

# **Pier 54 Response to Comments Received During Public Review**

**PREPARED FOR**  
**Hudson River Park Trust**

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## **Pier 54 Response to Comments Received During Public Review**

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### **A. INTRODUCTION**

This chapter summarizes and responds to all comments received during the public review process including the environmental review under SEQRA, for the Pier 54 Redevelopment Project. These comments also include the resolution adopted by Community Board 2 on January 22, 2015 which followed a series of public hearings held in December 2014 and January 2015 by the Parks and Waterfront Committee of Community Board 2. The public review period commenced on November 17, 2014, with the posting and public availability of the Draft Environmental Assessment Form and Supplemental Studies (“the Draft EA”), the draft lease, and the draft amendment to the General Project Plan (GPP) (“project review documents”). The notice of the availability of these documents was made broadly available to the public. Comments include spoken or written testimony submitted at the public hearing held by the Hudson River Park Trust (HRPT) on January 12, 2015 as well as written comments submitted during the public comment period, which ended on January 23, 2015.

Section B lists the elected officials, Community Board 2, organizations, and individuals who commented on the project review documents. Section C summarizes and responds to the substance of these comments. The commenters identified after each comment. These summaries convey the substance of the comments but do not necessarily quote the comments verbatim. Comments are organized by subject matter. Where more than one commenter expressed a similar view, the comments have been grouped and addressed together.

### **B. LIST OF OFFICIALS AND INDIVIDUALS WHO COMMENTED ON THE PROJECT REVIEW DOCUMENTS**

#### **ELECTED OFFICIALS**

1. Gale Brewer, Manhattan Borough President
2. Deborah Glick, New York State Assemblymember, District 66
3. Corey Johnson, New York City Councilmember, District 3
4. Brad Hoylman, New York State Senator, District 27

#### **GROUPS AND ORGANIZATIONS**

1. Adrian Benepe, The Trust for Public Land
2. Keen Berger, Democratic District Leader, 66th Assembly District, Part A
3. Tobi Bergman, Community Board 2, Manhattan
4. Günter Bähler, Swiss Titanic Society
5. Simon Bialobroda, Eco and Sacred Design
6. Marcy Benstock, Director of Clean Air Campaign and its Open Rivers Project
7. Dr. Brent Blackwelder, Friends of the Earth and Foundation Earth
8. Gregory Boroff, Friends of Hudson River Park

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9. Ed Coghlan, Irish Titanic Historical Society
10. Charles A. Haas, Titanic International Society, Inc.
11. Marlowe Greenberg, Foothold Technology, Inc.
12. Mary Habstritt, North River Historic Ship Society
13. Kilian Harford, Irish Titanic Historical Society
14. Addie Johnson, Rising Phoenix Repertory
15. Chantal Keogh, Irish Titanic Historical Society
16. Jim Lane, Sierra Club
17. Scott Lawin, Friends of Hudson River Park
18. Cindy Malinchak, Environmentally Based Green Building LLC
19. Deborah Mans, NY/NJ Baykeeper
20. Bob McGrath, Ridge Theater
21. Dr. Aidan McMichael, Belfast Titanic Society
22. Audrey and Robert Meacock, British and Belfast Titanic Society
23. Phillip Musegaas, Riverkeeper, Inc.
24. Rudi Newman, British Titanic Society
25. Nancy Ploeger, Manhattan Chamber of Commerce
26. Lucy Robson, New Yorkers for Parks
27. Margie Rubin, Disabled in Action
28. Charles Sachs, Oceanic Navigation Research Society
29. Eftihia Stefanidi, SECRET CINEMA USA
30. Daniel Talbott, Rising Phoenix Repertory
31. Bob Townley, Manhattan Youth
32. William H. Wilson, Jr., Titanic International Society, Inc.

## **INDIVIDUALS**

33. Susanna Aaron
34. Margaret Anteblian
35. Margaret Anteblian
36. Hector Luis Aponte III
37. Natalie Baker
38. Ben Benson
39. Robert Benson
40. Joseph Bergen
41. Larry Bickford
42. Gwen Billig
43. Jake Billingham
44. Peter Braus
45. Ken Breakey
46. Rob Buchanan
47. Jill Carlier
48. William Carmichael
49. Constance Casey
50. Heather Church
51. Andrew Clinger
52. Liz Craig
53. Joshua David
54. Julie Dovan

55. Barry Drogin
56. James Ducker
57. Neil Egginton
58. Alice Elliott
59. Tom Fox
60. Bunny Gabel
61. Dave Gabel
62. C.M. Gardner
63. Dave Gardner
64. Andrew Ginzler
65. Camille Hadbacker
66. Pam Hall
67. Lucas Harris
68. Ari Himber
69. Nadine Hoffmann
70. Robert Hone
71. Bill Hough
72. Michael Jaramillo
73. Mitchell Kane
74. Lisa Kenny
75. Mary Kate Law
76. Andrew Lawrence
77. Bob Longabaugh
78. Kara Miller
79. Dustin Miller
80. Lawrence W. Nevel
81. Novac Noury
82. Edward O'Donnell
83. Bob Osborne
84. Paige Panzner Kozek
85. Edna Pelzmann
86. João Ricardo
87. Will Rogers
88. Helen Sanderson
89. Elizabeth Scharlatt
90. Sondra Schwartz
91. Rachel Simpson
92. Carolyn Sitar
93. Christopher Slowik
94. John T
95. Steve Toth
96. Kathleen Treat
97. Ron Troy
98. Alison Tupper
99. Zach Winestine
100. Elaine Young

## C. RESPONSE TO COMMENTS

### DESIGN PROCESS AND PUBLIC REVIEW PROCESS

#### *PUBLIC PARTICIPATION*

**Comment 1:** I ask that the Trust return to the open and transparent public planning process that's mandated by the Hudson River Park Act and cease closed door negotiations with private interests seeking to exploit this incredible public resource for their own gain. While I am glad that the Diller Von Furstenberg Foundation understands the importance of the waterfront and arts, I think this is inappropriate because of the lack of public process. The park plan was authorized and put into law because everybody agreed we were going to have open public participation. The lack of public involvement in the planning process for this project is contrary to the legislative requirements of the Act, which mandate the Trust: "to provide for meaningful public notice, participation, consultation and review in the planning, development and operation of the park, which shall include, but not limited to (i) consultation with community boards one, two and four within the Borough of Manhattan, the Advisory Council, elected officials representing communities neighboring the park and appropriate community, civic and advocacy organizations and (ii) timely and reasonable notification to such individuals and groups and appropriate news media of each meeting of the trust and any public hearings regarding significant plans or proposed actions with respect to the park." Plans prepared in private and released for a single public comment period in the middle of the winter do not constitute "meaningful public notice, participation, consultation and review in the planning, development and operation of the park." (Tom Fox)

There was not much opportunity for transparency or public participation. (Larry Bickford)

Although many of us welcome the Diller/DVF gift, we do not welcome an entity that is so designed and scripted. Where is the public input? (Elaine Young)

It may seem the definition of futility to address the board that secretly formed the Diller Island Plan with the plea to reject that plan. However, that is my aim... One doesn't want to seem churlish in rejecting the Diller solution, but this is no democracy and no justice in letting a private citizen dictate public policy not in the public interest. Whatever the mythical merits of Pier 55, it's clear democracy is being dealt a blow here. The plan was formed and fleshed out behind closed doors with no public input. An after-the-fact pro forma hearing is not democracy. (Bunny Gabel)

Who decides what a City needs? (Constance Casey)

There needs to some acknowledgment that the process which has led to Pier 55 is not an acceptable model for contemporary urban planning, and that it should not set a precedent for future development in our community, the Hudson River Park, and the rest of the city. (Zach Winestine)

We have many reasons to be excited about this endeavor. However, any development of public space must be a product of robust community conversation and consultation. It is critical that concerns of all aspects be adequately addressed. I urge the Hudson River Park Trust not to lose sight of this level of communication and openness to community input once the public comment period has subsided and the project moves forward. (Corey Johnson, New York City Councilmember, District 3)

Although the DVF Family Foundation is prepared to make a \$130 million donation to the park, there are also City and State dollars of up to \$35 million that are allocated to this project without any public discussion. This is not insignificant and should grant the community more of a voice in determining the creation of this design. The lack of consultation with the public, only adds to the sense that this Pier is separate and apart from the rest of the Park. This should be changed to allow for greater public participation. (Deborah Glick, New York State Assemblymember, District 66)

The lack of transparency of the planning of the Project to date, and the relative lack of opportunity for neighbors of the Project to have their concerns heard and to influence its design, are quite troubling, and bode ill for the continued viability of good relations between Pier 55 and its neighbors. (Christopher Slowik)

Instead of providing for a separate review of the draft EAF in order to develop—with meaningful public participation, consultation and review—a robust report, the HRPT developed the Pier 55 Project proposal entirely behind closed doors. (Phillip Musegaas, Riverkeeper, Inc. and Deborah Mans, NY/NJ Baykeeper)

The design concept of Pier55 was developed by the Diller-Von Furstenberg Foundation, in negotiation with HRPT to ensure adherence to the Hudson River Park Act, but without input from any public entity (including CB2) or the general public. HRPT is engaged in the presentation of the design and plan for public review, including a public hearing, as required by the Hudson River Park Act, but the opportunity for community board and public input has been limited to this 60-day period at the end of what has been a lengthy design effort, which is less than ideal but does meet the requirements of law. (Tobi Bergman, Community Board 2, Manhattan)

**Response:** The public review of the proposed project has complied with all applicable laws and HRPT procedures. Specifically, the public review involved extensive outreach over a more than two-month long process, including its own public

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hearing, two public hearings organized by Community Board 2, and a presentation at the December meeting of its Advisory Council. Consistent with its practices, HRPT will continue to solicit public involvement in the evolution of the project as detailed in the Response to Comment 17.

A landscaped Pier 54 that would function as a public park use pier as defined in the Hudson River Park Act (“the Act”) has been a publicly identified element of Hudson River Park since its inception. Prior to the amendment of the Act in 2013, HRPT consulted with the public about changing the shape and expanding the footprint of Pier 54, and Community Board 2 supported this change. Until now, HRPT has not had access to sufficient funding to complete this park element.

Private funding to support the park was anticipated in the Act; HRPT was created as a non-profit 501(c)(3) as well as a public benefit corporation under the terms of the original 1998 Act in order to facilitate private donations. In 2011, HRPT completed a significant action process as defined in the Act to account for private fundraising and formalized an arrangement with Friends of Hudson River Park, further acknowledging the need for private financial support for the Park. The exceptional circumstance of a single private donor offering to provide a minimum of \$100 million to support construction of a newly envisioned Pier 54 entailed a long period of negotiations between the donor and Trust before HRPT considered the proposed design, uses and terms to be sufficiently viable and appropriate to warrant public review and potential approval by its Board of Directors.

What is now being considered is a specific proposed design concept that the donor is prepared to fund and that HRPT believes is consistent with the objective of creating a landscaped Pier 54 that would function as a public park use pier. The proposal requires a change to the original 1998 GPP governing park development; a proposed lease that establishes the terms of the pier’s design and operations; an EA which comprehensively analyzes the potential impacts of the proposed project; and requirements for funding and other terms. HRPT brought the proposal to the public for review at the earliest practical opportunity.

**Comment 2:** The Act requires that there be “timely and reasonable notification” to the public for any “significant plans or proposed actions with respect to the park.” Here, the public was provided a technically complex lease and a 235-page proposal to review on November 17, 2014—a week before the Thanksgiving holiday and two weeks before the first full public meeting on the project. Indeed, within the 60 days given for review of these dense materials, the Thanksgiving, Hanukah, Christmas, and New Year celebrations all took place. Considering that this project has been under consideration since at least March 2014, it may be timely, but is clearly unreasonable to schedule the bare-minimum public

participation at this time of year. (Phillip Musegaas, Riverkeeper, Inc. and Deborah Mans, NY/NJ Baykeeper)

**Response:** See the responses to Comment 1. It is not accurate to characterize the public review of the proposed project as a “bare-minimum.” The review involved outreach over a more than two-month long process, including its own public hearing, two well-attended public hearings organized by Community Board 2, and a presentation at the December meeting of its Advisory Council. The comment period was open for more than 60 days, providing extensive opportunities for comment. There has been full compliance with the requirements of the Act.

The Act specifies a minimum of 60 days for a public review process and public hearing. In this instance, HRPT extended that period for seven additional days to allow for additional time for the public to review and comment on the proposed project. In view of the strong attendance at all of the forums referenced above and the number of commenters, it is clear that there was sufficient opportunity for the public to consider the proposal.

**Comment 3:** It is of great concern that, while the Lease and the Project are, at least nominally, subject to a public review and comment process, the “pledge agreement” is not. Nor are the terms of the “pledge agreement” susceptible to oversight, control, amendment, or influence on an ongoing basis by the public and its elected representatives. The Project is fundamentally flawed, as so heavily dependent on the gift of a private donor, the terms of which have been developed behind closed doors, and the maintenance of which is not guaranteed. (Christopher Slowik)

**Response:** The comment is not correct in its assertion that the Project is “fundamentally flawed.” The Lease provides full disclosure as to the nature and required content of the Pledge Agreement at the following locations: the final whereas clause, the definitions section, and in Section 3.02. Section 3.02 of the Lease states that the Tenant will have secured pledges under the Pledge Agreement to pay construction obligations of approximately of \$112.5 million (assuming Total Project Costs of \$130 million in Section 28.05(a)), and thereafter to assist Tenant in meeting its maintenance obligation during the term. Once maintenance costs are more firmly estimated (based on actual operating experience), the maintenance portion of the Pledge Agreement referenced in Section 3.02 of the Lease, provides for the Donor to make available up to \$25 million to support Tenant’s maintenance obligations, as may be necessary. It is currently anticipated that the donated pledge amounts for both construction and maintenance will be fully collateralized in an account in which the Trust exercises control and oversight through a Security Account Control Agreement, as is described in the definition section of the Lease. The Trust believes that this

arrangement satisfies the requirements of the Lease, is superior to a simple donor guarantee, and provides more protection to the public.

**Comment 4:** The Project documents, including the Lease, appear to ignore the mandate in Hudson River Park Act to “issue a bid prospectus for any leases, concession agreements, licenses and other agreements which would provide for a total capital investment in the park of no less than one million dollars over the proposed term of the agreement.” This has not been done, as Pier55, Inc. appears to have been created to receive the Foundation’s gift, and to construct and operate Pier 55, without a public bidding process. (Christopher Slowik)

**Response:** As the commenter correctly notes, Pier55 has been created to convey a contribution through the vehicle of a lease in order to convey a benefit on the Park. Since this is, in essence, a contribution rather than a standard commercial transaction, it is not a lease within the meaning of the Act and the requirement to issue a bid prospectus is not applicable. Further the Act uses the qualifier “investment” as the defining criteria as to when a competitive bid prospectus is required. The word “investment” is commonly defined as “An asset that is purchased with the hope that it will generate income or appreciate in the future.” Neither the Tenant under the Lease, nor the donor entity supporting the Tenant, can enjoy any hope of generating income that will appreciate in the future. None of Tenant’s expenditure of funds for design and construction may be recouped or returned from any potential operating surplus following substantial completion of the improvements (see limitation in definition of “Permitted Costs”). Moreover, all Tenant revenue derived from the Permitted Events, Tenant Fundraising Events, and all other activities under the Lease must be applied exclusively to pay or offset Permitted Costs (as such term is defined in the Lease) incurred following substantial completion (see Section 9.05 of the Lease). Thus, there is no return of capital and no ability to earn income. Finally, the Lease is not freely assignable, so Tenant has no ability to reap the benefit of appreciation. For these reasons, the contributed funds and associated improvements are not an “investment” as such term is used in the Act and the issuance of a bid prospectus is not required. Additionally, a bidding process is not appropriate in a condition in which there is no element of competition, as is the case here. See also the response to Comment 1 with respect to private fundraising.

**Comment 5:** Lease §17.06(a) commits the choice of general contractor for construction of Pier 55 to Tenant, without a transparent and accessible public bidding process. Article 17 of the Lease, generally, contains far fewer provisions for transparency and public control of the bidding process than is typical for public works projects of this size; the public is not properly safeguarded against fraud, waste, and abuse. (Christopher Slowik)

**Response:** HRPT's expenditure of \$17.5 million in public monies will be subject to all of the same requirements for competitive procurement, Board approval, and State Comptroller approval that obtain for all contracts in excess of \$1 million that HRPT is subject to, among other requirements.

*ENVIRONMENTAL REVIEW AND ULURP*

**Comment 6:** This is a new pier and new environmental impacts from its construction to its use leave many environmental impacts without proper review. It is appropriate that a Federal Environmental Impact Statement be completed in advance of construction as it is outside the bounds of the existing EIS from 1998. (Deborah Glick, New York State Assemblymember, District 66)

I'm also very concerned about a full Environmental Impact Study that I am not aware that has been fulfilled. (Larry Bickford)

I think we do need that Federal EIS. (Kathleen Treat)

The Environmental Assessment done instead of an Environmental Impact Statement was entirely inadequate. Of course there would be substantial negative environmental impact (to the habitat in the Hudson River) and, of course, it needs a Federal Environmental Impact Statement. (Alison Tupper)

In view of the potential for impacts on the habitat in the Hudson River, and the Trust's special duty as steward of the sanctuary, would it not be more responsible to carry out a full EIS? (Rob Buchanan)

The significant changes contemplated in the newly designed Pier 54 should be the subject of a NEPA review. (Tom Fox)

Lease §17.03(c) discusses the retention, by the Trust, of environmental consultants and attorneys, to provide "studies and analyses" and "all necessary environmental review documentation." It is respectfully submitted that, for a Project of this size and impact, more of these studies, analyses, and reviews should already have been completed, and the learnings therefrom incorporated into the terms of the Lease. It is a "red flag" that the Project depends upon a now-obsolete project plan from 1998, and on a woefully inadequate EAF, instead of a full-fledged environmental impact statement ("EIS"), as contemplated by the National Environmental Policy Act of 1969. (Christopher Slowik)

A draft EIS should have been developed with public scoping input to frame the issues to be analyzed; here, that initial public input was never sought. Similarly, under SEQRA, impact analyses are reviewed for completeness before consideration of final agency actions—especially when those actions lock in agencies to certain actions (i.e., leases and GPP amendments). Here, the HRPT is reviewing the document in connection with its final agency decision, cutting

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out any further public process before final action. (Phillip Musegaas, Riverkeeper, Inc. and Deborah Mans, NY/NJ Baykeeper)

**Response:** The Act specifically allows Pier 54 to be reconstructed beyond its existing footprint; as described in the draft lease, the contribution calls for the donor to have naming rights; “Pier 55” is the name that the donor has selected for the rebuilt pier. All of the potential environmental impacts associated with the proposed new pier were appropriately assessed in the EA. Based on the analyses in the EA, the proposed project would not result in any significant adverse impacts, and thus consistent with SEQRA and its implementing regulations, no EIS is required. The analyses in the EA are detailed and substantial. The analyses encompass all relevant environmental impact categories and comply with SEQRA and its implementing regulations as well as the *CEQR Technical Manual*. Similarly, no impacts have been identified that would trigger an EIS under NEPA. However, the United States Army Corps of Engineers (USACE), as part of its review of the permit application, will determine if such a document is necessary.

In distributing a Draft EA and making it available for a comment period in excess of two months, and holding a public hearing on that Draft EA, HRPT engaged in a process that was not required by SEQRA or its implementing regulations since the process for projects for which a negative declaration issues does not require providing any opportunity for public comment. Here, the Final EA will precede any Board action. The public review of the EA has been extensive and goes well beyond what is required under SEQRA and what is typically followed by public agencies. See Response to Comment 2.

**Comment 7:** HRPT is obligated to follow the steps set forth under SEQRA, as well as the process specified by the City Environmental Quality Review (“CEQR”) laws and regulations, before consideration of the Lease or GPP Amendment. Based on the potential impacts posed by the construction and operation of this project and the conspicuous lack of transparent public process thus far, it is clear that HRPT must follow New York State’s well-established environmental law and procedure and furnish the review so clearly sought in the limited public comment received to-date. The draft EAF prepared by the HRPT is clearly not a final determination of significance, under SEQRA, that would supplant the need for the publication of a Positive or Negative Declaration, as the law requires. Here, because this requirement has not been met, the Project cannot be considered complete. To date, the HRPT has not published a negative declaration of significant impact or issued a positive declaration of significant impact, yet, HRPT is presently considering approving the Lease and GPP amendment, and has already solicited public comments on the same. To take official agency action (i.e., approve the GPP amendment or sign the lease with Pier55, Inc.) would be in direct violation of DEC’s regulations. At this point in the SEQRA process, the HRPT may decide only whether or not the Project has

“the potential for at least one significant adverse environmental impact.” Until such time as the HRPT sets forth “its determination of significance in a written form containing a reasoned elaboration and providing reference to any supporting documentation,” under state law and the DEC’s regulations, the HRPT cannot consider approval of either the Lease or GPP amendment. (Phillip Musegaas, Riverkeeper, Inc. and Deborah Mans, NY/NJ Baykeeper)

**Response:** See Response to Comments 1 and 6. HRPT has and will continue to follow all of its obligations under SEQRA and CEQR. The EA made available by HRPT on November 17th was clearly identified as a draft document, and was not intended as a final determination of significance. It is understood that a determination with respect to a positive or negative declaration must be made by HRPT before acting on the proposed lease and GPP amendments.

**Comment 8:** The proposed construction of this new pier is a “Type I” action under SEQRA. It qualifies as a Type I action under at least two Type I–action criteria. First, the proposed project falls under § 617.4(b)(9), which classifies as Type I any project that is substantially contiguous to a historic building and structure.” The project site “directly abuts” against Pier 57 and the Hudson River bulkhead, which are listed on the National Register of Historic Places, and eligible for listing on the State and National Registers of Historic Places, respectively. Moreover, Pier 54 is itself an historic pier, and the planned home of historic ships. Second, it qualifies as a Type I action under §§ 617.4(b)(6)(v) and 617.4(b)(10), which re-classify projects as Type I that would otherwise be “Unlisted.” The proposed Pier 55 would sit “wholly or partially within or substantially contiguous to . . . a parkland,” and, at 170,000 square feet, it exceeds 25% of the 240,000 square foot threshold—i.e., it exceeds 60,000 square feet— for a project “in a city . . . having a population of more than 150,000 persons,” thereby rendering it a Type I project. As a Type I project under SEQRA, the Project is subject to a mandatory “presumption of environmental significance that triggers the preparation of an environmental impact statement.” This presumption means that if the HRPT identifies that the project “may include the potential for at least one significant adverse environmental impact,” it must issue a positive declaration and prepare an EIS. According to the courts, the use of the word “may” means that “there is a relatively low threshold for the preparation of an EIS.” When a reviewing agency determines that a Type I SEQRA action might have the potential for at least one significant adverse environmental impact, the agency must issue a positive declaration. In other words, only if an agency determines that a Type I action will have absolutely “no adverse environmental impacts or that the identified adverse environmental impacts will not be significant” may it issue a negative declaration of significance. Here, because the Pier 55 Project has the potential for many significant adverse environmental impacts, the HRPT is required to issue a positive declaration and draft an EIS. HRPT should publish a

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positive declaration of significant impact in the New York State Department of Environmental Conservation's ("DEC") Environmental Notice Bulletin ("ENB"); conduct public scoping and publish a draft environmental impact statement ("EIS"); provide the appropriate period for public comment on the draft EIS; issue a complete, final EIS; and issue a formal findings statement containing requirements to mitigate or avoid impacts. The Pier 57 rebuild involved a full EIS and a full public process and we think the same should apply here. (Phillip Musegaas, Riverkeeper, Inc. and Deborah Mans, NY/NJ Baykeeper)

**Response:** The comment contains several misstatements. First, the assertion that the proposed Pier is 170,000 square feet (sf) is incorrect. The proposed pier is less than 120,000 sf. Second, the assertion that the existing Pier 54 structure is an historic structure is incorrect. As detailed in Attachment D of the EA, "Historic and Cultural Resources," the existing pier was previously assessed as part of the environmental review of the Westway project in 1982, at which time the Landmark Preservation Commission (LPC) and the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) determined, as part of the environmental review of the Westway project in 1982, that Pier 54 did not have architectural significance. The proposed project is a Type I Action under SEQRA, and therefore, a Full EAF has been completed for the proposed project as is required for Type I Actions. Based on the detailed analyses provided in the EAF and supplemental studies, the project would not result in any significant adverse impacts, and therefore preparation of an EIS is not required. That the project is Type I action does not compel the need for an EIS; it is quite common and entirely permissible for Type I actions to be the subject of negative declarations.

**Comment 9:** The basic purpose of SEQRA is "to incorporate the consideration of environmental factors into the existing planning, review and decision-making processes of state ... agencies at the earliest possible time." Here, despite an obligation to protect the Estuarine Sanctuary, an obligation to protect the environment, and an obligation to incorporate the consideration of the environment at the earliest possible time, the HRPT has fast-tracked this proposal. (Phillip Musegaas, Riverkeeper, Inc. and Deborah Mans, NY/NJ Baykeeper)

**Response:** See Response to Comment 1. It is not correct to say that the project has been "fast-tracked;" rather the EA has undergone a more extensive environmental outreach process than is typically provided or required under SEQRA. The SEQRA documentation and public review of the proposed project has followed all relevant schedule and timeline requirements.

The analyses in the EA consider the potential for but do not identify any significant adverse impacts to the Estuarine Sanctuary. Indeed, the design of the

proposed project, including, for example, the elevation of the pier to allow for greater light penetration, is reflective of HRPT's commitment to the protection and enhancement of aquatic resources.

**Comment 10:** The HRPT has issued for comment what it calls a draft Environmental Assessment Statement, even though no such document is provided for under the processes established under the Act or SEQRA. The public should be made aware that this document is not a negative declaration of significance, a complete EIS, nor any part of the SEQRA process. (Phillip Musegaas, Riverkeeper, Inc. and Deborah Mans, NY/NJ Baykeeper)

**Response:** As part of the public review of the application, HRPT provided a draft of the EA for circulation. This represented a greater level of public involvement than is required under SEQRA regulations. Those regulations do not require any opportunity for public comment on an EA. See Response to Comment 6. It is understood, in compliance with SEQRA regulations, that a determination of significance must be issued prior to any Board action on the proposed project.

**Comment 11:** The HRPT (as well as DEC and Corps) needs to identify what mitigation measures (for construction, operation, and maintenance) will be required to offset unavoidable impacts of the project. The draft EAF discusses mitigation and avoidance of impacts to some degree, but does nothing to bind the HRPT or Pier 55, Inc. to carry out these measures, absent a formal SEQRA Findings Statement. The Lease and GPP Amendment, as written and proposed, contain no such requirements nor any limits whatsoever designed to ensure that environmental, noise, construction, operation, and maintenance impacts are mitigated, controlled, or limited at all. (Phillip Musegaas, Riverkeeper, Inc. and Deborah Mans, NY/NJ Baykeeper)

**Response:** The lease requires the construction of a project in conformance with that which has been the subject of public review and environmental review in the EA. The EA has not identified any significant adverse impacts and therefore no mitigation is required under SEQRA.

**Comment 12:** The HRPT also failed to conduct a proper alternatives analysis. Instead, it simply presented an outdated rebuild proposal of the existing Pier 54 as the only viable alternative in the EAF. At a minimum, the HRPT should have examined other alternative locations, such as building the new "Pier 55" largely in the same footprint as the existing Pier 54, or locating new performance space in other areas of the Park that would not entail building an entirely new project in the Hudson River. If these types of alternatives were ruled out, HRPT is required to provide a detailed explanation as to why a proper alternative analysis was not conducted, and why such alternate locations would not be reasonable. (Phillip Musegaas, Riverkeeper, Inc. and Deborah Mans, NY/NJ Baykeeper)

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**Response:** Until November 2013, the only option available for Pier 54 was to rebuild the pier within its existing footprint pursuant to regulatory approvals secured in 2005. The EA appropriately considers the reconstruction of the pier within its existing footprint as a future No Build condition and alternative to the proposed project. HRPT sought to amend the 1998 Act's restriction on limiting pier reconstruction to the existing Pier 54 footprint specifically to provide HRPT with more programming flexibility than the pier's current long, narrow footprint provides. The Amendment allowed HRPT to consider different pier shapes and size, all of which would entail construction beyond the current pier's boundaries.

Under SEQRA, an alternatives analysis is only required for a project that requires an EIS. However, HRPT, in its project planning, has evaluated various options, including a pier with a smaller footprint and alternative orientations of the pier. The EA does provide a discussion of these design alternatives as part of Attachment A of the EA, "Project Description and Environmental Analysis." These alternatives have been rejected by HRPT because they either did not meet the goals and objectives of the agency, or they would result in greater environmental impacts than the proposed project, or a combination of the two.

During the conceptual design process, HRPT, the donor and the design team considered an option that would have located the pier further to the south, with a portion of the pier within the existing Pier 54 footprint; this option was rejected because it would have resulted in view corridor obstructions, because the future pier would have been closer to a possible future Gansevoort Peninsula Marine Transfer Station, and because locating the pier as proposed provides for a better connection to public transit from West 14th Street. With respect to locating performance space elsewhere in the park, see response to Comment 41.

**Comment 13:** I think it is incumbent upon policymakers to review the process through which such significant modifications to the park's original plan are made, such as the proposal before you, and offer suggestions for improvement. We must ensure strong public input, engagement and transparency as decisions are made regarding the shape and design of this important public open space. The current HRPT process requires a single public hearing with 30 days' notice and gives elected officials, Manhattan Community Boards 1, 2 and 4, the HRPT Advisory Council and the New York City Planning Commissions, 60 days to submit non-binding comments. This stands in contrast with New York City's Uniform Land Use Review Procedure, or ULURP, which ensures an environmental review, at least two public hearings, as well as an opportunity for several more, recommendations from the Manhattan Borough President, a vote from the CBC, culminating in a vote by the New York City Council, a process that takes approximately seven and a half months from start to finish. The current HRPT process avoids a legally binding vote by the representatives of those most affected by this proposed change. As a result, I am examining ways to legally

mandate a more inclusive, more open process for any future proposals. (Brad Hoylman, New York State Senator, District 27)

**Response:** HRPT will discuss any proposals elected officials representing the park may have with respect to a process for considering any future proposed amendments to the GPP.

**Comment 14:** We are troubled that the New York City Uniform Land Use Review Procedures (“ULURP”) have not been followed. The ULURP process allows for review of construction projects for compliance with zoning and land use requirements. The Pier 55 Project will result in the razing of Pier 54, a pier designated for public use, and its conversion into a pile field, while Pier 55 will be newly constructed in the Estuarine Sanctuary. The zoning and land use designations for Pier 54 are incompatible with the proposed transformation into a pile field without first following the ULURP. Similarly, the Estuarine Sanctuary where Pier 55 is proposed to be built does not have a land use designation, or even a lot number assigned to it. Given the fact that the Pier 57 project followed the ULURP for an existing pier reconstruction, ULURP should clearly be triggered here where there’s a proposal to construct an entirely new pier. (Phillip Musegaas, Riverkeeper, Inc. and Deborah Mans, NY/NJ Baykeeper)

The Act may be construed to require the Trust to engage in New York City’s Uniform Land Use Review Procedure, to secure approval of the Project. Again, although it may be possible to construe that section otherwise, if so inclined, it is respectfully submitted that such a reading exalts form over substance, and that HRPAs contemplates that projects of this scope would be subject to ULURP. (Christopher Slowik)

**Response:** No ULURP process is required for the proposed project under the Act or the zoning enacted by the City of New York in 1998 for the Hudson River Park.

## PERMITS

**Comment 15:** The HRPT erroneously states that the existing Army Corps of Engineers general permit would largely cover the proposed action. In fact, the Corps permit—most recently renewed in 2010—expires in May 2015, and limits the HRPT to rebuilding Pier 54 within the same footprint, not in an interpier part of the Estuarine Sanctuary where no piers, pilings, or structures have ever been placed before. The draft EAF and statements by HRPT, made wherein this proposed project is described as being consistent with the Corps permits, should be withdrawn and further hearings should be held whereby the actual state of permitted action can be made clearer for the public. (Phillip Musegaas, Riverkeeper, Inc. and Deborah Mans, NY/NJ Baykeeper)

**Response:** The commenter is incorrect; HRPT has not asserted that the existing USACE permit would cover the proposed action. Rather, the EA, in the form itself and in

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Attachment A of the EA, “Project Description and Environmental Analysis,” identifies that the proposed project would need to obtain authorizations from the New York State Department of Environmental Conservation (NYSDEC) and USACE. Such permits are required before proceeding with project construction. While there is no specified timeline for acquiring these permits, HRPT will obtain them as expeditiously as possible, in compliance with all applicable regulations.

**Comment 16:** HRPT would need to obtain New York State DEC authorization under Article 15 of the ECL, a Water Quality Certification under Section 401 of the Clean Water Act, and an individual Corps permit under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. No timeline for these permits is given, nor is information provided about the need for Coastal Zone Management Act review and certification by the New York State Department of State. These other permits should be obtained before the HRPT signs a Lease with a private entity and approves a modification to the GPP. (Phillip Musegaas, Riverkeeper, Inc. and Deborah Mans, NY/NJ Baykeeper)

**Response:** See Response to Comment 15. The proposed project would need to obtain authorizations from NYSDEC and USACE. While such permits are required before proceeding with project construction, the timeline for obtaining the permits will be determined by the processes conducted by USACE and NYSDEC.

## **PROPOSED LEASE**

**Comment 17:** Although the lease agreement requires the Landlord and Tenant to have quarterly meetings to discuss programming and operations at the Premises, there is no clause that would allow the public or a group like the Hudson River Park Advisory Council, to be included in such meetings. (Deborah Glick, New York State Assemblymember, District 66)

I strongly urge the Trust to consider formal advisory roles for entities comprised of stakeholders, such as members of Community Board 2, the Hudson River Park Advisory Council and elected officials. (Corey Johnson, New York City Councilmember, District 3)

Although the process and the reality that deep pockets take over public parks is not the way I would govern if I were in charge, realistically this is the best we as a society can do right now, so we should just go forward, with the following change: We need community representation with teeth. (Keen Berger, Democratic District Leader, 66th Assembly District, Part A)

CB2 neighborhood associations and local performing arts organizations should have an ongoing, in depth advisory role to help guide this new public space to become a treasured community asset. HRPT should continue to work with local

stakeholders to address their concerns both now and throughout the construction and operation phases. Doing so will add enormous value to Pier55 by ensuring that the park is a truly welcome and wonderful addition to our community and the City as a whole. (Brad Hoylman, New York State Senator, District 27)

There needs be some sort of specific mechanism by which Pier 55 regularly consults CB2 regarding ongoing design and operation decisions. (Zach Winestine)

This proposal was hatched in private meetings and sprung on the public as a fait accompli. The comment period has not been long enough for many established groups to organize a response. Public engagement, participation, and buy-in do not seem to have been priorities for the Trust thus far. If the project is to move forward, the proposed lease and the general project plan should be revised to include specific provisions for significant public participation in the design, programming and public use of the pier. (Rob Buchanan)

Pier55, Inc. and HRPT should return to CB2 regularly throughout the design and construction of Pier55 and seek community input as the project undergoes alterations and refinements; and once Pier55 is operational, in the interest of community engagement and protection of public access. The role of public input during design development, construction, and operation of the project should be recognized including by adding CB2 and/or Council Member participation on the Pier55 board of directors and by providing for creation of an Advisory Board including community members and members of the local performing arts community. (Tobi Bergman, Community Board 2, Manhattan)

**Response:** Pier55 has committed to the formation of an Advisory Council as requested. In addition, HRPT and Pier55 have committed to provide regular updates regarding design and construction progress to Community Board 2. The role of the Advisory Council will be ongoing.

**Comment 18:** The contract as currently proposed is in favor of the lessee. There are too many ways for the lessee to pull out with little consequence. If this were to occur, I feel the park would suffer substantially financially and we may have an empty site to look at for years. (Dan Gabel)

The lease allows the tenant to withdraw from the lease after 10 years by paying only \$5 million. This could leave the Trust with potentially a very expensive addition to the Park. (Deborah Glick, New York State Assemblymember, District 66)

The proposed lease agreement with the Diller-van Furstenberg Family Foundation regarding the new Pier 54 leaves the Trust responsible for the maintenance of the piles that support the Pier, which is not acceptable. (Tom Fox)

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**Response:** If Pier 54 were reconstructed as described in the No Build condition, HRPT would be entirely responsible for maintaining that pier, including the piles that support it. This would be true at Pier 54 in both the No Build and proposed project scenarios. While the proposed Pier 54 will be more expensive to maintain, the donor is providing some maintenance support, sufficient for at least a five-year period—a benefit no other completed public park pier currently enjoys. In addition, the public would benefit by gaining a new public park pier for only \$17.5 million in public funding as opposed to the estimated \$40 million that would be required to build the No Build pier. In considering whether to approve the project, HRPT’s Board of Directors will consider whether the lease provisions codifying the donor’s responsibilities and obligations are sufficient to warrant the public expense and any risks associated with the project.

As noted above, HRPT is currently responsible for maintaining all the public piers, including the piles that support them. This would be true at Pier 54 in both the No Build and proposed project scenarios. With the proposed project, Pier55 would be responsible for funding the maintenance above the structural deck. The Donor will make available up to \$25 million to support the Tenant’s maintenance obligations, as may be necessary.

**Comment 19:** The programming team essentially serves at Barry Diller's pleasure, and there is nothing in the proposed lease to insure that their vision will actually be executed. Language should be inserted that would require approval by (or at least consultation with) HRPT and CB2 should any changes to this vision be contemplated at some future point. (Zach Winestine)

**Response:** The lease reflects the vision for the Project. Any anticipated material changes from that vision would be discussed with HRPT, the Advisory Council, and the Community Board.

**Comment 20:** I have questions about sponsorships and naming rights that have been generously allocated in the proposed agreement. The terms of the lease allow the DVF Family Foundation the ability to name all parts of the pier, which is actually public space that is being leased. (Deborah Glick, New York State Assemblymember, District 66)

**Response:** Any revenue from sponsorship or naming rights, pursuant to the terms of the lease, would exclusively inure to the benefit of the pier’s maintenance and operations.

**Comment 21:** Lease §17.14 encumbers tenant with the obligation for extensive repairs and maintenance and charges the tenant with substantial risk of loss, although its financial security is far from assured. (Christopher Slowik)

The lease holds HRPT responsible for the cost of maintaining the underlying infrastructure of the pier, which will add to HRPT's financial burden. (Tobi Bergman, Community Board 2, Manhattan)

**Response:** Here, unlike other Park piers, maintenance would be divided between the Tenant and HRPT, as specified in the lease. The donor would provide funding support towards park maintenance, a benefit no other public park pier currently enjoys. See Response to Comments 3 and 18.

**Comment 22:** Lease §17.02 (a) commits Tenant to substantial costs for design and construction of the Project. Subsections (c) and (d) of that section commit the Trust to a certain minimum expenditure; no similar commitment is made by Tenant. (Christopher Slowik)

Before Diller spends any money, HRPT and the City must build the new pier and prepare access to it for all the building equipment with \$35 to \$40 million of City funding and congestion mitigation and air quality grants. The cost would likely be higher than projected and is this project really a way to mitigate congestion or air quality? The City and State are responsible for personal and property damage claims in the area of the Hudson River Park project. So it makes it very expensive before the project and after the storms or hurricanes. (Alison Tupper)

The lease stipulates that Pier55, Inc. shall be responsible for all but \$17M of construction costs and the Diller-Von Furstenberg Family Foundation has committed to fund this operating organization, but the Pledge Agreement that guarantees this funding is referred to, but not included, in the lease. (Tobi Bergman, Community Board 2, Manhattan)

**Response:** As elaborated in Response to Comment 40, the Pier 54 Connector Project, including the new public esplanade, is an independent project and would be built irrespective of the fate of the proposed project. However, as detailed in the draft lease, planning for the two projects will be coordinated in accordance with the pier's lease terms.

The commenter is not correct in stating that the public monies that will be used to build both the Pier 54 project and the separate Pier 54 Connector Project must be expended before the Diller-von Furstenberg Family Foundation (DVFFF) expends any money. The environmental benefits of this esplanade, including air quality, were considered by the appropriate governmental agencies.

**Comment 23:** Lease §20.02(b)(viii) and (ix) warrant that the Trust has \$36 million “readily available and dedicated” for the Project, but make no similar commitment on behalf of Tenant. (Christopher Slowik)

**Response:** See Response to Comment 3.

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**Comment 24:** Lease §20.02(xiv) states that “[t]o [the Trust’s] knowledge, the city and the state are supportive of the Project, and have granted all permits, licenses, consents and approvals required for” the Project. This assurance is of little or no import, and cannot be relied upon in any meaningful sense. No mention is made of permits, approvals, etc. from the United States government, when the U.S. Army Corps of Engineers must approve the Project, but has yet to do so – another indication that this assurance is of little value to the public. (Christopher Slowik)

**Response:** The lease and the Draft EA make plain that USACE permits are required.

**Comment 25:** Lease §24.03 provides that the books and records of the Project shall be made available pursuant to applicable law, including, but not limited to, New York’s freedom of information law. However, that obligation binds only the parties to the Lease. The Foundation is not a party to the Lease, and would not be subject to any public disclosure laws. Our clients share the concern that the workings of the Foundation lack transparency. (Christopher Slowik)

**Response:** DVFFF is a 501(c)(3) organization and subject to the same disclosure and reporting requirements as other such entities.

**Comment 26:** Lease Schedule 1.01(g) contains a “consent agreement,” or letter from Rose Harvey, New York State Commissioner of Parks, which provides assurances that New York State would continue to provide financial and operational support for Pier 55 in the event of a default by Tenant. I question whether the Commissioner has the authority to so commit the State without further action of the legislature. If so, then the Commissioner has, without accountability to the people or their representatives, assumed an essentially open-ended financial obligation; if not, then the risk of an underfunded and unmaintained project in the neighborhood becomes very real. (Christopher Slowik)

**Response:** The New York State Office of Parks, Recreation, and Historic Preservation has confirmed that it has the authority to provide the subject assurance.

## **FUNDING OF THE PROPOSED PROJECT**

**Comment 27:** HRPT has not yet identified future funding source(s) to provide for the maintenance of Pier55 once the Tenant vacates the premises (recognizing that the tenant has the right to vacate the lease after ten years upon payment of a \$5 million penalty fee to HRPT) and adequate funding beyond the 20-year commitment needs to be determined in time. (Tobi Bergman, Community Board 2, Manhattan)

**Response:** Upon the expiration of the lease, as with other public park piers, HRPT would assume the responsibility for maintaining this pier and for securing the funding necessary to do so.

**Comment 28:** We urge you to end public subsidies for this venture at the worst possible location, out in the open waters of the lower Hudson River. If Pier 55 is built in the river, Barry Diller and his partners won't be able to make the numbers work for them unless they get massive public subsidies. The Pier 55 project is the most glaring example yet of a ruinous policy using public subsidies to put people in harm's way by building in the water. We ask you not to put Pier 55 in the river in order to avoid potentially catastrophic public safety and financial risks and costs. (Marcy Benstock, Director of Clean Air Campaign and its Open Rivers Project)

**Response:** In passing the Act, the New York State Legislature found that it was in the interest of the people of New York to construct Hudson River Park, of which Pier 54 is a named part. Public funding was expressly contemplated in the Act, as in fact was the prospect of private donations and grants, and the draft lease describes each party's proposed financial responsibilities during the contemplated lease term. Regarding catastrophic public safety risks, see Response to Comment 98. As steward of Hudson River Park, HRPT would not allow a performance to take place on this or other piers during a dangerous weather event, and Pier55 would cancel an event if weather conditions made such cancellation prudent.

**Comment 29:** Will building Pier 55 eliminate the tax that was imposed on residents and commercial tenants that Hudson River brought up post-Sandy in a November 21 meeting several years ago? Are we going to be relieved from that tax? If the tax is not relieved, then I would suggest extending Gansevoort Peninsula all the way up to 15th Street so we can have a revenue source for large scale concerts, as well as small scale concerts. (Novac Noury)

**Response:** No tax has been imposed on residents or commercial tenants, nor is one under consideration. The commenter appears to be referring to an idea put forth several years ago by Friends of Hudson River Park for a "Neighborhood Improvement District." That idea has been withdrawn. If it were ever to be proposed again, it would require public hearings and review and ultimately a vote of the New York City Council. HRPT further has no plans to fill in the Hudson River to extend the Gansevoort Peninsula; doing so would be a violation of the Act.

**Comment 30:** The proposed project will not be a financial plus for New York. The promised Diller money has no assurances of delivery and will not cover the unusual costs and overruns of complicated construction on the water. Building the pier will

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cost the public a lot in construction costs and overruns and paying for damages from storms and reducing the value of inland properties that no longer have a good river view and in diverting taxpaying on land businesses into non taxpaying territory and destroying natural resources. HRPT has already wasted over \$350 million in New York money in reconstructing 17 piers along the Hudson River from Battery Park to 59th. That was public money that could have been used to create and maintain a real park on land. There's no need for another intrusion on the river. Let the money wasted on Pier55 go for a maintenance endowment for the on-land park or better yet share it with needy city parks. (Bunny Gabel)

**Response:** The proposed lease contains provisions to ensure that HRPT, representing the public sector, will not be responsible for cost overruns. Unless an alternate private donor were found to contribute significantly to the pier's construction or operations, the public sector would have to contribute a greater amount than the \$17.5 million that is proposed to construct the No Build pier that has been previously approved. Pier 54, as with the rest of Hudson River Park, has been deemed by the New York State Legislature, City and State, to be a matter of public importance, worthy of public funding (the Act mandates at least \$100 million from both New York State and the City), so the claim that funding has been wasted to build a celebrated public park used by millions of people each year is without basis.

**Comment 31:** Cost overruns could be a big problem, but hopefully would not lead to high ticket prices for entertainment that appeals to the very rich. Is there a contingency plan if more money is needed? (Keen Berger, Democratic District Leader, 66th Assembly District, Part A)

**Response:** The draft lease provides for Pier55 to engage in value engineering to manage potential cost increases, or to provide the additional funding. The terms of the proposed lease require a minimum of 51 percent of all Permitted Events seats or tickets to be free and low cost, regardless of the ultimate cost to build the public pier.

**Comment 32:** I ask that the Trust stop claiming that the park is required to be self-sufficient and seek adequate public funding for the design construction, management and maintenance of the park. The Hudson River Park Act says that they should apply for federal, state, city funding. The language in the Act was intended to ensure that all revenues generated within the Park were dedicated to the Park and not to the city or state's general fund—not to require that the Park be self-sufficient. In 2012, the Trust projected that \$247 million was needed to complete the park with only \$74 million designated for Pier 54. It seems clear that by constantly claiming that the Trust does not receive government support, HRPT has been misleading the public. The Trust is now planning to spend in

excess of \$130 million on Pier 54 alone (with over \$30 million in City and State funding) to create a private concert venue while the rest of the Park languishes and maintenance of Park is minimal at best. We have to return to government funding for government parks. The private sector funding was supposed to be ancillary to public funding. (Tom Fox)

**Response:** The proposed project is a public park pier, not a private concert venue. See Response to Comment 1.

Section 2 of the Act specifically requires that the park be self-sufficient to the extent practicable. Moreover, in annual discussions with New York State and City, both have made it clear over many years that they expect HRPT to live up to this intent, particularly since HRPT still seeks annual allocations from both in support of ongoing capital construction. To date, HRPT has secured in excess of \$450 million of public funding for park construction, and all public piers and upland areas have relied exclusively on public funding for their original construction. This has been achieved, as the commenter suggests, through annual requests to the City and State, once each had exceeded its original Act mandated \$100 million contribution, and by applying for federal and other funding. Including the current CMAQ funding, HRPT has in fact secured more than \$94 million in federal funding since the park was approved. As noted above, the original 1998 Hudson River Park Act established HRPT as a non-profit 501(c)(3) as well as a public benefit corporation in order to encourage private donations, so the commenter's insistence on returning to public funding for the park is misdirected. In estimating that \$247 million was needed to complete the park in 2012, HRPT specifically stated that this projected amount was not based on actual designs for incomplete areas, nor did it include Pier 40, Pier 76. If the plans for Pier 54 are approved, HRPT currently estimates that the amount needed to complete the balance of the public park portions of the Park, excluding Pier 40, Pier 54 and Pier 76, is approximately \$188 million (in 2014 dollars).

**Comment 33:** Hundreds of parks and performance spaces already exist at preferable upland locations. A lot of them need desperately the public and private subsidies that Pier 55 would misdirect. (Marcy Benstock, Director of Clean Air Campaign and its Open Rivers Project)

Money for parks is much more needed in other parts of the City and the City needs money for lots of other very important other services. (Alison Tupper)

There is no need for another intrusion on the river. There is need to use the public money that would go to Pier55 to repair small parks all over the city, to build a hospital in the Village, to improve education. (Bunny Gabel)

**Response:** As a private donor, DVFFF is entitled to make its own decisions as to where it wishes to direct its philanthropy. Indeed, it has already made significant

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contributions to support “upland” cultural institutions. That DVFFF wishes to donate to the proposed project is the donor’s choice, but it is for HRPT to determine whether the terms of the proposed donation are in the public’s interest.

By making this donation to a pier that would otherwise have required public funding significantly greater than the \$17.5 million currently contemplated even to complete the No Build pier, public funding can be reserved for other public locations in the Park.

**Comment 34:** The concern about Pier 40, and about the entire coastline, is real. Could an additional \$10 million be donated to fix Pier 40? This would convince the community that the Diller Foundation really cares about piers and the river. (Keen Berger, Democratic District Leader, 66th Assembly District, Part A)

**Response:** DVFFF has made a decision to direct its philanthropy to Pier 54, and not towards general support of the Park, and it is for HRPT to determine whether its contribution is in the interest of the public. HRPT commenced the public review process for Pier 54 because its staff believes that the donation would in fact do so, but the Board will make its decision following the conclusion of the public review process.

**Comment 35:** The proposal is fiscally unsound, in that the public spending required will not be justified by any benefits. (Jim Lane, Sierra Club)

Diller Island is not in the public interest and would be a waste of public money. (Bunny Gabel)

**Response:** If approved, the \$17.5 million in public spending would be “matched” by a private gift of at least \$100 million towards construction of a new public “park use” pier as defined by the Hudson River Park Act (the Act). The public would benefit from a new public open space at a fraction of the public cost of the No Build project or the other public piers that have been built within Hudson River Park to date.

## **ANALYSIS FRAMEWORK**

**Comment 36:** The EA uses as its “No Action” comparison, required for the study, a plan to rebuild Pier 54 instead. The real no action plan would be no action. (Bunny Gabel)

**Response:** The No Action pier, defined in Attachment A of the EA as a reconstructed Pier 54, within its existing footprint and programmed with general park and event uses, is consistent with its prior functions, and was authorized by NYSDEC and USACE in 2005. Further, as expressed in the Act and described above in Response to Comment 1, a landscaped, public park use pier at Pier 54 has been

publicly identified for implementation as part of Hudson River Park since its inception. Therefore, the No Action pier is reasonable and appropriate under SEQRA, its implementing regulations, and the *CEQR Technical Manual*.

**Comment 37:** An acceptable EA would evaluate the effects of the totality of new intrusions on the habitat between Battery Park City and W. 59th Street offshore. (Bunny Gabel)

**Response:** The comment does not specify what “new intrusions” are referred to. The EA, consistent with SEQRA, its implementing regulations, and the *CEQR Technical Manual*, analyzes the project’s potential impacts on the aquatic environment, based on the No Action conditions identified in the EA.

**Comment 38:** The 1998 EIS specifically states that Pier 54 was “to be fully restored for public access” in the same location as the previously vacant Pier 54, and would utilize the arches and granite bases from the original pier facade of Pier 54. The 1998 EIS also indicates that limited maritime activities would be allowed at Pier 54, in that historic ships were anticipated to dock there. There is no mention of Pier 55 in the 1998 EIS, or the interpier space in which the overwhelming majority of the pier will be constructed. In sum, this proposed Pier 55 Project was not considered in the 1998 EIS, and therefore conclusions of fact made in that environmental review are inapplicable to the present review. Pier 54 is an entirely new idea in an entirely undisturbed Sanctuary that has never before been considered. By describing the Pier 55 Project as “renovation and reconstruction activities at Pier 54,” it creates a false equivalency that is unscientific and misleading to the public. Segmentation is occurring here as the HRPT is analyzing the conversion of the transportation-use Pier 54 into an ecological pier/pile field as the same project (and same Pier) as the new Pier 55. (Phillip Musegaas, Riverkeeper, Inc. and Deborah Mans, NY/NJ Baykeeper)

**Response:** Page A-7 of the EA clearly states that the proposed project would require an amendment to the Park’s existing GPP. It is not correct that the analysis in the EA is relying on the 1998 FEIS; rather a fully new EA complying with current methodologies and procedures has been prepared to evaluate the proposed actions. The adoption of the 2013 amendment to the Act and the authorization therein for the reconstruction of a larger Pier 54 outside of its historic footprint was the subject of extensive public discussion and comment, including from the commenters. The removal of the Pier 54 deck and the construction of a nearby replacement pier are integrated actions intended to provide for a public park pier at this location as part of Hudson River Park. Given the linkage between the deck removal and the new pier construction, it is reasonable and appropriate that they be examined in an integrated fashion.

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**Comment 39:** The 1998 EIS specifically refers to Pier 56 (an area that the proposed Pier 55 Project will encroach upon), as an “ecological pier” created for use as a “wildlife habitat” with indigenous plants to attract birds and butterflies. (Phillip Musegaas, Riverkeeper, Inc. and Deborah Mans, NY/NJ Baykeeper)

**Response:** During negotiations with regulatory agencies following completion of the FEIS, HRPT was asked to eliminate two of the previously planned “ecological piers”; Pier 56 was one of those eliminated. Under existing USACE and NYSDEC approvals, the piles may be removed or retained as a pile field.

**Comment 40:** HRPT has entirely separated review of the esplanade improvements which are necessary and vital to the Pier 54 and Pier 55 construction operations. The Park should, in a full SEQRA review specific to this proposed Pier 55 action, include the proposed Pier 54 Connector Project. (Phillip Musegaas, Riverkeeper, Inc. and Deborah Mans, NY/NJ Baykeeper)

**Response:** As detailed in the EA, the Pier 54 Connector Project is independent from the proposed project and would be built irrespective of the approval of the proposed project. It has independent utility, and does not meet any of the criteria for being considered as part of the proposed project. The need for the expansion of the esplanade and the associated water coverage were identified in the 1998 FEIS, and subsequent permits of USACE and NYSDEC authorized its construction.

## **PROJECT DESCRIPTION**

**Comment 41:** Although many of us welcome the Diller/DVF gift, we do not welcome an entity that is so designed and scripted. Is there something wrong with wanting an open area for children and adults to play freely? (Elaine Young)

**Response:** The conceptual design for Pier 54 has large unprogrammed areas for passive open space recreation. Moreover, the availability of such open space should be considered in light of the entirety of Hudson River Park. HRPT has rebuilt Piers 25, 45, 46, 51, 62, 63, 64, 66, 66a (the float bridge), 84, 95 and 96 to date; all are open for public access. In addition, Piers 26 and 97 have been reconstructed, but are awaiting sufficient funding to landscape them so that they too may be opened for public access. Piers 34 and 79, built by other governmental entities but also part of Hudson River Park, also provide public open space. None of these piers has any areas specifically designed for cultural performances as permitted and encouraged by the Act, and all allow children and adults to play freely.

**Comment 42:** I would like to see a cricket pitch and more soccer fields, and not such passive entertainment. Kids need all the cultural events and joy that New York City offers but kids also need a place to play softball. (Kathleen Treat)

**Response:** Hudson River Park was always intended to contain a mix of passive and active public recreation spaces, and Pier 54 was never intended to be programmed for active recreation. Original plans for Pier 54 in the existing GPP were for an entirely passive recreation pier. Several heavily used fields for organized sports already exist at Pier 40 and the Chelsea Waterside areas of Hudson River Park.

**Comment 43:** Why not create a pedestrian bridge to the other side so people can jog, walk, run and bike with other concept parks along the way? It would be away from all the pollution and people would love to go from Manhattan to the borough on the other side via this bridge concept. It would not interfere either with any boat traffic using operable sections or having the bridge signed to going over for the required clearances. (Simon Bialobroda, Eco and Sacred Design)

**Response:** HRPT has previously consulted with both the City and State Departments of Transportation regarding the prospect of a pedestrian bridge in the general vicinity of 14th Street. Neither agency has the funding for such a structure, nor does HRPT. Equally important, both agencies have stated that they have substantive design and operational concerns that would have to be addressed before a pedestrian bridge over Route 9A could be considered. One of the largest of these is how to provide for ADA access without either creating large view blocking ramps occupying the limited public space between the Route 9A Bikeway and the water, or maintaining outdoor elevators in good condition. For these reasons, no pedestrian bridge is part of the project at this time.

**Comment 44:** As described in the current renderings, the project does not seem to offer any possibility for landing or launching, with the possible exception of the “performers’ barge.” Could that feature serve double duty as a landing for small craft or historic vessels? Are there other possibilities for maritime use? The lease should allow room for those things. (Rob Buchanan)

The proposed project renders a previously-accessible pier inaccessible from the water. (Phillip Musegaas, Riverkeeper, Inc. and Deborah Mans, NY/NJ Baykeeper)

**Response:** HRPT is seeking an amendment to its existing General Project Plan (GPP) because the proposed design for Pier 54 would no longer allow historic vessels at the pier. Other types of vessels were never intended for this pier. As noted, infrastructure will be provided to allow a vessel or barge related to performance support space on the southwestern side of the pier. This structure will be flexible enough so that it could be used for a historic ship if such a vessel were determined to be suitable for the performance support space by P55 Inc. However, HRPT is assuming for analysis purposes that this will not be the case. HRPT has publicly stated that it will make some berths for historic vessels available at Pier 26.

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There is no requirement to install boating infrastructure at every pier, and in a dynamic river such as the Hudson River, such infrastructure is costly both to install and maintain. Nevertheless, HRPT has installed boating related infrastructure at Piers 25, 26, 62, 66, 66a, 84, 86 and 97. All of the designated park/commercial piers in the park (40, 57, 59, 60, 61, 81, 83 and 98) have (or will have, in the case of Pier 57) vessels as part of their programming. At least three municipal piers feature boating: 53, 79 and 99. Pier 45 has a water taxi landing installed by the operator. In short, the large majority of piers invite boating.

**Comment 45:** It would be wise to exclude access to dogs from such an “island,” both for sanitary and for barking reasons. (Ben Benson)

**Response:** It has not been finally determined, but general Park policy is that dogs are permitted, except on landscaped areas or in certain facilities, such as bathrooms.

### *PERFORMANCES AND PROGRAMMING*

**Comment 46:** Presentations by HRPT and Pier55, Inc. have expressly pledged to deliver a programming vision that has been well-received by the community but could be changed by Pier55 at any time in the future. The master schedule of events will be kept by Pier55, Inc. and not by the Trust, although Pier55, Inc. is required to provide the Trust with its schedule six months prior to each season. (Tobi Bergman, Community Board 2, Manhattan)

**Response:** Pier55 will work to create an artistic vision for the Park in tandem with the development of its design, and therefore the key elements of the park-based program are likely to remain in the future. The program will develop over many years in response to research and development with audiences and artists alike in order to provide the most exciting and well-received program possible. Pier55 will be working closely with HRPT to coordinate schedules.

**Comment 47:** The description of the program for the pier was ill-prepared and non-specific. (Alice Elliott)

**Response:** During the course of the public review of the proposed project, the Pier55 programming team made plain that the vision for the project was an evolving one and that specifics would emerge over a period of time, and in active consultation with the community, arts organizations, schools, and other interested parties.

**Comment 48:** The proposed plan does not include a protected space for visual art and a budget for guarding the art. Perhaps the sweeping statement of all the arts was not realistic—this may not be the best venue for all arts. Audio is poor in outdoor

spaces leading to heavily miked musical performers. Films might work, but wind is a factor in keeping screens usable, as is audio. Dance might work if a sprung stage is provided. Performance art might work. (Alice Elliott)

**Response:** The programming team representing Pier55 has enormous experience in a broad range of high quality arts and cultural programming and the professional knowledge and resources to make informed decisions about what will ultimately be needed to produce cultural events at Pier 54. HRPT will also bring its own programming expertise.

**Comment 49:** Mr. Wolfe stated that there would be all new work at the proposed pier and then he mentioned integrating local youth as fairies in Midsummer. Midsummer is not a new work. Mr. Wolfe spoke about experimental work by artists. Experimental work usually has a small audience that nurtures it. Putting on a piece for 1,000 people opens up a dilemma and a perhaps an incompatible mission. What is the plan for continuing the discussion and opening up the opportunities for community based arts groups? (Alice Elliott)

The Trust's Fact sheet refers to Pier55, Inc.'s commitment to showcasing local talent, but the details of this pledge are not stipulated in its lease. (Tobi Bergman, Community Board 2, Manhattan)

**Response:** While Mr. Wolfe did not state that only new work would be produced, the plan would, as indicated above in Response to Comment 47, evolve with active consultation with the community, local artists, schools, and other interested parties, and specifics would emerge over a period of time. See Response to Comment 17.

**Comment 50:** While the amphitheater is fantastic, is there room on Pier 55 for events that can hold more than 750 people? Is the lawn usable for a larger concert? The design of Pier 55 should take into consideration bringing pop music to Hudson River Park. Safe places for our young citizens to listen to their music are important. Capacity, sound attenuation and safe passage for our children are critical considerations. We need young people on Pier 55. (Bob Townley, Manhattan Youth)

**Response:** As detailed in the EA, the central performance space can accommodate larger audiences. The analyses of potential impacts considered such larger events. It is not contemplated that large music events would occur frequently because of the need to preserve the lawn. For any type of event with amplified sound, sound attenuation and public safety would be considered in planning the event. HRPT intends to continue producing its own public events, which currently include the Riverrocks and Blues BBQ concerts, in other areas of the park as well.

## **Pier 54 Redevelopment**

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**Comment 51:** As Hudson River Park becomes even more popular with the addition of Pier 55, the issue of round-the-clock security and staffing of the park will become even more important. There are too many vacant piers in the off hours in the park. (Bob Townley)

**Response:** HRPT is responsible for safety and security in the Park, and Pier55 will plan for supplemental security as is warranted.

**Comment 52:** We were told the High Line was not going to have vendors. Now there are more vendors than flowers, bushes and trees. And, of course, that is exactly what will happen to the proposed project. (C.M. Gardner)

**Response:** The design would not allow installation of any permanent concession buildings on the pier. The lease imposes a cap of four mobile concessions operated by Pier55 on days without events. The number of vendors on days on which there are events depends upon the size of the event, as happens elsewhere in the Park.

**Comment 53:** The artistic vision of artistic programming that has been conveyed and will greatly serve the community should be preserved. (Tobi Bergman, Community Board 2, Manhattan)

**Response:** Comment noted. See also Response to Comment 47.

### *Cost of Events*

**Comment 54:** I hold my vote until you come up with a plan that has a revenue source, as well as public free access. (Novac Noury)

**Response:** Comment noted. As a designated “park use” pier as defined in the Act, Pier 54 is not intended to generate commercial revenue for the park, and the draft lease requires that the pier function as a public park.

**Comment 55:** I appreciate the language in the lease that requires the majority of permitted events to be free or low cost events. In our initial meeting on Pier 55 with the Trust, we were told that the low cost would range from \$5 to approximately \$40. I am concerned that the higher end of this range, \$20 to \$40, would render many of these permitted events off limits to a large segment of New Yorkers. One of the amazing things about this proposal is the opportunity to bring cultural events, concerts, theater, public speakers to a large segment of our residents in a beautiful setting. And, of course, I bring to your attention the amazing work done by Lincoln Center during the summer when no fewer than 3,000 people showed up, all free, all diverse and all beloved. I know this is a goal of both the Trust and the operator so toward that end, I make the following recommendations: Language be put into the lease limiting low cost to an affordable amount, of course, I hope free; provisions be made for groups of

school children and seniors to attend for free; and programming be targeted to all demographic segments of this City's population. (Gale Brewer, Manhattan Borough President)

**Response:** The lease reflects an extraordinary commitment by Pier55 to underwrite at least 51 percent of the events. This commitment goes well beyond other cultural organizations in the city which initiate and commission their own productions. In addition, section 9.03 of the lease imposes an obligation to provide free tickets or deep discounts to seniors and students. In the course of future program planning, Pier55 would endeavor to seek additional ways of ensuring that broad audiences may participate in the cultural programming at the proposed Pier 54. This may include seeking grants and other funding sources to help further offset costs as is done at Lincoln Center and other cultural venues. The planned model for the pier includes significant annual ticket subsidies and also enables investment in the commissioning and development of artists, in addition to presenting a broad artistic vision.

**Comment 56:** It is absolutely imperative that this park serve not only the tourists and visitors it will inevitably attract but the people who call this neighborhood home. I am encouraged by Pier55, Inc.'s commitment to this mission with its initial community outreach. And Ms. Horton has stressed publicly, programming can include theater, poetry readings, ballet or any other art form. Pier55, Inc., has also pledged that all of these events will be either free or low cost and any proceeds will contribute to the park's ongoing maintenance. It is important that the community learn details of Pier55, Inc.'s plan to distribute free and low cost tickets to the public. (Corey Johnson, New York City Councilmember, District 3)

Community members have raised concerns about the lack of clarity around promises of free and low cost access to performances. (Brad Hoylman, New York State Senator, District 27)

**Response:** The community will be provided with the details of the distribution of free and low-cost tickets, and its input will be sought regarding the formulation of annual policies via the Community Advisory Council. See Response to Comment 55.

**Comment 57:** I am concerned about the "Open-Entry or Free or Low-Cost (OEFLC) Obligation" described in paragraph 9.03 on page 25 of the lease. Unfortunately, the term "low-cost" is not defined, and the only requirement is that OEFLC Permitted Events be "reasonably distributed across each Season." The phrase "reasonably distributed" is also not defined. So it is quite possible to offer no open-entry or free events and only "low-cost" events, and to never offer them on Friday and Saturday nights, or never on weekends, so that the ticketed and fundraising events completely dominate the times when the general (non-student/non-senior) public cannot attend. To protect the public interest, this

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language needs to be improved. I would prefer this be amended to an OEF Obligation, with no low-cost events, and that "reasonably distributed" be changed to "equitably distributed," with explicit reference to weekday, evening, and weekend Permitted Events, across each Season. (Barry Drogin)

The percentage of free v. "low-cost" tickets for events put on by Pier55, Inc. has not been decided. The definition of the term "low-cost" has not been defined, and the phrase "reasonably distributed" is also not defined (as used in the pledge that OEFLC Permitted Events be "reasonably distributed across each Season"). The plan for the distribution of free tickets has yet to be formulated and CB2 has questions about how Pier55, Inc. can ensure a fair and transparent process for distribution of these tickets to the general public on a first-come, first-served basis with only a small percentage of tickets made available to VIPs and donors. Fair and democratic access to all performances should be guaranteed and in particular that the process for allocating free and low cost tickets limits their distribution as a reward for membership, sponsorship, or contribution in or to Pier55, Friends of Hudson River Park, or any other organization. (Tobi Bergman, Community Board 2, Manhattan)

**Response:** These plans have not been formalized, but will be done consistent with the representations that have been made to distribute tickets in an equitable and transparent manner. See Response to Comment 56.

**Comment 58:** 51 percent low or affordable programming seems to be using a minimum standard in order to say a majority of the events will be free or low cost. (Alice Elliott)

**Response:** Comment noted.

**Comment 59:** Why is the person running the financials inexperienced in the American arts system? (Alice Elliott)

**Response:** The project team includes skilled and experienced people responsible for financial management.

**Comment 60:** There is language in the lease that brings up the concept of selling memberships, which could undermine public access and seems more appropriate for a brick and mortar theater company than for performances on a public pier. (Deborah Glick, New York State Assemblymember, District 66)

**Response:** While there may be memberships, such memberships would be consistent with representations made regarding the availability and distribution of free and low-cost tickets.

*PUBLIC ACCESS*

**Comment 61:** This was supposed to be one of 13 open public piers, not 51 percent of the time, but all the time. (Tom Fox)

**Response:** It is not correct to assert that the pier will only function as a park for 49 percent of the time. All of the performances and performing-arts related activities on the proposed pier qualify as park use, with the Act defining public recreation and entertainment, including the arts and performing arts, as “park use.” The 51 percent figure refers to the percentage of performances that must be open-entry, free, or low-cost events. In addition, the lease requires that the recreational open spaces on the pier be open to the public during Permitted Events and Permitted Event Support Activities unless a closure is needed for the limited purposes identified in the lease.

**Comment 62:** Community members have raised concerns about HRPT's ability to ensure maximum access to the pier for the public. (Brad Hoylman, New York State Senator, District 27)

It is important to ensure maximum public access. I understand that a primary purpose of this pier is to promote cultural events and have attractive space for such events because they all enrich our City. However, I am concerned that the lease language, in an effort to afford flexibility to the tenant, lacks adequate safeguards against public park uses being overwhelmed by permitted events. The lease allows for permitted events to be held no more than six days a week during the six month season and for eight consecutive uninterrupted weeks. In fact, a provision that requires a minimum of only four days a month to be free of permitted events, if you read it literally, and then appears to exclude the eight weeks of consecutive permitted events from that requirement. So conceivably it could result in just over two weeks in a six month season being free of permitted events. There are also specific provisions on limiting access for permitted events, specifically allow the tenant to limit access to other areas including those for furniture and equipment, queuing and crowd circulation and crowd control and public safety. I fear that this could allow large portions of the pier to be off limits to the public for the majority of a season and for the entirety of the eight week period, which could occur between, for example, the Fourth of July and Labor Day. I bring to your attention the recent court case of Damrosch Park, which took forever, near Lincoln Center, a resident brought the issue of access to the courts and the courts ruled in favor of the resident. I ask that the number of days without permitted events be greatly increased and that limitations on the portions of the pier that can be closed be added to the lease. (Gale Brewer, Manhattan Borough President)

Maintaining public access to the pier should be the driving force behind every section of the lease agreement between the Trust and the tenants. Unfortunately,

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much of the language regarding this important topic is extremely vague and unclear. I fear that the complicated formula could result in unreasonably reducing public access to the pier. (Deborah Glick, New York State Assemblymember, District 66)

The lease doesn't do enough to establish and protect the idea of the pier as a public space. The summary of the lease you provide suggests that at least part of the pier will be open to the public at all times, but the actual language of the document seems to allow for "events" six days out of seven in season, with no clear limits on the time or space that they require ("closures and restrictions shall be limited to areas reasonably required and for such periods of time as are reasonably necessary"). From a citizen standpoint, it seems important that the lease contain much stronger language safeguarding the principle of year-round open access for the public. It should also outline penalties in the event that principle is not honored. (Rob Buchanan)

The number of days the park will be completely and/or partially closed to the public, which is of great concern to the community, relies on Pier55, Inc.'s programming and is said to be impossible to determine at this early stage. CB2 requests that the lease be modified such that HRPT, as Landlord, retains sufficient authority to assure maximum public access to this pier and in recognition of Landlord's responsibility to assure public access to park areas, Tenant agrees that as a general rule reasonable limitation to public access will not exceed 50 percent of the area of Pier55 more than 1 day a week (20 percent of the days) between May 1 and October 30, and will not restrict access during more than 50 percent of daylight hours of those days. (Tobi Bergman, Community Board 2, Manhattan)

**Response:** Sections 9.01 and 9.02 of the draft lease have been revised to clarify the maximum extent to which the Premises may be closed to facilitate Permitted Events.

The lease requires that Pier55, Inc. limit access to the Park only to the minimum extent reasonably needed for its permitted events. This provision will be enforced by HRPT.

**Comment 63:** Pier 55 will be known as the one percent island. The 99 percent of the non-rich public may get beer and circuses but money for real needs will be squandered. (Bunny Gabel)

I realize that the power behind the development interest and the fact that some of the most privileged people in our society will benefit from this development (Andrew Lawrence)

**Response:** There is no basis for this comment. Hudson River Park serves a very diverse population within the West Side of Manhattan and New York City at large. The proposed project is a publicly accessible park as defined within the Act. As

such, it will benefit the general public, as other public parks do. With respect to programming, a minimum of 51 percent of performances must be free and low cost, again benefiting the general public.

*ADA ACCESSIBILITY*

**Comment 64:** Accessibility for those with disabilities is somewhat being met by the proposed plan. The southwest corner of the park, which slopes upward to a greater elevation than the rest of the pier, will not be fully accessible. So I am pleased to learn that a viewing area with a similar view will be constructed adjacent to this area, which is fully accessible. It is very important to allow anyone with a physical challenge to access the same views and have the same experience as all other visitors. (Gale Brewer, Manhattan Borough President)

I urge you to consider the Americans with Disabilities Act in ensuring all park facilities are fully accessible. (Brad Hoylman, New York State Senator, District 27)

The entire park should be fully accessible, or if over 50 percent of the population, including people using strollers and wheelchairs can't access part of the park, no one should access that part of the park. A view is not the same as access, it follows the "separate but equal" line of reasoning. We have a law in this country; The Americans with Disabilities Act to protect the rights of all of us. No one knows at what moment, we may suddenly be the person denied access, but given a "view". (Alice Elliot)

Please see that the Americans with Disabilities Act is followed and implemented every step of the way in the pier's creation. In the Village in phase one of the Trust no access to seating and lawns were made. In the next section access was made. In phase one a magnificent ADA compliant ramped roundabout was installed at the Jane Street Pier. In the Soho pier playground the equipment does not accommodate the disabled; likewise in Battery Park City. Chelsea pier park has neither access to the lawns or merry-go-round, etc. for people who use wheelchairs. At this stage all design elements for Pier 55 can be adjusted to accommodate everyone, able and disable alike. (Margie Rubin, Disabled in Action)

**Response:** The plan is being revised so that the southwest corner of the proposed pier will now also be accessible to all park visitors.

*EMERGENCY ACCESS*

**Comment 65:** When there are ever any accidents on the ferries that we have now or anything like that or 9/11, that there is no place for ships, or firefighting or emergency vessels to be put ashore. And this is a concern with this pier especially, being so

high up in the air. There are no provisions for some of the piers which have been built to take ships in emergencies. (Gwen Billig)

**Response:** See the Response to Comment 44. In addition, the marine infrastructure that will be provided for the performance support vessel will be available for a minimum of six months of every calendar year for an emergency vessel in the event it were ever needed, since the maximum duration in any year for a performance support vessel to be in place is six months. Depending on the type of vessel used during a performance season, an emergency vessel could potentially raft off it in an emergency, as has occurred throughout the park on occasion for other vessels. Finally, it should be recognized that the piers immediately to the north and south of Pier 54 can both accommodate emergency or other vessels. Pier 53 is in fact the home of NYC Fire Department Marine Company 1. To the north, plans for Pier 57 include a potential marina and water taxi landing.

## **SOCIOECONOMIC CONDITIONS**

**Comment 66:** The loss of river views would depress real estate values and tax revenues below what they would be if you just leave the river alone. (Marcy Benstock, Director of Clean Air Campaign and its Open Rivers Project)

**Response:** As detailed in Attachments B and E of the EA, “Land Use, Zoning, and Public Policy,” and “Urban Design and Visual Resources,” the proposed project is not expected to result in any significant adverse impacts to river views, and consequently would not be affecting views in a manner that would affect real estate values.

**Comment 67:** Economically this is a bad idea for many reasons. The proposed amphitheater will take business from the Culture Shed and other taxpayers. Neither HRPT nor Pier55 are required to pay New York real estate taxes. (Bunny Gabel)

The amphitheater would compete with theaters on land and because it would be located on water, it will not pay real estate taxes. (Alison Tupper)

Some residents have raised concerns about the viability of the proposed arts programming on the Pier in the face of imminent competition from performance spaces at the nearby Culture Shed, Governor's Island and the World Trade Center. (Tobi Bergman, Community Board 2, Manhattan)

**Response:** The New York State Legislature created Hudson River Park to serve the public, and the proposed pier is a both public park pier and a component of the larger park. Public parks in New York State and City do not pay real estate taxes, nor does the Act require HRPT to do so. New York City is world renowned for the breadth and depth of its cultural programming, with countless organizations operating such programming. The Pier55 team has articulated an exciting vision for creating programming that has generally received strong public support as

shown in Comment 128. Such programming will add to the richness of cultural programming in New York City rather than poach from it.

**Comment 68:** Why do we need the proposed project? We are paying more and more taxes due to the "gentrification" of our neighborhood. (C.M. Gardner)

**Response:** Whether or not this specific project is approved, the Act calls for Pier 54 to be a public park pier as part of the complete park envisioned by the NYS Legislature. Since the existing pier is significantly degraded, HRPT would have to rebuild it before this could occur. See Comment 128 for the recognition of the considerable benefits to be realized from the proposed project.

## HISTORIC RESOURCES

**Comment 69:** The proposed project will detract from the historic nature of the area along the Hudson and Greenwich Village. (Dan Gabel)

The EAF acknowledges that the Project is located near sites of historic or archaeological significance. The irreplaceable environment of the surrounding neighborhood should not be so severely impacted with such minimal analysis. (Christopher Slowik)

**Response:** The EA appropriately provides detailed analyses following the guidance of the *CEQR Technical Manual* of the relevant environmental impact areas, including historic and cultural resources. As detailed in Attachment D of the EA, "Historic and Cultural Resources," the proposed project would not result in any significant adverse impacts to historic and cultural resources. The area surrounding the project site has a number of historic resources, including Pier 57, the High Line, and the Gansevoort Market Historic District; however, the study area is also characterized by new, modern structures, including the Standard Hotel, the new Whitney Museum, and other modern buildings lining the High Line. The EA identifies the historic resources in the study area and concludes that the proposed project would not result in any significant adverse impacts to historic resources.

With respect to sites of archaeological significance, as detailed in Attachment D of the EA, archaeological studies were prepared for the area that includes the project site as part of the environmental review undertaken for the Hudson River Park project. These studies concluded that there was no potential for significant pre-contact or historic-period archaeological resources in the area that includes the project site. Therefore, the EA concludes that the proposed project would not result in any significant adverse impacts to archaeological resources.

*PIER 54 AS A DOCK FOR HISTORIC SHIPS*

**Comment 70:** Community members have raised concerns about the ability of historic ships to dock at the piers, as was originally envisioned. (Brad Hoylman, New York State Senator, District 27)

Historic and educational ships are significant cultural resources to New York City, a City built on its waterways. They're economic drivers, tourism draws and engaging environments for the school children and public of New York. These ships and the programs they represent have been part of plans for the park, a park that celebrates the harbor, as well as the Hudson River, since park planning began. This is reflected in the General Project Plan and the programmatic agreement and is a core component of the park. Pier 54 was originally designated for use by these vessel types and will be lost when the currently envisioned Pier 55 is built. The public could lose a minimum of four public benefit berths. North River Historic Ship Society feels that no historic or educational vessel that needs or deserves a berth should be turned away from a park that is 75 percent water. We have been encouraged by discussions with the Trust about providing alternate public berths at a variety of piers throughout the park as this project goes forward. For instance, the allocation of multiple berths for historic vessels at other locations, such as Pier 26, soon to be home for the National Register listed Clearwater can partially offset the loss of those at Pier 54. There should be flexible public benefit berths throughout the park for additional historic and educational vessels. The original programmatic agreement covered a period of years that assumed the park would be completed within that time frame. Any permit or modification of existing permits from the Army Corps of Engineers will we assume extend and amend the programmatic agreement or, at least, be based on its principles protecting historic vessels. North River Historic Ship Society looks forward to continuing to work with the Trust and the Hudson River Park Advisory Council in developing the best possible plans for all its piers and waterfront, including Pier 55. (Mary Habstritt, North River Historic Ship Society)

The public planning process for Pier 54 should consider the publically approved HRPT master plan to dock historic vessels at this pier. (Tom Fox)

HRPT should continue to find opportunities for historic ship mooring elsewhere in the park, as is appropriate to the site's history as one of the world's most important seaports. (Tobi Bergman, Community Board 2, Manhattan)

**Response:** When Pier 54 was identified as a location for historic vessels in Hudson River Park's early planning documents, and then later codified in its Programmatic Agreement, water depths at this location were not considered. While depths throughout the waters of Hudson River Park are often relatively shallow, at Pier 54, the depths are shallower than at the two other piers designated for historic piers in the GPP. A hydrographic survey from 2002, the most recent survey

available to HRPT, shows that depths along the southern side of the pier range from 3.7 feet at MLW near the bulkhead to 6.0 feet at MLW along approximately three quarters of the length of the pier. On the north side, in that same area, depths range from 4.2 feet at MLW to 7.7 feet at MLW. On the westernmost quarter of the pier, depths are still relatively shallow. On the south side, only the far western tip of the pier has a depth greater than 7 feet at MLW. On the north side, the depths in this area are a bit deeper, ranging from 7.7 feet MLW to 10.1 feet at MLW. Because the Act prohibits dredging except for navigation, HRPT would not seek to dredge to accommodate historic vessels. As a result, based on historic vessels known to HRPT, such as those identified on the North River Historic Ship Society website, many historic vessels would be precluded from using the No Build pier. However, HRPT does not dispute that a few historic vessels could likely have been accommodated at the western quarter of the pier; the number would depend on the size of the vessel. Aside from Piers 97 and 25, HRPT has committed to provide some opportunities for historic vessels at Pier 26 as a substitute location. HRPT views historic vessels as an important amenity for the park, and therefore would abide by the provisions of the Programmatic Agreement pertaining to them.

**Comment 71:** Is it possible to restore Pier 54 as part of the Hudson River Park project and relocate the historic oceanliner, the S.S. United States, to the park? Once the ship is restored and turned into a museum/hotel, as has been done with the Queen Mary in California, it would be a draw for residents as well as visitors to NYC. The S.S. United States is a part of American history and would be a proud reminder of this countries ingenuity. She still holds the record for fastest transatlantic crossing by an ocean liner, among other remarkable attributes. There could not be a better "marriage" than bringing the two together - Pier 54 and the S.S. United States. This great ship should be returned to her homeport and be given a grand welcome as was done when she first arrived in NY Harbor. (Margaret Anteblian)

**Response:** HRPT has met with representatives of and advocates for the S.S. United States numerous times in the past and is well aware of the desire some have to locate this vessel within Hudson River Park. Among other concerns, the vessel is 990 feet long and has a draft of over 31 feet. Extensive dredging, not permissible under the Act, would be required to accommodate this vessel at Pier 54. Additionally, the use of the vessel as a hotel as suggested is prohibited by the Act. HRPT would not approve locating this vessel at Pier 54.

*PIER 54 ARCH AND HISTORIC SIGNIFICANCE OF THE PIER*

**Comment 72:** The public planning process for Pier 54 should consider the unique historic nature of Pier 54 (Tom Fox)

## **Pier 54 Redevelopment**

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My concern is that of the preservation of the steel arch which remains at the head of Pier 54, the proposed destination of the Titanic on her maiden voyage. The Pier 54 steel archway has huge historical significance, and it is not depicted in the project's renderings. In addition, 102 years ago the Carpathia pulled in with the survivors from the Titanic disaster. The RMS Lusitania used to use Pier 54 as a frequent docking berth before it was torpedoed in 1915. I am asking that the visual renderings be brought forth in which this historic steel archway will be depicted and recognized. If you look at it now, you can actually see White Star Lines written faintly in the archway. Over that is written, quote "Cunard Lines," who bought White Star Lines after the disaster because White Star went bankrupt. Is the arch and the memory of the Titanic going to be incorporated into the design of the proposed project? (Larry Bickford)

It is important that the historic steel archway that has stood at the entrance since before the Titanic survivors docked at Pier 54 be salvaged and should stay there as an important piece of our history. (Corey Johnson, New York City Councilmember, District 3)

While we can certainly understand the need to address Pier 54's crumbling structure, and are excited by the provision of a fine new waterfront facility for New York City, we are deeply concerned that in the process, a vital link to history will be completely erased, both physically and from public memory. As you know, the northern side of Pier 54 was where 712 Titanic survivors were landed from the rescue ship Carpathia on the night of April 18, 1912, following the loss of more than 1,500 of their shipmates. Additionally, it is ironic that, as we prepare to observe the 100th anniversary of the loss of Lusitania on May 7, 1915, the pier from which it made its final departure from New York will be eliminated. Further, thousands of American soldiers left from Pier 54 aboard dozens of troopships during World War II, some never to return to the United States again. Finally, the steel archway at the eastern (street) end of Pier 54 is likely the last remaining original structural steel from the largest pier development project in the city's history, the Chelsea Piers. It is our sincere hope that in planning Pier 55, and the razing of Pier 54, this archway, on which can still be seen the faded words "Cunard-White Star", can somehow be retained and stabilized, and the historic significance of this pier finally can be appropriately commemorated with a durable plaque or tablet attached to or placed near the archway. We would be grateful for additional details about plans for Pier 54, and whether our Society's hope for even a minimal commemoration of this pier's significant historical associations can somehow be incorporated in this project's design. (Charles A. Haas, Titanic International Society, Inc.)

My six-year-old grandson, Riley, is a fan of Titanic history. He has read books and visited museum exhibits, and I enjoy sharing his interest. Please save the arch. I'm sure it could be integrated into the new waterfront park. (William Carmichael)

It is our civic duty to support more public use of the site; however, I beseech you to retain the iconic steel archway which bears the words "Cunard-White Star" somewhere and somehow in the new design. (Bob Longabaugh)

The stories of the passengers on board the Titanic and its historical sites and artifacts are very important to me. Yes the pier is in bad shape, and I'm sad to hear about the pier's demolition. Please preserve the historic archway at Pier 54 in your plans for Pier 55. Wouldn't that be an awesome tribute to the Titanic and Lusitania passengers and to the World War I and II soldiers who passed under the archway? I suggest either moving the archway to the front of Pier 55 with a memorial plaque nearby, moving it to the entrance of the concert venue with a memorial plaque nearby, moving it to the left of the Pier 55 entrance with a plaque, or moving it to the "river side" of the new pier. (Edna Pelzmann)

**Response:** HRPT agrees that the arch is an important legacy that should be retained and it will be as part of the Pier 54 Connector Project and will remain in its existing location.

#### *PRESERVATION OF PIER 54*

**Comment 73:** Pier 54 should be restored not replaced by a park. The history of the pier should be embraced and put to use telling the story of all those who sailed to and from NY. The connection the pier has with ocean liners including Lusitania, Queen Mary, and even Titanic will draw those interested in learning to the pier. Right now, many people want to see another historic landmark preserved, the SS United States. One of the greatest Ocean Liners of all time, our nation's flagship, and holder of the world speed record, has been sitting in Philadelphia for years rusting away and mostly forgotten by the Country whose name she bears. The ship, just like the pier, should be preserved for future generations. Restored together, it would bring new life to them both. Imagine being able to walk down the pier as it was years ago, surrounded by all it can offer. Museums, vendor space for retail, specialty dining, and even an area that can still serve as a park. And add the restored ship to the mix and now you have a potential hotel with all the makings of a true destination. It could be one of the most unique places in NY, that shows respect for our nation's history and pride and attracts people to the city instead of just a place for locals to walk by. Please restore pier 54. (John T)

It is historically important to conserve and restore Pier 54. There is so much history to learn about, and the plans I have seen for restoration will help make it an incredible source of information for many generations to come. (Kara Miller)

The proposed park idea for Pier 54 does a disservice to the history of the pier. I believe it would be a far better alternative to restore the pier a la Hector Aponte's idea, and this could increase tourism as well. Please don't let another

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historic landmark be desecrated and destroyed, it would be a tragedy. (Andrew Clinger)

I oppose the replacement of Pier 54 with the newly proposed Pier 55 offshore park. It must be preserved and renovated, not replaced. It is an important historical link to New York City and maritime history. (Dave Gardner)

I believe that, rather than building a new park over what is Pier 54, it should be preserved. Being an avid enthusiast of ocean travel of the 20th Century, America's involvement with the topic is often overlooked for Europe's grander, more illustrious shipping history; that isn't the case, however. America has been involved with the world's shipping history, albeit in a different way. Pier 54 alone is associated with two of the greatest maritime disasters in human history - the RMS Titanic in 1912 and the RMS Lusitania in 1914. Pier 54 served as the end point for the ill-fated Titanic's passengers, and the start point for the Lusitania's final voyage in World War II. Revitalizing Pier 54 could increase entertainment and retail space, employment, serve as a transportation hub for ferries to New Jersey, and could serve as a historical attraction to the city of New York. It could preserve the Hudson River as a part of our shipping history. I oppose the project, feeling that there are other projects that could benefit the site. It would just be a floating park over the Hudson River, serving a role that Central Park could easily do. The pier has served some of the most famous ocean liners in history - the Olympic, the Normandie, the United States, the Queen Elizabeth 2, and the original Queen Mary. It has seen the decline of the American shipping industry, as well as serving in both World Wars and the 9/11 attacks. It's a small part of American history. (Lucas Harris)

I would like to pledge my support the saving of Pier 54. The history of the pier is unsurpassed and either saving or rebuilding the pier is an absolute must. Please don't let this iconic site fade into history. (Neil Egginton)

Please do not let Pier 54 be demolished. And please do not destroy the iconic archway leading onto the pier. This would be very sad for the history of Titanic and for all Titanic enthusiasts. I have had the pleasure to visit this iconic landmark and can't imagine New York City without it. (Rachel Simpson)

While the intention is laudable, the lack of any reference to the future of the surviving archway, an important piece of New York's history, is highly worrying, hence this interest from our organisations. Along with being the most significant single Titanic-related point in New York, and the last point where the victims of the Lusitania Disaster set foot on land, it is also undoubtedly a notable edifice in the family history of millions of Americans descended from the immigrants who used it. As such, not only is it significant to American history, but internationally. While we understand that it may not be feasible to retain it in its original position (although preferable), we are very eager to have confirmed that it will be preserved, ideally with an information plaque explaining its significance. There are precedents for this across the world, such

as 'Temple Bar' in London, and as the last major structure surviving from the docks that made New York (and America itself) what it is today, its preservation is of paramount importance. (Rudi Newman, British Titanic Society)

I have been informed that it has been announced that the remains of historic Pier 54, where Titanic's survivors landed, will be demolished! Just one piece of that original structure remains: an iconic steel archway at the pier's entrance, which still bears in faded paint the words "Cunard-White Star." As part of the Belfast Titanic Society I feel the arch must be protected as part of Titanic's heritage of New York and the world. It could be part of such a statement within the new development, but has to be preserved for future generations to remember such a magnificent ship which came to such a tragic end, with such loss of life. (Lisa Kenny)

My grandfather, Artie Frost was an employee of Harland and Wolf and died on The Titanic alongside his friend and colleague Mr Andrews. I visited New York this year and was excited to walk on your beautiful Highline and see the archway to Pier 54. I now have five young grandchildren and would wish to be able to show them the arch to the famous pier where the survivors of the Titanic landed. It is so important that we maintain evidence of our history and encourage all people to be aware and to keep it in our memories. So much was lost in that tragedy so please take the opportunity to maintain this significant piece of history. My grandchildren will be eager visitors of the site but so will thousands of others. (Helen Sanderson)

I'm such a Titanite that I visited pier 54 from N Ireland 2 years ago, please save the Arch and consult with the Titanic Society in New York about where/what best to do with these important historical relics. (Ken Breakey)

As someone who is deeply attached to the memory of the Titanic and the Lusitania, may I please beg you to preserve the historic arch on Pier 54. It bears the iconic words "Cunard-White Star." You will no doubt know that the rescued passengers (by Carpathia) from Titanic, and the ill-fated passengers of Lusitania, passed this way. I know that progress has to be made, which is as it should be, but we should also look at the past to point the way. Surely this arch would make a lovely memorial– not only those that sailed on Titanic and Lusitania, but those that sailed the Atlantic and arrived safely.... and those that didn't. I do beg you to preserve this arch. (Pam Hall)

As Members of both the British and Belfast Titanic Society, my husband and I, would urge you to think very carefully about preserving this iconic Steel Archway at the Piers Entrance. If it cannot remain at its present location perhaps it should be carefully moved to the new Pier 55. (Audrey and Robert Meacock, British and Belfast Titanic Society)

You probably know that Titanic was headed to this very pier in April 1912. Instead, she tragically sank along with 1,496 souls. Many were headed to New

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York City to begin their new lives in America. To historians like myself, this pier has history. A friend of mine has put his heart and soul into an idea he has to conserve the pier, as well as the steamship SS United States. Please, during your discussions, think about Hector Luis Aponte III and his wishes and hopes for Pier 54. Perhaps you could allow him to work with you? His project preserves history for the next generation and historians such as myself. (Jill Carlier)

Pier 54 is place where the survivors of the Titanic landed on the Carpathia. For many years I visited the Pier regularly and got used to this structure, one of the very last places (other than memorials) that is accessible and where the Titanic history can be experienced. Our society sends many visitors to that place—one of the most impressive Titanic places in the world, and certainly without a rival in New York. Over the last years New York has lost many Titanic related sites. The Pier 59 (where Titanic would have docked), the St. Vincent's Hospital (where many Titanic survivors were treated), and the wireless memorial in Battery Park is in storage for many years. It would be very sad to lose another Titanic landmark in New York. I would also like to point out the significance of the Pier 54 gate. I urge you to take every possible step to preserve the gate at its present location, as a reminder of the historical past of this location. If for some reasons the remaining structure cannot be preserved where it is, please take steps to preserve it close to its present location. On behalf of our members that like to enrich their future trips to New York with a visit of the Pier 54 gate, I ask you to plan the future of the gate accordingly. (Günter Bäbler, Swiss Titanic Society)

We understand that the remains of historic Pier 54, where Titanic's survivors were landed, will be demolished as part of a \$170 million project in partnership with the Diller-von Furstenberg Family Foundation to extend the Hudson River Park along Manhattan's western side. We are delighted that this privately funded proposal is going to provide not only an enhanced green environment for New Yorkers but perhaps stimulate further economic development of the west side of Manhattan. I can imagine the river park extension will be a beautiful green addition to the city. However the proposal could threaten the heritage of the existing river front and the Pier district on the western side. The heritage of the remaining physical structures of Pier 54 (particularly the iconic steel Archway and its marking Cunard-White Star), stems not only from the Titanic but also from its rich maritime history. Pier 54 carries the burden of the wider social and cultural associations with the ships and people which landed in Manhattan over the decades. The Pier is where Carpathia landed the Titanic survivors, an iconic moment in history. The Pier 54 Arch deserves to be protected for its heritage value and employed as a key feature of the new development. Properly interpreted the Pier offers a physical remnant, providing Manhattan residents and visitors alike with a truly unique insight into our shared history. The Pier 54 Arch could become a sustainable tourist attraction, and

could generate revenue for existing and planned tourist services in the area. We have seen real sustained interest in all things Titanic worldwide and this is a growing phenomenon in Asian markets. There is real potential for development of a Titanic Trail in New York and the Pier 54 Arch could be a physical heart to that trail – think of the William Stead memorial, the Institute of the Seaman's Friend on Jane Street in Manhattan, Straus Park (nearby in Manhattan), the Titanic Victims Memorial at Woodlawn Cemetery in the Bronx, etc. The Belfast Titanic Society wants to see the following strategy for Pier 54 : (a) Preservation – careful restoration and preservation of the physical remains, crucially the archway, to ensure protection for future generations as the unique Titanic related heritage for New York - we want to see the development of the new green space to be ambitious and incorporate the old pier Arch, not destroy it. (b) Interpretation – heritage should be properly interpreted for visitors so that they can share in the story of the Pier and the Pier district (including Pier 54) and fully understand its significance to the city of New York in terms of its historic value; surely there is a way of interpreting the old pier structures (the wooden and steel piles) perhaps using special illumination in the ground to show the line of these structures at night for example; (c) Commemoration – there should be a separate place (memorial) marking the spot where Carpathia landed those survivors from Titanic. (d) Access – the Pier Arch should have appropriate access for visitors to protect it yet ensure it can be seen freely by everyone; (e) Ownership – be bold and take ownership of heritage protection and integrate this fully throughout the development. (Dr Aidan McMichael, Belfast Titanic Society)

The Titanic means a lot to me. Remember that 705 passengers disembarked after they had lost their loved ones on the Titanic. Please save the archway and please put a plaque on the pier commemorating the Titanic (Jake Billingham)

I do not disapprove of this waterfront improvement and look forward to enjoying it in the future; however, this historical area is not just another dilapidated waterfront pier but one most important to millions of past, present, and future Americans, and others, who must not lose sight of what has occurred at these historic locations. I request that you and those with the Diller-von-Furstenberg Family Foundation involved with the final planning and ultimate approval consider what these pier areas convey, albeit silently today, about the history and development of our earlier America. Literally millions of emigrants who departed their countries to settle in America arrived at these piers on Cunard and White Star Line Ships in the early years of the 20th Century and continued for many years thereafter. It is well known that not everything historical can be saved; however, the existing iconic steel archway at this soon to be renewed pier area can and should be retained where it has stood silently for over 100 years, or close nearby in the immediate area if a move is deemed a necessity and with the addition of a small plaque or tablet to educate viewers on the past history of this arch and these pier areas where millions of hopeful future

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Americans arrived to start their new lives. Surely once it becomes an integral part of the new development it will require virtually no funds to maintain as it sits silently, as it has already stood for over 100 years, for all to see, reflect, and to learn. (William H. "Bill" Wilson, Jr., Titanic International Society, Inc.)

I am writing from across the Atlantic to add my voice to the clamour appealing for the famous Pier 54 Archway. I am the compiler of "Father Browne's Titanic Album." He never made it to New York, being told to get off the ship at Queenstown, Ireland. Thank you in advance for seeing sanity. (Edward O'Donnell)

Save this historic site. Bring the SS United States here refurbished for all to enjoy. (Robert Benson)

I would like to see this landmark and maritime treasure saved for future generations to enjoy. This would also be a great place for our flagship SS United States to be docked. (James Ducker)

Please do all you can to preserve Pier 54. It has great significance in our collective history. So many things in this country are neglected to death, it would be a shame if this was yet another. (Dustin Miller)

That Arch reminds us of two of the world's greatest disasters and provides a gateway to the past where hundreds of global symbols docked. Please preserve and restore the pier. That is the last connection we have to the Lusitania and Titanic. The Clydebank Gantry's are gone. The Arrol gantry is gone. Southampton and Liverpool harbor are modernized. Do not take away America's last look at the golden era of travel. These ships made this country what it is today. (Joseph Bergn)

I am all for the preservation and restoration of Pier 54 as it is a very important historic landmark. "Pier 54 is the former Cunard (and then Cunard-White Star) Pier in Manhattan. It is where the Carpathia disembarked the survivors of the Titanic and the last port that the Lusitania left from on her ill-fated voyage in 1915." I believe the historical and archaeological integrity of the Pier should be preserved as much as possible. Public money should go towards restoration and to proper memorials for those two disasters. (Margaret Anteblian)

Please keep America's history alive for future generations. (Carolyn Sitar)

For overseas visitors to New York with a maritime interest, Pier 54 will continue to be a place to visit but in the future may no longer be recognizable as a place where history was made. If however the iconic steel archway at the pier's entrance could be incorporated in the new site, it would provide a lasting monument to events that are still recalled 100 years later. The proposed redevelopment does not appear to recommend the retention of the archway and by implication suggests its destruction. The surviving steel archway, which formed the entrance to this historic pier, is not just part of New York's Heritage

but is also recognized on a worldwide stage. We can only respectfully request, on behalf of our members and the worldwide Titanic Community, that the iconic steel archway, which marked the entrance to Pier 54, be preserved for future generations within the Pier 54 Redevelopment, with a suitable informative plaque outlining its original purpose. (Ed Coghlan, Chantal Keogh, and Kilian Harford, Irish Titanic Historical Society)

Please preserve this pier to honor its original purpose. (Ron Troy)

I oppose replacing Pier 54 with the newly proposed eye-sore that is Pier 55. Pier 54 is New York's "Last Link" to the Ocean Liner Era and must be preserved. (Bill Hough)

Pier 54 is a very important historic landmark that has been overshadowed for almost three decades. It was designed by the Architectural Firm Warren and Wetmore (who also designed the Grand Central Terminal) in 1907 and officially opened in 1910. It was built as part of the Chelsea Piers and was operated by the Cunard Line. It is worth preserving not only because of its involvement with the RMS Titanic and RMS Lusitania disasters, but also because of the majority of immigrants that came to this great nation entered our civilization through Pier 54 and its neighboring Chelsea Piers. It was also used as a docking port for troop ships during both World Wars. I have discussed this subject matter with many ocean liner enthusiasts, historians and conservancy groups such as the SS Titan Foundation and the SS United States Conservancy and all have agreed that Pier 54 should be preserved and restored and that the new "Pier 55" replacement plan is not the right message that we are sending to our future generations. I am calling for an alternative proposal of restoring Pier 54 and using its interior space for indoor recreation, convention, and museum space that includes housing historic vessels such as the legendary Blue Ribband holder SS United States and retired FDNY fireboat John J. Harvey. My proposal also includes the original Pier 53 and Pier 56 with open park space in which can be used to host Hudson River Park concerts and other special events. (Hector Aponte III)

Despite being an abandoned site, Pier 54 is known for its former glory and history. New York City has preserved many abandoned sites and transformed them into tourist attractions, such as the High Line Park. Part of New York City's legacy is that it was the destination of the Titanic. Cities like Southampton, UK and Belfast have benefited a great deal by creating Titanic attractions. Since Pier 54 stills has an arch inscribed with "Cunard White Star," it is vitally important to preserve and not demolish the pier, despite future plans. (João Ricardo)

As cities across the US go through phases of urban renewal, often landmarks are lost or the character of an area is changed, only for the sake of change. That is usually the main goal of developers, who are often focused more on profit than redevelopment. Often natural beauty vanishes, impossible to replace, historic memories are lost, or areas that may not be the "latest fad" are changed. I hope

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you will reconsider and have the vision to see that the few piles that would remain are not the backbone of this historic area. A modern look will become old fashioned to another era of different taste. Change is not always for the better. (Charles Sachs, Oceanic Navigation Research Society)

New York has lost too many historic transportation facilities already. Pier 54 must be restored to its heyday appearance while providing indoor recreation use, and you should make Pier 56 the much needed park space for outdoor recreation. (Bill Hough)

I petition to save Pier 54. (Steve Toth)

Please reconsider redesigning Pier 54 into a modern eyesore. Our nation has destroyed so much of its heritage in the name of progress. New York has many modern buildings for visitors to visit, but it is the historic areas that are the main draw for tourists. Restore Pier 54, keeping the history for which it was designed. As a retired third grade teacher, one of the most fascinating units we taught was in the Titanic and the historic ships of its time. Imagine if you restored the pier, the draw it would have for so many younger children with a thirst for more knowledge of the historic days of ocean travel. (Lawrence W Nevel)

The Titanic and Carpathia docked at Pier 54 with the surviving passengers and recovery. In a haunting historical coincidence, during 9/11, 89 years later, Pier 54 and the West Side Highway were used for tractor trailer morgues on wheels. (Novac Noury)

**Response:** Although Pier 54 is not a historic resource, HRPT and Pier55 agree that the history of Pier 54 should be recognized and plan to appropriately commemorate that history. See Response to Comment 72.

## **URBAN DESIGN**

**Comment 74:** Building the Pier 55 project, one to seven stories above the river, would block river views for thousands of owners and tenants all the way east to Fifth Avenue because of the way sight lines work. (Marcy Benstock, Director of Clean Air Campaign and its Open Rivers Project)

Far too many view-blocking structures and buildings have been built in the river already. The current Diller island plan is yet another proposal that would commandeer public space and block river views. (Dr. Brent Blackwelder, Friends of the Earth and Foundation Earth)

The Trust has presented many renderings to scale that show the pier from several perspectives and many community members have expressed concern with how the substantial elevation of the pier and the connections from the shore will obstruct views. (Tobi Bergman, Community Board 2, Manhattan)

**Response:** The proposed pier would not have a consistent elevation; it would range from 8.0 feet on the amphitheater floor along the western edge of the pier to approximately 62.0 feet at the southwest corner, which would be the highest point on the redeveloped pier. However, because the pier is designed with rolling topography, only a small portion of the pier's area—approximately 833 sf, or less than one percent of the total area—would have an elevation of approximately 62.0 feet. Views of the river will be possible from vantage points at many other locations across the pier's surface.

As detailed in Attachment A, "Project Description and Environmental Analyses," the EA follows the methodologies and impact criteria in the *CEQR Technical Manual*. The methodology for an urban design and visual resources analysis presented in the *CEQR Technical Manual* only accounts for views from the public realm, i.e., the analysis only assesses view corridors from which visual resources are publicly viewable. Private views are not assessed. Further, in July 2000, the NYSDEC issued *Program Policy: Assessing and Mitigating Visual Impacts*. The methodology presented in this policy also excludes private views.

Following the guidance of the *CEQR Technical Manual*, Attachment E of the EA, "Urban Design and Visual Resources," addresses the proposed project's potential impacts on view corridors, including view corridors from which the Hudson River is publicly viewable. As analyzed and illustrated in that attachment, the pier would not eliminate any view corridors. The view corridors along West 14th Street and Little West 12th Street would not be affected by the proposed project, but the view along West 13th Street would be partially obstructed. The West 13th Street view corridor does not provide unique views of the Hudson River vista in the study area, and there are existing tall trees located in the West Street median that are at the center of the West 13th Street view corridor. West 14th Street and Little West 12th Street provide better views of the Hudson River vista than West 13th Street, and would continue to provide views of the Hudson River in the future with the proposed pier. Further, the pier has been designed to have a relatively low elevation within the view corridor, and there would be views of the Hudson River vista over the pier. Further, the pier would provide new elevated vantage points for pedestrians to view the Hudson River and the Hudson River vista.

Regarding the pier's connections from the shore, the new pier would connect to the Hudson River Park waterfront esplanade (which would be expanded in the future without the proposed project as part of the Pier 54 Connector Project) with two access ramps. The access ramps would separate the pier from the westernmost edge of the esplanade by approximately 135 feet. The northern access ramp would slope from an elevation of approximately 6 feet MBD (Manhattan Borough Datum) at the esplanade to approximately 15 MBD where it would meet the pier. The southern access ramp would slope from an elevation

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of approximately 6 feet MBD at the esplanade to approximately 15 MBD where it would meet the pier. Both of these slopes would meet ADA requirements. For all these reasons, the project would not significantly obstruct views from the shoreline or other nearby sites.

**Comment 75:** Diller Island will not enhance the beauty of the mighty Hudson River. (Dan Gabel)

I am very concerned that the Hudson River will be overwhelmed by the proposed project which will elevate to 79 feet above the river at its highest point. I fear that the proposed project will set a precedent for more weird formations on the Hudson River and other waterways. (Elaine Young)

Please reconsider redesigning Pier 54 into a modern eyesore. (Lawrence W Nevel)

**Response:** As evidenced by the Response to Comment 128, different people have different views about the aesthetics of the project. As written in NYSDEC's *Program Policy: Assessing and Mitigating Visual Impacts*, "beauty plays no role" in the determination of a visual impact. Similarly, that concept plays no role in an assessment following the urban design and visual resources assessment methodology in the *CEQR Technical Manual*. According to the *CEQR Technical Manual*, "determining the significance of an urban design impact requires consideration of the degree to which a project would result in a change to the built environment's arrangement, appearance, or functionality and whether the change would negatively affect a pedestrian's experience of the area." Following the guidance of the NYCEDC's *Program Policy: Assessing and Mitigating Visual Impacts* and the *CEQR Technical Manual*, the urban design and visual resources assessment in the EA determined that the proposed project would not have a significant adverse visual impact on the Hudson River.

**Comment 76:** We're concerned about the analysis of visual impacts in the EAF. We are concerned about the 4,000 square foot barge—if it is a part of the proposed project, it should be shown in the visual renderings of the park. (Phillip Musegaas, Riverkeeper, Inc. and Deborah Mans, NY/NJ Baykeeper)

**Response:** 4,000 square feet represents the maximum potential size of the support vessel. The location of the proposed support vessel was depicted in Figure A-11 of the Draft EA. The support vessel and any enclosed structures on that vessel would largely not be visible from most vantage points, including the pier itself, the esplanade, and upland areas because of the pier's orientation, elevation at the location of the support vessel, and because of the intervening piles supporting the pier.

**Comment 77:** There's certainly room for improvement in the design, particularly to reduce the impact which the pier will have on ground-level views of the Hudson River and to improve the underside of the pier—which is the primary view that will present itself to passers-by along Hudson River esplanade. (Zach Winestine)

**Response:** As described in Response to Comment 74, the proposed project would not result in any significant adverse impacts to view corridors.

## NATURAL RESOURCES

### GENERAL

**Comment 78:** I am concerned about some things with the environment but I'm sure that you'll take those things into consideration as most of these people that have come forward to talk about that. (Julie Dovan)

I urge all of you on the committee to pay attention to the comments and criticism that have come before you, especially the environmental concerns because they seem very real. I don't have the credentials of people like River Keeper or the other organizations but they make a very strong case for paying attention to them. (Elizabeth Scharlatt)

**Response:** Because the waters of Hudson River Park are a designated Estuarine Sanctuary, HRPT worked from the beginning with Pier55 to design the pier in a manner that would not result in any significant adverse impacts to aquatic habitat. The EAF examined natural resources in accordance with *the CEQR Technical Manual* and found that the proposed project would not result in any significant adverse impacts to natural resources. The proposed project has been designed to achieve the goals of providing open space resources while at the same time minimizing the potential for impacts to the aquatic ecology of the Hudson River, including minimization of water quality and noise impacts during pile installation to avoid significant adverse impacts to the federally endangered Atlantic and shortnose sturgeon. The increased height and variable topography of the pier would allow more light under the structure than would occur with the No Action alternative, reducing the amount of aquatic habitat affected due to shading.

**Comment 79:** It is so great when nature is left alone. Why are we celebrating this aberration? (Elaine Young)

The proposed project will ruin an important natural resource. (Bunny Gabel)

We should have a representative here from the Audubon Society. We want to certainly thank everybody involved but we want to protect our river. (Kathleen Treat)

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**Response:** The potential for the proposed project to adversely affect natural resources was examined in detail in the EA, according to the guidelines in the *CEQR Technical Manual*. The assessment concluded that the project would not result in significant adverse impacts to natural resources. See Response to Comment 78.

**Comment 80:** The value of the fragile Hudson River ecosystem is incalculable, in both ecological and economic terms. This irreplaceable environment should not be so severely impacted with such minimal analysis. The EAF acknowledges that the Project is located near sites requiring environmental remediation as per New York State law; affects wetlands, and is in a 100-year floodplain; and affects endangered species. (Christopher Slowik)

**Response:** As described in Response to Comment 78, HRPT worked from the beginning with Pier55 to design the pier in a manner that would not result in any significant adverse impacts to aquatic habitat. The EA examined natural resources in accordance with the *CEQR Technical Manual* and found no significant adverse impacts to natural resources. No wetlands or special aquatic sites would be affected by the proposed project. As detailed in Attachment F of the EA, "Natural Resources," the pier would be built higher than the existing Pier 54 structure, to be more resilient to flooding events and sea level rise. The proposed project would not result in any significant adverse impacts to endangered species, including the Atlantic sturgeon and shortnose sturgeon.

### *PROPOSED LOCATION IN THE RIVER IS NOT APPROPRIATE*

**Comment 81:** We urge you to end public subsidies for the proposed project, at the worst possible location, out in the open waters of the lower Hudson River. Congress passed the laws that governed Army Corps permits to build in public waterways like the Hudson, because they knew that the nation needed to keep waterways open for navigation and sustaining fisheries. There are much better alternatives for parks and performance spaces at higher, dryer, safer upland locations than the Hudson River. (Marcy Benstock, Director of Clean Air Campaign and its Open Rivers Project)

It occurs to me that we have the wonderful public theater, the Baryshnikov Center, the Joyce, Alvin Ailey, all on land not on our river. (Kathleen Treat)

Why the river? Someone said the island park will be an exquisite place to be. Well, the riverbank is an exquisite place to be. I am going to wait and see what the environmental impact reports are, but as a person who has done parks maintenance and cares about access to the coast, the word that kept recurring in my mind was, nuts. (Constance Casey)

If there is, in lower Manhattan, any shortage of venues of the type proposed, there are plenty of upland sites that are far more suitable. Construction there is

less expensive, the sites are out of the highest risk flood zone, and they are near existing mass transit connections to facilitate widespread public access. (Jim Lane, Sierra Club)

**Response:** The Act envisioned a Hudson River Park which would include performance spaces as one of the park uses. See Responses to Comments 1, 33, 61, 78, and 82.

#### *RIVER HABITAT AND ECOLOGY*

**Comment 82:** More importantly, the proposed project would disrupt the peaceful nature of the park and the Hudson River, a primary habitat for fish that should be protected. (Dan Gabel)

The public planning process for Pier 54 should consider the need to protect an critical marine ecosystem so important that it has been designated an estuarine sanctuary. (Tom Fox)

We must continue to ensure that the natural habitat of the Hudson River be preserved with the utmost care. Any construction must be done in consultation with the relevant environmental agencies and organizations. I urge the Trust to take any actions further necessary to address these concerns. (Corey Johnson, New York City Councilmember, District 3)

The environmental concerns about the health of the fish and the river bother me. I know legally you don't need an EIS, but you could hire a marine scientist to evaluate, guide, and publish reports. (Keen Berger, Democratic District Leader, 66th Assembly District, Part A)

I am concerned that this project may have a greater impact on the fragile waterfront ecosystem than the original EIS completed as part of the General Project Plan envisioned for this area of the park. The change in the footprint of the pier, along with the associated new piles and the introduction of new plantings, thousands of additional visitors and commercial activities, all may impact the surrounding ecosystem that we fought hard to protect. I urge HRPT to more fully examine the potential impacts of this change. (Brad Hoylman, New York State Senator, District 27)

It is obvious that the creation of the pier will impact the river. This is a sensitive marine habitat. (Deborah Glick, New York State Assemblymember, District 66)

Another concern is whether fisheries would be affected. (Andrew Lawrence)

Another major area of concern is the environmental impact of new in-water construction on the park's "marine sanctuary." The EAF's focus on shade studies notwithstanding, it seems very hard to believe that replacing a 1.9 acre pier with a 2.7 acre construction—in a new and hitherto undeveloped spot—will not have some effect on the river and river-bottom habitat. (Rob Buchanan)

## Pier 54 Redevelopment

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Although Manhattan is a densely developed urban area, this part of the Hudson River, immediately offshore, is a critical aquatic habitat. It must be fiercely protected against intrusions and degradations. The Hudson River must be respected as a river, instead of constantly being targeted as a possible cash cow. (Jim Lane, Sierra Club)

The project would be located in waters judged prime aquatic habitat that are required by law to be preserved and protected, waters that are vital for sustaining coastal fisheries. (Bunny Gabel)

Many studies and federal court decisions have documented the immense productivity of the irreplaceable Hudson River habitat under HRPT's jurisdiction, as well as the extraordinary recreational, commercial, and economic value of the many fisheries it sustains. While the stretch of nearshore water south of W. 59th Street under HRPT's jurisdiction may have become the most famous for providing crucial habitat for young striped bass, it is also home to more than 100 additional species, including many fish and marine mammal species with special federally protected status. The proposed project runs counter to efforts to restore and protect rivers and initiatives to save important fisheries. (Dr. Brent Blackwelder, Friends of the Earth and Foundation Earth)

Concerns were raised about the environmental assessment done by HRPT including effects on the fish population. (Tobi Bergman, Community Board 2, Manhattan)

**Response:** Attachment F, of the EA, "Natural Resources," evaluated the potential for the proposed project to affect aquatic resources, including fish habitat, striped bass, and the federally endangered Atlantic and shortnose sturgeon according to the guidelines of the *CEQR Technical Manual*. The analysis concluded that construction and operation of the proposed project would not result in significant adverse impacts to these resources. Although the project would introduce new piles within the Hudson River habitat, it would also result in the establishment of valued pile field habitat within the existing Pier 54 footprint, and result in a reduction in the amount of aquatic habitat affected due to shading from overwater structures. Pile driving for the proposed pier would not occur during the November 1 to April 30 period when winter flounder and striped bass are found in higher densities within the New York Harbor than other months, and the limited duration of pile driving with an impact hammer would not result in significant adverse impacts to aquatic biota, including threatened or endangered species (i.e., Atlantic and shortnose sturgeon and marine turtles).

**Comment 83:** The project site is an undisturbed area of the Hudson. We believe, based on the 1998 FEIS for the park, that areas of undisturbed river habitat within the park boundary have ecological value. The draft EAF entirely overlooks the Act's stated interest with respect to the Estuarine Sanctuary: that it is in the public's interest "to protect and conserve this habitat." The Act states that, within the

water section, “in the aggregate, no more than eight acres of the water section may be covered or altered by floating structures or minor improvements at any time.” A new, 2.7-acre pier consisting of 577 new piles represents more than a third of the total allowable alteration of the 400-acre Park, and is by no means just a “minor improvement.” The proposed project is clearly not protection and conservation of the Sanctuary’s habitat, but a large project with significant impacts to an untouched part of the Sanctuary, and a full SEQRA review is warranted. (Phillip Musegaas, Riverkeeper, Inc. and Deborah Mans, NY/NJ Baykeeper)

**Response:** The EA examined in detail the potential for the proposed project to affect natural resources in accordance with the *CEQR Technical Manual* and found no significant adverse impacts to natural resources. As described in Response to Comment 93, the 0.8-acre increase in overwater coverage resulting from the proposed pier would be within the amount of overwater coverage authorized by the USACE and NYSDEC permits for this segment of the Hudson River Park.

**Comment 84:** The draft EAF is based on a flawed comparison. In analyzing the potential environmental impacts, the draft EAF relies heavily on the 1998 EIS to show that proposed activities (such as pile driving or sediment disturbance) will not have significant impacts. However, the 1998 EIS does not make any such findings; in fact, it underscores the sensitivity of the Estuarine Sanctuary, notes the need for full review of any projects to be conducted therein, and, to the extent it does analyze impacts from activities like pile driving and sediment disturbance, never analyzes the impacts of such activities at the Pier 54 or Pier 55 sites. Indeed, contrary to representations made in the HRPT’s draft EAF, the proposed placement and format of the new Pier 55 was not considered in the 1998 EIS. It is clear that the majority of the construction activities necessary to build Pier 55 will take place in the Estuarine Sanctuary between Piers 54 and 56, and in the pile field of Pier 56. Past impact analyses are immaterial to the present review as they never considered this pier proposal’s location or design, and never considered a new pier constructed within the Estuarine Sanctuary. The proposed project consists of two pier construction activities (turning Pier 54 into a pile field and constructing a new Pier 55) and should be treated as such with a new EIS. This project will result in 577 piles where there have never been piles; water-facing spotlights where there have never been spotlights before; and thousands of people (with the resulting debris and floatable management issues) where people have never been before. (Phillip Musegaas, Riverkeeper, Inc. and Deborah Mans, NY/NJ Baykeeper)

**Response:** The comment is incorrect in its assertion that the draft EA relies heavily on the 1998 FEIS to show that proposed activities such as pile driving or sediment disturbance will not have significant impacts. The EA examined in detail the potential for the proposed project to affect natural resources in accordance with the 2014 *CEQR Technical Manual*. This evaluation considered current project-

specific information on the pile type, design, pier design, nighttime lighting, and construction methods. Relying on the most recent available information and literature, impact criteria, and methodologies, the EA concludes that the proposed project would not result in significant adverse impacts to natural resources. As indicated in the EA, the proposed project would use computerized lighting controls and directional, shielded lighting to minimize any incremental increase in lighting from the proposed project. As required under the Hudson River Park Estuarine Sanctuary Plan, measures will be in place to minimize the release of refuse into the Hudson River, including provision of trash receptacles, frequent cleaning of park pathways and other surfaces, and protective railing to prevent accidental release of trash by park visitors.

**Comment 85:** That there will be habitat creation when Pier 54 is turned into a pile field is not relevant to the new impacts caused by Pier 55. As such, the impacts presented by Pier 55 should be compared against the current conditions in the interpier area where the HRPT wants to build the new Pier 55 – not against the presence of a new pile field where Pier 54 used to be. The draft EAF judges impacts based on the contention that this project disturbs less than one acre. This is entirely wrong—Pier 55 itself is a 2.7-acre project, and the 1.8-acre Pier 54 conversion to an ecological pier should be evaluated as supplemental to Pier 55. Were the HRPT proposing to convert Pier 54 into a pile field (a condition not examined by the 1998 EIS, any Park permits, or the GPP), the agency would have had to go through this same SEQRA process and examine the impacts of the proposed change. That the HRPT is proposing this conversion with a new pier alongside Pier 54 does not relieve the agency of its obligations to fully consider the impacts of the proposal compared against the status quo. (Phillip Musegaas, Riverkeeper, Inc. and Deborah Mans, NY/NJ Baykeeper)

**Response:** The preservation of the Pier 54 pile field is part of the proposed project and therefore is appropriately evaluated in the EA. Attachment F of the EA, “Natural Resources,” evaluates the potential for the proposed project, including its 2.7 acres of overwater coverage and the installation of piles, to affect natural resources within the interpier area between the Pier 56 pile field and Pier 54. This analysis concluded that the proposed project would not result in significant adverse impacts to aquatic resources of the Hudson River.

**Comment 86:** In the draft EAF, the HRPT states that there will be no loss of habitat, impact on species, or disturbance of natural areas. This conclusion is based on the contention that increases in habitat from a Pier 54 pile field would offset habitat and species losses, while compliance with pile driving and construction conditions issued by the DEC and Corps would mitigate any impacts from Pier 55 itself. There will be loss of habitat—2.7 acres of new overwater area—as well as impacts to species and natural areas (the interpier habitat is, as the 1998 EIS concludes, a unique ecosystem, separate and apart from the pile field

habitat). That mitigation measures might be available to the HRPT in constructing Pier 55 does not mean that impacts do not first need to be studied and articulated. The HRPT's inadequate analysis is conclusory and inconsistent with the clear tenets of SEQRA. (Phillip Musegaas, Riverkeeper, Inc. and Deborah Mans, NY/NJ Baykeeper)

**Response:** Attachment F of the EA identifies that the proposed project would result in a loss of approximately 2,586 sf of benthic habitat within the footprint of the piles and that this loss would not result in significant adverse impacts to benthic macroinvertebrates, and would not significantly impact food supply for fish. The 2.7 acres of overwater coverage that would result from the proposed project and the potential for adverse effects from shading from the overwater structure were evaluated in Attachment F of the EA. The analyses in Attachment F concluded that the proposed project would result in a reduction in the amount of aquatic habitat affected due to shading from overwater structure when compared to the No Action condition.

**Comment 87:** Given that the Pier 55 design would, according to the draft EAF, guide all stormwater directly into the Hudson River, this project has the potential to have a significant, new, and detrimental impact on the Hudson River ecosystem. As the HRPT's goal for this new pier is to create a thoroughly landscaped destination for thousands of people every day, we are concerned about the various impacts this intensive use would result in, including waste disposal, use of pesticides and other chemicals, and the risk of floatable debris entering the Hudson River. Even if the baseline for determining significance was set at a rebuilt Pier 54, the differences between a destination theatrical and landscape landmark and an ordinary rectangular pier mean that there will be more plants, more people, and therefore more pollution at the proposed Pier 55. Moreover, even with this erroneous baseline, the design of Pier 55 presents novel stormwater treatment, fertilizer and pest chemical management, debris management, and solid waste disposal challenges that could lead to potentially significant impacts. (Phillip Musegaas, Riverkeeper, Inc. and Deborah Mans, NY/NJ Baykeeper)

This is a new landscaped pier over the river with the potential for environmental impacts due to non-point source pollution from fertilizer to debris. (Deborah Glick, New York State Assemblymember, District 66)

**Response:** As presented in Attachment F of the EA, "Natural Resources," measures have been incorporated into the design of the pier to minimize the discharge of soil and planting material from the pier to the Hudson River, and to ensure that the quality of stormwater discharged from the proposed project will not adversely affect Hudson River water quality and aquatic biota.

Measures incorporated into the proposed project to minimize discharge of soil and planting material to the Hudson River include the following:

- Soils placed on the pier will be manufactured using locally available sand and compost to achieve a well-drained, stable medium that will be resistant to compaction and erosion.
- Slopes will be stabilized, taking into consideration slope angle and anticipated foot traffic. On slopes up to 30 degrees, stabilization would rely on plant roots and mulch. On slopes greater than 30 degrees, slopes will be stabilized through a combination of geofibers and densely rooted shrubs and ground covers.
- Plant materials planted on the pier will be selected for their suitability for the anticipated conditions, which will include salinity from salt spray, winds, solar exposure and human use.
- A stormwater drainage system will be incorporated into the pier design to convey runoff from the impervious and pervious surfaces to ensure that the landscaped sloped areas drain and maintain slope stability.
- During construction of the proposed project, erosion and sediment control measures (e.g., hay bales inside an interlocking metal fence) will be in place during all soil placement and landscaping activities to minimize discharge or soil material to the Hudson River.

Measures to ensure that the runoff generated on the proposed pier would not adversely affect water quality and aquatic biota of the Hudson River area as follows:

- Soil fertility would be maintained primarily through periodic replenishment of compost. Soil testing would be conducted to monitor health of soils. Only slow-release fertilizer would be used and that would only be done sparingly and confined to lawn areas only. No pre-emergent herbicides would be used.
- As with other portions of the Park and required as part of the Hudson River Park Estuarine Management Plan, landscape and turf would be maintained using Integrated Pest Management techniques, thereby eliminating use of pesticides.
- Vegetation and soil would slow the rate of stormwater discharge from the pier and filter stormwater. Precipitation falling on planted areas would be filtered through plant roots and through the sand-based soil medium, improving the quality of the stormwater prior to discharge.
- As presented in the Hudson River Park Estuarine Management Plan<sup>1</sup>, litter control is one of the Preservation and Protection Objectives of the Estuarine Sanctuary Action Plan. The HRPT has developed a Litter Debris Plan and litter control is a requirement for provision within Park leases and permits.

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<sup>1</sup> <http://www.hudsonriverpark.org/assets/content/general/sanctuary.pdf>

**Comment 88:** The analysis of ecological impact in the EAF is less comprehensive than is typical of public works of this size. It is respectfully submitted that the EAF does not provide the same depth of analysis as a full EIS, and that the unique environment of the area, both natural and human, should not be disrupted, and perhaps irreparably harmed, without such analysis. (Christopher Slowik)

**Response:** The EA conducted a detailed assessment of the potential for the proposed project to affect natural resources, in accordance with the guidelines of the *CEQR Technical Manual*. The EA concluded that the proposed project would not result in any significant adverse impacts to natural resources. The proposed project has been designed to minimize impacts to the aquatic ecology of the Hudson River, including minimization of water quality and noise impacts during pile installation, and reducing the shading of aquatic habitat within this segment of the park.

#### *UNDERPIER SHADING*

**Comment 89:** We must protect the very productive habitat that nature has created over the years. Substituting sunlight isn't going to do it; we want to leave it as nature has created it. This habitat is very productive; hundreds of important species, fisheries up and down the Atlantic are dependent on the lower Hudson River habitat. Fisheries mean food and jobs. (Alison Tupper)

This project will result in new shading where there has been no shading before. (Phillip Musegaas, Riverkeeper, Inc. and Deborah Mans, NY/NJ Baykeeper)

One category of positive benefit in river restoration today that is especially relevant involves "daylighting" streams that were buried or put in tunnels decades ago. How ironic that the HRPT is considering a project that will cover even more of the Hudson River! The HRPT has already spent hundreds of millions on projects that cover over the river. (Dr. Brent Blackwelder, Friends of the Earth and Foundation Earth)

**Response:** As detailed in Attachment F of the EA, "Natural Resources," because of the increased elevation and rolling topography of the pier, the area of aquatic habitat affected due to shading from the project's overwater structures would decrease substantially as compared to the No Action pier.

#### *PILE DRIVING AND CONSTRUCTION*

**Comment 90:** We are concerned about impact due to pile driving from building the pier and any dredging, if required for putting the piles in. (Phillip Musegaas, Riverkeeper, Inc. and Deborah Mans, NY/NJ Baykeeper)

## Pier 54 Redevelopment

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This is a new pier with new environmental impacts from its construction to its use, including potential impacts from new piles being driven into the river. (Deborah Glick, New York State Assemblymember, District 66)

**Response:** The proposed project will not include any dredging. Attachment F of the EA, “Natural Resources,” describes the number of piles, the different size piles, and other pertinent information about piles, and then provides a detailed analysis of the potential for impacts. That detailed analysis concludes that the proposed project would not result in significant adverse impacts to natural resources of the Hudson River. As discussed in Attachment F, pile driving with impact hammer is expected to take only 15 minutes per pile (approximately 90 minutes per day). Underwater noise resulting from pile driving would not result in levels of underwater noise that could cause injury to the Atlantic and shortnose sturgeon, nor would the noise levels adversely affect migration of sturgeon through this portion of the Hudson River. In addition, pile driving would avoid impacts to sensitive aquatic species by avoiding the November 1 to April 30 window in which pile driving is prohibited by USACE and NYSDEC. Lastly, pile driving is an intermittent activity that would have only a limited effect on suspended sediment concentrations within any given location during the duration of construction.

**Comment 91:** The proposed project would require never-before seen in-water construction practices (for installing “pods” up to seven stories above the water). This is a significant departure from the existing condition in the interpier area that demands a full SEQRA analysis. (Phillip Musegaas, Riverkeeper, Inc. and Deborah Mans, NY/NJ Baykeeper)

**Response:** There is nothing unique about the pile driving associated with the proposed project. A full SEQRA analysis of the potential construction impacts of the proposed project has been provided. See Attachment H of the EA.

### *PROPOSED BARGE*

**Comment 92:** There has not been sufficient information provided regarding the size, location and duration of the actors' barge and its impact on the river and its habitat. (Deborah Glick, New York State Assemblymember, District 66)

This project will result in six months of permanent barge presence where there has never been a permanent barge. The facilities on the barge will require heating and cooling, power supply, drainage, and other factors not yet considered in HRPT’s review process. Moreover, the presence of this barge would occupy one of the two barge “slots” allowed in the Park during each season; meaning that because of Pier 55’s theatre space demands, only one other barge would be allowed in any other part of the Park during any given year—a fact that must be made clear to the public for an informed, transparent decision

to be reached. Mooring of the barge to the new pier for long periods of time could also result in shading impacts to the riverbed that need to be more fully assessed through the preparation of an EIS. (Phillip Musegaas, Riverkeeper, Inc. and Deborah Mans, NY/NJ Baykeeper)

The lease agreement allows for the mooring of a 4,000-square-foot barge off the west side of the pier for six months of the year, and concern has been raised that this impact may exceed that anticipated by docking of historic ships as anticipated in the General Project Plan for the park. (Tobi Bergman, Community Board 2, Manhattan)

**Response:** The potential impacts of the barge have been analyzed in Attachment F of the EA, "Natural Resources." That analysis is conservative because it assumes the largest possible vessel size and the longest possible duration of six months per year. The likelihood is that the vessel size would be smaller and the duration and frequency would be shorter.

*CLEAN WATER ACT AND HUDSON RIVER PARK ACT*

**Comment 93:** The opposition to these permits come from Section 404 of the Clean Water Act, which entails three important restrictions on development in United States waterways versus the discharge of materials. (Andrew Lawrence)

**Response:** The proposed project is a modification to the existing USACE/NYSDEC permit for in-water and over-water construction in Segment 5 of the Park. A Joint Permit Application for the proposed project is being prepared and will be submitted to these agencies for their review and approval.

**Comment 94:** I don't feel that we should be filling up our waterways with things that are not water dependent. I just don't believe they belong there. (Gwen Billig)

The rivers for fish and fisheries and navigation. That's what the Clean Water Act says, it says not to put things in the river that don't belong there. If it's not water dependent, as green parks and theaters are not, it doesn't belong in the water, it belongs on land. The Sierra Club, Friends of the Earth, New York Public Interest Research Group and the Clean Air Campaign are all opposed to building in the Hudson River. They're right. (Alison Tupper)

The proposed project would be illegal. The proposal calls for intrusions into the Hudson River for non-water-dependent uses. Although this would be on a smaller scale than Westway, it would suffer from similar legal infirmities. (Jim Lane, Sierra Club)

**Response:** The New York State legislature has authorized the Hudson River Park as a waterfront park and has specified the uses permitted within that park. In addition to the uses, the size and location of the reconstructed Pier 54 have also been authorized by the State legislature. Accordingly, the proposed project is water

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dependent. In addition, it should be noted that water dependency is not a determinant of the need for an EIS under either SEQRA or NEPA.

**Comment 95:** Construction of the Diller amphitheater island would violate the Clean Water Act. Under the Clean Water Act and other federal laws that govern Army Corps permits, approvals for engineering works in public waterways are not supposed to be granted for non-water dependent activities. The first objective under the law is to avoid adverse impacts to aquatic resources, and the second is to keep public waterways open for navigation. Performing arts facilities and amphitheaters belong on dry land, not on top of a river. By placing more non-water dependent facilities in and over a river, the project exhibits a disdain for the billions in federal disaster relief provided to the city in the aftermath of superstorm Sandy. (Dr. Brent Blackwelder, Friends of the Earth and Foundation Earth)

**Response:** See Response to Comment 94.

**Comment 96:** The Pier 55 Project does not comply with the Act's requirement that within the Estuarine Sanctuary "only water dependent uses shall be permitted." These uses are limited to those that depend on the water (i.e., water is integral to the use), such as boating, swimming, sailing, or waterborne commerce (e.g., ferry service). The Pier 55 Project is clearly not a water dependent use, as defined by the Act, or as used in land use, coastal zone management, or waterfront development contexts. (Phillip Musegaas, Riverkeeper, Inc. and Deborah Mans, NY/NJ Baykeeper)

**Response:** See Response to Comment 94.

### *NATURAL DISASTERS AND CLIMATE CHANGE*

**Comment 97:** The impacts of development here are uncertain. I urge you to look at the original maps for West Way. That work was to be completed in the Hudson and would have meant that after Sandy or even half of Sandy, we'd be looking at four miles of catacombs. (Andrew Lawrence)

**Response:** The potential climate impacts on the project have been reviewed in detail in Attachment B of the EA, "Land Use, Zoning, and Public Policy," and Attachment F of the EA, "Natural Resources." The proposed project is specifically designed to be resilient to major storms.

**Comment 98:** Protecting public safety is public official's prime duty. Using taxpayer subsidies to entice up to 5,000 people out to rock concerts and other events in a number one hurricane evacuation zone in the river is the exact opposite of sensible disaster prevention. Forcing police officers and other first responders to risk

injury or death to rescue those people when the next devastating storm hits the Pier 55 location would be reckless and unfair. We ask you not to put Pier 55 in the river in order to avoid potentially catastrophic public safety (Marcy Benstock, Director of Clean Air Campaign and its Open Rivers Project)

Raising the pier platform 20 feet may protect it from high tides but it won't protect it from major storms and hurricanes if they hit there. We shouldn't be building anything in hurricane evacuation Zone 1. People and property are at great risk, including hundreds of first responders. (Alison Tupper)

On the subway I saw an ad for calling 311 to know your hurricane zone. I wonder if you could put that up on the HRPT website. (Andrew Lawrence)

The site is in the flood zone at highest risk in the event of a major storm, especially one of the magnitude of Superstorm Sandy—and one well-established effect of ongoing climate change is that such storms are likely to become more frequent and more powerful. Although it is generally a bad idea to encourage building in this area, it would be particularly ill-advised to do so when the taxpayers are at risk for the inevitable damage. (Jim Lane, Sierra Club)

Danger from storms is poorly addressed. Only flooding is really considered, but the winds and blowing debris will create havoc with Diller Island material. (Bunny Gabel)

The Diller-HRPT proposal would locate more non-water dependent development in an area ranked as the #1 highest risk hurricane evacuation zone by NYC. The proposed project runs directly counter to sound planning in a period of rising sea level and increasingly frequent, severe storms. (Dr. Brent Blackwelder, Friends of the Earth and Foundation Earth)

Concerns were raised about the environmental assessment done by HRPT including the potential risk of high winds and the structure's ability to withstand them. (Tobi Bergman, Community Board 2, Manhattan)

**Response:** Events would not be held during weather conditions that would be threatening to public safety, and the pier would be treated as any other location along the coast during an emergency and evacuated when necessary. As analyzed in Attachment B of the EA, "Land Use, Zoning, and Public Policy," the proposed project would be consistent with the New York City Waterfront Revitalization Program (WRP) policy to minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and to increase resilience to future conditions created by climate change. The pier is being designed to withstand wind loads in accordance with NYCDOB Code.

**Comment 99:** We must learn from Super Storm Sandy's visit a couple of years ago that caused such hardship and destroyed so much development on and near our oceans and waterways. Billions of tax dollars go to funding the National Flood Program for

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people that continue to build on the water, knowing storms are going to come and damage their property and the rest of the world will pay for them? We must learn from Sandy's visit. (Dan Gabel)

Diller Island is in a dangerous storm zone area that assures endless reconstruction and insurance costs. (Bunny Gabel)

**Response:** See Responses to Comments 97 and 98.

### *NATURAL RESOURCES ANALYSIS IN THE EA*

**Comment 100:** The scientific studies in the EAF are lacking—of the 126 documents referenced, only 18 are vintage earlier or more recent than 2010, and one goes back to 1966. (Bunny Gabel)

**Response:** The EA examined in detail the potential for the proposed project to affect natural resources in accordance with the 2014 *CEQR Technical Manual*. This evaluation considered current project-specific information on the pile type, design, pier design, nighttime lighting, and construction methods. Relying on the most recent available information and literature, impact criteria, and methodologies, the EA concludes that the proposed project would not result in significant adverse impacts to natural resources.

### **SOLID WASTE AND SANITATION**

**Comment 101:** This is a new pier with new environmental impacts that should be reviewed, including solid waste and sewage. (Deborah Glick, New York State Assemblymember, District 66)

**Response:** The EA provides a comprehensive compilation of detailed analyses of all relevant environmental impact categories. It extends over a couple hundred pages and follows the guidance of the *CEQR Technical Manual*. The *CEQR Technical Manual* states that few projects generate the substantial amounts of solid waste (50 tons a week or more) that would result in a significant adverse impact. As detailed in Attachment A of the EA, "Project Description and Environmental Analysis," the proposed project would not generate any new residents. Further, it would not generate workers and visitors of a scale that would result in an exceedance of the threshold specified in the *CEQR Technical Manual*. Therefore, the proposed project would not require any detailed analysis of solid waste and sanitation.

As also detailed in Attachment A of the EA, the proposed project would include a sanitary sewage connection and permanent bathrooms to serve the public and amphitheater events. However, the estimated sanitary sewage generation for the proposed project would only be the demand generated by park users and attendees at cultural events. The proposed project would not increase population

density in the area, would not be located in a sensitive drainage area, or increase impervious surfaces compared to the No Action condition. Therefore, according to the guidance in the *CEQR Technical Manual*, an analysis of wastewater and stormwater infrastructure is not required, and the proposed project would not result in any significant adverse impacts to water and sewer infrastructure.

## TRANSPORTATION

**Comment 102:** The proposed project will cause a traffic nightmare on the highway. This number of people coming in and out, how are they going to get there? We have already been overwhelmed by the meat market. (Dan Gabel)

The neighborhood is concerned with more traffic and more people, in an area that is already swarming with cars and people. DOT may have to take a fresh look at the area. (Elaine Young)

Traffic and transportation concerns in the area are a major concern for this project. (Brad Hoylman, New York State Senator, District 27)

Steps need to be taken to discourage any additional traffic created by Pier 55 from entering into the already-congested Gansevoort Market area or the residential areas immediately to the south. In addition, late-night traffic impacts on W 14th street should be considered - if 14th Street is blocked up, traffic can't exit the lower, north-bound blocks of Ninth Ave which in turn causes congestion (and late-night horn-honking) in the residential areas to the south. (Zach Winestine)

Why do we need the proposed project? We have a wonderful park along the Hudson and two parks in the Square. The traffic has and is making the West Village anything but the reason people wanted to move and live here in the first place—a village, a community, scaled down from the rest of New York. (C.M. Gardner)

CB2 is already coping with the popularity of The High Line and the resultant challenges (traffic, environmental, etc.) that its success presents to the neighborhood, as well as the popularity of the Meatpacking District and anticipated popularity of the soon-to-open Whitney Museum and soon to be developed Pier 57. Because there is no apparent way to assure that projected audience sizes will not be significantly exceeded, and it is also probable that the high profile features of the new open space will attract not only local users, but numerous other visitors, including tourists and people from the surrounding region, neighbors have raised concerns that the cumulative impact of trips to Pier55, along with other new traffic generators in the area will negatively affect comfort and access on streets and sidewalks. Steps should be taken to mitigate traffic concerns and transportation impacts, including but not limited to: discouraging additional traffic resulting from events held at Pier55 from

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entering into the already-congested Gansevoort Market area or the residential areas immediately to the south and east, sidewalk widenings, parking prohibitions, tour bus bans, traffic lane orientation modification, wayfinding signage for pedestrians, and coordination with inland street designs for optimal access and minimal pedestrian/vehicular and vehicular/vehicular conflict. (Tobi Bergman, Community Board 2, Manhattan)

**Response:** The peak traffic demands associated with the proposed project would be similar to those previously experienced for large events at Pier 54 and elsewhere in the Park. If the proposed project is approved, consistent with Park practices and good event planning practices, operating and management plans would be developed in advance of the events and implemented as necessary to address traffic, circulation, and queuing issues within and adjacent to the park. Further, large-scale events of a scale that would occur in the main space would require temporary place of assembly permits from the New York City Department of Buildings. Such permits control the size of events.

With regard to cumulative impacts, see response to Comment 37.

**Comment 103:** Though there is a proposed new bus stop to be added, it should be expected that many visitors will come via the subway (most likely the station at 14th St. and 8th Ave.), and crowds walking to and from events on the new pier from that station will create noise and potential pedestrian safety issues especially crossing West St. and the greenway bike path. (Tobi Bergman, Community Board 2, Manhattan)

**Response:** If the proposed project is approved, consistent with Park practices and good event planning practices, operating and management plans would be developed and implemented as necessary to address pedestrian and bicycle circulation issues within and adjacent to the park during event conditions. Further, with the implementation of the Pier 54 Connector Project, a greater volume of pedestrians will be able to be accommodated on the esplanade than can currently be accommodated, and the bikeway will also be improved.

**Comment 104:** I don't know what's going to happen to the bike lanes or to all of the people who walk their dogs, their children, themselves, or the skateboarders that are now able to use the esplanade. The High Line is so congested that you can't walk to the end of it to see the river, and you can only walk on it at 8:30 in the morning or 8:30 at night. I'm concerned that this wonderful park is going to bring a lot of people to this area, and a lot of tourists. If 3,000 people come for a performance, where are they going to go after or before the performance? (Nadine Hoffmann)

**Response:** The history of the Park attests to the fact that a number of piers within the Park have attracted audiences of a comparable or greater size than referenced in the comment and they have been managed successfully.

**Comment 105:** The public planning process for Pier 54 should consider the cumulative impact of a newly proposed Pier 54, development at Pier 57, the Whitney and the rezoned Meat market District on Route 9A's pedestrian, bicycle and vehicular traffic. (Tom Fox)

**Response:** The transportation analyses in the EA were done in conformity with the *CEQR Technical Manual*. See response to the immediately following comment.

**Comment 106:** The analysis of traffic in the EAF is less comprehensive than is typical of public works of this size. It is respectfully submitted that the EAF does not provide the same depth of analysis as a full EIS, and that the unique environment of the area, both natural and human, should not be disrupted, and perhaps irreparably harmed, without such analysis. (Christopher Slowik)

**Response:** In the No Action condition, the pier would resume its use for public recreation and cultural programming and experience a level of visitation associated with those uses. Therefore, the analysis in the EA focuses on the incremental change associated with the notable design of the pier beyond the visitation experienced under the No Action. Table A-2 in Attachment A of the EA, "Project Description and Environmental Analysis" presents the incremental trip estimates associated with the pier having a notable design. Comparing the incremental trip estimates with 2014 *CEQR Technical Manual* Screening Level 1 and Screening Level 2 thresholds, the traffic, pedestrian, and transit trip estimates do not exceed the CEQR thresholds. Therefore, detailed analyses are not warranted as no significant impacts are expected.

**Comment 107:** Why do we need the proposed project? All the parking spaces have been taken away in the neighborhood. (C.M. Gardner)

**Response:** As presented in Table A-1 and Table A-2 in Attachment A of the EA, vehicle trips are expected to represent only five percent of the total modal split (the mode of travel visitors use to arrive to and leave from the pier). This results in an additional 11 vehicles or less during peak conditions beyond the No Action condition in which the pier would resume its use for public recreation and cultural programming. Therefore, there would not be any significant adverse parking impacts.

## AIR QUALITY

**Comment 108:** The air quality analysis in the EA is flawed. How will trucks crossing to deliver stage equipment affect West Street car traffic? Delays and air problems are unavoidable. (Bunny Gabel)

**Response:** The EA provides analyses following the guidance of the *CEQR Technical Manual* of the relevant environmental impact areas. As described in Attachment

A of the EA, “Project Description and Environmental Analysis,” the proposed project would not result in any changes or facilities requiring detailed air quality studies. With respect to the effects of traffic delays on air quality, as described in Response to Comment 102, peak traffic demands associated with the proposed project would be similar to those previously experienced for large events at Pier 54 and elsewhere in the Park. Since there would be no additional traffic or delays as compared to the No Action condition during events, no mobile-source analysis is required, and the proposed project would not result in any significant adverse impacts to air quality.

With respect to truck deliveries and car traffic, plans would be developed and implemented to protect traffic, pedestrians, and bicyclists. This could include the use of traffic enforcement agents to monitor and facilitate traffic during deliveries.

## **NOISE**

**Comment 109:** The neighborhood is concerned with more traffic and more people in an area that is already very noisy. (Elaine Young)

**Response:** As detailed in Attachment G of the EA, “Noise,” the proposed project would not generate sufficient traffic to have the potential to cause a significant noise impact according to *CEQR Technical Manual* criteria resulting from vehicular traffic or events at the proposed pier. As detailed on page G-9 of the Draft EA, the maximum predicted increases in noise level even during events with the highest potential attendance would be at most a barely perceptible increase in noise level at any adjacent noise receptor.

**Comment 110:** There are also concerns about amplified sound disturbing nearby residential areas. (Brad Hoylman, New York State Senator, District 27)

I question the wisdom of including an amphitheater within earshot of residential areas. Such a feature would invariably generate noise complaints from the entire West Village and surroundings, as has been experienced on other occasions from amplified musical events at Hudson River Park, and as can be confirmed by the 6th Precinct. There should be no outdoor theatrical/musical addition on the proposed pier, or any structure erected for the purpose of amplified performances of any kind. (Ben Benson)

The noise analysis in the EA is flawed. What about the noise from multiple new sources on the island? The EA blows this off, saying few residents will be affected, but residents living as far away as 61 Jane can tell you of sleepless nights from Pier 54 events. (Bunny Gabel)

There is concern that the sound of noisy events on the pier will carry into the neighborhood as occurred when performances and events were held on Pier 54,

although the design concept includes elements for noise abatement, and noise levels are promised to be well below those of prior performance uses on Pier 54. (Tobi Bergman, Community Board 2, Manhattan)

**Response:** The noise analysis in Attachment G of the EA analyzed noise from a “peak event” at the proposed pier, which represents an event with amplified sound and with up to 5,000 attendees. This peak event represents the most noise that would be generated on the proposed pier; conditions during this event would generate more noise than smaller events with multiple sources of noise. As detailed in Attachment G of the EA, “Noise,” because the design for the proposed pier would typically orient the event stage and associated speakers facing west toward the Hudson River, noise receptors (e.g., residences) east of the proposed pier would experience a perceptible to readily noticeable decrease in noise levels during peak events on the proposed pier as compared to past events on the pier. With the renovated Pier 54 in the No Action condition, the speakers would face toward the upland areas, as they did for past events. Further, the receptor locations in the noise analysis are located less than 500 feet away from the main event space. As the nearest residence is located over 800 feet away from the main event space, residences would experience noise associated with the proposed project at an even lower level than at these receptors.

**Comment 111:** The analysis of noise in the EAF is less comprehensive than is typical of public works of this size. It is respectfully submitted that the EAF does not provide the same depth of analysis as a full EIS, and that the unique environment of the area, both natural and human, should not be disrupted, and perhaps irreparably harmed, without such analysis. (Christopher Slowik)

**Response:** The analyses in the EA encompass all relevant environmental impact categories, including noise. The analyses in the EA are detailed and substantial and comply with SEQRA and its implementing regulations as well as the *CEQR Technical Manual*. As detailed in the EA and above, in responses to Comment 6 and 110, the proposed project would not result in any significant adverse impacts—due to noise or any other impact category—and thus consistent with SEQRA and its implementing regulations, no EIS is required.

**Comment 112:** The proposed project would bring six months of public performances and new noise generation, not in the same location as the existing Pier 54, but in a different location where there have been no such performances before. (Phillip Musegaas, Riverkeeper, Inc. and Deborah Mans, NY/NJ Baykeeper)

**Response:** As detailed in Attachment G of the EA, “Noise,” the calculation of noise levels at adjacent receptors resulting from events/performances on the proposed pier accounted for the change in location of the performance space with the proposed new pier. The calculations accounted for the shorter distance between the performance space on the proposed new pier and the adjacent noise receptors

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compared to the performance space on the pier in its existing location. The calculations also accounted for the re-orientation of the stage and associated speakers to face west toward the Hudson River instead of east toward Manhattan. With these changes incorporated in the calculations, the noise analysis predicted a decrease in noise levels or a barely perceptible increase in noise levels during a peak event at the proposed pier compared to an event at the pier in its existing location.

**Comment 113:** Pier 55 should be required to purchase the equipment necessary to monitor sound levels (including deep bass levels), train personnel in the proper use of this equipment, and insure that the sound levels at all events do not exceed a limit that is set in consultation with the surrounding community and does not exceed NYC noise code. (Zach Winestine)

HRPT and Pier55 should commit to purchasing the equipment necessary to monitor sound levels (including deep bass levels), train personnel in the proper use of this equipment, and insure that the sound levels at all events do not exceed a limit that is set in consultation with the surrounding community and does not exceed NYC noise code. (Tobi Bergman, Community Board 2, Manhattan)

**Response:** Pier55 will be bound by the New York City Noise Code and will monitor noise levels as necessary.

## NEIGHBORHOOD CHARACTER

**Comment 114:** Why this location? The project site is in the meatpacking district, with SuperPier to the north, and with Hudson Yards to the north. This area is already impacted by the meatpacking district, the Gansevoort area, and also the Village—which has unique culture and a lot of history behind it. I'm not sure this belongs in this location. (Will Rogers)

I'm concerned, between the High Line, the new Whitney, Chelsea Piers, and Chelsea Market, what is going to happen to this esplanade and what is going to happen to our park. I think the proposed project would be great for the City. I don't think it would be so great for Greenwich Village. (Nadine Hoffmann)

**Response:** The proposed project would result in a public park pier in the same general location where one previously existed and where one would exist in the future without the proposed project. The proposed pier would not result in any change in land use on the site, and the proposed pier would have the same peak event capacity as the rebuilt pier in the No Action condition. The proposed project would allow the pier to resume its use as a public recreational and cultural events space serving the neighborhood and the larger city. As detailed on page A-16 of Attachment A of the EA, "Project Description and Environmental Analysis," while the proposed project would add a dramatic new park element

to the neighborhood, the proposed project would not have significant adverse impacts in the technical areas related to neighborhood character (land use, urban design, visual resources, historic resources, socioeconomics, traffic, and/or noise).

## CONSTRUCTION

**Comment 115:** The EAF acknowledges that the Project will have significant construction noise impacts. The irreplaceable environment of the surrounding neighborhood should not be so severely impacted with such minimal analysis. (Christopher Slowik)

**Response:** The commenter is incorrect. The analysis presented in Attachment H of the EA, "Construction," concludes that the proposed project would not result in any significant adverse noise impacts during construction. While the proposed project would entail pile driving, unlike typical ground-up construction, it would not involve building demolition, excavation, and superstructure construction activities, which often generate among the highest levels of noise emissions since these stages of construction would require simultaneous use of heavy construction equipment. Although certain construction activities associated with the proposed project (i.e., pile driving) may be considered noisy and intrusive, potential increases in noise levels as a result of construction-related activities would be of limited duration. In addition, construction activities are regulated by the requirements of the New York City Noise Control Code. Furthermore, there are very few noise sensitive receptors near the project. The nearest residences are located approximately 650 feet away, and there is intervening noise from traffic on Route 9A. For all of these reasons, no significant adverse noise impacts would be expected due to the construction of the proposed project.

**Comment 116:** Concerns were raised about the environmental assessment done by HRPT including the proximity of gas lines to the planned construction area. (Tobi Bergman, Community Board 2, Manhattan)

**Response:** As with all construction in New York City that has the potential to affect utilities, coordination with appropriate agencies would occur in advance of construction and all applicable safety requirements would be followed.

## MISCELLANEOUS

### *HUDSON RIVER PARK, THE ACT, AND FUNDING OF THE PARK*

**Comment 117:** The documents on HRPT's website for this project are filled with fundamental misrepresentations and material omissions. The documents do not provide a valid basis for any lawful approvals. (Marcy Benstock, Director of Clean Air Campaign and its Open Rivers Project)

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**Response:** This non-specific comment is without any basis. HRPT has complied with all applicable legal requirements.

**Comment 118:** In addition to this proposal for Pier 54, there have been a number of recent actions by the Trust that lack both transparency and meaningful public participation in their planning including, Pier 40, Pier 57, and Pier 97. In addition, the Trust has not been transparent about its finances, as the Act requires. HRPT has totally failed in its mission to secure public funding from the city, state and federal government required to ensure the completion of the Park and its management, maintenance and capital replacement. (Tom Fox)

**Response:** HRPT regularly updates its Advisory Council and Community Boards about new initiatives concerning the Park, as was done for Pier 57 and Pier 97. Over the years, Pier 40 has been the subject of many exchanges with these organizations. HRPT has secured more than \$450 million in public funding to date from federal, state and city sources, well in excess of the \$200 million in public funding identified in the Act. This public funding has allowed HRPT to build the entirety of the public park that exists and is in use today.

**Comment 119:** HRPT complains about lack of money. It has already had over \$350 million in public money. Why not declare the park finished? (Bunny Gabel)

**Response:** The Act and the GPP establish a vision for the Park which has not yet been completed.

**Comment 120:** I see the December 2014 report from the State Comptroller's Office, Division of Government Accountability, details of an audit of HRPT that reveal serious money leaks and wastefulness, with 19 recommendations for improvements, including that HRPT follow regulations about budget management and expenditure control. The regulations required HRPT to have supporting documentation for its budget assumptions, but the audit found no documentation for the 3 years in the audit scope. (Bunny Gabel)

**Response:** HRPT has responded to the Comptroller's report. That response is available on the Comptroller's website. In addition, financial information, including budgets, is posted and available on HRPT's website.

**Comment 121:** Moving forward, understanding the delicate negotiations involved with obtaining a donation of this size, HRPT should reaffirm its commitment to genuine community input into all plans for Hudson River Park. (Tobi Bergman, Community Board 2, Manhattan)

**Response:** HRPT has reaffirmed its commitment to ensuring that the community participates substantively in planning for the Park.

*OTHER*

**Comment 122:** I hope everyone has read the 37 page New York State Comptroller's Management Practice Report covering HRPT's operations from 4/1/2010 until 3/26/14. No one on the board would be happy if their company or organization received such an uncomplimentary management report from their auditors. You would probably view the report and make any needed changes in personnel and procedures to get back on course. If you're asking for contributions from the public or Friends of HRPT, I suggest you get your house in order. (Dan Gabel)

**Response:** See Response to Comment 120.

**Comment 123:** Many of us realize that the Hudson River Park Trust is not really an agency of the park system but a development agency and that in its own right an interest is constantly looking for new funding. If a new neighborhood improvement district is approved, they will get the green light for the backing of up to \$300 million in financing. This financing will benefit some of the richest people in the City who don't really need our help to make another couple of bucks. If these permits are approved and the City and State get behind them, it is very difficult for people who might have other opinions to make a case that would be considered legitimate in State courts. In many ways, this is a federal issue and not a State issue or a City issue and where the opposition should concentrate. (Andrew Lawrence)

**Response:** There is no neighborhood improvement district being proposed. It is unclear what is meant by \$300 million in financing.

**Comment 124:** The 17 piers that are newly rebuilt look suspiciously like someone's idea of how to deck over the Hudson waters to create more Manhattan real estate. We look at maps and see how easy it is to connect the piers with platforms, fill in with ships to form the kind of new development space envisioned by the West Way planners. Why the push for building in the river? Not for sun bathing or jazz. What will end up on Gansevoort Peninsula just south of the proposed project, and how will it connect to Pier 55 and how will Pier 55 connect to Pier 57 and Pier 57 to Chelsea Piers and points north? (Bunny Gabel)

**Response:** The Act would not permit the linkage of piers in the Park.

**Comment 125:** Seattle recently started construction of the Beacon Food Forest Permaculture Project, an initiative to use common parkland to share the growing of food with the public. BFF will involve the community in all steps of the process of food production, and will serve as a teaching tool for children. New Yorkers, overwhelmingly, do not get to experience the fascinating process of growing their own food – especially children who are born and raised here. Schools in

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New York City do not have much land on which to create "teaching gardens," one of the best ways to help children understand where their food comes from. I am sure that Mr. Diller and Ms. von Furstenberg would agree with me that the mission of all public works should be the maximum betterment of the communities they serve. The proposed pier would better serve New York City if the food forest model of land management were used for this park land, and if Pier55 partnered with NYC public schools to use this park as a food education center. (Ari Himber)

**Response:** This idea would not meet the purpose and need of the proposed project.

**Comment 126:** I am contacting you from Secret Cinema: a London-based events company that creates site-specific cinematic environments. An intersection of film, theatre, music and art, we build immersive worlds that saw 200K attendance in 2013 alone. We are currently venturing in the US and we are interested in proposing an experience at Pier 55 that will change the NYC cultural landscape and provide place-making opportunities. (Eftihia Stefanidi, SECRET CINEMA USA)

**Response:** Comment noted.

**Comment 127:** Got to keep this link between the old and new worlds..... A bit of old style culture, the gate to all our dreams..... (Robert Hone)

**Response:** Comment noted.

## SUPPORT

**Comment 128:** Great Job!!! (Cindy Malinchak, Environmentally Based Green Building LLC)

As someone who has lived in the West Village for over a dozen years, and runs a small software company in the area, I wanted to offer my unqualified support for this project. I think Pier 54 has the potential to be truly extraordinary. It's a unique public/non-profit partnership, a world class public park, and a performance venue that puts theater artists from the community in dialogue with local artists, schools and organizations to create long-term, meaningful programming partnerships. Stephen Daldry (PS3/Clinton parent) and George C. Wolfe both have a deep and abiding commitment to engaging the community in a sustained, ongoing relationship. I strongly support this development and hope that the neighborhood will continue to be included in this process. (Marlowe Greenberg, Foothold Technology, Inc.)

I am a mother, Broadway performer, college professor and New Yorker and I live in the West Village with my husband and 13 year old daughter. I am excited about the prospect of this new venture for Pier 55. From the unique and wildly imaginative design to the performance space, to the prospect of having an

affordable space with affordable tickets for public art, performances and community events, this proposed park seems like a dream come true to our Village community. The design is exceptional and seems to me that the proposed funding and maintenance is a no-brainer. Families and singles alike need and will welcome this proposed space. It will be an opportunity to gather together all the elements that make our New York City/community truly remarkable. The idea that we will be able to connect and engage our local community in order to develop the programming for this performance space is fantastic. New Yorkers often give up much personal space in order to continue to be here in this exciting and stimulating city. We find ways to make small spaces useful, beautiful and interesting. This would be a continuation of that. (Mary Kate Law)

As a resident of Lower Manhattan for 41 years and the West Village for 38 years and currently with a child at PS3, I wish to express my support for "Pier 55". Pier 55 will be a positive and welcome attribute to the community. (Andrew Ginzel)

I have been a resident of Chelsea for 24 years. My three children went to PS3 elementary school in the Village. I am so excited, as a member of this dynamic community, to welcome another venue for arts and recreation into the neighborhood! I love Hudson River Park and marvel at the improvement along the riverfront from what used to be there. This new park offers more opportunity for older kids to enjoy the beauty of our waterfront and our cityscape. I can't wait to see what programming the people involved come up with, and I hope very much that local schools will get a chance to use the performance spaces. Most of the complaints against the project are either about noise or traffic, which I can't see being a problem, or worries about control, which seem to be hashed out already. What a beautiful gift the city has been offered! Let's move this forward! (Liz Craig)

I am in full support of building Pier 55. I have been living in the West Village on-and-off since 2001. My daughter goes to PS3 and I think it would be a wonderful resource for families. Green space contributes to everyone's well being and health. (Natalie Baker)

I offer my full support of the Pier 54 project. As a resident of Greenwich Village, a theater director in the downtown NYC community and father to 2 children I think it would be an amazing addition to the neighborhood. I have lived in NYC for over 20 years and have seen up close the transformation of Hudson River Park and feel the theater addition and more green space could only be seen as a welcome addition. It is clear more families are remaining in the city rather than moving as they did in the past so the culture and green space is needed now more than ever. (Bob McGrath, Ridge Theater)

I am writing to support the opportunity for the development of the Hudson River Park at 13th street to be designated as a public park and Performance space! As

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a resident of the downtown community and as an advocate of the arts, I adore the designation of this pier to be developed into a park and more importantly into a performance space for the arts. Urban dwellers would be well served to have a destination of respite in a natural environment. Please continue the work that has been done in this direction and move forward with the plans to turn Pier 55 into a public green space and performance opportunity! (Heather Church Tsapalas)

Like the Highline, which seemed a strange creature, with many questions when first proposed, I see this new pier as a future asset to our community. As the Hudson Yards are developed, outdoor space on the West side will be at a premium. This offer to build and sustain a space for leisure and performance enhances our community, is responsive to our needs, and provides opportunities for entertainment and artistic expression. (Alica Elliott)

I heartily commend the Diller Von Furstenberg Foundation for their history making, philanthropic commitment to the arts and culture in New York City and, specifically, the west side of Manhattan, by proposing to build this exciting and innovative new public space and performance venue on our waterfront. Pier55 is poised to be a major asset for our community and theater and music loves everywhere. The Foundation's gift of at least \$130 million to be supplemented with public funds, ensures that Pier55 is financed through its completion. I am extremely impressed with the world class group assembled to see this project through to completion. With rolling hills, gardens, passive recreation space, a public plaza and three performance spaces, the park will be an outstanding public gathering space. Furthermore, the creation of Pier55, Inc. demonstrates a commitment to bringing the highest quality performances to our community and our City. (New York State Senator Brad Hoylman, New York State Senator, District 27)

The generosity of the Family Foundation is unprecedented and the team leading Pier55, led by Kate Horton, seems incredibly capable, thoughtful and willing to be responsive to community needs. (Deborah Glick, New York State Assemblymember, District 66)

I congratulate the Diller Von Furstenberg Foundation and Hudson River Park Trust for delivering through a lot of hard work and diligence a spectacular gift to the City of New York and its citizens. The park is a wonderful place for people who live in New York and visit New York to enjoy various activities, recreation, arts, education, et cetera, but the addition of a dedicated arts and performance space is truly welcome. And given the mission of the Foundation and the Pier55 group to deliver free, low cost and diverse programming will be an exceptional addition to the park and to the City. I also congratulate the team for a bold design that gives really a forward looking view to the park at a time when the City has undergone tremendous construction and some of the most radical changes are changes that are only enjoyed by a very small section of the

economy. This is a spectacular and creative piece of architecture and design that will be enjoyed by everybody. Opportunities like this do not come along without individuals like the Diller Von Furstenbergs and so, while I understand some of the questions about the process to get here, I think the benefits from what we've seen here and from what is yet to come, are things that everyone can feel very, very good about. Friends of Hudson River Park looks forward to working with the Trust and the Pier55 team to bring this vision to conclusion for everyone to enjoy. (Scott Lawin, Vice Chairman, Friends of Hudson River Park)

I think this is a spectacular thing for New York City and for the neighborhood. This spectacular gift is part of a nationwide trend of very generous philanthropists funding, for the public benefit, parks. It comes as part of a very long history here in New York, of philanthropists building things for the public benefit. You can't play golf on a City golf course without you paying to do so, so there are some limitations. But, overall, I would say this is spectacular because for good reasons the City and State no longer have the money to put into this park. And if they did, they would be rebuilding this with public dollars. The City and the State have put in \$400 million into this park already and there are other very pressing needs like housing and transportation and mass transit and things like that. So I do not fault the City and State for doing that. But the alternative to not accepting this gift is to allow the pier to collapse and to not have the pier that was there and to used, again, primarily for public events, including ticketed events. I mention, once again, the precedent we have within the park acreage the thousands of acres of New York City parks, there are things like botanical gardens and zoos, performing arts centers and museums. And in all of those, they use private donations to build very extensive facilities. My perception is, knowing just a little bit about this, that there's probably no more coverage than there was on the previous pier that's there now in terms of what's covering the water. That might be slightly less. But by raising it up above the height of the previous pier, you're going to allow more sunlight to penetrate through to the water surface and the scientific studies have shown that it's the presence of sunlight that really helps with the habitat value. So I think all around for people, for plants, for music, for arts and for the fish, this is a fabulous plan. (Adrian Benepe, The Trust for Public Land)

I think this is a fabulous plan. A year ago I took my children to London and we took them to see a panda for the first time. And when we were there I was overwhelmed by: how enormous the theater was and that it was the middle of the day and the theater was packed with over 1,500 children and just how engaged the kids were with the theater that was being presented there. I greatly appreciate the fact that we're going to have free and low cost programming theater events at this park. I would argue that it should be a theater, the whole thing, with a little bit of park around the edges. As an actor myself and a lot of friends who are playwrights and who create new work every year, we used to be able to do a play every year here in New York, 10, 15 years ago. Now it's pretty

## **Pier 54 Redevelopment**

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prohibitive because you have to come up with \$7,000 to be able to rent the space to put your play on. So I like to hear that it's new work. I like to hear that we're involving the children. (Camille Hadbacker)

Pier 54 has a rich history of community action and engagement, indicative of the vitality of our community. Unfortunately, the pier's deteriorating condition led to its closure in 2011. In addition to its state of disrepair, Pier 54 is also the physically narrowest pier in the entirety of the Hudson River Park, which made events there extremely difficult to orchestrate without violating Fire Code. The closure of Pier 54 was a loss of public space for the neighborhood already in dire need of additional public space. I welcome Barry Diller and Diane Von Furstenberg's generous gift to make possible the construction and maintenance of the proposed Pier 55. We are presented with the unique opportunity for the creation of innovative public open space in a district, like mine, that is starved of parks. This project will provide us with a much needed, 2.5 acres of space for our community to utilize. Its landscape will feature green space, plant life, wooden areas and performance venues. The creative arts promise to benefit greatly from this project. Our community is known throughout the world as a source of ground breaking theater, music, literature and dance and the three performance spaces built into the park design have the potential to help us continue this proud legacy. The creation of Pier55, Inc., led by Kate Horton, to address the programmatic endeavors within these spaces, should help to ensure that they are best utilized in accordance with our communities' priorities. The design of the park also allows for an event to be taking place in the amphitheater performance space which comprises approximately eight percent of the pier, while the remainder of the public space simultaneously remains open for the community to enjoy. I am encouraged by this prospect as it promises to accommodate both art lovers and those simply seeking out public space without one coming at the expense of the other. I'm appreciative of the pier's elevated design aimed to consider rising water levels due to climate change and potential future super storms. (Councilmember Corey Johnson, New York City Councilmember, District 3)

You know, the vilification of private funding for these projects is really troubling. This has been done in New York for a couple of centuries now and were it not for this funding, we would be without some of our beloved landmarks and some of our most beloved assets that we have in this City. To suggest that simply because a private gift is made that it will be for the benefit of people as wealthy as those who give it is ludicrous. This park will be a gift in perpetuity to all New Yorkers and, indeed, people from all around the world. Over 17 million people a year use our park. I spend a lot of time in the park myself. I have two small children and if you go to the park, you would see that the diversity of the people who are using that park, whether they're runners or bikers or people enjoying the beautiful scenery. If you go to Pier 40, you hear 20 different languages spoken. I think this is a wonderful project for the City. It's

one of those projects that will make us proud to be New Yorkers. And I really thank all of the people who put in so much hard work and time doing this. (Peter Braus, Friends of the Board of Hudson River Park Trust, Chair of the Tribeca Committee of Community Board 1)

New Yorkers for Parks are always happy to welcome new open space to our City. We are pleased that this ambitious and complex plan to extend parkland beyond the waterline is proceeding largely with private funding. We believe Pier 55 will become a popular resource for New Yorkers of all ages and all incomes, as the rest of Hudson River Park has become and that the Diller Von Furstenberg Family Foundation's commitment to support maintenance and programming fuels our optimism. New Yorkers for Parks supports this plan to bring 2.7 acres of visionary open space, architecture and inclusive arts and cultural programming to New York City. We are also pleased to see that the lease agreement between the Trust and the Foundation has been carefully crafted to ensure maximum public access, as well as a maintenance funding plan for the next 20 years. Knowing how vitally parks can boost public health, quality of life and economic stability, we hope to work with the Hudson River Park Trust to ensure an ongoing conversation about Pier 55's long term future. We hope to collaborate with the Trust to advocate for funding strategies that will support this and all other parts of the park. By fashioning a place for great events, Pier 55 answers a long held question about how our parks can provide spaces for recreation, passive use and entertainment to the public without shortchanging other public services. We appreciate the spirit behind this project and we hope to work with all parties as Pier 55 becomes another local landmark. (Lucy Robson, New Yorkers for Parks)

I'm definitely not in opposition to any of the social services or any of the social issues that are great for our City, as well as open spaces and I commend you for that. (Will Rogers)

Friends of the Highline strongly supports the proposed Pier 55, which will create a valuable new public space for New Yorkers to enjoy for years to come. As Hudson River Park is developed, we have watched its effect on our neighbors and how they respond to being immersed in nature in close proximity to the City, as well as to the river. Based on the current design concept, we are confident that this new pier will become one of the most cherished parts of the park. The design is not just beautiful, it is a thoughtful example of intelligent open space planning, creating a pedestrian loop as opposed to a dead end will integrate the lushly landscaped island into the linear pedestrian circulation of the park. In addition, the siting of the performance venues will allow cultural programs and everyday passive uses to co-exist seamlessly and simultaneously. The proposed programming will be a terrific neighborhood amenity. The focus on free and low cost programs, as well as programs for families and children, will make them particularly useful and accessible. We applaud the visionary

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generosity of Barry Diller and Diane Von Furstenberg. Their financial support for Pier 55 to build and maintain it is extraordinary. Thanks to them, a dilapidated pier without prospect of being restored will be innovatively reconceived. Barry and Diane are continuing one of our City's best cultural traditions in which public institutions are created by private philanthropy. Think of the Carnegie branch library for the New York Public Library, for example, institutions that would not have existed otherwise and have become important and beloved parts of the City's culture and fabric. Like the many laudable and transformative initiatives that the Diller Von Furstenberg Family supports, Hudson River Park's Pier 55 will be a great gift to the pier's local neighborhood and to the City as a whole and we strongly recommend advancing it through the approval of the lease. (Joshua David, President and Co-founder, Friends of the High Line)

While we live in one of the great cultural capitals of the world, my wife and I are also struck by how few of those cultural opportunities are affordable. Sadly, we no longer live in a world where exposure to the arts is a given. Listening to George Wolf lay out the vision for Pier 55 was very inspirational to me and encouraged me that we can at least make a small dent in this problem. As a parent, the lack of green space in New York is always a huge concern. As my son gets older and the playground holds less allure, I wonder how we'll find how we'll find ways and reasons to be outside in the neighborhood. This seems like an amazing gift and an opportunity for us to combine two real needs, an opportunity that we'd be foolish to turn down especially when the alternative is an abandoned and decrepit pier. (Robert Osborne)

When I came to the Village as a kid in 1967, the whole waterfront on the west side was dilapidated and discouraging and, you know, after I had kids to play, it just seemed very discouraging. I think the proposed project is a wonderful idea and it's pretty exciting for me with my family still in the Village. One of the women at the Community Board meeting said that it's very easy to criticize any kind of project but it's really very difficult to come up with the creative vision to bring something new and different. I think I agree with that. And having said that, I think that this is a creative vision and I think it's pretty exciting. Also, one of the criticisms was that there hasn't been enough transparency. I came very late to this so there was no transparency for me because I wasn't even aware of this project until fairly recently. But one thing I felt strongly for the people who feel like there wasn't enough say, is you can't have 80 people involved in the decision about how a thing could be designed. There was a person who said that we can't go into this with blind faith. To them, I want to say, there has to be a certain amount of blind faith. That's the only way that anything can get done in this city. (Elizabeth Scharlatt)

The park is visionary. It is a wonderful use of space open to all of us in the neighborhood, those with families and young children who need it. And it seems

to me this proposal is the perfect culmination of that park. I'm so very thankful that we still have philanthropists that can fill in the public funding gap that we currently have in the cultures and the arts and the public libraries and the public schools. Just one last thought on impact on the neighborhood. With respect to noise I think the neighborhood is reeling. It's seen a lot of development. It is the meat packing district. I'm woken up every Saturday at 4:00 a.m. by intoxicated individuals. And so there's a knee jerk reaction against development in the neighborhood. I think it's important to say that this is not that. When I view these slides, I see families with young children and singles and seniors packing picnics and crossing West Street and having a picnic and enjoying Shakespeare under the stars on a beautiful midsummer night. Please build this park while my kids are still young. (Mitchell Kane)

I imagine someday in the future, my children playing at this pier, Pier 54, that they'll be hanging out there attending performances and marveling at the aquatic life out in the water. But we are for the open green space on the river and look forward to this being a win-win for all of the community. (Julie Dovan)

I am here to express my deep gratitude to the Diller Von Furstenberg Foundation for this extraordinary gift. I come to this proposal from three perspectives; as a native, as a supporter of Hudson River Park and as a member of my broader community. As a lifelong Villager, I cherish Hudson River Park. I sailed from these piers as a girl when there were ships on them and I suntanned on the asphalt as a teenager after the ships left. The crumbling docks were not without their gritty charm but they were a sad landscape for the greatest waterfront in the world. Hudson River Park has been a beautiful transformation and this gift honors the incredible value that it has to our neighborhood and to our City. As an officer now of the Friends of Hudson River Park, I know that private philanthropy is crucial for the park to flourish. It's neither a City nor a State park so it doesn't have a home in anyone's budget. The business model for operating it made sense when it was designed but it's proven inadequate over time to the real costs of running the park. The Pier 55 proposal is not an answer for the park overall but it certainly is a wonderful solution for the dilapidated pier that it replaces. As Vice Chair of the Parks and Waterfront Committee of Community Board 2, I understand the community's concerns about this project. I'm not speaking for the Community Board but we've held two discussions on this proposal and we've heard our neighbors express a lot of worries along with a lot of enthusiasm. The greatest fear is that a private person could control public space. Our neighborhood is always, understandably, very fearful that deeper pockets might carry a stronger voice. But I am confident that we can protect our public voice. We have an opportunity for a public/private partnership that can bring an extraordinary vision to life for this park. Pier 55 is interested in our input and I see an interest in our community to see this project thrive. I hope you'll approve this significant action and allow the pier to go

forward. The promise it holds for improving our open space and for enhancing our cultural life is exceptional. (Susanna Aaron)

As a parent, I can only dream of a space that would have this kind of access to culture in our neighborhood. My daughter is turning nine and the park's become a little less and less appealing. You know, they grow out of it and they want more culture and art. I also think about some of the people involved in this project. I don't think it's "us versus them." We're one community and can sort of address the concerns. There are real concerns with any project, small or big. People who are involved in this, like Steven Daldry, are the same people who have been a constant voice of positivity and progress in our community and in my school. And I can't fathom them approaching this without that same concern in mind for our community. So I'm very in support of this project. (Sondra Schwartz)

We recently moved downtown after living up close to Central Park for about 11 years. And the most interesting observation my seven year old son has made as we walk to school every day, as we used to uptown across Central Park, was, I miss seeing the trees, I miss the green, I miss grass underneath my feet. And I said, well, we have parks here. We can go to the river. His sister in kindergarten, every week walks to the Hudson River to do a water sample, to look at pollution and understand the relationship of nature and the human experience in New York City. Unless you've been a parent with young children here, it's hard to imagine what those sad looking parents or caregivers you see on a subway, miserably trying to get a double stroller into a subway car to go up to Central Park, have gone through to make that epic effort occur. But trying to take young children into live theater at Times Square for any show under an hour is an epic feat that's pretty much impossible and most New York parents avoid it. To say the very least, I welcome the project. I look forward to bringing my children there and their friends. (Paige Panzner Kosek)

I love the fact that you're going to have performance art, dance, live entertainment, art for 700 people. Theater performance and art embracing the history of art—I love that. (Novac Noury)

You've heard from many of our board members tonight. I hope it's clear that Friends of Hudson River Park wholeheartedly supports the new Pier 55 project. Personally, as someone who's been a resident of Chelsea and Greenwich Village for over 25 years and who has many fond memories on Pier 54, I am very excited by everything that I've seen and heard. I look forward to creating many more memories in the years to come. We at Friends, thank Barry Diller and Diane Von Furstenberg for this extraordinarily generous gift. We hope that it's a catalyst, that it sparks others to make similar contributions that will help finish the park. We applaud Diana Taylor, Madelyn Wils for identifying and cultivating this unique private/public partnership. We stand firmly behind this

proposal and we are excited to be a partner as everything moves forward. (Gregory Boroff, Friends of Hudson River Park)

I support the proposed redevelopment of Hudson River Park and the Pier 54 property. I have a deep respect for New York's maritime heritage. When my father served at Ft. Hamilton in the U.S. Army our family had two occasions to sail Transatlantic from New York, once aboard the Gen. Maurice Rose in 1957 and again in 1962 aboard the SS United States. I urge you to foster and grow this bold initiative and I believe it will be a valuable connection to those who respect New York's place in the historical context of passenger liner travel. The finest ships in the world considered New York an ultimate destination and competed for the opportunity to regularly service her citizens with oceanic travel. Let's use this rare opportunity to make a real difference and celebrate New York and her rich maritime history. (Michael Jaramillo)

The proposed Pier 54 Redevelopment will be a very fine addition to the community, both from a general recreation and cultural event perspective, in a wonderful setting. As acknowledged in the redevelopment submission, the former Cunard-White Star Line pier has a notable history with links to the Lusitania, the loss of which will be commemorated in Cobh, Ireland this year. On the outskirts of this small Irish town is a graveyard where recovered bodies, from the sinking of the Lusitania 100 years ago in May 1915, are interred in a mix of communal and individual graves. Almost 3 years prior to that, on a wet night in April 1912, the Cunard vessel Carpathia wrote itself into the history books by safely bringing to New York the survivors from, what is arguably the most famous ship wreck in history, the Titanic. Its precious human cargo gratefully touched land on Pier 54. Pier 54 has suffered from the ravages of time and weather and this very fine Redevelopment Proposal will breathe a new lease of life into the area. (Irish Titanic Historical Society Ed Coghlan, Chairman, Chantal Keogh, Secretary, Kilian Harford, Membership Secretary, Irish Titanic Historical Society)

People are excited about this proposal and I want the project to move forward in a timely manner. The donation is an incredible gift demonstrating the kindness and vision of the donors. (Bob Townley, Manhattan Youth)

As working theater artists and parents of a child in public school in the West Village, we are inspired by plans for the new performance and open public spaces proposed for Pier 55. As more and more downtown spaces close their doors, the three new and truly unique stages that are part of the proposal would be an enormous boon to New York's performing arts community, and to the public they serve. Diverse audiences will be naturally drawn to this new space as an extension of the masterful Hudson River Park, regardless of income or existing theatergoing habits. Non-traditional and site-specific spaces hold a particular vibrancy and immediacy for performers and patrons alike, and we are enormously excited about the promise of broad public access to incredible

## **Pier 54 Redevelopment**

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performances in a public park surrounded by greenery, water, and light. (Daniel Talbott and Addie Johnson, Rising Phoenix Repertory)

I can't wait to visit Pier 55 on my next trip to New York City! (Edna Pelzmann)

Congratulations on the future Pier 55 park. (Margie Rubin, Disabled in Action)

The Manhattan Chamber of Commerce is in support of the Pier 55 plan. We feel that the public/non-profit partnership is a very smart way to create a sound foundation for the park and community engagement. And it puts into place a long-term funding strategy. As The Diller—von Furstenberg Family is prepared to make an historic pledge and guarantee construction costs and ongoing maintenance, this project has firm footing. Unlike other parks within New York City limits, HRP receives no operating funds from the City or State which is why this proposed funding source is a critical one to the success of the project. With the strong leadership identified, and with the involvement of the community through schools and arts and theater groups, we believe the range of cultural programming and execution of such will be of tremendous value to the neighborhood. With the focus on theater, dance, music, art exhibits and performance art, the programs will appeal to young and old. And with tickets being free or subsidized or at a low cost (comparable to other low cost events held by nonprofits throughout the city) the pier should be a destination for the community. Also, the design of the park allows for a great deal of the park to be open to the public even during performances which is very appealing—after all, this is a park first. We understand that the pier will be publically accessible aside from a few occasions when parts of the pier will be closed for larger events. This occurs in all parks across the city when sections are closed where occasional programs are running. It is noted that most people will be walking to the venue from the local community and from taking mass transit. HRPT will also be building a new 13th St. crosswalk to improve pedestrian flow and safety. We also understand that the lease protects HRP which is necessary and also clearly establishes that the pier will remain open to the public. (Nancy Ploeger, Manhattan Chamber of Commerce)

CB2 applauds the generosity and innovative approach to public space of the Diller-Von Furstenberg Family Foundation. The proposed performance venue called Pier55 will bring an important new cultural institution to New York City and significantly enhance the public stature and benefits of Hudson River Park. The rebuilt pier will add significant new park area for public access and enjoyment. The pledge will go towards funding not only the new pier and park's construction, but also its operation, maintenance and programming for the next 20 years. It is the expectation that this gift and the subsequent development of the envisioned pier will attract increased support from the community, the City, the State, and significant donors toward the completion of the Park, which is now just 70% complete and is continually underfunded. The design represents an attractive and inventive solution for a combined public park and performance

venue as well as a unique innovation in the tradition of created landscapes. We recognize that HRPT has pledged that the existing Historic Arch at the entry of Pier 54 will be preserved. The completed "pier" structure will provide a departure from the linearity of the park, adding interest and playfulness appropriate for the new use of the historic waterfront. Pier55 Inc. has assembled an international management and programming team of the highest reputation. CB2 applauds the enormous generosity of the donors for making this unprecedented investment in local arts programming and outdoor space and congratulates HRPT for obtaining such an extraordinary donation and enthusiastically supports the project's promise of high-quality arts programming made available to a broad public but has concerns about future funding of this pier should Pier55, Inc. experience financial troubles or vacate the lease. (Tobi Bergman, Community Board 2, Manhattan)

**Response:** Comments noted. \*