

2
3 December 2, 2015

4
5 Ms. Susan Pepe
6 Grants Manager
7 NYSDEC Hudson River Estuary Program
8 625 Broadway
9 Albany, NY 12233-3506

10
11 **Re: Manhattan Community Boathouse Hudson River Estuary Grant for River Access and**
12 **River Education Application**

13
14 Dear Ms. Susan Pepe,

15
16 Manhattan Community Board 4 (MCB4) represents the Chelsea and Clinton/Hell's Kitchen
17 neighborhoods in New York City. Our borders run from 14th to 59th Streets along the Westside.
18 Our westernmost border is the Hudson River and within our district in Clinton Cove operates a
19 non-profit organization offering free kayaking called Manhattan Community Boathouse
20 (MCBH). MCBH is applying with the Downtown Boathouse for the Hudson River Estuary
21 Grant for River Access and River Education. These two organizations have brought residents
22 and visitors alike to the Hudson River with a combined reach of over 50,000 people of all ages.
23 MCBH alone during the 2014 season helped more than 20,000 people connect with the Hudson
24 River. MCBH is an all-volunteer run organization providing instruction as well as access to the
25 river through kayaking. Free access to the Hudson River is a rare and precious amenity in
26 Hudson River Park and MCB4 appreciates the dedication of the Manhattan Community
27 Boathouse volunteers to bring this service to our community during the boating season as well as
28 actively participating at community meetings year round.

29
30 Manhattan Community Board 4 supports the Manhattan Community Boathouse in their quest for
31 the Hudson River Estuary Grant for River Access and River Education as this grant will provide
32 funding for MCBH and the Downtown Boathouse to expand their programming. The funds from
33 this grant will allow both organizations to improve infrastructure at each of their landing sites,
34 Governor's Island, Pier 26, Pier 96 and the 72nd Street Boathouse. Additional equipment can
35 also help MCBH improve the experience of all potential kayakers on the Hudson River.

36
37 The Hudson River is such a wonderful resource for Manhattan Community Board 4 and all of
38 New York. MCB4 benefits greatly having access to the river and organizations like the
39 Manhattan Community Boathouse bring more enjoyment of this resource by way of educating
40 and guiding kayakers along the shores of our great city. MCB4 would like to see the Manhattan
41 Community Boathouse expand their programming and the Hudson River Estuary Grant for River
42 Access and River Education offers such an opportunity for MCBH to have an even greater
43 positive impact on the lives of New Yorkers.

44
45
46

47 Sincerely,

48

49 Christine Berthet
50 Chair

Maarten de Kadt Co-Chair
Waterfront, Parks &
Environment Committee

Delores Rubin Co-Chair
Waterfront, Parks &
Environment Committee

51

52

53

54 cc: Brad Hoylman, NY State Senator
55 Richard Gottfried, NY State Assemblymember
56 Linda B. Rosenthal, NY State Assemblymember
57 Jerrold Nadler, Congressman
58 Gale Brewer, Manhattan Borough President
59 Corey Johnson, NYC Councilmember
60 Kaitlin Petersen, Manhattan Community Boathouse

61

62

DRAFT

2

3 Ms. Madelyn Wils

4 President and Chief Executive Officer, Hudson River Park Trust

5 Pier 40, 2d Floor

6 353 West Street

7 New York, NY 10014

8 **Re: Beer Garden @ Pier 62**

9 Dear Ms. Wils:

10 Manhattan Community Board 4 (“MCB4”) greatly appreciates the recent briefing
11 provided to the Waterfront, Parks and Environment (“WPE”) Committee regarding the
12 permit granted by the Hudson River Park Trust (“HRPT”) to Merchants Hospitality, Inc.
13 (“Merchants”) to operate a beer garden at the end of Pier 62. MCB4 urges HRPT to
14 reconsider the granting of this permit, as we do not feel this use of public park space is
15 appropriate for the proposed location.

16 As you are aware, Pier 62 is the site of a large skate park, as well as the children’s
17 carousel (for which a new operator was just selected). These facilities are obviously
18 targeted at children and young adults. Although Mr. Cohn of Merchants told the WPE
19 Committee that the proposed beer garden would be a family-oriented facility, the very
20 nature of a beer garden is targeted at visitors of legal drinking age. MCB4 does not
21 believe that a beer garden is an appropriate at Pier 62, as it is too close in proximity to the
22 skate park and the carousel.

23 Among HRPT’s reasons for allowing the beer garden at Pier 62 is HRPT’s belief that this
24 portion of the park is under-utilized. However, as members of the community testified at
25 the WPE Committee meeting on July 9, the tranquility at the end of Pier 62 is one of the
26 express draws of this location, in contrast to the active nature of the majority of Hudson
27 River Park. MCB4 echoes the views of these Chelsea residents in believing that every
28 inch of park space does not have to be in constant use to be a valuable part of the park.
29 After all, the stated goal for the creation of Hudson River Park to promote and expand
30 access to the river for all New Yorkers. The current open space at Pier 62 does exactly
31 this, and this access will be severely curtailed if the proposed beer garden is allowed to
32 operate.

33 If HRPT is determined to allow Merchants (or another vendor) to proceed with the
34 establishment of a beer garden at the end of Pier 62, MCB4 urges HRPT to conduct
35 public hearings on the matter, to solicit the views of the community at large as to the
36 appropriateness and desirability of a beer garden at this location.

37 Further, if HRPT does choose to proceed, MCB4 asks that the permit to Merchants be
38 amended, to require the following of the vendor:

- 39 • That the vendor be restricted to a beer and wine license (and not a full alcohol
40 license);
- 41 • That the vendor be prohibited from having any sound amplification system at the
42 facility;
- 43 • That the vendor be prohibited from allowing any live music at the facility;
- 44 • That the vendor be required to use a ventilation system in its kitchen (along the
45 lines described to the WPE Committee by Mr. Cohn) to prevent kitchen odors
46 from spreading throughout the rest of Hudson River Park; and
- 47 • That the vendor have prepared thorough security proposal.

48 Finally, it is the view of MCB4 that no additional vendors be granted permits to sell
49 alcoholic beverages anywhere in Hudson River Park unless and until [DELORES – NOT
50 SURE EXACTLY WHAT JD WANTED HERE]

51 MCB4 looks forward to continue working with HRPT to make Hudson River Park a
52 unique resource for all New Yorkers.

53 Sincerely,

54 Christine Berthet, Chair

55 Delores Rubin, Co-Chair, Waterfront, Parks & Environment Committee

56 Maarten de Kadt, Co-Chair, Waterfront, Parks & Environment Committee

1 **Quality of Life Committee**

Item # 10

2
3 November X, 2015

4
5 Michael Paul Carey
6 Director
7 Mayor's Street Activity Permit Office
8 100 Gold Street, 2nd Floor
9 New York, New York 10038

10
11
12 **Re: Clearview Festival Productions Street Fair Permit Application**

13
14 Applicant: Clearview Festival Productions (“Clearview”)
15 Location: 8th Avenue, between 14th Street and 23rd Street
16 Dates: April 8th and September 24th, 2016
17 Time: 9am - 6pm

18
19 Manhattan Community Board 4 (CB4) supports the renewal application for the two street fairs
20 organized by the Clearview Festival Productions (Clearview) that will take place on different
21 dates on 8th Avenue between West 14th Street and West 23rd Street in 2016.

22
23 Clearview is currently in the pre-application phase for two “Pop Up New York” premium events
24 to be held in 2016. Clearview is a long-standing company that has been producing street fair
25 events in District 3 and Community Board 4’s jurisdiction for decades. These events have non-
26 profit sponsorships, including: **10th Precinct Community Council; Holy Apostles Soup
27 Kitchen; Chelsea Visiting Neighbors; Chelsea Midtown Democrats, and others.** Until
28 recently, Clearview had not received complaints from the community. They met with the two
29 concerned parties, the Council of Chelsea Block Associations and Fulton TA, prior to the
30 November committee meeting, and received their support.

31
32 Clearview conducted two trial “Pop Up New York” fairs this past summer, met with success.
33 The event aims to unite local artists and eateries, bringing them to the attention of the
34 neighborhood and general public. Furthermore, Clearview, and thus Pop Up New York, partners
35 with charities in an effort to raise awareness and funds for their respective causes, with 50% of
36 the profits earned from booth rentals going towards the participating not-for-profits. Both
37 organizations and local artists are welcome to participate in the event for free.

38
39 The “Pop Up New York” office will officially open on March 1, 2016, after their Street Activity
40 application is approved by the city. Further information can be found on their website:
41 popupnewyorkevents.com. The remaining 50% of booth sale profits will go to Clearview to
42 cover all overhead and administrative costs.

1 Aside from the Street Fair Permit, all of Clearview’s other permits are in place. Thus, the
2 Community Board 4 approves of the proposed application, provided that all stipulations outlined
3 during the November meeting are enacted prior to and during the events:
4

- 5 1. In 2016, both of Clearview’s premium “Popup NY” events will held be on 8th Avenue,
6 between 14th and 23rd streets.
 - 7 1.1.1. In 2015, one event was held on 8th Avenue, and the other on 9th Avenue.
8 However, vendors preferred the 8th Avenue location, so Clearview has decided
9 to move both events to this location. This choice was approved by the committee
10 during the meeting.
- 11 2. The Scheduled Dates and Hours of Operation will be:
 - 12 2.1.1. Two dates in the summer of 2016, currently undecided,
 - 13 2.1.2. The street fairs will take place from 12pm to 6pm,
 - 14 2.1.3. Set up will begin at 9am.
 - 15 2.1.4. Section 2.1.4. Once Clearview’s application has been submitted, Community
16 Board 4 and the operators have agreed to discuss limiting the number of hours in
17 which live music can be played and the appropriate decibel and bass levels for
18 all amplified sound and music.
- 19 3. The Event Manager will provide a contact name and phone number in advance of and during
20 the event. This number will be posted on Community Board 4’s website and be emailed out.
- 21 4. There will be an information stand in place for people to go to with a problem.
- 22 5. The smoke-producing food stands will be strategically placed in an area that is likely to have
23 the least impact on local residents. This will be discussed further in a follow-up meeting with
24 the Quality of Life Committee once Clearview’s application has been reviewed.
25

26 The committee was pleased that Clearview Festival Productions was committed to working with
27 the community and agreed to further discuss the proposed stipulations at a later meeting, pending
28 the submission of their application.
29

30 Sincerely,

31
32 Christine Berthet
33 Chair
34 Manhattan Community Board 4
35

36
37 David Pincus
38 Co-Chair
39 Quality of Life Committeex
40

41 Tina DiFelicianantonio
42 Co-Chair
43 Quality of Life Committee
44

45 cc: Hon. Bill de Blasio, Mayor
46 Hon. Gale A. Brewer, Manhattan Borough President

1 Local Elected Officials
2 Applicants
3

4 **PROPOSED STIPULATIONS FOR CLEARVIEW FESTIVAL PRODUCTION'S**
5 **"POPUP NY"**
6 **(8th Avenue, between 14th and 23rd Streets)**
7

- 8 1. In 2016, both of Clearview's premium "Popup NY" events will held be on 8th Avenue,
9 between 14th and 23rd streets.
- 10 1.1.1. In 2015, one event was held on 8th Avenue, and the other on 9th Avenue.
11 However, vendors preferred the 8th Avenue location, so Clearview has decided
12 to move both events to this location. This choice was approved by the committee
13 during the meeting.
- 14 1.1.2. However, Fulton House would welcome Clearview back to 9th Avenue if they
15 asked.
- 16 2. The Scheduled Dates and Hours of Operation will be:
- 17 2.1.1. Two dates in the summer of 2016, currently undecided,
18 2.1.2. The street fairs will take place from 12pm to 6pm,
19 2.1.3. Set up will begin at 9am.
20 2.1.4. Once Clearview's application has been submitted, Community Board 4 would
21 like to discuss limiting the number of hours in which live music can be played.
- 22 3. The Event Manager's name is Robin Ash, and her number is (860) 235-6777. This number
23 will be posted on Community Board 4's website. Anyone will be able to reach Ash on the
24 dates of the fairs with questions, concerns or complaints.
- 25 4. In addition to Ash's number, there will be an information stand in place for people to go to
26 with a problem.
- 27 5. The smoke-producing food stands will be strategically placed in an area that is likely to have
28 the least impact on local residents. This will be discussed further in a follow-up meeting with
29 the Quality of Life Committee, one Clearview's application has been reviewed.
30
31

1 **Quality of Life Committee**

Item#: 11

2
3 Maria Torres Springer
4 President
5 New York City Economic Development Corporation
6 110 William Street
7 New York, NY 10038

8
9 Re: Events at Pier 92/94

10
11 Dear Ms. Torres Springer:

12
13 Manhattan Community Board 4 (“MCB4”) is writing, to once again express our concerns
14 regarding late night functions that are held at Piers 92/94 (“Piers”), most recently, the
15 NYC Food and Wine Festival (“Festival”) that took place on October 15-18, 2015.

16
17 This is MCB4’s second letter to the New York City Economic Development Corporation
18 (“NYCEDC”) regarding the continuation of severe noise disturbances to surrounding
19 residents and businesses due to amplified sound that emanates from the Piers. And, as
20 you may recall, Assembly Member Linda Rosenthal also wrote two letters reiterating the
21 same concerns. MCB4 is hopeful that we will begin working together on a more global
22 and consistent basis to eliminate future problems.

23
24 The success achieved with the “Pier of Fear” ADM Halloween events is one example of
25 what can be accomplished when all stakeholders communicate and cooperate in good
26 faith. After years of MCB4 negotiations with “Pier of Fear” organizers, NYCEDC,
27 Vornado Realty, NYPD, Department of Environmental Protection and affected
28 residents/businesses, all parties were ultimately able to achieve a commercially
29 successful event, which received minor complaints from the community. We applaud the
30 efforts of all parties who worked together to engender this outcome—one that
31 exemplifies what is possible when various entities take action to achieve positive results.

32
33 It is, therefore, inexplicable that NYCEDC did not provide the necessary guidance to
34 ensure that the operators of this year’s Food and Wine Festival performed advance
35 outreach to the surrounding neighborhood nor did they consult, or even notify, this
36 Community Board. While we applaud the fundraising aspect of the Festival, MCB4 is
37 highly dismayed, and community residents are greatly perplexed, as to why there was
38 insufficient oversight of the operator, especially in light of the fact that a new, customized
39 open-air tent was used on the roof/parking lot, thus allowing sound to emanate loudly and
40 reverberate throughout the area.

41
42 Keep in mind that this was caused by the use of a powerful amplified sound system,
43 which created thunderous bass so loud that residents submitted complaints like the
44 following:

1 • “This weekend, both Friday and tonight, there has been an obnoxiously loud concert
2 from the parking lot over by where the cruise ships are docked. Tonight's concert just
3 started at 10 pm and is almost as loud as the Pier 94 concerts we've been demonized by
4 for the past several years.”

5
6 • “We were plagued...by noise, especially bass, so loud that [our] apartments [shook].”

7
8 • “Now they are playing some sort of Tahitian drumming. It's like there's an episode of
9 Gilligan's Island happening in our apartment.”

10
11 MCB4 is especially concerned that these problems will be replicated due to the future use
12 of the tent. We have learned that the roof was physically altered to facilitate the erection
13 of the tent, which Festival organizers plan to use for next year's Festival. Even more
14 disquieting are plans to rent the tent to other event organizers.

15
16 Given the number and nature of complaints caused, in part, by the use of this tent, MCB4
17 would like to be informed about what measures will be taken to ensure all future event
18 operators adhere to New York City laws regarding noise levels.

19
20 Given its authority over the Piers, NYCEDC is ultimately responsible for their operation.
21 It is, therefore, vital that amplified sound remediation protocol be included in all leases,
22 contracts and vendor agreements that relate to the use of any amplified sound. This
23 includes the employment of an acoustical engineer to provide specific recommendations
24 so that NYCEDC can ensure event organizers adhere to noise ordinances. These may
25 include the adoption of sound limiting technology, which is commonly and successfully
26 utilized by many operators throughout our district.

27
28 Obviously, event organizers using amplified sound should make a concerted effort to
29 conduct prior outreach to the community. This includes the dissemination of a complaint
30 hotline number, which should be manned by a designated on-site staff member
31 throughout each event. This hotline information should be shared with MCB4's District
32 Manager, who will post it on our website and further disseminate it via email blasts.

33
34 MCB4 is particularly disturbed that these ongoing community disturbances could have
35 been avoided if NYCEDC had taken responsibility for the use of the Piers by doing what
36 was necessary to prevent excessive noise leakage before leasing the Piers to
37 Vornado/Merchandise Mart Properties, Inc. (“MMPI”). Even MMPI admitted that,
38 “Piers 92/94 were not intended for loud, live music, and that such parties are in fact a
39 break from their standard business model.”

40
41 It is time for NYCEDC and Vornado/MMPI to work together to fund capital
42 improvements that will eliminate future constituent complaints caused by sound leakage
43 resulting from the insufficiencies of the current building structures, as well as the future
44 use of the aforementioned tent.

1 We have also received complaints regarding traffic back-ups caused by idling cabs, limos
2 and other vehicles that are lined-up to pick-up passengers. As such, we request that
3 NYCEDC work with Vornado/MMPI to find a resolution to this problem, which not only
4 affects residents but commuters as well.

5
6 In addition, MCB4 has become aware that truck drivers who are attempting to enter the
7 lot (often in the middle of the night) restrain from honking at the security gate. We
8 strongly suggest that a sign be erected to remind drivers not to blast their horns, and for
9 security gate attendants to be trained to be more responsive to approaching vehicles. To
10 further mitigate this problem, please consider posting a dedicated phone number to
11 connect drivers.

12
13 In order to proactively facilitate a productive exchange of information between the
14 community and event operators, MCB4 invites everyone who plans on utilizing amplified
15 sound to attend a Quality of Life Committee meeting at least two months in advance of
16 the event.

17
18 Importantly, as discussed at MCB4's October 2015 Quality of Life Committee meeting,
19 we urge NYCEDC to ensure that Vornado/MMPI, sub-lessees, and all vendors stop
20 alcohol sales at least one hour before closing each night to allow for a more gradual
21 dispersion of patrons, which will help alleviate problems caused by large crowds exiting
22 the venue.

23
24 As always, MCB4 encourages entrepreneurship and supports the generation of business
25 in our district, however, as we hope you will agree, it should not be at the expense of
26 constituents' quality of life.

27
28 We look forward to a detailed response at your earliest convenience, and look forward to
29 working with you to develop a detailed protocol that addresses these issues.

30
31 Thank you for your attention to this matter.

32
33 David, Tina & Christine

2
3 TO DOB,

4
5 Manhattan Community Board 4 (“MCB4”) is writing, to express our concerns regarding
6 illegal occupation by Pedicab Company, “Pedicab”, **(Title to be confirmed)** a lessee at
7 350 W 44th Street, New York, NY 10036, which is a building formerly occupied by
8 Dykes Lumber Co. It is our understanding that the landlord is ?? **(Name of landlord to**
9 **be confirmed)**

10
11 To provide context for this problem, the following is background information regarding
12 the operator:

13
14 Pedicab has been the subject of numerous complaints by neighboring residents and
15 businesses. The company has received a variety of summons by NYPD, and lost a
16 lawsuit initiated by the Department of Consumer Affairs. The central issues, besides
17 illegal occupancy, include parking illegally (up to 21 pedicabs) in an “NO PARKING
18 ZONE”, creating difficult passage for emergency vehicles; parking and riding on the
19 sidewalk, thus impeding the safe passage of wheelchairs and baby carriages, and creating
20 hazards for seeing impaired and elderly persons; late night construction without permits;
21 garbage dumping; reckless behavior; harassment; and intimidation. In one instance, a
22 ‘driver’ threatened a neighboring complainant by screaming, "I am gonna f%\$k you up."
23

24 As evidenced by this pattern of illicit behavior, this operator has a blatant disregard for
25 the rules and regulations of New York City. It is our understanding that the landlord is
26 having enormous problems with the tenant and are proceeding with motions to terminate
27 the lease. It is MCB4’s concern that this will be a protracted process.

28
29 We, therefore, request that the New York City Department of Buildings (“DOB”)
30 immediately investigate the following issues:

- 31
- 32 • Illegal replacement of windows by shoddy wooden doors that were created by knocking
33 out bricks.
 - 34
 - 35 • Illegal disintegrating plywood ramp in the doorway.
 - 36
 - 37 • Violation of the building’s Certificate of Occupancy. The garage was a former retail
38 space and now used as a garage.
 - 39
 - 40 • And most dangerously, the unlawful use of the garage for habitation. (One might
41 assume heaters and cooking devices are being used.)
42

43 Despite the actions taken by NYPD and area residents, Pedicab continues to operate in
44 any manner it deems fit. Given the safety issues noted above, MCB4 respectfully
45 requests your immediate investigation.
46

1 Thank you for your attention to this important matter. We look forward to a response at
2 your earliest convenience.

3

4 Christine, Tina & David

5

6 Cc: Property Owner Charles Friedman

7 Resident Tony Willging

8 NYPD Community Affairs Detective Paul Spano

9 NYPD Traffic Safety Division Sergeant Jason Lemelledo

10 FDNY

11 Councilman Corey Johnson's Office

12 DOT

13 DOS

14 DCA

15

DRAFT

1 **Clinton/Hell's Kitchen Land Use Committee**

Item #: 13

2
3 November 25, 2015

4
5 Hon. Margery Perlmutter, Chair
6 Board of Standards and Appeals
7 40 Rector Street, 9th Floor
8 New York, NY 10006
9

10 **Re: BSA Cal. No. ___-___-BZ**
11 **350 West 50th Street**
12 **Physical Culture Establishment (GYM) – Special Permit**
13

14 Dear Chair Perlmutter:

15
16 Manhattan Community Board 4, having held a duly noticed public hearing on BSA Calendar No.
17 ___-___-BZ, voted at its meeting on December 2, 2015 to recommend approval of the application
18 for a special permit for a physical culture establishment (PCE) at 350 West 50th Street.
19

20 This application was filed on behalf of an affiliate for David Barton Gym, taking over Bally's at
21 Worldwide Plaza, under section 73-36 of the Zoning Resolution of the City of New York. The
22 prior occupant of the space was also a PCE.
23

24 In its presentation to the Clinton/Hell's Kitchen Land Use Committee on November 12, 2015 the
25 applicant was represented by its land use counsel. From his descriptions, which are supported by
26 the application and the accompanying floor plans, the proposed facility is without question a
27 legitimate PCE.
28

29 This Board has reviewed the Statements of Facts and Findings in the application and agrees that
30 the proposed facility meets the requirements under section 73-03 of the ZR for the requested
31 special permit.
32

33 The Board therefore recommends approval of the application if our conditions are met and
34 provided the Department of Investigation background check report required by section 73-36(c)
35 of the ZR is received and satisfactory.
36

37 Sincerely,

38
Christine Berthet
Chair

Jean-Daniel Noland, Chair
Clinton/Hell's Kitchen Land Use Committee

39 cc: Matt Green, NYC Council Member Corey Johnson
40 Andrew Lombardi, Manhattan Borough President Gale Brewer
41 Joshua J. Rinesmith, applicant's representative

2
3 November 24, 2015

4
5
6 James Drumm
7 NYS Department of Environmental Conservation
8 Division of Environmental Remediation
9 625 roadway
10 Albany, NY 12233-7016

11
12 Site Name: Hudson Mews Property – Marty Fine Parcel
13 DEC Site #: C231065
14 Address: 403 West 37 Street and 501-505 9th Avenue
15 New York NY 10018
16

17 Dear Mr. Drumm:

18
19 Manhattan Community Board #4 (“CB4”) thanks the NYS Department of Environmental
20 Conservation (“DEC”) for the opportunity to submit comments on the Remedy Proposed for
21 Brownfield Site Contamination at the above-listed site in our district. As you will see below,
22 CB4 comments center largely on the timing of the proposed clean-up, coordination with both the
23 NYC Department of Buildings (“DOB”) and NYC Department of Housing Preservation and
24 Development (“HPD”) and that the necessary steps are taken to protect the structurally
25 compromised buildings adjacent to the brownfield site prior to the start of the cleanup.
26

27 As detailed below, the residential properties on the adjoining lot have a long and troubled
28 history. Most recently, NYC DOB issued an emergency declaration for the demolition of five of
29 the seven tenement buildings immediately east of the site. The two remaining buildings have
30 been determined to be structurally sound are fully occupied and share the long history of tenant
31 harassment.
32

33
34 **Background**

35
36 The proposed brownfield cleanup site (situated on block 735/lot 30) is immediately to the north
37 and west of 485-497 Ninth Avenue (block 735/lot 31), a block-front of seven tenements on the
38 west side of 9th Avenue, between West 37th and West 38th Streets. These buildings, under the
39 prior ownership of Martin Fine and the current ownership of David Israeli since 1996, have been
40 the subject of long-term tenant harassment, lack of services, HPD enforcement actions, and
41 numerous legal actions since the early 1980s. Between 1968 and 1996, the long-term owner,
42 Martin Fine, who was regularly named by the Village Voice as one of the City’s top 10 worst
43 landlords, tried to vacate all of the buildings, but was unable to do so.
44

45 After years of neglect and decay, an Article 7A Proceeding was brought to appoint a 7A
46 Administrator. Martin Fine stymied that proceeding for years by putting the buildings into

1 bankruptcy and eventually splitting the lot into two parcels -- selling the seven tenements at 485-
2 497 9th Avenue to David Israeli in 1996 and retaining the parcel comprised of the adjacent
3 parking lot, land behind the tenements and all of the development rights (403 West 37 Street and
4 501-505 9th Avenue, the Brownfield site under consideration).

5
6 Eventually David Israeli agreed to settle the pending 7A proceeding with respect to the seven
7 tenement buildings. As part of that settlement, 493 and 495 Ninth Avenue were gut renovated
8 and the remaining tenants were consolidated into those buildings, vacant units were rented, and
9 the two buildings were fully occupied. After the consolidation of the tenants into 493 and 495
10 9th Avenue, the five tenements at 485-491 and 497 9th Avenue then remained vacant for the next
11 15 years.

12
13 Despite the advocacy of CB4 and numerous violations placed by city agencies, the vacant
14 buildings were allowed to steadily deteriorate over the years. Eventually in early April 2015 the
15 tarp covering the rear building façade became unsecured exposing the true condition of the
16 structure. At that time it became apparent that the buildings had undergone demolition work
17 without the required DOB permits, exposing wooden structural members.

18
19 At the request of CB4, DOB inspected the property on April 14, 2015 and issued a Stop Work
20 Order under DOB Violation #041415BS04JM01. A later inspection by FDNY found the
21 structural condition of the building to be alarming and referred the case to DOB. On August 4,
22 2015, DOB found the buildings structurally unsound and proposed demolition of the 485, 487,
23 489, 491, and 497 9th Avenue buildings. The excluded buildings from this range, 493 and 495
24 9th Avenue, are both occupied by long term and existing tenants.

25
26 The owner David Israeli, and DOB are currently negotiating with respect to which of the five
27 vacant buildings will be demolished, by whom and what precautions need to be in place to
28 protect the occupied buildings during any demolition work.

29 30 31 Brownfield Cleanup Program Application

32
33 CB4 is in receipt of both the Brownfield Cleanup Application with supporting documentation
34 filed by 402 West 38th Street Corp. on July 2, 2009 and the Brownfield Cleanup Program Fact
35 Sheet ("DEC Fact Sheet") issued in October 2015 by NYS Department of Environmental
36 Conservation ("DEC"). The Brownfield Cleanup Program Fact Sheet that details the remedy
37 proposed for the above listed brownfield site provides for a 45 day public comment period that
38 originally tolled on November 23, 2015 and was later verbally extended for an additional 30 days
39 by NYSDEC to allow CB4 time to review and submit formal comments.

40
41 Representatives from CB4 also participated in a conference call with NYSDEC representatives
42 Sally Dewes, James Drumm and Rodney Rivera on October 21, 2015 to request an extension of
43 time to submit comments on the proposed clean-up plan, learn more about the proposed scope of
44 work, projected clean up dates and more information about the soil contaminants. The matter
45 was discussed at the meeting of the Clinton/Hell's Kitchen Land Use Committee meeting on
46 November 12, 2015. CB4's comments below reflect the concerns raised earlier in those

1 discussions.

2
3
4 Site Description and Proposed Remedy

5
6 The Brownfield site is located on block 735/lot 30 which includes approximately 11,300 square
7 feet along the Lincoln Tunnel retaining wall, West 38th Street and part of West 37th Street with
8 street address of 501-505 9th Avenue and 403 West 37 Street. During the October 21st call, DEC
9 representatives confirmed that the brownfield is limited to Lot 30 and that the adjacent Lot 31 on
10 which seven residential buildings are currently located is not included.

11
12 Historically the site was used as an ironworks, carpenter's shop, a print shop and for residential
13 uses. The Phase II Environmental investigation that was performed on the site has identified
14 various contaminants consistent with those uses, including metals such as lead and semi-volatile
15 compounds like benzo(a)pyrene. According to the DEC Fact Sheet, the contaminants were
16 located in the fill layer with no contamination below that layer. According to the DEC the
17 findings are fairly standard given the types of uses that have existed on the site and do not pose a
18 significant threat.

19
20 The proposed clean-up includes the removal of 5,050 cubic yards of soil, at a depth of 13 feet
21 across the site. Clean fill will be used to replace the soil removed and to establish grade at the
22 site. The proposed excavation, once approved, is anticipated to take approximately three
23 months to complete.

24
25
26 Concerns about the adjacent residential site

27
28 The proposed Brownfield cleanup site abuts a residential site known as 485-497 Ninth Avenue,
29 that currently includes seven residential tenement buildings in various stages of disrepair,
30 including two occupied (493 and 495) and five vacant buildings (485, 487, 489, 491 and 497)
31 that have been declared structurally unsound by DOB. While the occupied buildings – 493 and
32 495 9th Avenue- were declared structurally sound, it is expected that at least four of the five
33 vacant buildings (485, 487, 489 and 491 9th Avenue) will be demolished as a result of the
34 emergency declaration; the timing and other details of the demolition has not been determined.
35 In addition it has not yet been determined whether the most northerly building on the site, 497 9th
36 Avenue will be preserved or demolished. 497 shares a common wall and façade with the two
37 occupied buildings.

38
39 The precarious condition of the buildings that abut the Brownfield site makes it essential that the
40 brownfield cleanup and subsequent soil excavation be planned in close coordination with the two
41 NYC agencies DOB and HPD that are intricately involved and oversee the structural
42 determinations at the adjacent site so that all necessary steps are taken to protect the two
43 occupied buildings at 493 and 495 Ninth Avenue, as well as any other structures on either lot 30
44 or lot 31. In addition, CB4 must be included in the planning and coordination of the scope of
45 work.

1
2 CB4 respectfully submits that the proposed brownfield cleanup of cannot proceed until:

- 3 1) The structural issues in the vacant buildings at 485, 487, 489 and 497 9th Avenue on the
4 adjacent lot 31 are definitively resolved and any demolition where required by DOB, is
5 complete;
- 6 2) Protective measures, such as structural shoring and monitoring be done in advance of the
7 excavation to protect the occupied buildings. DEC must solicit the coordination, input
8 and recommendations of NYC DOB and HPD to ensure the continued structural stability
9 of the two occupied residential buildings at 493 and 495 9th Avenue during the period of
10 excavation.
- 11 3) The proposed plans and timetables are coordinated with the City agencies HPD and DOB
12 responsible for addressing the structural violations at 485-497 9th Avenue; and
- 13 4) Tenants living in the adjacent buildings are notified as to the extent of the contamination,
14 any precautions that are recommended and the anticipated timeframe and work that will
15 be done.

16
17
18 In closing, CB4 strongly recommends that a task force be created to coordinate the various
19 actions of all agencies involved at both sites to ensure the close coordination. The task force
20 would include representatives from CB4, NYSDEC, DOB and HPD.

21
22
23 Thank you for the opportunity to submit comments on the proposed Brownfield cleanup
24 Application.

25
26 Sincerely,

27
28
29
30
31
32
33 cc: Vicki Been, Commissioner, NYC Dept. of Housing Preservation and Development
34 Vito Mustacioulo, Commissioner, NYC Dept. of Housing Preservation and Development
35 Martin Rebholz, Manhattan Borough Commissioner, NYC Dept. of Buildings
36 Council Member Corey Johnson

2
3
4 December 2, 2015

5
6 Martin Rebholz
7 Manhattan Borough Commissioner
8 NYC Department. of Buildings
9 280 Broadway
10 New York, NY 10007

11
12 Re: 517-525 West 45 Street

13
14 Dear Commissioner Rebholz:

15
16 At the Manhattan Committee Board #4 (CB4) Clinton/Hell's Kitchen Land Use Committee
17 meeting on November 12, 2015, concerns about a Job Filing approved by the NYC Department
18 of Buildings (DOB) to add up to two additional stories were brought to CB4's attention by the
19 tenants living at 517-525 West 45 Street. We are asking that DOB review Job Filing
20 #122204462 in light of the attached land survey and based on the analysis below, revoke its
21 earlier approval.

22
23 Background

24 517-525 West 45th Street consists of five adjacent buildings of differing heights erected on a
25 single zoning lot (block 1074/lot 18) between Tenth and Eleventh Avenues. The 517 building
26 located on West 45th Street is four stories in height. Immediately to the west, the 525 building is
27 five stories. Behind these two buildings off an interior courtyard is a two-story wing of the 525
28 building, called 525 rear, and the 523 building, also a five-story building.

29
30 Originally a factory, the buildings were designated a *de facto* multiple dwelling and deemed
31 subject to the loft law in the 1980s after the then owner sought to evict the residential tenants
32 who had moved into the upper floors a decade earlier. Currently, there are 18 apartments, of
33 which 8 are IMD units. The IMD tenants of this building have long faced a series of tenant
34 harassment tactics, including withdrawal of services and threatened use of force.

35
36 Situated on the midblock of West 45th Street between Tenth and Eleventh Avenues, the buildings
37 are located in the Preservation Area of the Special Clinton District (SCD). Among other
38 requirements, the SCD zoning resolution mandates that an owner must first obtain a Certificate
39 of No Harassment before a permit for a material alteration can be issued¹ and secondly, pursuant

¹ Section 96-110 of the SCD requires that an owner obtain a Certificate of No Harassment (CONH) before DOB can issue a permit for a material alteration. In 2010, the then owner, Shabbat LLC applied for a CONH under Section 96-110 of the Special Clinton District (SCD) regulations. After a hearing on this matter, the request for a CONH was denied by NYC Department of Housing Preservation and Development.

1 to Section 96-104(c) of the SCD, that the building height on a narrow street cannot exceed 66
2 feet, or 7 stories, whichever is less.

3 Current Alt 1 Filing - Job Filing #122204462

4 The Alt 1 filing in question, Job No. 122204462 seeks to add two additional stories to the four-
5 story brick building known as 517 West 45 Street, and one additional story to the five-story 521-
6 525 buildings all of which front along West 45th Street. As it is currently filed, the application
7 states that the resultant building height as measured from curb to roof, will be 64.11 feet² for
8 each of the 517, 521 and 525 buildings which is less than the 66 foot maximum height permitted
9 under 96-104(c) of the SCD. While neither the current height of the buildings nor the height of
10 the proposed additions is specified on the ZD-1 zoning diagram, the building plans associated
11 with the job filing (copy attached), state the existing height of the 517 building to be 43 feet 4
12 inches and the 521-525 West 45 Street building to be 54 feet.

13 However a recent land survey conducted by Thomas Piciocco a licensed surveyor with the firm
14 Earl B. Lovell – S.P. Belcher Inc. determined that the building heights as listed in the submitted
15 building plans are inaccurate and further, that had the proper building heights been indicated, the
16 job filing should not have been approved initially, as the resultant building heights with the
17 proposed additions exceed the 66 foot height limit of the SCD. A copy of the land survey dated
18 October 1, 2015 is attached and a summarized below:

	<u>517 W 45</u>	<u>521 W 45</u>	<u>525 W. 45</u>
19 Curb	25.29	25.29 ³	23.64
20 Roof		85.22	85.34
21 Building height		59.93	61.70
22 No. of stories	4	5	5

24
25 The attached survey indicates that the building heights for the 521-525 West 45 Street buildings
26 are actually 59.93 feet and 61.70 feet respectively, not the 54 foot height indicated in the owner's
27 building plans. Furthermore, the one story addition for the 521-525 buildings (as stated on the
28 building plans submitted as part of the job filing) at a height of 9 feet 8 inches would result in a
29 building envelope that exceeds the 66 foot height limit. Similarly, since the proposed two story
30 addition (at 20 feet 4 inches) would bring the 517 building level with the 521-525 buildings, that
31 resultant height as proposed also exceeds the 66 foot height limit set forth in Section 96-104(a)
32 of the SCD.

² The building plans submitted by the owner as part of its filing list the overall building height, including the proposed additions to be 63 feet 8 inches, a discrepancy of 1 foot 3 inches from the owner's summary on the ZD-1 diagram.

³ The actual curb elevation for the easterly side of the 521 building is not indicated; the curb measurement for 517 (a distance of 11 feet 3.5 inches) is noted instead.

1 In light of the attached land survey dated October 1, 2015, CB4 is therefore requesting that DOB
2 review Job Filing #122204462 and issue a letter of revocation for this filing (and any associated
3 filings) based on the fact that the building heights as proposed, exceed the maximum height limit
4 of 66 feet, as set forth in Section 96-104(a) of the SCD.

5
6 Sincerely,

7
8
9 cc: CM Corey Johnson

10
11

DRAFT



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036

tel: 212-736-4536 fax: 212-947-9512

www.nyc.gov/mcb4

CHRISTINE BERTHET
Chair

JESSE R. BODINE
District Manager

November 25, 2015

Julie Menin
Commissioner
Special Applications Unit
Department of Consumer Affairs
42 Broadway
Lobby Floor
New York, N.Y. 10004

RE: Proposed Newsstand, Northeast Corner of West 58th Street and 9th Avenue

Dear Commissioner Mintz:

Manhattan Community Board #4 recommends a denial of the proposed newsstand on the north side of West 58th Street, approximately 31 feet east of 9th Avenue and 19 feet west of the parallel line from the entrance of 345 West 58th Street. The placement of a newsstand at this location would violate CB4's Newsstand Policy that "there should be no more one newsstand within three "between street" blocks or 750 feet." There are already three other newsstands within three blocks of this location not only violating the policy, but also leading to a saturation of newsstands likely to make these less viable businesses for the operators.

MCB4 appreciates that the applicant appeared before the Transportation Planning Committee meeting to present the application and that the proposed location meets the DCA requirements for location, providing a 9'6" clear path for pedestrians and over 15' distance to the nearest residential entrance and over 5' from other sidewalk obstructions (trees being the nearest obstructions). The operator also indicated they intended to work just at this newsstand, another committee priority.

However, as indicated above, this location violates the Community Board policy regarding one newsstand for every 3 'between streets,' given that there are existing newsstands on the

Northwest and Southeast corners of this block and another one on 9th Avenue just south of West 60th Street. In addition, this corner, and block generally, has had several sidewalk and transportation related issues since the opening of the Time Warner Center and the Hudson Hotel. This newsstand would also likely add to the visual clutter that already obstructs viewing for left turning vehicles from 9th Avenue onto West 58th Street, including the large number of trucks that queue at this corner to load at the Time Warner Center.

Based on the above, Manhattan Community Board #4 recommends denial of this application, but indicates a willingness to work with the applicant to identify another more suitable location within CB4.

Sincerely,



Christine Berthet
Chair



Ernest Modarelli
Co-Chair, Transportation
Planning Committee



Jay Marcus
Co-Chair, Transportation
Planning Committee

1 Transportation Planning Committee

2
3 December 2, 2015

4
5 Dani Simons
6 Director, Communications and External Affairs
7 NYC Bike Share LLC
8 5202 3rd Avenue
9 Brooklyn, NY 11220
10 danisimons@motivateco.com

11
12 **Re: Citibike Re-balancing in Hell's Kitchen**

13
14 Dear Mr. Simons:

15
16 Thank you for your offer to work with Manhattan Community Board #4 regarding our concerns
17 about certain Citibike locations that typically run out of bicycles fairly early on most mornings
18 and have no return slots in the evenings. We appreciate your offer to “rebalance” (deliver
19 bicycles to empty locations and/or remove bicycles from full locations) more frequently
20 locations recommended by the Community Board and to install new Citibike stalls where
21 needed.

22
23 We would thus like to request more frequent rebalancing at the following locations:

24
25 W. 37th Street and 10th Avenue
26 W. 39th Street and 9th Avenue
27 W. 41st Street and 11th Avenue
28 W. 43rd Street and 10th Avenue
29 W. 47th Street and 10th Avenue
30 W. 49th Street between 8th and 9th Avenues

31
32 Please note that all of the above serve primarily residential areas and thus often run out of
33 bicycles by 8am or 9am in the morning and fill up with returning bicycles after 7pm. We
34 understand that there is a Citibike storing location for rebalancing on West 42nd between 9th and
35 10th Avenues, within a quarter mile of all but the W. 49th Street location, enabling easier
36 rebalancing for these locations.

37
38 The Transportation Planning Committee is also reviewing potential locations for additional
39 Citibike stalls and will send a follow-up letter within another two months.

40

41 Again, we greatly appreciate your responsiveness to our request and look forward to working
42 with you to ensure an efficient and user friendly Citibike system.

43

44 Sincerely

DRAFT

1 Transportation Planning Committee

Item # 21

2
3 November 25, 2015

4
5 Ms. Margaret Forgione
6 Manhattan Borough Commissioner
7 NYC Department of Transportation
8 59 Maiden Lane, 35th Floor
9 New York, NY 10038

10
11 **RE: 6th Avenue Bike Lane (14-33rd Streets)**

12
13 Manhattan Community Board 4 has been an early adopter and a champion of bike lanes
14 in the past, causing DOT to install the first protected bike lane in the city on lower 8th and
15 9th Avenues.

16
17 It is unfortunate that this proposed bike lane design includes very few of the
18 improvements geared at pedestrian safety, a priority of DOT and this administration's
19 Vision Zero campaign.

20
21 Compared with the early bike lanes installed in our district, the proposed design is
22 lacking almost all the key ingredients that have contributed to the 50% reductions in
23 injuries and fatalities on the lower 9th and 8th Avenues bike lanes.

24
25 We are asking you go back to the drawing board and come back to the board in two
26 months with a proposal that provides (1) real pedestrian refuges with trees at each
27 western side of a pedestrian crossing that is not in a turn lane, and (2) fully exclusive split
28 phases at all the intersections where drivers turn left.

29
30 Pedestrian refuges made of concrete were originally touted as critical to allow seniors and
31 children to cross wide avenues, by giving them the option to cross in two shorter
32 segments, while waiting in a safe location. For the 6th Avenue bike lane, DOT proposes
33 to use refuges painted on the ground. These do not qualify as refuges: at best bicyclists
34 will use them and cars and trucks will park in them. At worst, they will entice pedestrians
35 to wait to cross at a more dangerous location: to stand on them while getting no
36 protection from cars driving up the avenue.

37
38 DOT indicated that the width of the bike lane did not permit to install concrete refuges
39 because of the sanitation department use of wide snow removal equipment. In fact we
40 have confirmation that the sanitation department has acquired for many neighborhoods,
41 including ours, new snow equipment that can be used on narrower bike lanes.

42
43 Fully protected walk lane: In the lower 8th and 9th Avenue bike lanes, every left turn was
44 equipped with a left arrow red signal that let pedestrian cross without being threatened or
45 hit by turning cars, and then a left arrow green light that let drivers turn without fear of
46 hitting a pedestrian or bicyclist. Each mode gets its exclusive slice of time. This "fully

47 exclusive split phase “ has proven very effective and contributed to reduce injuries and
48 fatality there by 50%. Other bike lanes that do not include this feature have resulted in
49 much lesser injuries reductions (20/30%).

50
51 DOT proposes to install fully exclusive split phases only at 14th and 23rd streets
52 intersections with 6th Avenue, thus leaving unsafe conditions at 9 intersections where 25
53 pedestrian injuries or 66% of the corridor’s injuries occurred in the last 3 years. In fact
54 some of these intersections that are left unprotected count more injuries than the ones
55 that will receive a fully exclusive split phases. With Vision Zero as a mandate, one
56 expects DOT to take this opportunity to make whole corridors safer for all users.

57
58 We urge you to go back to the drawing board and improve on the design to deliver a true
59 complete street that serves all its users, and in doing so - advances significantly the
60 Vision Zero objectives.

61
62 We look forward to a new presentation in January 2016.

DRAFT

2
3 November 15, 2015

4
5 Mayor Bill de Blasio
6 City Hall
7 New York, NY 10007

8
9 **Re: Support for Car-Free Day in New York City**

10
11 Dear Mayor de Blasio,

12
13 Manhattan Community Board 4 (CB4) would like the Mayor's office and relevant New York
14 City agencies to explore the idea of a car-free day (CFD) in a portion of midtown Manhattan. An
15 international CFD movement began 20 years ago and has been growing ever since. Structured in
16 a diversity of ways in different locations, World Car-Free Day has become a reality in many
17 major international cities. Paris recently initiated such a day on Sunday, September 27, 2015,
18 when private cars were excluded from a portion of the city center from 11:00 am to 7:00 pm.
19 Taxis, buses, and emergency vehicles were unaffected.

20
21 A car-free day would be designed to benefit a majority of New York City residents. In 2012,
22 NYC had by far the highest percentage of car-free households in the United States, and, at 56%,
23 a clear majority. (The next highest is Washington DC, at 38%). At a whopping 78%, it is an
24 overriding majority in Manhattan, but also a clear majority in the Bronx (60%) and Brooklyn
25 (54%). In the US as a whole, moreover, the total vehicle miles traveled (VMT) per capita peaked
26 in 2005, and has fallen every year since then. A rebalancing of transportation options is
27 occurring nationwide.

28
29 A car-free day would dovetail with ongoing city efforts to reduce congestion in Manhattan.
30 MoveNY has developed a proposal to adjust NYC bridge tolls to eliminate the financial
31 incentives they now create to drive into and through Manhattan. That plan has recently been
32 endorsed by the City Council's Progressive Caucus. The Citibike bike-sharing program has been
33 hugely successful, and is being expanded both in Manhattan and in other boroughs. What's
34 more, a CFD would be very much in line with the Mayor's Vision Zero initiative.

35
36 As part of the Summer Streets program, New York City is already creating smaller car-free areas
37 on Saturdays in August. The recent visit by Pope Francis shut down major sections of the city to
38 vehicular traffic. Nonetheless, a more extensive CFD should be seen as an experiment, not
39 necessarily a policy. Its purpose would be to better understand both the benefits and detriments
40 of temporarily eliminating private cars from a portion of midtown Manhattan. It would provide
41 the City with valuable information on its effects on commerce and recreation, as well as impacts
42 on all forms of public transportation, including subways, buses, taxis, and Citibikes. If it shows
43 promise, adjustments could and should be made in the area covered, the times and day of the
44 week, and possibly in lane closures and public transit schedules.

45
46 It's an experiment whose time has come. In midtown Manhattan, space in general, and in the
47 public right-of-way in particular, is a rare and priceless commodity. A pedestrian takes up 5

48 square feet of space, a bicycle 10 square feet, and an automobile more than 100 square feet. With
49 the large number of pedestrians, and now bicyclists, in central Manhattan, the space allocation
50 per person strongly favors automobile users, who are in the minority. This experiment would
51 allow us to test the effect of rebalancing that bias for a day. With advance notice and planning,
52 the temporary reduction in space allocated to automobiles could be leveraged for activities that
53 benefit other users. These might include street fairs, parades, bike rides, children's play areas,
54 street performers, food and plant markets, music and dance performances, ...
55

56 CB4 understands the complications involved with such an initiative, and we offer the following
57 recommendations to help make a car-free day achievable and successful:
58

- 59 ● New York's CFD could be tied to a nationally recognized day associated with
60 sustainability, such as Earth Day, Bike-to-Work Day, or World Car-Free Day.
- 61 ● The car-free zone could be limited to a particular district and expanded based on its
62 success. As the Community Board representing Community District Four we would
63 strongly recommend the area include our Community District which covers 14th to 59th
64 Streets on the west side of Manhattan. This area is better served by public transportation
65 than any other part of New York City.
- 66 ● Car-free New York should be restricted to particular hours of one day, allowing for
67 commercial deliveries at other times. Public transportation such as buses yellow cabs, and
68 Access-A-Ride as well as all other essential service vehicles should be allowed to operate
69 as usual.
- 70 ● The car-free day should be a day with relatively light traffic, probably a Sunday.

71
72 While initiating a car-free day in New York City will be a challenge, we believe that it will be
73 well worth the effort to raise our city's understanding of its impacts. We believe in the ability of
74 our City to take up such an initiative and we ask for your leadership in exploring the possibility
75 of making a car-free day in New York a reality.
76

77
78 cc
79 electeds
80 DOT
81
82

2

3 December XX, 2015

4

5 Hon. Meenakshi Srinivasan, Chair
6 Landmarks Preservation Commission
7 Municipal Building, 9th floor
8 One Centre Street
9 New York, NY 10007

10

11 **Re: Terminal Stores - 220 Twelfth Avenue - West Chelsea Historic District**

12

13 Dear Chair Srinivasan:

14

15 At its regularly scheduled full Board meeting on December 2, 2015, Manhattan Community Board 4
16 (CB4), on the recommendation of its Chelsea Land Use Committee, by a vote of XX in favor, XX
17 opposed, XX abstaining and XX present but not eligible to vote, voted to recommend approval, with
18 comments, of an application for a Certificate of Appropriateness for an increase in height in one elevator
19 penthouse of the Terminal Stores building in the West Chelsea Historic District.

20

21 The Terminal Stores building occupies the full block between Eleventh and Twelfth Avenues, between
22 West 27th and 28th Streets, comprises 26 buildings of different heights and was designated as a landmark
23 in 2008. An existing rooftop freight elevator penthouse is located partially on Building Four and partially
24 on Building Six. The applicant plans to remove the Building Six freight elevator and replace it with two
25 new passenger elevators, one of which will provide access to the roof for workers with maintenance and
26 repair materials and equipment.

27

28 In order to accommodate the elevator mechanicals and provide roof access the applicant is seeking
29 permission to build a painted, smooth-sided structure that would increase the height of the Building Six
30 elevator penthouse from approximately 17 feet to 25 feet. When asked about using more historically
31 accurate materials such as brick, the applicant replied that masonry was too heavy.

32

33 **Comments**

34

- 35 • The applicant has constructed a full size wood frame with orange plastic netting marking the size and
36 location of the proposed penthouse. While the test structure is not visible from the surrounding
37 streets, it is visible from the High Line to the north. In the context of the roof, which is large and has
38 a variety of structures of different sizes on it, the proposed elevator penthouse would not be an overly
39 intrusive structure, but it clearly is visible.

40

41 If using brick for the extension is not possible, we request that the applicant consider painting
42 methods and materials such as texture or scoring to make the structure blend in with its surroundings.
43 A smooth, monolithic structure will stand out in stark contrast to the brick of the Terminal Stores
44 building below and that of the Starrett Lehigh building beyond.

45

- 46 • Having had problems with roof-top open air venues elsewhere in the district, we note warily - in the
47 absence of a stated immediate purpose - that the second passenger elevator potentially could provide
48 roof access for more than maintenance work, such as for a lounge or club.

49

50 The Board recommends approval of the application for a Certificate of Appropriateness with the
51 expectation that the applicant's architects will work to devise a finish that will let the expanded structure

52 blend into its background and that the applicant will not permit roof-top uses detrimental to the
53 community.

54

55 Sincerely,

DRAFT

Housing, Health, & Human Services Committee

Item# 24

Letter to HPD re 505 W 43rd Street – Inclusionary Housing Application – Will be sent out Monday

2
3 December 2, 2015

4
5 Hon. Gale A. Brewer
6 Manhattan Borough President
7 1 Centre Street, 19th Floor
8 New York, NY 10007
9

10 **Re: Resolution To Support Intro 214**

11
12 Dear Manhattan Borough President Brewer,

13
14 Manhattan Community Board 4 (MCB4) is pleased to provide its recommendation on the
15 Manhattan Borough Board's resolution in support of **Resolution In Support of a Right to**
16 **Counsel for Low-income New Yorkers Who Face Losing their Homes in Legal Proceedings,**
17

18 **WHEREAS**, a substantial number of people facing eviction and foreclosure proceedings live in
19 poverty, are not able to afford or obtain counsel to represent them, and must appear in court
20 unrepresented, and

21 **WHEREAS**, eviction and foreclosure proceedings are technical legal proceedings in which
22 lawyers generally appear for the petitioners and the rules of evidence and procedural and
23 substantive law all apply; they are consequently very difficult for unrepresented parties to
24 navigate, and

25 **WHEREAS**, representation by counsel in eviction and foreclosure proceedings keeps people in
26 their homes and communities and out of the homeless shelters and provides fundamental fairness
27 and due process for those who face losing their homes, and

28 **WHEREAS**, the consequences of eviction and foreclosure are dire for low-income people: there
29 is a deficit of affordable housing, and low-income families and individuals who lose their homes
30 in legal proceedings often end up in homeless shelters or in housing that is less affordable than
31 the housing they must leave; and they suffer from loss of employment, missed schooling and
32 damage to physical and mental health, and

33 **WHEREAS**, these dire consequences for those who lose their homes in turn result in huge costs
34 to the City of New York in providing shelter, social services and other services, and

35 **WHEREAS**, Intro 214, which would create a right to counsel in eviction and foreclosure
36 proceedings, is currently pending at the City Council and is co-sponsored by 38 of the 51
37 Councilmembers.

38 **THEREFORE, BE IT RESOLVED THAT**, the X Board supports the right to counsel for low-
39 income New Yorkers who face losing their homes in legal proceedings and urges the City
40 Council and the Mayor to adopt Intro 214 or any other measure that would guarantee the right to
41 counsel for low-income New Yorkers who face losing their homes in legal proceedings.
42

2
3
4 December 2, 2015

5
6
7
8 HPD
9 100 Gold Street
10 New York, NY 100389

11
12
13 Dear :

14
15 At its November meeting of the Housing Health and Human Services meeting, Manhattan
16 Community Board 4 raised its concerns about a loophole in the tenant anti-harassment
17 protections of the Special Clinton, Special Hudson Yards and Special West Chelsea Districts that
18 recently became apparent when assisting the tenants living in one of the most troubled sites in
19 our district at 485-497 Ninth Avenue. CB4 representatives recently voiced their concerns at a
20 meeting with representatives of the Department of Housing Preservation and Development
21 (“HPD”) and more recently crafted language to close the loophole. CB4 is writing to express its
22 support to close that loophole to protect tenants living in our district and to request that it be
23 handled expeditiously.

24
25 Background- Special Purpose Districts

26
27 Adopted by the Board of Estimate¹ in 1973, the Special Clinton District (“SCD”) was one of the
28 first Special Purpose Districts created. The SCD allows dense residential and commercial to
29 proceed in the Perimeter Areas (along 8th Avenue and West 42nd Street) while establishing a
30 Preservation Area, with specific height limits, in the neighborhood’s low rise residential core
31 (west of 8th Avenue to west of 11th Avenue, from West 43rd to West 56th Streets). Of particular
32 importance, the SCD was the first district in the City to include protections against tenant
33 harassment. The SCD’s tenant anti-harassment provisions require that an owner obtain a
34 certification HPD that no harassment has occurred on the site before the Department of Buildings
35 (“DOB”) can issue a permit for a material alteration. The Certification of No Harassment
36 (“CONH”) requirement prevents owners from altering or demolishing building in which
37 harassment had been documented without first providing permanent affordable housing.

38
39 During the rezoning of the Hudson Yards in 2005 and West Chelsea in 2008, CB4 working with
40 HPD and DCP inserted similar anti-harassment tenant protections into both the Special Hudson
41 Yards District (“SHYD”) and the Special West Chelsea District (“SWCD”) to prevent large scale
42 displacement of existing tenants in CB4’s core residential areas. As large areas within our
43 community district have been rezoned, often at enormous FARs, the anti-harassment and
44 demolition provisions have been an ongoing deterrent against wholesale tenant displacement.

45

¹ Until 1990, the Board of Estimate was the precursor body to the City Council for final approval of zoning actions.

1
2 Apparent loophole in the zoning text
3

4 Recently, when working to protect the tenants living at 485-497 9th Avenue, CB4 because aware
5 of a loophole in the text that allows owners to circumvent the CONH provisions of the Special
6 Hudson Yards District (and by extension the SCD and SWCD too). Specifically, under Section
7 93-91 of the SHYD (and by extension SWCD which incorporates the protections through
8 reference to the SHYD) and also Section 96-108 of the SCD, a building declared by DOB to be
9 unsafe can be demolished without obtaining a certificate of no harassment. While the intent of
10 this language was to allow the City to expeditiously address emergency situations that
11 compromise public safety, left unchecked it can be used more nefariously by building owners to
12 circumvent anti-harassment protections. The loophole inadvertently awards owners who actively
13 or passively compromise the structural integrity of a building by not requiring compliance with
14 the CONH provisions. As a result of the loophole, they are relieved of any obligation to provide
15 permanent affordable housing, even if they had engaged in rampant tenant harassment tactics
16 and/or facilitated the structural instability. Not only do the tenants living on the site lose this
17 protection, but the City as a whole loses the permanent affordable housing that would otherwise
18 have been required to be built at that site.

19
20 CB4 is therefore recommending the following text changes to the Special Clinton, Special
21 Hudson Yards and Special West Chelsea Districts to close this loophole while also maintaining
22 public safety protections:
23

24 Proposed Text Amendment to the Special Clinton District (new language in italics):

25 96-110(b)(1) Unless the Department of Housing Preservation and Development has issued a
26 #certification of no harassment# pursuant to paragraph (c) of this section or has certified
27 compliance with the cure provisions of paragraph (d) of this Section,

28 (i) no permit may be issued by the Department of Building pursuant to Section 96-
29 109 and 96-24, and no special permit may be granted by the City Planning
30 Commission pursuant to Section 96-107 and 96-108;

31 (ii) *no permit may be issued by the Department of Buildings for the construction of a*
32 *#development#, #enlargement# or #extension# of a structure located on a #zoning*
33 *lot# where a #multiple dwelling# had been found to be unsafe pursuant to Title*
34 *28, Chapter 2 Article 216 of NYC Admin Code and demolished pursuant to*
35 *Section 96-108.*

36
37 Proposed Text Amendment to the Special Hudson Yards District and the Special West Chelsea
38 District by extension as Section 98-70 of the SWCD refers back to SHYD 93-90 (new language
39 in italics):

40 Section 93-90(b) Permit Process

41 (1) Unless the Department of Housing Preservation and Development has issued a
42 #certification of no harassment# pursuant to paragraph (c) of this Section or has certified
43 compliance with the cure provisions of paragraph (d) of this Section, the Department of
44 Buildings shall not issue a permit for:

- 1 (i) the full or partial demolition of a #multiple dwelling# located in the #anti-
2 harassment area#; or
- 3 (ii) the #material alteration# of a multiple dwelling located in the anti-
4 harassment area#; *or*
- 5 (iii) *the construction of a #development#, #enlargement# or #extension# on a*
6 *zoning lot on which a #multiple dwelling# has been found to be unsafe*
7 *pursuant to Title 28, Chapter 2 Article 215 or 216 of the New York City*
8 *Administrative Code and demolished pursuant to Section 93-91(a) 108.*

9
10 Sincerely,

11
12
13 Barbara, Joe, Chrisitne
14
15 Cc: CM Corey Johnson
16 Vito M
17 Deborah Rand

DRAFT