

CITY OF NEW YORK  
**MANHATTAN COMMUNITY BOARD FOUR**

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**JEFFREY LEFRANCOIS**  
Chair

**JESSE R. BODINE**  
District Manager

October 13, 2022

Richard Davey  
President  
MTA New York City Transit  
2 Broadway  
New York, NY 10004

Dan Garodnick  
Chair & Director  
City Planning Commission & Department of City Planning  
120 Broadway  
New York, NY 10271

Margery Perlmutter, R.A., Esq.  
Chair  
Board of Standards and Appeals  
40 Rector Street  
New York, NY 10006

**Re: Proposed West 28<sup>th</sup> Street Substation Project**

Dear President Davey & Chairs Garodnick and Perlmutter,

Manhattan Community Board 4 (MCB4)'s Transportation Committee heard from the Metropolitan Transportation Authority (MTA) about their project to build an underground electric substation in the roadway of West 28<sup>th</sup> Street, approximately 200-ft west of Eighth Avenue and 80-ft from the nearest residential building. The MTA has built and is operating 230

of these substations. One such substation is located above ground at 150 West 16<sup>th</sup> Street, a residential street in Chelsea, another one is at 253 West 13<sup>th</sup> Street in the Village.

This construction will take place on the public roadway in the heart of Penn South Mutual Redevelopment Houses (Penn South), an affordable cooperative housing community that is home to 5,000 persons including many seniors. It is a Naturally Occurring Retirement Community (NORC). The Transportation Committee meeting on September 21<sup>st</sup>, had 195 residents in attendance and we heard from 30 speakers including the Chair of Penn South's Board. The Penn South community is vehemently opposed to this installation in their midst.

MTA indicated that they have received contractors' bids and plan to award the construction contract as soon as next month. However, at this time, in spite of years of dialogue, a number of questions remain, and issues have not been properly addressed by the MTA.

- While we appreciate the efforts to date to consider alternative sites, we ask that you search exhaustively for a viable alternative. For example, the old Penn Station Powerhouse was suggested as an alternate but has not been evaluated.
- An Environmental Due Diligence Assessment as required under the New York State Environmental Quality Review Act (SEQRA) was published on the day of the Full Board, much too late for the community to independently evaluate the impacts.
- A Special Permit has not been obtained from the Board of Standards and Appeals (BSA) as required by New York City Zoning for Public Transit Electric substations open or enclosed (ZR 22-21 and 73-16). For example, the BSA requires to demonstrate benefit to this community: we asked you to accelerate the upgrade of the West 23<sup>rd</sup> Street subway station to make it ADA compliant which would be a clear benefit to this community.
- A preventive program to mitigate construction noise has not been provided. Working six days a week is not acceptable. The project should use business days and hours only. We request to meet with the contractor once selected, to discuss their approach to construction noise and the schedule they will follow.

By a vote of 37 in favor, 0 opposed, 0 abstaining, and 0 present but not eligible, MCB4's Full Board adopted this resolution at its October 6<sup>th</sup> meeting.

### **Description of Project according to MTA**

**Why a substation?** The MTA is upgrading the subway system to deliver more reliability and frequency to commuters – something we all applaud. This involves improving the signals and providing more power and redundancy to various lines, including A, C and E lines in our district which serves over 50,000 commuters daily. A traction power substation converts AC electric power from ConEdison to the DC voltage required to supply the subway trains with enough power to function.

**Why this location?** The substation must be located between the Greenwich and West 53<sup>rd</sup> Streets substations and within 300-ft from the subway tracks. MTA indicated that West 28<sup>th</sup> Street fits those criteria: it offers a very wide roadway to allow simultaneously construction and traffic, without requiring special accommodation for ingress and egress of buildings or the additional burden of acquiring properties, that would increase the costs to the taxpayers. Other streets were considered. East of Eighth Avenue, West 28<sup>th</sup> Street has significant construction already underway. On West 27<sup>th</sup> a narrow street, preserving egress for the large number of students at FIT would be very challenging. The old Penn Station Powerhouse at 242 West 31<sup>st</sup> Street which is owned by Amtrak, was suggested as an alternate location during the meeting. We request that the MTA evaluate the site as soon as possible since MTA is already undertaking significant work in this area.

**What are the impacts of the finished station?** The station is underground. The street will be restored to its previous state with a widened sidewalk (by 60%) to receive ventilation and access grates. There is no perceptible noise emanating from the station. Health organizations (American Cancer Society, World Health Organization, National Associations, Center for Diseases Detection) statements indicate that there are no health effects from electromagnetic fields associated with substations. The MTA is not aware of fire risks at their stations which are monitored 24 hours a day remotely. In the event of a fire, the station being underground and encased in a concrete box in the roadway will minimize risks. The station will be built to the most recent sustainability standards to withstand a Category 2 storm. Its footprint is sufficiently removed (80-ft) from the closest building to have no impact on the building foundations. The station will not encroach on the park or greenery, and MTA tells us that the surrounding underground has been and will be tested for stability.

**What are the benefits to the community?** The Special Permit requires the MTA to demonstrate that “such use will serve either the residential community within which it is proposed to be located or the residential community immediately adjacent.” In MCB4’s July letter we mentioned that accelerating the upgrade of the West 23<sup>rd</sup> Street subway station to make it ADA compliant would be a clear benefit to this community and would help make this project comport with the BSA requirements.

**What are the impacts during the construction phase?** The project will last 39 months with 24 months of work at street level, nine of which will generate noise. MTA will take baseline sound measurements and will monitor construction noise to ensure it is within the New York City noise guidelines. They also indicated they would take measurements inside apartments - if required- based on nuisance complaints and address the issues. Dust will be managed according to existing construction rules. MTA noted that they will set up a Construction Advisory Committee that will

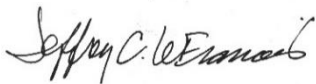
meet regularly with community representatives to address any problems that arise, including dust and noise.

- Based on our experience with Hudson Yards, we are concerned that MTA is underestimating the noise issue in such a park-like quiet setting with a large number of aging residents who do not work during the day. We are dismayed that they rejected the use of techniques - like using a cocoon (sound dampening enclosure around the sound source) or replacing residents' windows - that were successfully deployed by other developers at Midtown West.
- MTA indicated they will work six days a week, which is well beyond acceptable normal hours as requested in our July 1<sup>st</sup> letter.

The combination of these two factors is a recipe for failure and will negatively impact the community during the construction.

We note that the BSA may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for soundproofing.

Sincerely,



Jeffrey LeFrancois  
Chair  
Manhattan Community  
Board 4



Christine Berthet  
Co-chair  
Transportation Planning  
Committee



Dale Corvino  
Co-chair  
Transportation Planning  
Committee

Cc: Hon. Brad Hoylman, New York State Senator  
Hon. Richard Gottfried, New York State Assembly Member  
Hon. Erik Bottcher, New York City Council Member