



Mitchell J. Silver, FAICP  
Commissioner

City of New York  
Parks & Recreation  
The Arsenal  
Central Park  
New York, NY 10065  
www.nyc.gov/parks

December 4, 2017

American Museum of Natural History  
200 Central Park West at 79th Street  
New York, New York 10024  
Attn: Ellen V. Futter, President

Re: Richard Gilder Center for Science, Education, and Innovation

Dear Ms. Futter,

The proposed Gilder Center for Science, Education, and Innovation project consists of an approximately 203,000 gross square foot addition located on the Columbus Avenue side of the American Museum of Natural History campus. This addition would be located within Theodore Roosevelt Park, City-owned parkland under the jurisdiction of NYC Parks. Pursuant to the Museum's enabling legislation and subsequent contract, NYC Parks, as lessor, has approval power over buildings and improvements to be erected within the Park to carry out museum objectives and purposes.

As the agency principally responsible for approving capital improvements within the park, NYC Parks served as lead agency for City Environmental Quality Review and State Environmental Quality Review for the proposed project. The review included preparation of an Environmental Impact Statement and concluded with the issuance of the Statement of Findings on December 4, 2017. The process included extensive review of the descriptions, plans, renderings, and technical documentation illustrating the design, purpose, operation, and potential environmental impacts of the facility.

Based upon this review, NYC Parks hereby approves the proposed project as described in the FEIS dated November 15, 2017, conditioned on compliance with the mitigation and project commitments related to Open Space, Hazardous Materials, Transportation, Construction, and Historic and Cultural Resources as documented in the Statement of Findings, including but not limited to those identified in Schedule 1 attached hereto. NYC Parks' approval is also conditioned on the Museum's compliance with applicable law and relevant agency permitting or approval requirements, including, but not limited to, NYC Parks' permits in connection with construction of the Project.

Very truly yours,

Mitchell J. Silver, FAICP  
Commissioner, NYC Parks

## SCHEDULE 1

### **Open Space:**

1. Prior to initiation of the park restoration phase (expected to begin in Month 15, as shown on Figure 15-5 of the FEIS), in consultation with NYC Parks, the Museum must develop a proposed operating and maintenance plan for NYC Parks to provide and manage public access to the Margaret Mead Green lawn.
2. Prior to initiation of the park restoration phase, in consultation with NYC Parks, the Museum must develop a proposed operating and maintenance plan, as well as a design for any needed improvements (such as seating), for NYC Parks to provide and manage public access to a portion of the lawn area adjacent to the Columbus Avenue sidewalk between West 78th Street and West 79th Street.
3. The Museum must provide One Hundred Thousand Dollars (\$100,000) per year for a minimum of 10 years, beginning in FY 2018, for the management and maintenance of Theodore Roosevelt Park through a funding mechanism to be set forth in an agreement between the Museum, NYC Parks, and the Friends of Theodore Roosevelt Park.
4. During construction of the project, prior to the closing of access to the Park at West 79<sup>th</sup> Street, the Museum must provide a temporary access entrance and path just north of West 80th Street so park users will continue to have access from Columbus Avenue to the Park.
5. The Museum must restore the approximately 75,000 square feet of park space that would be disturbed by construction, including lawn areas identified above, in accordance with NYC Parks approved design and standards.
6. The Museum must submit a tree protection plan in association with required NYC Parks construction permits and all work shall be performed in accordance with NYC Parks tree protection protocols and specifications.

### **Historic and Cultural Resources:**

1. The Museum must execute a Letter of Resolution with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) and satisfy associated stipulations, including but not limited to the following:
  - The Museum must consult with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP), including submission of design plans at the preliminary (100% completion of Design Development) and pre-final (50% completion of Construction Documents) completion stages for OPRHP review and comment.
  - The Museum must prepare and submit to OPRHP a development history narrative of the Museum complex and photographic documentation of Building 15 per OPRHP's Recordation of Historic Structures standards.
  - The Museum must develop and implement a Construction Protection Plan to be reviewed and approved by OPRHP.



2. The Museum must submit Department of Buildings (DOB) final filing drawings to the New York City Landmarks Preservation Commission (LPC) for review and approval, in accordance with the requirements of the November 2, 2016 LPC Binding Report.

**Transportation, including Transportation during Construction Period:**

1. The Museum must provide NYC Department of Transportation (NYC DOT) immediate notice of the projected start of construction of the Gilder Center and seek approval of the mitigation measure (i.e., signal retiming) set forth in Table 17-6 of the FEIS.
2. The Museum must provide NYC DOT six months of advance notice of the projected opening of the Gilder Center and seek approval of the mitigation measures (signal retiming and crosswalk widening) set forth in Tables 17-2 and 17-5 of the FEIS.

**Other Construction Period Commitments:**

1. During construction of the project, the Museum must establish a construction working group to serve as the contact for the community and local leaders and to address concerns or problems that may arise during the construction period, and maintain an email address and 24-hour project telephone hotline for members of the community to report construction-related concerns.
2. The Museum must provide contract specifications for construction of the Project that specify the following measures in addition to those required by the New York City Air Pollution Control Code, the NYC Noise Control Code, and other applicable laws:
  - *Hazardous Materials.* Implement Remedial Action Plan and Construction Health and Safety Plan as approved by New York City Department of Environmental Protection (NYC DEP), including seeking prior DEP approval for waterproofing membrane product selection.
  - *Rodent Control.* Implement a rodent control program, to include proper site sanitation and drainage and the use of tamper proof rodent bait stations within the construction site.
  - *Dust Control.* To minimize fugitive dust emissions from construction activities, a fugitive dust control plan is required, including a robust watering program. For example, all trucks hauling loose material are to be equipped with tight-fitting tailgates and their loads securely covered prior to leaving the project site; water sprays are to be used for all demolition, excavation, and transfer of soils to ensure that materials would be dampened as necessary to avoid the suspension of dust into the air. Loose materials are to be watered, stabilized with a chemical suppressing agent, or covered.
  - *Idling Restriction.* On-site vehicle idle time is restricted to three minutes for all equipment and vehicles that are not using their engines to operate a loading, unloading, or processing device (e.g., concrete mixing trucks) or are otherwise required for the proper operation of the engine.
  - *Clean Fuel.* Ultra-low sulfur diesel fuel exclusively is to be used for all diesel engines throughout the project site.
  - *Best Available Tailpipe Reduction Technologies.* Non-road diesel engines with a power rating of 50 horsepower (hp) or greater and controlled truck fleets (i.e., truck fleets under long-term contract with the project) including but not limited to concrete mixing and



pumping trucks are to utilize the best available technology (BAT) for reducing diesel particulate matter (DPM) emissions, and all diesel non-road engines rated at 50 hp or greater are to utilize diesel particulate filters (DPFs), either installed by the original equipment manufacturer (OEM) or retrofitted. Retrofitted DPFs must be verified by EPA or the California Air Resources Board (CARB). Active DPFs or other technologies proven to achieve an equivalent reduction may also be used.

- *Diesel Equipment Reduction.* Electrically powered equipment is preferred over diesel-powered and gasoline-powered versions of that equipment to the extent practicable. Equipment that would use grid power in lieu of diesel engines includes, but may not be limited to, hoists, the tower crane that would be employed during construction, and small equipment such as welders.
  - *Utilization of Newer Equipment.* All diesel-powered non-road construction equipment with a power rating of 50 hp or greater is to meet at least the Tier 3 emissions standard. All diesel-powered engines in the project rated less than 50 hp are to meet at least the Tier 2 emissions standard.
  - *Use of quieter equipment.* From the start of construction, equipment must meet the sound level standards specified in Subchapter 5 of the NYC Noise Control Code and Table 22-1 of the CEQR Technical Manual and, for specific pieces of equipment (i.e., cranes, generators, person lifts, landscaping excavators, and landscaping loaders), meet the mandated noise emission limits set forth in Table 15-6 of the FEIS. As early in the construction period as logistics would allow (likely by the start of the superstructure phase of construction pending service provisions from Con Edison), replace diesel- or gas-powered equipment with electrical-powered equipment such as welders, water pumps, bench saws, and table saws (i.e., early electrification) to the extent feasible and practicable.
  - *Site Configuration.* Configure the construction site with materials delivery and truck queuing within the enclosed construction area rather than on the street and, where feasible and practicable, to minimize back-up alarm noise, subject to NYC DOT approval. Where logistics allow, locate noisy equipment, such as cranes, concrete pumps, concrete trucks, and delivery trucks, away from and shielded from sensitive receptor locations.
  - *Site Barrier.* Install site perimeter barriers constructed from plywood or other comparable materials around the construction site at a height of at least 8 feet.
  - *Enclosed structures.* Provide a structure enclosed on three sides and with a roof to house the concrete pump and two concrete mixer trucks as they access the pump; and provide a structure enclosed on three sides and with a roof to house concrete mixer trucks as they are washed out before leaving the site.
  - *Shielding.* Employ path noise control measures (i.e., portable noise barriers, panels, enclosures, and acoustical tents, where feasible) for certain dominant noise equipment to the extent feasible and practical based on the results of the construction noise calculations as shown in DEP's "Rules for Citywide Construction Noise Mitigation."
3. Prior to the start of noise-intensive construction activities, the Museum must make an offer of receptor control measures (i.e., storm windows and air conditioning units at residences that do not already have air conditioning) to residents of 101 West 79th Street and 112 (118) West 79th Street.