and 5, Moynihan Station Development Corporation, the developers, the construction manager, and all relevant public agencies. The task force should meet regularly throughout the construction process to provide information about the inevitable impacts on the surrounding area and to mitigate those impacts whenever possible. The construction task force that met monthly throughout the construction of the Time Warner Center is a useful model. (6, 10)

**Response:** MSDC will continue to meet regularly with Community Boards 4 and 5, local elected officials, and railroad representatives to address their concerns, including construction concerns. See responses to Comments 22 and 23.

### MITIGATION

**Comment 43:** The EIS makes it clear that the project will create significant congestion in an already crowded area. The usual signal timing changes and sidewalk widenings are not going to be sufficient. Much more aggressive planning is needed for the surrounding sidewalks and streets. (6, 11, 12)

**Response:** The DEIS traffic and pedestrian analyses were conducted to conform to the standards established in the *CEQR Technical Manual*, and the DEIS recommends a comprehensive range of measures to mitigate significant adverse impacts. In addition to the typical mitigation measures noted by the comment, the project is offering a host of specific improvements to the movement of pedestrian and transit riders such as sidewalk widenings, new station entrances, a taxi drop-off lane, an increase in the number of passenger stairs, escalators, and elevators, and significant access improvements to the Eighth Avenue Subway entrance. The project would also: (1) pull subway entrance stairs within respective building lines at the Farley Complex and the Development Transfer Site; (2) remove USPS trucks from the 31st Street roadbed and sidewalk into enclosed loading docks within the building line, which would improve pedestrian and vehicular flow along 31st Street between Eighth and Ninth Avenues; (3) reconfigure the existing unique and undesirable truck circulation

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pattern on Ninth Avenue, adjacent to the Farley Complex, and on a portion of 31st Street that directs USPS trucks north on Ninth Avenue and into the Farley Complex's Ninth Avenue loading docks, which reconfiguration would allow for an additional south-bound lane width adjacent to the Farley Complex; and (4) eliminate the existing moat at the western portion of 33rd Street, which would increase the effective width of the sidewalk and allow for the creation of a taxi drop-off lane at that location.

### **ALTERNATIVES**

Many of the comments received at the May 31, 2006 public hearing and in writing during the public comment period focused on an arena alternative. However, as described at the public hearing and in Chapter 1, "Project Description" and Chapter 20, "Alternatives" of the DEIS, neither ESDC, MSDC, nor the USPS are currently pursuing an alternative that includes the relocation of Madison Square Garden. Further, although the conditionally designated developer has requested ESDC to consider an arena alternative, it has not submitted a sufficiently detailed alternative proposal with respect to either a proposed design or business arrangement. If an arena alternative were to be pursued in the future as the proposed project, a Supplemental Environmental Impact Statement (SEIS) would be prepared at that time.

**Comment 44:** The larger development plan for relocating Madison Square Garden and redeveloping that site with a large mixed-use project and an improved and redesigned Penn Station deserves serious consideration. Although it is officially just an alternative to the proposed project, the Garden move must be considered and planned for now. Moving the Garden would create a truly great transit node across Eighth Avenue and significant development possibilities on the existing site that would enormously increase the value of this project to the neighborhood. Moynihan Station should be approved on its own and the Garden move should not delay or damage Moynihan Station in any way, but if we plan it carefully, we could trade in both the train station and the arena for much better replacements, while planning wisely for the West Side at the same time. (2, 9, 21)

**Response:** ESDC is aware of the considerable public support for the relocation of Madison Square Garden to the Farley Complex. The General Project Plan and the analytical framework of the EIS allow for construction of Moynihan Station without compromising a future consideration of the merits of relocating Madison Square Garden.

**Comment 45:** The State and City should encourage the conclusion of a deal between the existing venture partners and the Garden. The Empire State Development Corporation and the Moynihan Station Development Corporation should further explore the plan for relocating Madison Square Garden within the Farley Building through a Supplemental Environmental Impact Statement. (2, 9)

**Response:** Comment noted.

**Comment 46:** The developers and the State should move quickly to iron out the details of the alternative plan and present them for public debate. The public needs a full discussion of all the plans to ensure that Senator Moynihan’s vision for a train station is fulfilled and New York City gets the station it deserves. The Moynihan Station Development Corporation should work with the City, the Garden, other potential users, the community boards, and the elected officials to find a preferred solution that everyone can support before breaking ground. What would moving the Garden into the Farley Building look like? What kind of new station would the City actually get? What are the plans for improving Penn Station and who would pay for them? Assurances are needed that Moynihan Station would not become a mere gateway to the new Madison Square Garden. (3, 8, 10, 27)

**Response:** The comment identifies critical planning and development issues that would need to be resolved prior to proceeding with such an alternative. If an arena alternative were to be pursued in the future as the proposed project, an SEIS would be prepared to study the full range of potential environmental impacts from relocating Madison Square Garden, and the SEIS would go through public scoping and the full environmental and other legally required review processes.

**Comment 47:** There is immense potential with the plans to move Madison Square Garden, which would allow improvements to the current Penn Station. However, the improvements there should not come at the cost of the new station in the Farley Building and disfiguring a landmark. The integrity of the landmarked Farley Post Office Building must be protected and the public must be guaranteed a world-class rail facility on both sides of Eighth Avenue. (3, 6, 12, 27)

**Response:** As set forth in Chapter 1, “Project Description” of the DEIS, restoration and preservation of the Farley Complex is a primary project goal. If an arena alternative were to be pursued in the future as the proposed project, impacts to the historic Farley Complex would be a critical issue for analysis in the SEIS. As with the proposed project, changes to the Farley Complex from an arena alternative would be designed in consultation with SHPO, and since the conditionally designated developer would likely still apply for Federal Historic Preservation Tax Incentives, any arena plan would be subject to review and approval by the NPS.

**Comment 48:** The alternative plan reviewed in the Environmental Impact Statement that involves moving Madison Square Garden and creating the Moynihan East and West Stations will be better for the City, because Moynihan Station, as currently proposed, would be able to handle only 20 percent of the pedestrian flow in and out of Penn Station. Under that alternative plan, eighty percent of station users would pass through Moynihan East, thus providing far greater benefit to more of the public. Further, moving Madison Square Garden to the Farley Building is an

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opportunity to improve the City's convention and meetings business and support the City's bids for global events. The new garden would increase its attractiveness as a venue for many events that will draw both tourists and residents, and the new Moynihan Station will create a vibrant center for commuters and reinforce two other critical transportation projects, the extension of the Number 7 line and the Access to the Region's Core. (1, 13, 16, 19)

**Response:** Comment noted.

**Comment 49:** As for concerns that the larger Moynihan Station and Madison Square Garden development would compete with developments at the World Trade Center Site, the amount of commercial space planned is less than what the zoning is now for the current Garden site, with the remainder being made up of housing, including affordable housing, hotel, and retail. The earliest this alternative would come online would be 2015, long after, hopefully, the majority of the World Trade Center site is built out, and it would also not compete with offices under development now. (1, 19)

**Response:** Comment noted.

**Comment 50:** Some of the issues related to the relocation of Madison Square Garden that should be considered include: the alternative must respect the historic character of the Farley Building, both because of its aesthetic importance and because the project must be able to access federal Historic Preservation Tax Credits; design and programmatic decisions need to be made in a way that makes the train station the centerpiece of the development—commuters need to be welcomed into the station without being obstructed by Garden patrons and arena advertising must not mar the Farley Building's historic architecture; and both Moynihan Station and the new Penn Station must be designed to complement and relate to one another across Eighth Avenue. (21)

**Response:** The critical issues identified in the comment would be examined in an SEIS, if an arena alternative were to be pursued in the future as the proposed project.

**Comment 51:** Under the proposal to relocate Madison Square Garden, the intermodal hall would be relocated to the rebuilt Penn Station and aligned on a diagonal axis from 33rd Street near Seventh Avenue to 31st Street and Eighth Avenue. With this orientation, a second connector under Eighth Avenue at 31st Street becomes more important, if not mandatory. At a minimum, the second connector is needed to prevent the 33rd Street connector from being overwhelmed by Garden patrons. (17)

**Response:** The need for a 31st Street connector could be identified in the scope of the SEIS, if an arena alternative were to be pursued in the future as the proposed

project. No formal plans have been submitted to ESDC showing the orientation of an intermodal hall on the site of the existing Penn Station complex.

**Comment 52:** For the relocated Madison Square Garden plan, a complete plan for circulation within and around Penn Station should include several other elements. The abandoned “Gimbels” passageway under 33rd Street between Seventh and Sixth Avenues should be rehabilitated, made ADA compliant, perhaps widened, and reopened. Via this passageway, there would be a continuous weather-protected route from Herald Square to Moynihan Station. A corridor to Ninth Avenue must be retained in the project, and if the 32nd Street pedestrian corridor through the Farley Building is eliminated, then an alternative, perhaps within the 33rd Street moat, should be considered. With development of Hudson Yards and the extension of the Number 7 Subway, improved access between Penn Station/Moynihan Station and the far west side is needed, and the concept of a people mover connecting Penn Station/Moynihan Station and the Number 7 Subway station at 34th Street and Eleventh Avenue should be evaluated. (17)

**Response:** If an arena alternative were to be pursued in the future as the proposed project, the circulation improvements identified in the comment could be considered as part of an SEIS.

**Comment 53:** The environmental impact of a steady flow of shoppers arriving throughout the day under the proposed project would differ from the capacity crowds attending arena events two hundred plus times per year under the Madison Square Garden relocation alternative. Therefore, concrete goals must be established as a basis for adequate environmental study, and ESDC must amend the DEIS. The DEIS claims to analyze a generic development alternative, when in fact, there is a very real proposal that is given short shrift in the environmental study. ESDC must make the tough decisions about the project’s future and return to the public with a DEIS that expresses an open and honest vision of how they will recognize and realize the long-deferred dream of a new Moynihan Station. (14)

**Response:** As noted above, neither ESDC, MSDC, nor the USPS are currently pursuing a relocated Madison Square Garden option as the proposed project, and although the conditionally designated developer has requested ESDC to consider an arena alternative, it has not submitted a detailed alternative proposal. The process ESDC is following through the General Project Plan and this EIS is appropriate to ensure that the environmental review of the Moynihan Station project is not delayed and that Moynihan Station can begin construction without precluding a future modification to the development plan for the remainder of the Farley Complex to allow development of an arena. Prior to any modification, a rigorous review of a specific proposal to relocate the arena would be conducted. Preparation of an SEIS for an arena alternative, if it were to be pursued, would require rigorous environmental review, including a new scoping process where

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specific studies, such as an analysis of how arena traffic and pedestrian circulation differs from that of the proposed project, would be required.

**Comment 54:** If Madison Square Garden wants to move, why not discuss the possibility of moving to the empty site across Ninth Avenue? (3)

**Response:** The site on the west side of Ninth Avenue was indeed identified and analyzed as a potential relocation site for Madison Square Garden in the Hudson Yards FGEIS. It may, therefore, merit consideration as an alternative to be considered in the event that an SEIS is prepared in the future for an arena alternative as the proposed project. However, it should be noted that the site mentioned in the comment is privately owned.

**Comment 55:** There is a question whether the design as shown will be fully realized. While the developers have shown plans for moving Madison Square Garden into the Farley Building to the Mayor and the *New York Times*, they've not shown them so far to the public. However, trying to put the Garden into Farley is somewhat akin to Cinderella's stepsisters trying to jam their feet into the glass slipper. The Garden would burst through the roof and dominate the historic exterior. Would Garden patrons enter through the station portion of the building? Would it be a mere forecourt to the Garden? How would the Garden's desire for signage mesh with the landmark exterior? The Garden is so large it would take up the space where the intermodal hall is now shown. It would possibly even intrude into the eastern portion of the landmark where the train hall is planned. Care must be taken to prevent the Moynihan Concourse from becoming an entrance plaza for Garden patrons. (3, 11, 17)

**Response:** An arena relocation plan has not been presented to ESDC or the public as a developed plan. The critical issues identified in the comment would need to be analyzed in an SEIS, if an arena alternative were to be pursued in the future. The Moynihan Station train hall would be built with or without an arena alternative as the proposed project.

**Comment 56:** Jamming Madison Square Garden into the Farley Building would just not work, and the 32nd Street corridor, so essential to the connection to the west side, would be considerably diminished. (11)

**Response:** An arena alternative would clearly change how the Farley Complex would be redeveloped, including the ability to provide an at-grade 32nd Street pedestrian corridor through the building. The impacts to this corridor would be evaluated in any SEIS, with respect to an arena alternative.

**Comment 57:** The Madison Square Garden alternative will have the immediate effect of aborting the Moynihan Station project. Popping in the Garden will immediately

delay the project for several more years, and we have already been waiting too long for this new station. Follow the plan as proposed at the public hearing, and do not let Cablevision crush the new station with a new Madison Square Garden. (22)

**Response:** It is the intent of ESDC and MSDC to pursue Moynihan Station, and the General Project Plan will allow immediate station construction, even if an arena alternative were to be pursued as the proposed project at a later date. \*