



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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District Manager

March 20, 2009

Amanda M. Burden, AICP
Chair
City Planning Commission
22 Reade Street
New York, NY 10007

Re: Access to the Region's Core (ARC) – Proposed Station Entrance at 323 West 34th Street and Fan Plants at 600 West 29th Street and 431 West 33rd Street - ULURP Nos: N 090262 ZRM and 090263 ZSM

Dear Chair Burden:

At its regular monthly meeting on March 4, 2009, Manhattan Community board No. 4 held a duly noticed public hearing on the application referenced above. The following comments and resolution, recommending conditional approval, were approved by a roll call vote of 34 in favor, 4 opposed, no abstentions and 1 present but not eligible to vote.

OVERVIEW

This is an application by the Port Authority of New York and New Jersey ("Port Authority") and New Jersey Transit relating to the new railroad passenger station for the Access to the Region's Core (ARC) project, including station entrances and facilities for emergency ventilation of the tunnel ("fan plants"). The station itself will be located beneath 34th Street and east of Eighth Avenue, in Community District 5; only a small amount of the station's ancillary space will extend underground west of Eighth Avenue into Community District 4. All of the passenger entrances and pedestrian connections will be located east of Eighth Avenue, in Community District 5.

Our comments are limited to the facilities proposed to be located in Community District 4:

- an ADA-compliant elevator and stair entrance for station employees to be located within the existing parking garage at 323 West 34th Street;
- Fan Plant 1, on 28th Street east of Twelfth Avenue; and
- Fan Plant 2, at 431 West 33rd Street, between Ninth and Dyer Avenues

At the outset, CB 4 wants to wholeheartedly thank the applicants for submitting these elements of the ARC project to the city's land use review process, and not resorting to the state's ability to override that process. The applicants have met with us repeatedly throughout the planning for this important project, starting with our first meeting on May 26, 2005, and demonstrated a genuine commitment to understanding and addressing, to the extent possible, our community's concerns. This admirable willingness to engage in an ongoing consultation with our community should be a model for all public authorities.

THE APPLICATION

The application proposes a zoning text amendment to modify Zoning Resolution Section 74-62 (Railroad Passenger Stations) and a special permit pursuant to ZR Section 74-62(b) as amended.

The proposed zoning text amendment would modify Section 74-62 as it affects railroad passenger stations located in Community Districts 4 and 5 in Manhattan. It would allow the City Planning Commission to permit, in connection with railroad passenger stations, other facilities such as ventilation facilities appurtenant to the station or its approaches, and to permit the modification of certain bulk requirements in connection with such facilities. Additionally, it would delete the accessory parking requirement, update the findings and requirements for the special permit, and make other changes applicable only in CD5.

The special permit findings required for the facilities to be located in CD4 would be that:

- (i) any bulk modifications are the minimum necessary for the proper operation of the facility; and*
- (ii) that the design of the facility will blend harmoniously with the surrounding area.*

OUR COMMENTS

1. The text amendment. We recommend approval. Our only comment is that ZR Section 74-62(a) should be modified to make it clear that it does not apply in CDs 4 or 5. (Section 74-62(b) will apply only in CDs 4 and 5; Section 74-62(a) will apply in all other districts.)
2. Employee ADA Entrance. This elevator and stair entrance would be located within the existing parking garage at 323 West 34th Street, and would be used only by station employees. This seems entirely appropriate. No bulk modification is sought and the entrance will blend harmoniously with the surrounding area. We have no further comments.
3. Fan Plant 1. Fan Plant 1 (FP-1) is to be constructed on the north side of 28th Street on Block 674, bounded by 28th and 29th Streets and Eleventh and Twelfth Avenues. It will house equipment for tunnel ventilation, train operations and facility operations,

and will provide emergency exit from the tunnel. As the ARC project's first ventilation facility in Manhattan, FP1 must provide significant ventilation capacity, but it will be used only for emergency purposes and will not run constantly.

The site is zoned M2-3, which requires a 20 foot setback at a maximum height of 60 feet from street level and a sky exposure plane of 2.7. The proposed building would rise to a height of 144' without setback, violating the base height, set back and sky exposure plane requirements. The applicant is seeking a special permit to allow the proposed building form.

We applaud the decision to move the building from the Twelfth Avenue end of the block where it would have been across from the Hudson River Park. In its current location, the building's high street wall with no setback matches the form of the Central Stores warehouse complex across 28th Street.

The findings. We agree that the requested bulk modifications appear to meet the first of the two applicable findings required for the special permit, that they are "*the minimum necessary for the proper operation of the facility*". The dimensions of the proposed building have been determined by a combination of mechanical requirements and negotiations with Consolidated Edison, the latter seeking to minimize the impact on the ConEd operations on the rest of the block. The majority of the facility will be built below grade, but the necessary equipment requires larger floor plates and a building that does not set back as required by current zoning. In addition to reducing the building's impact on the ConEd property, a taller building also is consistent with placing the ventilation louvers as high as possible to permit the dispersing of smoke with minimum impact on the surrounding area.

We do not believe that the facility's design is sufficiently advanced to meet the other applicable finding, "*that the design of the facility will blend harmoniously with the surrounding area.*" The current plans, as presented to us by the applicants, reflect a very early stage of architectural development and are lacking in specificity and detail to satisfy the required finding. While we are confident that the applicants are committed to developing an appropriate design, this must be done, in consultation with CB4, before the special permit is approved. We offer the following comments to guide the design process, and look forward to reviewing alternative designs with the applicants.

The Central Stores warehouse complex is part of the West Chelsea Historic District, and it is important that FP-1 be designed to respect both this individual building and the historic district. The illustrative elevation drawing for FP-1 (sheet Z-12 in the application) calls for a façade of off-white pre-cast panels, which would not match the building across the street, or any future building on the block designed with the WCHD in mind. A brick, industrial look would be more appropriate.

Since it is free standing and will be by far the tallest structure on the block – and likely will remain so for many years – it is important that the east and west elevations

be designed to be attractive even though they eventually will be hidden behind adjacent buildings. These side walls will be visible from great distances.

The creation of the Special West Chelsea District has led to residential development on neighboring blocks to the east, and tentative plans have been set for Block 675 and the Western Rail Yards to the north. It is likely that residential and commercial uses eventually will come to Block 674. Even if that transition is many years off it is important to consider the increasing pedestrian traffic that will pass by the building between the new residential development to the east and the Hudson River Park and design the street level façade accordingly. We recommend that you consider ConEd's neighborhood-friendly design on its new substation at 700 Eleventh Avenue. That facility features a façade that will effectively create an appearance of activity from the street. The sidewalk must be well-lit with pedestrian-scale lighting. Street trees must be planted in accordance with the standards of Section 26-41 of the Zoning Resolution, regardless of the exclusion in ZR Section 43-02 for Use Group 17 uses in M3 districts.

4. Fan Plant 2. Fan Plant 2 (FP-2) is to be a 139-foot tall structure constructed on a portion of the vacant lot at 431 West 33rd Street. The site is surrounded by St. Michael's School to the east (part of the landmark-eligible St. Michael's Church complex) and two large residential buildings to the north (440 West 34th, 16 stories, 134 units) and northeast (430 West 34th Street, 17 stories, 178 units). To the west of the site is Dyer Avenue and an 18-story office building. The small western portion of the lot not occupied by the FP-2 structure will be designed as publicly-accessible open space.

Similar to FP-1, FP-2 will provide emergency ventilation of the railroad tunnel and station. It will operate only in the event of an emergency, and for testing purposes. The fan plants are considered to be a Use Group 17C use. The site is zoned C6-4, which does not allow uses in Use Group 17C. The applicants are seeking a special permit to allow this use. No bulk modifications are being requested.

The findings. The finding applicable to FP-2 is “*that the design of the facility will blend harmoniously with the surrounding area.*” The illustrative elevation drawing for FP-1 (sheet Z-16 in the application) requires that the architectural appearance of the facility, including the materials and colors of the façade, must be architecturally compatible with the adjacent St. Michael's building. The preliminary design concept shown during the presentations indicates that this requirement will be well satisfied.

We are concerned, however, that the proposed design places the tallest portion of the facility closest to the residential buildings abutting the site to the north, cutting off light and air to the many apartments that overlook the site. The proposed structure has a 90-foot street wall on 33rd Street, and rises in stages to a total height in the rear of the structure of 139 feet. To reduce the impact on the residential buildings, we request consideration of alternate designs such as moving tallest portion of the structure to the 33rd Street side of the building. We recognize that this could require

bulk modifications that have not been included in the application. We would be amenable to a zoning override to address the community's concerns. In any event, the rear façade of FP-2 should be clad in a light-colored material for maximum reflection of light into the overlooking apartments.

The sidewalk must be well-lit with pedestrian-scale lighting. Street trees must be planted in accordance with the standards of Section 26-41 of the Zoning Resolution.

Open space. We are pleased that the applicants propose to return the unused western portion of the site to publicly-accessible open space. In addition, the Port Authority has expressed its willingness to take steps to convert its through-block strip of property on the west side of Dyer Avenue to publicly-accessible open space. That strip is now occupied by a community garden that is rarely open to the public. We have long desired to find a way to maintain that garden while making it more open to the public. We welcome the Port Authority's willingness to address this issue, and look forward to working with them to design attractive open space on both sides of Dyer Avenue. The spaces are small, but can be creatively designed to become an attractive neighborhood amenity.

Construction impacts. Construction at the FP-2 site will be noisy and dusty, and must be carefully planned to minimize and manage impacts on St. Michael's School and area residents. The applicants plan to enclose the construction site with a temporary structure designed to absorb noise and dust, which should help. But the blasting schedule is too vague and therefore unacceptable. Currently, it is proposed to take place in the early morning and again in the afternoon. Blasting must not take place during school hours as the noise, dust and vibration will affect students. It should not take place at night, when it will disturb area residents. A construction coordination task force should be created, with representatives of the construction managers, the school, the neighborhood residents, CB4 and the local elected officials to plan for and advise the community of construction activities as they progress. Additionally, the school building is a historically eligible building that may be considered for landmark status. The applicants must undertake a structural survey in order to ensure the structural integrity of this historically relevant building, in addition to maintaining the health and safety of its students while the school is in operation.

Sections 5.3 and 5.7 of the Final Environmental Impact Statement identify a range of mitigation measures required for the construction impacts at FP-2, including "a noise mitigation plan, dust control plan, and use of quietest and cleanest equipment to further reduce impacts to the school and church," (FEIS p. 5.3-3) and "site enclosure or other agreed upon measures (e.g., acoustical windows) to reduce noise levels, limited queuing of trucks, coordination of the timing of the noisiest construction activities, and assignment of a project staff person throughout the construction period to identify the most effective mitigation measures" (FEIS p. 5.7-17). We will be vigilant in ensuring compliance with these requirements.

NOW, THEREFORE, BE IT RESOLVED that Manhattan Community Board No. 4 recommends approval of ULURP Applications No. N 090262 ZRM and 090263 ZSM, subject to the following conditions:

1. The design of FP-1 is further developed in consultation with CB4 to be architecturally compatible with its surroundings and create an active appearance at street level, including sidewalk lighting and street trees;
2. The design of FP-2 is modified as much as possible to reduce its impact on the surrounding residential buildings, and includes sidewalk lighting and street trees;
3. A process is established to design and develop the open space adjacent to FP-2 in consultation with CB4;
4. The applicants agree to establish a construction coordination task force to plan for and advise the community of construction activities at the FP-2 site as they progress; and
5. The mitigation measures identified in the FEIS are in place to protect the St. Michael's School building and the adjacent apartment buildings and their occupants during construction at the FP-2 site.

Sincerely,



Jean-Daniel Noland, Chair
Manhattan Community Board 4



Anna Hayes Levin, Chair
Clinton/Hell's Kitchen Land Use

[signed 3/20/09]

Elisa Gerontianos, Co-Chair
Clinton/Hell's Kitchen Land Use



J. Lee Compton
Chelsea Preservation and Planning

cc: Mr. Tom Schultz, ARC Project Director, NJ Transit
Mr. Richard Sarles, Executive Director, NJ Transit
Mr. Coscia, Chair, PANYNJ
Mr Phillip Ward, CEO, PANYNJ
Mr. Donald Burns, Executive Director, Federal Transit Administration, Region II
U.S. Senator Charles Schumer
U.S. Senator Hillary Clinton
U.S. Senator Frank Lautenberg
U.S. Senator Robert Menendez
Congressman Jerrold Nadler
Governor David Patterson
Governor Jon Corzine
NYC Council Speaker Christine Quinn

Manhattan Borough President Scott Stringer
NYS Senator Thomas Duane
NYS Assemblymember Richard Gottfried
DCP – Calendar Office, Erika Sellke
PANYNJ – Alexandria Sica
New Jersey Transit
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MBPO – Anthony Borelli, Michael Kent
City Council Land Use Division – Danielle DeCerbo
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