

LEGAL NOTICE

NEW YORK STATE URBAN DEVELOPMENT CORPORATION

D/B/A EMPIRE STATE DEVELOPMENT

NOTICE OF A SECOND PUBLIC HEARING TO BE HELD JANUARY 20, 2022

PURSUANT TO SECTION 16 OF THE NEW YORK STATE URBAN DEVELOPMENT

CORPORATION ACT AND

ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW

IN CONNECTION WITH

THE PROPOSED PENNSYLVANIA STATION AREA CIVIC AND LAND USE IMPROVEMENT

PROJECT (FORMERLY KNOWN AS THE EMPIRE STATION COMPLEX CIVIC AND LAND

USE IMPROVEMENT PROJECT)

PLEASE TAKE NOTICE that the New York State Urban Development Corporation d/b/a Empire State Development (“ESD”) will hold a second public hearing, open to all persons, on Thursday, January 20, 2022 from 5:00 pm to 8:00 pm, pursuant to Section 16 of the New York State Urban Development Corporation Act (Chapter 174, Section 1, Laws of 1968, as amended; the “UDC Act”) and the State Environmental Quality Review Act (Article 8 of the New York State Environmental Conservation Law) and the regulations adopted pursuant thereto (6 NYCRR Part 617) (collectively “SEQRA”), utilizing the Zoom video communications and teleconferencing platform, to consider: (a) the proposed adopted General Project Plan (the “GPP”) for the proposed Pennsylvania Station Civic and Land Use Improvement Project [formerly known as the Empire Station Complex Civic and Land Use Improvement Project] (the “Project”); and (b) the Draft Environmental Impact Statement (“DEIS”) for the Project. The link for the virtual public hearing is:

<https://us02web.zoom.us/meeting/register/tZUucO-qrD4vGN3tlsmBnhLyP93suzVYUDAh>, the number for calling in is +1 (646-558-8656) and the meeting ID is 813 7622 5529. Additional information explaining how to participate in the virtual public hearing is available on ESD’s website at: <https://esd.ny.gov/empire-station-complex>. This hearing was originally noticed for January 13, 2022 but has been changed to January 20, 2022.

The public hearing is for the purpose of: (1) informing the public about the Project; (2) giving all interested persons an opportunity to provide comments on the adopted proposed GPP, pursuant to Section 16 of the UDC Act; and (3) giving all interested persons the opportunity to give testimony on the DEIS pursuant to SEQRA.

In accordance with Section 16 of the UDC Act, during the period since ESD adopted the proposed GPP for the Project, ESD has worked closely with and consulted the Project’s Community Advisory Committee and its larger Working Group, local elected officials and community stakeholders with respect to the proposed Project. After considering comments and recommendations made during and after such consultations, ESD staff has developed certain proposed revisions to the plan for the Project, which staff presented during the December 8, 2021 hearing and intends to present at this second public hearing for public comment. ESD staff anticipates presenting the proposed revisions, along with all public comments with respect to the Project, to the ESD Directors for their consideration in determining whether ESD will affirm, modify, or withdraw the adopted GPP for the Project and in making their final determinations under the UDC Act and SEQRA. Information concerning the ESD staff’s proposed revisions is available on the ESD website at <https://esd.ny.gov/empire-station-complex> and as described below in the section on “Availability of the GPP and DEIS”.

Project Area

The area of the Project (the “Project Area”) is generally bounded by Sixth and Ninth Avenues

to the east and west, and by West 30th and West 34th Streets to the south and north, and is located in Manhattan Community Districts 4 and 5. The Project Area includes all or portions of nine Manhattan tax blocks—Blocks 754, 755, 780, 781, 783, 806, 807, 808, and 809. These blocks encompass New York Pennsylvania Station (“Penn Station”), Madison Square Garden, 1 Penn Plaza, 2 Penn Plaza, Moynihan Train Hall, and surrounding blocks, including the following development parcels: Site 1, at 403-415 Eighth Avenue (Block 754, Lots 34–41, 44, 51, and 63); Site 2, comprising the full block bounded by West 30th and West 31st Streets and Seventh and Eighth Avenues (Block 780, all lots); Site 3, at 363-371 Seventh Avenue (Block 806, Lots 1, 3, 6, 9, 69, and 76); Site 4, located on the east side of Eighth Avenue between West 33rd and West 34th Streets (Block 783, Lot 1 and part of Lot 70); Site 5, located on the west side of Seventh Avenue between West 33rd and West 34th Streets (Block 783, Lots 34, 48 and part of Lot 70); Site 6, at 435 Seventh Avenue (Block 809, Lots 1, 3, 4, 5, 8, 16, 17, 69, 73, 80, and 82); Site 7, located on the east side of Seventh Avenue between West 32nd and West 33rd Streets (Block 808, Master Lot 7501); and Site 8, located on the west side of Sixth Avenue between West 32nd and West 33rd Streets (Block 808, Lot 40).

Project Description

The Project is described in detail in the GPP, and the GPP and the staff-proposed revisions to the plan for the Project (referred to above) are available to the public as set forth below in the section on “Availability of the GPP and DEIS”. The Project would address conditions in the Project Area through a comprehensive redevelopment initiative that would create a revitalized and cohesive, transit-oriented mixed-use district and add much-needed mixed-use development (including affordable housing) and civic improvements (including public amenities and transit improvements). The Project would benefit New York Pennsylvania Station (“Penn Station”) and encourage high-density sustainable growth around North America’s busiest transportation hub. Moreover, the Project would

help fund significant investments in regional rail and transit infrastructure and support substantial jobs and economic activity in New York City. Specifically, the Project would result in the development of ten new buildings on eight development sites (the “Project Sites” or “Sites”) in the Project Area incorporating new onsite and in-building entrances and access ways to Penn Station and public transit and hundreds of units of affordable housing. The Project’s public realm improvements would enhance the surrounding streetscape; rationalize pedestrian, bicycle, and vehicular circulation to relieve street and sidewalk congestion; and increase open space.

The Project is designed to support the reconstruction and potential expansion of Penn Station, which would be accomplished through independent but related projects that would be undertaken by one or more of the involved public rail transportation entities, namely, the Metropolitan Transportation Authority (“MTA”), the National Railroad Passenger Corporation a/k/a Amtrak (“Amtrak”) and New Jersey Transit (“NJT”). Development facilitated by the Project would generate essential revenue for the reconstruction of Penn Station and for improvements to the public realm and subway stations in the Project Area, as well as the potential expansion of Penn Station.

If forthcoming planning and federal environmental review activities result in the selection of a preferred alternative that would expand Penn Station to the south of the existing station, additional rail infrastructure would be built beneath three of the Project’s proposed development sites (Sites 1, 2 and 3). In such event, the Project would require that any development accommodate the potential station expansion at these Sites and beneath adjoining streets. Redevelopment of Sites 1, 2 and 3 would only proceed if these Sites are chosen as the preferred alternative for the expansion of Penn Station in a separate federal environmental review process undertaken by the MTA and the lead federal agency, with the participation of Amtrak and NJT. In such case, the design, construction, and operation of an expanded Penn Station would be assumed by one or more of the involved public

transportation entities: MTA, Amtrak, and/or NJT. The specific assignment of responsibilities for those tasks is the subject of ongoing collaboration and planning among MTA, Amtrak, and NJT.

To allow for the implementation of the Project, ESD would override the New York City Zoning Resolution and other local laws and requirements, as applicable, in accordance with the UDC Act and as further discussed below. ESD will establish design guidelines (the “Design Guidelines”) that specify the parameters for permitted development of the Project in lieu of zoning or other local laws or requirements inconsistent with the Project. The Project would be designed in accordance with such Design Guidelines, which would be imposed through the transaction documents for the Project.

For purposes of analysis the DEIS assumed that the completion date for the Project would be 2038 for full Project build-out. However, the eventual completion date for the Project is subject to timing of the potential Penn Station expansion, market conditions, and other factors.

Public Purposes

The Project is a comprehensive redevelopment initiative to create a revitalized, mixed-use district centered around Penn Station. The Project would result in the development of ten new buildings on eight Project Sites in the Project Area, incorporating: new in-building entrances and access ways to Penn Station and public transit; public transit improvements in and around four nearby subway stations; public realm improvements to address pedestrian, bicycle, and vehicular circulation and enhance the surrounding streetscape; and new commercial space and housing, including permanently affordable units. The Project would support the reconstruction and potential expansion of Penn Station, which would be accomplished through independent but related projects that would be undertaken by one or more of the involved railroads (MTA, Amtrak, and/or NJT).

The subway stations adjoining Penn Station need substantial investment, including new entrances, wider platforms and greater interconnectivity with adjoining rail and transit facilities. The construction of new transit improvements as part of the Project will address this critical need.

The Project includes suitable public facilities that currently serve and would be expanded to serve vital civic and public purposes, namely: the subway stations and transit connections to Penn Station would be improved with new or upgraded entrances, wider platforms and stairways, and a new below-grade pedestrian concourse; and above-grade public realm improvements, including sidewalk widenings, new public space, and enhancements to existing open space.

Project Sites 4, 5, 6, 7, and 8 would accommodate high-density mixed-use buildings that would be required to provide in-building transit and public realm improvements. It is anticipated that the space above the potential Penn Station expansion on Project Sites 1, 2 and 3 would be subject to one or more competitive Requests for Proposals and would be constructed and operated by one or more private entities. The new transit-oriented developments would revitalize the Project Area and be consistent with the sound needs of the City, State and region.

As described in detail in the GPP, the Project is expected to generate revenue streams to support the reconstruction and potential expansion of Penn Station along with other public realm and transit improvements.

Discretionary Actions

A number of ESD discretionary actions are subject to review pursuant to the UDC Act and SEQRA. After the second public hearing is held and the subsequent 30-day public comment period is concluded, it is expected that a Final Environmental Impact Statement (“FEIS”) will be completed and issued by ESD, and the ESD Directors will be requested to make statutory findings under SEQRA and affirm, or if appropriate, modify and affirm, the GPP pursuant to the UDC Act. In addition, to effectuate

the Project, as described in the GPP, ESD would exercise its statutory authority to override local zoning requirements that apply to the Project and any other local laws or requirements that are inconsistent with the GPP. Subject to such overrides and the Design Guidelines, the New York City Building Code will apply, including with respect to all construction, buildings, structures and infrastructure on the Project Sites.

Potential Impacts of the Project

ESD, as the SEQRA lead agency, has certified the DEIS which has been prepared in accordance with SEQRA. The Project is classified as a Type I action under SEQRA. The DEIS identifies the following areas of potential significant adverse impacts: open space; shadows from proposed new buildings; historic architectural resources; visual resources; traffic; subway station and line-haul impacts; pedestrian conditions; and construction-related impacts in the areas of transportation, noise, localized neighborhood character, and historic resources. The DEIS describes practicable and feasible measures to mitigate these impacts, where applicable.

Availability of the GPP and DEIS

The following documents are available at the ESD website at <https://esd.ny.gov/empire-station-complex> and are on file at the office of ESD, 633 Third Avenue, New York, New York 10017 and available for inspection by the general public between the hours of 9:30 a.m. to 5:00 p.m., Monday through Friday, public holidays excluded: (i) the GPP, which contains a detailed description of the Project as set forth in the adopted GPP; (ii) certain revisions to the plan for the Project, which ESD staff intends to propose to the Directors for their consideration at the time they determine whether ESD should affirm, affirm with modifications or withdraw the GPP; and (iii) the DEIS.

Hard copies of the GPP, the revisions to the plan for the Project proposed by ESD staff, the executive summary of the DEIS, and a flash drive with the full DEIS are available, without charge, to any

person requesting such copies at the office of ESD at the address given above. Pursuant to Section 16(2) of the UDC Act, ESD also has filed a copy of the GPP, including the findings required under Section 10 of the UDC Act, in the office of the New York City Clerk and in the office of the New York County Clerk and has provided a copy thereof to the Mayor of the City of New York, the Manhattan Borough President, the Chair of the New York City Planning Commission, the Chair of Manhattan Community Board 4 and the Chair of Manhattan Community Board 5. Copies of the Notice of Completion with a link to the DEIS have been provided to all involved agencies and to other parties as required under SEQRA. To inspect and/or obtain copies of the GPP, the revisions proposed by ESD staff, and DEIS from ESD, please call (212) 803-2477 or email either empirestation@esd.ny.gov or pennstationarea@esd.ny.gov.

Comments

Comments on the GPP and the revisions proposed by ESD staff and the DEIS are requested. Comments may be made orally at the virtual second hearing on January 20, 2022; delivered in writing to ESD, 633 Third Avenue, New York, New York 10017 (Attention: Stacey Teran), on or before 5:00 p.m. on Tuesday, February 22, 2022; or sent by e-mail to empirestation@esd.ny.gov or pennstationarea@esd.ny.gov, on or before 5:00 p.m. on Tuesday, February 22, 2022. Written or e-mailed comments received after 5:00 p.m. on Tuesday, February 22, 2022 will not be considered.

All verbal comments made at the December 8, 2021 and January 20, 2022 public hearings and all written comments received by ESD prior to 5:00 pm on Tuesday, February 22, 2022 will be considered by ESD prior to final consideration of the GPP and issuance of the FEIS.

Dated: December 16, 2021
New York, New York

NEW YORK STATE URBAN
DEVELOPMENT CORPORATION D/B/A EMPIRE
STATE DEVELOPMENT

By: Debbie Royce
Corporate Secretary