

1 **Quality of Life Committee**

**Item #: 1**

2  
3 December XX, 2014

4  
5 Stacey Cumberbatch  
6 Commissioner  
7 NYC Department of Citywide Administrative Services  
8 One Centre Street, 17th Floor South  
9 New York, NY 10007

10  
11 **Re: Relocation request of FDNY EMS Station #7**  
12 **512 West 23<sup>rd</sup> Street**

13  
14 Dear Commissioner Cumberbatch:

15  
16 Manhattan Community Board 4 (CB4) urges you to consider all the options available for the  
17 relocation of the Chelsea EMS station from 512 West 23<sup>rd</sup> Street to a new location more  
18 appropriate to such an operation. We believe that an appropriate new location needs to  
19 accommodate a much larger capacity than the temporary one currently in place.

20  
21 We request that DCAS commissions a full scale site selection review for a permanent EMS  
22 Facility for the west side of Manhattan. This full scale review process has long been promised,  
23 but has never been conducted. MCB4 believes that alternative sites do exist in our community,  
24 and that many commercial developers would welcome the opportunity to work with the City of  
25 New York in finding a new location for this very important facility. Specifically, we urge DCAS  
26 and our elected officials to reach out to the developer of Site \_\_? to discuss same. At the CB4  
27 Quality of Life Committee held on Monday, November 10, 2014, representatives of the Fire  
28 Department of the City of New York indicated their initial support of a new station being  
29 constructed at this proposed new facility.

30  
31 CB4 is extremely grateful that an EMS station was temporarily located in Chelsea after the  
32 closing of Saint Vincent Hospital, to speed up access to Emergency services – in some cases life  
33 saving trips – for our residents of Chelsea - and their soon to be Hudson Yards  
34 neighbors. However the chosen temporary location is very disruptive to neighbors because it is  
35 not an enclosed facility and the associated siren noises and the diesel exhaust present major  
36 quality of life nuisance to residents who continue to complain that their children ‘s and their  
37 families’ sleep is routinely disrupted, and more urgently, allegations of resident respiratory  
38 troubles arising from the location of the station in this dense residential community are routinely  
39 being received by this office. In addition, it is important to note that the current Site was flooded  
40 during Super Storm Sandy, and therefore may not be able to serve the host community  
41 effectively during future periods of devastation.

42  
43 We anticipate the demand for EMS services to grow significantly in the next few years, due to  
44 the massive residential and commercial development under way in Hudson Yards. Thus we  
45 expect the new station to provide ample capacity to accommodate this growth in number of

46 vehicles and that no vehicles will need to park on the streets outside the station as is routinely the  
47 case today.

48 We appreciate your attention to this urgent matter, as the current conditions are not sustainable  
49 and the planning for a new solution should already be well under way.

50

51 Sincerely,

52

53 Tina, David, Christine

54

55 CC: Corey Johnson and all elected

56

DRAFT

1 **Quality of Life Committee**

Item #: 2

2  
3 December XX, 2014

4  
5 Mr. Dennis Rosen, Chair  
6 Ms. Jeanique Greene, Commissioner  
7 Mr. Kevin Kim, Commissioner  
8 New York State Liquor Authority  
9 80 South Swan Street  
10 Albany, NY 12210

11  
12 **Re: Sharabi Inc. d/b/a Pierre Loti West Restaurant, 258 West 15<sup>th</sup> Street (7/8<sup>th</sup>)**

13  
14 Dear Mr. Rosen, Ms. Greene and Mr. Kim,

15  
16 We write with respect to **Sharabi Inc. d/b/a Pierre Loti West Restaurant, 258 West 15<sup>th</sup> Street**  
17 **(7/8<sup>th</sup>)** (herein referred to in this letter as “**Pierre Loti**”).

18  
19 As per our letters dated July 31, 2009 and July 28, 2011 (attached), Manhattan Community  
20 Board 4 (MCB4) voted to recommend denial of a new liquor license unless the applicant agreed  
21 to the stipulations documented in these letters. It is our understanding that the applicant  
22 consented to all terms prior to the issuance of the license.

23  
24 Although the operators have been forthcoming and have worked in good faith with residents and  
25 board members in their multiple appearances at MCB4’s Quality of Life Committee over the past  
26 six months, there remain several unresolved issues regarding the **inconsistent manner in which**  
27 **the terms of its liquor license have been repeatedly violated**. These violations are of concern  
28 to the community, and are outlined below. As such, MCB4 respectfully requests that the SLA  
29 enforce **Pierre Loti**’s terms of operation specifically focusing on:

30  
31 **Hours Of Operation:**

32 Pierre Loti regularly closes its doors **after** 11 p.m. instead of the stipulated Sunday through  
33 Thursday by 11 P.M. and **after** 12:00 a.m. after the stipulated Thursday through Friday by 12:00  
34 A.M. Specifically, numerous and consistent complaints received by MCB4 center on  
35 Wednesday evenings, which is currently **Pierre Loti**’s “live music night”.

36  
37 **Background Music:**

38 The applicant has agreed to background music for normal operation. As noted above, live music  
39 is currently being performed on Wednesday nights. In contradiction to the stipulation agreed to  
40 that the only music allowed on the premises be of the “background” variety, MCB4’s QoL  
41 Committee has received dozens of complaints over the past six months from individual residents  
42 and representatives of the relevant Block Associations that the music emanating from **Pierre**  
43 **Loti** is **NOT** of the background variety, as it is clearly heard across the street and inside the  
44 residences of complainants.

45  
46 Representatives of **Pierre Loti** have been entreated to engage the services of an acoustical

47 engineer to devise sound containment strategies which would effectively limit these noise  
48 violations from occurring. On many occasions, representatives of **Pierre Loti** have indicated  
49 that they will take all measures necessary to ensure that these noise violations would be  
50 addressed and corrected. To date, the “background noise” remains unresolved.

51  
52 MCB4 has met with representatives from **Pierre Loti** three times over the past six months, to  
53 entreat the establishment to comply with all its stipulations and to negotiate “good neighbor”  
54 measures to alleviate other problems (such as customers using the adjacent sidewalk to  
55 congregate on to either smoke and/or converse before entering and/or leaving the establishment  
56 in a manner that causes disruption of the quality of life of the block’s residents) associated with  
57 its operating in a manner inconsistent with the terms of its liquor license.

58  
59 At the November 10, 2014 Quality of Life Committee meeting, a representative from **Pierre**  
60 **Loti** consented to eliminating all outside tables in front of the restaurant and the permanent  
61 removal of the 8 foot umbrella, attached bench, and A-Frame sign used on the sidewalk.

62  
63 Additionally, at that meeting, MCB4 requested that **Pierre Loti** provide any documentation  
64 received from the SLA that would indicate their compliance with (or compliment MCB4’s  
65 understanding of) all relevant stipulations within five (5) days of that meeting. However, to date,  
66 to the knowledge of the signatures of this letter, no documentation has been received by MCB4  
67 from **Pierre Loti** with regard to that request.

68  
69 MCB4, therefore, respectfully requests that the SLA enforce the stipulations and require **Pierre**  
70 **Loti** to adhere to its agreed upon method of operation.

71  
72 Sincerely,

73  
74  
75  
76 Tina DiFeliciano  
77 Co-Chair, Quality of Life Committee

76 David M. Pincus  
77 Co-Chair, Quality of Life Committee

78  
79  
80 cc: Applicant  
81 Elected Officials  
82 13 Street Precinct  
83 All relevant Block Associations

84  
85  
86

1 **Quality of Life Committee**

Item #: 3

2  
3 December XX, 2014

4  
5 Mr. Dennis Rosen, Chair  
6 Ms. Jeanique Greene, Commissioner  
7 Mr. Kevin Kim, Commissioner  
8 New York State Liquor Authority  
9 80 South Swan Street  
10 Albany, NY 12210

11  
12 **Re: Fondue 26 LLC d/b/a The Orchard a.k.a. The Ainsworth,**  
13 **and Windsor Custom LLC, 122 West 26<sup>th</sup> Street, NYC, 10001**

14  
15 Dear Mr. Rosen, Ms. Greene and Mr. Kim,

16  
17 We write with respect to Fondue 26 LLC d/b/a The Orchard a.k.a. The Ainsworth, 122 West 26<sup>th</sup>  
18 Street, NYC, 10001 (herein referred to in this letter as “The Ainsworth,” the name under which  
19 this establishment presently operates) and Windsor Custom LLC, a related but separate  
20 corporation. The Ainsworth is managed and owned by its holding company—the Paige  
21 Hospitality Group (PHG)—whose president, Matt Shendell (operator), was the co-applicant on  
22 the original liquor license.

23  
24 As per the attached letter dated October 22, 2009, Manhattan Community Board 4 (MCB4) voted  
25 to recommend denial of a new liquor license unless the applicant agreed to the stipulations. It is  
26 our understanding that the applicant consented to all terms upon which its liquor license was  
27 conditioned. However, after hearing considerable complaints from the community, which  
28 sparked substantial research by MCB4, it became clear that The Ainsworth is in violation of the  
29 stipulations and operates in a manner materially different from what was initially represented.

30  
31 Despite meeting with representatives from The Ainsworth four times in the past month alone,  
32 and exchanging dozens of emails over the past three months, MCB4 has been unable to entreat  
33 the operator to fully comply with the stipulations or to take effective ‘good neighbor’ measures  
34 to alleviate problems associated with inadequate security necessitated by operating in a manner  
35 inconsistent with the terms of its liquor license.

36  
37 Contrary to the liquor serving family-friendly restaurant for which its license was granted, The  
38 Ainsworth also has a diverse array of operations including:

- 39  
40 1) a clandestine clothing store with a second bar that was never approved by the SLA;  
41 2) a sports bar that USA Today named among the “*10 Best*” in the country featuring 40 large  
42 screen televisions, two projectors and a state of the art sound system;<sup>1</sup>  
43 3) a 6,000 square foot event space for corporate and private events;  
44 4) and a club-like party venue.<sup>2</sup>

---

<sup>1</sup> <http://www.usatoday.com/story/travel/destinations/10greatplaces/2014/01/23/sports-bars/4801737/>

<sup>2</sup> <http://www.ainsworthnyc.com/about.htm> and <http://paigegroupny.com/windsor-custom/>

45  
46 Indeed, an Ainsworth representative was quoted as saying, “*We’ve done everything from*  
47 *building a stage for athletes to interact with their clients, to driving a car into the center of the*  
48 *venue.*”<sup>3</sup> The operator himself pointed out “*You name it, we do it at The Ainsworth on 26th.*”<sup>4</sup>  
49

50 MCB4, therefore, respectfully requests that the SLA enforce The Ainsworth’s terms of  
51 operation, require adherence to the stipulations, and necessitate the closure of the illicit liquor-  
52 serving clothing store that exists beneath The Ainsworth.

53  
54 **OPERATING WITHOUT A LICENSE**

55 According to the operator, the PHG came up with the idea for a “*bespoke, speakeasy style,*  
56 *appointment-only custom men’s clothing shop...as an amenity...that has become a busy*  
57 *business.*”<sup>5</sup>  
58

59 The New York Department of State recognizes that the clothing store is owned by Windsor  
60 Custom, LLC, an entirely different business entity from The Ainsworth that was described as “*A*  
61 *Secret Custom Suit Shop Under NYC’s Hottest Sports Bar*” where “*the bar is stocked.*”<sup>6</sup>  
62

63 **ONGOING VIOLATIONS OF THE STIPULATIONS**

64 **1) Capacity**— In contradiction to the stipulation’s cap of 250 people, The Ainsworth’s website  
65 advertises that it can accommodate up to 450 people.<sup>7</sup>  
66

67 **2) Applicant Will Not Apply For A Cabaret License**—While The Ainsworth does not have a  
68 cabaret license, dancing does take place. The website partyearth.com states that people arrive on  
69 the scene “*to check out the action on the dance floor.*”<sup>8</sup> On yelp.com a patron commented that  
70 The Ainsworth is actually “*confused about whether it is a sports bar or a club.*”<sup>9</sup>  
71

72 In fact, during the November 10, 2014 meeting of the MCB4’s Quality of Life Committee, The  
73 Ainsworth’s Chief Operating Officer, Joe Arongino, referred to The Ainsworth not once but four  
74 times as a “*club.*” One committee member noted that she had been turned away by bouncers  
75 who attempted to prohibit her family from entering the establishment for dinner because her ten-  
76 year-old child was underage. Another said that he (along with a long line of rather lively  
77 patrons) was carded by bouncers on the sidewalk when he attempted to enter The Ainsworth for  
78 a late-night snack.  
79

80 **3) No DJ or Live Music**—As reflected on several floor plans posted on its own website, The  
81 Ainsworth installed a permanent DJ booth that facilitates live spinning during parties, corporate  
82 events, and sports broadcasts, which frequently attract large, often boisterous crowds.  
83

84 • **Game Days:** On yelp.com patrons commented that DJ’s were, “*blowing out the speakers,*” and

---

<sup>3</sup> <http://insidechelseanyc.com/the-ainsworth-chelsea/>

<sup>4</sup> <http://www.bbook.com/industry-insiders-matt-shendell-president-of-paige-hospitality-group/>

<sup>5</sup> <http://www.bbook.com/industry-insiders-matt-shendell-president-of-paige-hospitality-group/>

<sup>6</sup> <http://www.businessinsider.com/windsor-custom-2012-4?op=1#ixzz3JjMo10ug>

<sup>7</sup> <http://www.ainsworthnyc.com/events.htm> (“AV/CAPACTIY” pop-up caption)

<sup>8</sup> <http://www.partyearth.com/new-york/bars/the-ainsworth-2/#review>

<sup>9</sup> <http://www.yelp.com/biz/the-ainsworth-new-york>

85 that television sportscasters could not be heard over “*the thumping music.*”<sup>10</sup>

86  
87 • Promoters’ Parties: Joonbug, a promoter that does business with The Ainsworth, advertised  
88 that, a top DJ “*will be turning up the heat on the dance floor.*”<sup>11</sup> And on the same yelp web  
89 page referenced above, a customer observed “*haggling/bartering with bouncers at the door,*”  
90 prompting another to query “*why a restaurant needs bouncers in the first place?*”

91  
92 • Corporate and Private Events: In two separate emails to MCB, the operator mistakenly  
93 asserted that The Ainsworth is “*allowed to have a DJ for private events and corporate events.*  
94 *We have them maybe 50 days a year,*” and, “*There is NO reason why we cannot have one if it*  
95 *means losing...a corporate event.*”<sup>12</sup>

96  
97 4) **No Outside Promoters**—In contradiction to its stipulations, The Ainsworth rents out space to  
98 at least one promoter to host parties with a club-like atmosphere.<sup>13</sup> For example, on its website,  
99 promoter Joonbug advertised an adult-only 2014 Halloween party as a “*nightclub*” and urged  
100 people buy tickets, “*for some serious hell-raising party mayhem.*”<sup>14</sup>

101  
102 At the November 10<sup>th</sup>, 2014 MCB4 Quality of Life (QOL) Committee meeting, two Ainsworth  
103 executives promised that they would immediately stop working with Joonbug or any other  
104 promoter but that parties would none-the-less continue with tickets sold directly by PHG.<sup>15</sup> In a  
105 subsequent email to MCB4 the operator stated that he cancelled Joonbug’s New Year’s Eve  
106 party and noted that he “*did not view them as an ‘outside’ promoter*” and that working with them  
107 was “*unintentional.*”<sup>16</sup>

108  
109 After MCB4 requested documentation of the cancellation, we received a one-line email from  
110 Joonbug’s CEO stating “*We have canceled the event for NYE for Ainsworth.*”<sup>17</sup> However, as of  
111 the date of this letter, the event is still being promoted, and tickets sold, on both Joonbug.com  
112 and its sister site Cravetickets.com, which are both owned by the same corporation—SkyNet  
113 Media Group.<sup>18</sup>

114  
115 While MCB4 is hopeful that the operator will fulfill his promise to cancel the New Year’s Eve  
116 party, we remain doubtful that The Ainsworth will permanently sever its relationship with  
117 promoters in the future.

118  
119 5) **Hours Of Operation**—The Ainsworth opens its doors at 11 a.m. instead of the stipulated 12  
120 p.m..

121  
122 6) **Certified Sound Engineer To Mitigate Noise Disturbances To The Neighboring**  
123 **Residents** —The operator asserts that he hired an acoustician but could not recount exactly

<sup>10</sup> <http://www.yelp.com/biz/the-ainsworth-new-york>

<sup>11</sup> <http://joonbug.com/newyork/events/The-Ainsworth/11-01-2014/Haunted-Halloween-at-The-Ainsworth/oye5kXOfl7i>

<sup>12</sup> October 30<sup>th</sup>, 2014, 6:12pm and November 12<sup>th</sup>, 2019, 3:33pm

<sup>13</sup> Email dated October 30<sup>th</sup>, 2014, 6:12pm

<sup>14</sup> <http://joonbug.com/newyork/newyearsve/The-Ainsworth-NYC-New-York/nE0mTy8aoLL>

<sup>15</sup> Tom Simpson, Paige Hospitality Group, V.P. of Operations, and, Joe Arongino, Paige Hospitality Group, COO

<sup>16</sup> November 21<sup>st</sup>, 2014 email to MCB4

<sup>17</sup> <http://nightout.cravetickets.com/events/the-ainsworth-new-years-eve-2014>

<sup>18</sup> November 21<sup>st</sup>, 2014 email from Jonathan Gabel, CEO, SkyNet Media Group.



124 when. He conceded it may have been when The Ainsworth opened in 2009 or perhaps in 2008,  
125 during his involvement with the event business “Lotus Space NYC, Inc.”, which was dissolved  
126 by proclamation in 2011 for non-payment of state taxes.<sup>19</sup> Since the operator cannot find any  
127 documentation related to an acoustician, he has expressed a willingness to pay for a sound  
128 evaluation but there is no indication that he has, as of yet, taken action.

129  
130 **ADDITIONAL PROBLEMATIC CONDUCT OF CONCERN TO THE COMMUNITY**  
131 The Ainsworth’s manner of operation contributes to the deleterious impact that the establishment  
132 continues to have on West 26<sup>th</sup> Street, which is comprised of an increasing number of residences  
133 with children and aging persons. These problems include extreme crowding of sidewalks, traffic  
134 back-ups, fist-fights, yelling by inebriated patrons, and cheering by people loitering or smoking  
135 on the sidewalk while watching sports broadcasts on multiple large screen televisions that are  
136 viewable through the glass frontage from as far away as across the street.

137  
138 In an October 23<sup>rd</sup>, 2014 meeting attended by community members and representatives from The  
139 Ainsworth, Michael Hesekeiel, the president of All Star Security (the company that handles  
140 security for The Ainsworth) admitted that the large crowds that congregate on the sidewalk and  
141 street are at times “*hard to police*”. In an attempt to reassure residents, Mr. Hesekeiel stated that  
142 one of the security measures being taken to “*discourage riff-raff from coming around*” is the  
143 enforcement of a “*very strict dress code*.” Two All Star Security guards nodded in agreement  
144 when MCB4’s Quality of Life Committee Co-Chair Tina DiFelicianantonio asked if part of the  
145 problem might stem from the fact that bouncers need to be mindful not to offend well-heeled  
146 patrons and corporate clients at an establishment characterized by US Magazine as a “*VIP*  
147 *Scene*”, where, according to the New York Times, tables can “*command a \$1,000 minimum*” on  
148 big game days.<sup>20</sup>

149  
150 During MCB4’s attempts to negotiate with The Ainsworth, it made a commitment to bag  
151 garbage properly, pack broken glass safely, clean the sidewalk more effectively, hang longer  
152 curtains, and— during busy times—add a security guard and close the drapes/windows. While  
153 these measures are intended to help ameliorate The Ainsworth’s negative impact on the  
154 neighborhood, they do not change the fact that until PHG adheres to the stipulations, West 26<sup>th</sup>  
155 Street’s quality of life problems may remain intractable.

156  
157 This is of particular concern since PHG is planning to expand its operations across New York  
158 State based on The Ainsworth’s current business model. As explained by Mr. Shendell, it is  
159 therefore vital for The Ainsworth brand to demonstrate profitability for investors. As such,  
160 MCB4 lacks confidence that this enterprise will adhere to the stipulations, and end its association  
161 with the illegal operation of Windsor Custom LLC.

162  
163 MCB4 respectfully requests swift intervention by the SLA.

164  
165  
166 Sincerely,

---

<sup>19</sup>[http://appext20.dos.ny.gov/corp\\_public/CORPSEARCH.ENTITY\\_INFORMATION?p\\_nameid=3312175&p\\_corpid=3294423&p\\_entity\\_name=Lotus%20space&p\\_name\\_type=%25&p\\_search\\_type=CONTAINS&p\\_srch\\_results\\_page=0](http://appext20.dos.ny.gov/corp_public/CORPSEARCH.ENTITY_INFORMATION?p_nameid=3312175&p_corpid=3294423&p_entity_name=Lotus%20space&p_name_type=%25&p_search_type=CONTAINS&p_srch_results_page=0) and <http://www.bbook.com/industry-insiders-matt-shendell-president-of-paige-hospitality-group/>

<sup>20</sup> [http://www.nytimes.com/2011/12/15/fashion/windsor-custom-at-the-ainsworth.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2011/12/15/fashion/windsor-custom-at-the-ainsworth.html?pagewanted=all&_r=0)



167

168

169 Tina, David, Christine

170

171 CC: Corey Johnson and all elected

DRAFT

2  
3 December XX, 2014

4  
5 Carl Weisbrod  
6 Chair  
7 NYC Department of City Planning  
8 22 Reade Street  
9 New York, NY 10007

10  
11 **Re: 505-513 West 43rd Street**  
12 **Block 1072, Lot 24**  
13 **#s: N140407ZRM, 140408ZSM, 140409ZSM**

14  
15 Dear Chair Weisbrod,

16  
17 Manhattan Community Board 4 (MCB4) is pleased to provide its recommendation on an  
18 application by 1818 Nadlan LLC for a text amendment and a special permit to facilitate  
19 construction of a residential building at 505-513 West 43rd Street. The applicant seeks:

- 20  
21 1. A zoning text amendment to Zoning Resolution Section 96-32 (Special Regulations in R9  
22 Districts) to allow modification of the applicable height and setback, planting and permitted  
23 obstruction within rear yard regulations, and a special permit pursuant to the amended Section  
24 96-32; and,  
25  
26 2. A special permit pursuant to Section 74-681 (Development Within or Over a Right-of-Way or  
27 Yards).

28  
29 A public presentation on the proposed development and the required zoning actions was  
30 heard by Manhattan Community Board 4's (MCB4) Clinton/Hell's Kitchen Land Use and Zoning  
31 Committee on November 12, 2014. Manhattan Community Board 4 at its Full Board Meeting on  
32 December 3, 2014, by a vote of for, against, and present but not eligible to vote,  
33 recommended **approval** of the application **with** the following **conditions**:

34  
35 **Height**

36 The height of the building will be reduced from 164 feet on West 43rd and West 44th Streets to  
37 154 feet on West 44th Street and 154 feet and 144 feet on West 43rd Street;

38  
39 **Affordable Housing**

40 Two-thirds of the inclusionary housing requirement (18 apartments) will be off-site, within the  
41 Special Clinton District, in accordance with the Special Clinton District Regulations, and one-  
42 third of the permanent affordable housing requirement will be on-site and consist of a minimum  
43 of six apartments;

44  
45 **Equal Distribution**

46 The affordable apartments will be distributed equally between the West 43rd and West 44th

47 Streets building segments with no more than one affordable unit per floor;

48

49 **Maximize Two-Bedroom Apartments**

50 The applicant will work with MCB4 to maximize the number of two-bedroom units and agree to  
51 at least a minimum of 50%;

52

53 **Accessible Amenities**

54 All amenities (other than parking) will be accessible to affordable tenants at no cost;

55

56 **Finishes and Fixtures**

57 The affordable units will have the same fixtures and finishes as the market rate units;

58

59 **Parking**

60 Parking will now be available for only 23 spaces;

61

62 **Consultation With CB4**

63 The applicant will provide MCB4 with the location and related details of the potential sites of the  
64 affordable off-site apartments when available; and,

65

66 **Revised Application**

67 The applicant will revise its application to reflect the reduced height and agreed-on  
68 commitments.

69

70 It should be noted that in the original application filed by the applicant with the Department of  
71 City Planning the height of the building rose to 164 feet. The reduced heights were agreed to by  
72 the applicant in response to the community concerns and at the request of MCB4. Because 421a  
73 benefits would not be available for the reduced height, the applicant will provide two-thirds of  
74 the permanent affordable housing requirement off-site, within the Special Clinton District.

75

76 The applicant plans to revise its application to reflect the reduced height and its agreement to the  
77 above commitments, upon agreement by the Dept of City Planning, Department of Housing,  
78 Preservation, and Development (HPD), Manhattan Borough President and New York City  
79 Councilmember Corey Johnson that the reduced height is acceptable and HPD agrees to  
80 administer a plan at the site for less than ten units.

81

82 **DESCRIPTION OF PROPOSED DEVELOPMENT**

83

84 The proposed actions would allow the applicant to construct a residential building with a 23-  
85 space accessory parking garage on Block 1072, Lot 24, also known as 505-513 West 43rd Street.  
86 The actions are necessary to construct a platform and the building over the railroad right-of-way,  
87 to accommodate the access and ventilation requirement of the Department of Transportation and  
88 Amtrak.

89

90 The proposed building would be constructed on a platform stretching across the entire width of  
91 the property and covering the entire cut in which the railroad easement is located. The proposed  
92 development would consist of a residential building consisting of two segments connected by a

93 one-story ground floor. One segment would front on West 43rd Street and one would front of  
94 West 44th Street.

95  
96 The structures would be set back 8 feet from the West 43rd and West 44th Street lines. These  
97 setbacks are provided to allow access by DOT to its road bridges on West 43rd and West 44th  
98 Streets. According to DOT, at least 8 feet of horizontal clearance is required to allow for  
99 personnel and equipment to access the bridge structure.

100  
101 The platform over the Amtrak rail line would incorporate ventilation shafts for Amtrak and an  
102 exit stair from track level to grade at West 44th Street as required by the NYC Fire Department.

103  
104 **Ground Floor Parking**

105 The ground floor of the proposed building would contain lobby, accessory recreation space, bike  
106 rooms, mechanical space and an accessory parking area containing 35 spaces. A driveway,  
107 accessed by a 12-foot wide curb cut, would be located on the western edge of the west 43rd  
108 Street frontage to provide access to the accessory parking area from West 43rd Street.  
109 Residential units would be located on and above the second floor.

110  
111 The proposed building would have no cellar and, since they would be located on the second floor  
112 and above, residential units would be buffered from the train traffic below.

113  
114 **Facade And Landscaping**

115 The facade would be composed primarily of a window wall system from the second floor up.  
116 The pedestrian level would be composed primarily of stone with a granite water table, but would  
117 also have storefront glass at the residential lobbies and recreation space, and would have metal  
118 panel systems in front of those mechanical areas fronting the street.

119  
120 The Board appreciates the architect's study of the forms, colors, and construction materials used  
121 in buildings throughout the Clinton/Hell's Kitchen neighborhood in an attempt to design a  
122 building compatible with the the larger neighborhood context. And we are grateful for the  
123 architect's incorporating some of our concerns into a new design. Nevertheless, we feel the  
124 further discussion will result in a building design no less desirable for the architect and more  
125 acceptable to the community.

126  
127 In light of DOT's access requirements, the area between the street line and the building cannot be  
128 landscaped in accordance with ZR section 23-892, which requires that the entire area of the  
129 zoning lot between the street line and the all street walls of the building be planted at ground  
130 level, or in raised planting beds that are permanently affixed to the ground. In lieu of such  
131 planting, removable planter boxes would be provided. The West 43rd Street frontage would have  
132 nine three-foot by three-foot planter boxes and the West 44th Street frontage would have eleven  
133 three-foot by three-foot planter boxes over the remainder of the frontage.

134  
135 MCB4 would like to thank — and commend — the applicant for his engaged consultation with  
136 the Board to agree on a development acceptable to the community.

137  
138 Sincerely, Christine/JD

1 **Waterfront, Parks & Environment**

**Item #: 14**

2  
3 Hon. Corey Johnson  
4 Office of Councilmember Corey Johnson  
5 224 West 30th Street, Suite 1206  
6 New York, NY 10001  
7

8 **Re: Request for high-end baskets in CB4**

9  
10 Dear Councilman Johnson,

11  
12 At the most recent meeting of the Waterfront, Parks and Environment Committee of Manhattan  
13 Community Board 4 Thursday November 13, 2014 we had a discussion with Iggy Terranova  
14 about the state of trash in our community. As a result of this meeting, we would like to ask you  
15 for help in obtaining High End Baskets to better capture street corner trash in our community.  
16

17 Ours is a diverse community that attracts a large number of people who pass through on a daily  
18 basis. We are home to the High Line, an internationally renowned park; The Intrepid, an  
19 internationally renowned navel and space museum; the largest concentration of art galleries in  
20 the city; numerous night clubs, cabarets and other night life; an active cruise ship terminal; other  
21 new transportation hubs; and rapidly growing density of commercial and residential space.  
22

23 Each of these attracts visitors and with visitors (as well as our high density residential  
24 complexes) there is an issue of street trash. We propose to inform our block associations, our  
25 board members, and just anyone who might listen that an effective way of reporting overflowing  
26 corner trash containers and getting the situation remedied is to call 311. However, we have also  
27 identified a number of corners that require the persistent attention of the Department of  
28 Sanitation. These are corner containers that require more frequent pickup by the Department and  
29 should not necessitate using the 311 system. We believe a number of street corners will benefit  
30 from the High End Baskets. At a minimum the corners are: please offer a number of locations for  
31 insertion here.  
32

33 The committee was pleased to learn that the Department of Sanitation is proceeding with the  
34 instillation of recycling containers on selected street corners. Our district is a particularly good  
35 area for this type of instillation not only because they are an effective way of collecting source  
36 separated recyclable waste, but also because it is an effective way of educating the public, both  
37 residents of this community district and our daily visitors about the importance of recycling as a  
38 method of diverting materials out of the waste stream..  
39

40 The High End Baskets we are requesting will also assist in keeping our neighborhood clean.

41  
42 As usual, we thank you for your consideration and feedback about this issue.

43  
44 Sincerely,

45  
46 Christine, Marty and Delores

1 **Waterfront, Parks & Environment**

Item #: 15

2  
3 Iggy Terranova  
4 Division of Customer Service and Government Relations  
5 New York City Department of Sanitation – DSNY  
6 125 Worth Street  
7 New York, NY 10013

8  
9 Dear Iggy,

10  
11 Thank you for visiting with the Waterfront, Parks and Environment Committee of Manhattan  
12 Community Board 4 (MCB4) Thursday November 13, 2014. Your presentation was  
13 comprehensive and informative. We look forward to further interactions with you and to taking  
14 the community walking tour you suggested for next spring.

15  
16 Ours is a diverse community that attracts a large number of people who pass through on a daily  
17 basis. We are home to the High Line, an internationally renowned park; The Intrepid, an  
18 internationally renowned navel and space museum; the largest concentration of art galleries in  
19 the city; numerous night clubs, cabarets and other night life; an active cruise ship terminal; other  
20 new transportation hubs; and rapidly growing density of commercial and residential space. In  
21 addition to these world-class attractions, the neighborhoods within MCB4 are also home to long-  
22 established, evolving and diverse residential communities.

23  
24 Each of these attracts visitors and with visitors there is an issue of street trash. Your  
25 recommendation was that every time a citizen sees a corner trash can overflowing they should  
26 report the eyesore to 311. We propose to inform our block associations, our board members, and  
27 just anyone who might listen that an effective way of reporting overflowing corner trash  
28 containers and getting the situation remedied is to call 311. However, we have also identified a  
29 number of corners that require the persistent attention of the Department of Sanitation. These are  
30 corner containers that require more frequent pickup by the Department and should not  
31 necessitate using the 311 system. We hope your Department will pay consistent attention to the  
32 containers on the corners of: West 23rd Street and 10<sup>th</sup> Avenue as well as many of the ones on  
33 10<sup>th</sup> Avenue from 43<sup>rd</sup> to 56<sup>th</sup> Streets – especially on Sunday mornings (see images below).

34  
35 The committee was pleased to learn that the Department of Sanitation is proceeding with the  
36 instillation of recycling containers on selected street corners. Our district is a particularly good  
37 area for this type of instillation not only because they are an effective way of collecting source  
38 separated recyclable waste, but also because it is an effective way of educating the public, both  
39 residents of this community district and our daily visitors about the importance of recycling as a  
40 method of diverting materials out of the waste stream. We look forward to learning from you  
41 when and where these recycling street corner containers will be installed.

42  
43 We were interested to hear that the Gansevoort Peninsula is still scheduled to become  
44 Manhattan’s recycling transfer station. You reaffirmed that the planned facility will be a state of  
45 the art recycling center replete with classrooms and that it will be astatically pleasing thus fitting  
46 in will with the Hudson River Park. During the discussion of this planned facility, a committee



47 member asked for information about the feasibility of switching the location of this facility with  
48 space on Hudson River Park's pier 40 as that pier is already enclosed. Such a switch would  
49 permit the already narrow Gansevoort Peninsula to be all parkland. We look forward to your  
50 feedback about this suggestion.

51  
52 Finally, we look forward to receiving periodic reports from you about the success of the use of  
53 street corner trash containers, the pickup schedules for the busiest corners, and receiving periodic  
54 reports of the state of recycling in our community. We were particularly pleased to learn that our  
55 district has a relatively high (as compared to other city neighborhoods) recycling diversion rate  
56 of 20 percent. However, after so many years of recycling and recycling education in our city we  
57 felt 20 percent to be disappointingly low.

58  
59 Again, thank you for visiting with us on November 13. We look forward to continued  
60 informative interactions with you.

61  
62 Sincerely,

63  
64 Christine/ Marty/ Delores

1



2  
3 Daytime Sunday Morning (11/23/2014)  
4 S/E/C of West 51<sup>st</sup> Street and 10<sup>th</sup> Avenue

1

1



5  
6 Thursday night (11/20/2014)  
7 West 47<sup>th</sup> Street and 10<sup>th</sup> Avenue

8

9

2  
3 December XX, 2014

4  
5 Hon. Meenakshi Srinivasan  
6 Chair  
7 Landmarks Preservation Commission  
8 Municipal Building, 9<sup>th</sup> floor  
9 One Centre Street  
10 New York, NY 10007

11  
12 **Re: Highline Hotel**

13  
14 Dear Chair Srinivasan:

15  
16 This letter concerns the Commission’s Warning Letter WL15-0086 to R. Tyler Morse of  
17 Highline Hotel LLC for “Installation of bar in the areaway without permit(s)” and what we  
18 believe are many other violations of the Hotel’s Permit (COFA 14-5938) for alterations to the  
19 areaway.

20  
21 Regarding the Warning Letter, we have observed that the bar and its ground-anchored steel  
22 superstructure were recently removed, but that plumbing and electrical services for it remain. For  
23 months, the bar stood less than six feet in front of the historic building façade, creating a visual  
24 barrier twenty feet long by eleven feet tall. The canopy’s ten-foot projection and location made it  
25 a particular obstruction to both near and distant Seminary views from West 20th Street. We are  
26 very concerned that the Hotel may apply to the Commission to legally reinstate the bar by way of  
27 an administrative reconsideration. We ask that any approval for its reinstatement be first  
28 reviewed by CB4 and then go before a public hearing. We are concerned that the bar has been  
29 removed because temperatures have dropped and winter is setting in. We don't want the bar to  
30 reappear in the spring.

31  
32 Regarding further possible violations, we ask that the Commission’s enforcement officers visit  
33 the site with the approved design submission in hand, to comprehensively review the disparity  
34 between the approved design and current conditions. We believe that there are additional  
35 violations in several of the following categories.

36  
37 **Landscape Discrepancies:**

- 38 ■ The built site plan provides well under half the planted green area shown on the approved  
39 landscape plan;
- 40 ■ Hedges bordering the property line are several feet taller than as shown on approved site  
41 sections and perspective renderings, and rather than rising to the bottom of their adjacent iron  
42 fences as was shown, they rise to the top of them, critically blocking views of the areaway  
43 and Seminary architecture from the street;
- 44 ■ A proposed and approved set of steps balancing the landscape plan’s water feature and ramp  
45 is missing, and another set of steps is in a different location and of different materials from  
46 those proposed. (The Commission’s Permit approving the design specifically notes “. . . that

47 the proposal maintains the location of previously approved ramps and steps and the new  
48 ramps and steps will be well integrated into the areaway in terms of materials and finish . . .”)  
49

50 **Permanently fixed items not in approved proposal:**

- 51 ▪ steel sheeting driven into the ground, creating raised planting beds for property line hedges;
- 52 ▪ surface planking to the north of the water feature;
- 53 ▪ Stubbed-up plumbing supply and drain pipes and electrical outlets for the bar.

54

55 **Large permanently stationed item not in approved proposal:**

- 56 ▪ a truck retrofitted as a coffee concession, placed on an area of stabilized gravel which was  
57 proposed and approved as a planted area.

58

59 **Exterior lighting equipment not in approved proposal:**

- 60 ▪ Façade-lighting fixtures;
- 61 ▪ Flush up-lighting fixtures built into the ground.

62

63 **In the two days since the first draft of this letter was made public, the bar and many other  
64 items that are not on the approved plans were suddenly removed, including:**

- 65 ▪ two 6-foot by 13-foot wooden booths, placed on an area of stabilized gravel which was  
66 proposed and approved as a planted area;
- 67 ▪ five 8-foot long wooden banquettes with 3-foot high backs, concealing façade lighting,  
68 speakers and planting;
- 69 ▪ Overhead swags of light bulbs;
- 70 ▪ Overhead lanterns;
- 71 ▪ a host’s station just inside the front gate with a sign reading “please wait to be seated”;
- 72 ▪ 4 ground-anchored umbrellas with canopies approaching ten-feet by ten-feet.

73

74 These items had been in place for months. Attached are:

- 75 1. Photos of the areaway before alternation and existing condition;
- 76 2. Renderings of areaway in LPC-approved proposal and existing condition;
- 77 3. Four schematic landscape plans comparing:
  - 78 - the original areaway plan; the first proposed plan which was reviewed and  
79 commented on by CB4;
  - 80 - the revised plan upon which the Commission’s Permit is based;
  - 81 - a plan showing approximate conditions as of October 24. The latter shows that the 40  
82 chairs shown on the approved plan had been increased to 78, and that the 13 small  
83 tables shown on the approved plan had been increased to 41. We are concerned that  
84 the items just removed will return in the spring.

85

86 Even with the recent removals, the appearance of the Highline Hotel’s outdoor space is  
87 unrecognizable as the design which the Community Board reviewed and commented on, and  
88 which the Commission approved in its Permit. The modest proposed and approved changes  
89 would have retained the space’s character as a contemplative green space and open forecourt to  
90 the Seminary’s historic architecture. This effect would have been in keeping with Clement Clark  
91 Moore’s intentions for the block when he donated it for use as a seminary campus; that it would  
92 serve as a community focus and largely open town square, a role enshrined in the block’s historic

93 name, "Chelsea Square." This is consistent with concerns the Commission stated in its Permit,  
94 which based approval on the understanding ". . . that the alterations to the areaway . . . will retain  
95 substantial green space . . . and will create an open, inviting space . . ." In its February 2013 letter  
96 to the Commission regarding the proposed areaway changes, the Board had stated: "To  
97 ameliorate the loss of valuable green space, a more modest taking of landscaped areas is  
98 recommended." Far less green space is now provided than what was proposed to the Board and  
99 to the Commission in either the previously proposed or revised version of the landscape plan  
100 approved by the Permit. Rather than the open garden-like space which was approved, the  
101 existing effect is of a privet-walled enclosure of almost entirely hard surfacing for maximized  
102 customer seating and service.

103  
104 The tall hedge now in place just inside the property line amounts to a privet, serving interior  
105 privacy and sending a message of exclusion contrary to the Permit's basis in "open, inviting  
106 space." This is especially disappointing given the goodwill the Hotel earned by offering to open  
107 the areaway to the public. The hedge also blocks views of the Seminary's lower façade from the  
108 street. Above the hedge, higher parts of the façade were until recently blocked by the taller fixed  
109 umbrellas and bar canopy. We ask specifically that the ground-embedded steel sheeting inside  
110 the property line which elevates the hedge by about 16 inches, and does not appear on the  
111 approved presentation images, be treated as a violation, and that it be cured by removal of both  
112 planter and hedge.

#### 113 114 **Meeting with Applicant**

115 On November 17<sup>th</sup>, the CB 4 Chelsea Land Use Committee met with the Highline Hotel's  
116 applicant for the areaway modifications, Mr. Tyler Morse, to discuss these issues. Mr. Morse  
117 expressed no inclination to alter any elements in the existing areaway to respond to the concerns  
118 of the community, and denied discrepancies between the Permit and current conditions. He  
119 claimed to have arrived at agreements with the Commission's staff, specifically Tenzing  
120 Chadotsang, after the project's two public hearings. The applicant claimed that these agreements  
121 resulted in approval of all of the changes now in place. He cited the stamped and sealed  
122 construction drawings incidentally referenced in the Permit as overriding the plans, elevations  
123 and renderings presented to the Commission and marked "Public Meeting Approved Set" in the  
124 Commission's project file. This would be in serious contradiction to the conditions on which the  
125 Permit states that it is based and to concerns voiced by the Commissioners, as heard in  
126 recordings of the project's two public hearings which we have carefully reviewed. These  
127 recordings indicate that the introduction of gravel into the garden was solely intended to invite  
128 public use; they make no reference at all to use of the areaway by paying customers of the Hotel  
129 or its concessions; and they suggest that concerns stated by several of the Commissioners at the  
130 first public hearing led to the increase in green space in the revised plans which were approved in  
131 the second public hearing. We understand that staff approval of major post-public-hearing  
132 changes is not the Commission's practice. Furthermore, in referencing the construction drawings  
133 upon which the applicant stakes his claim, the Permit notes that they show only interior changes.

#### 134 135 **CB4's Request**

136 We ask that all violations be addressed by the Commission and cured by their removal, until the  
137 space matches its approved design. We ask that any proposals the Commission wishes to

138 consider for curing violations by other means be reviewed by CB4 and go before a public  
139 hearing of the Commission.

140  
141 We look forward to your response.

142  
143 Sincerely,

144  
145 Christine, Lee, Betty

146  
147 CC: State Liquor Authority  
148

DRAFT



Garden before alteration, and as existing





Views into garden from sidewalk before alteration





# Gate as rendered in LPC-approved proposal, and existing



PROPOSED VIEW FROM TENTH AVENUE



# Garden as rendered in LPC-approved proposal, and existing

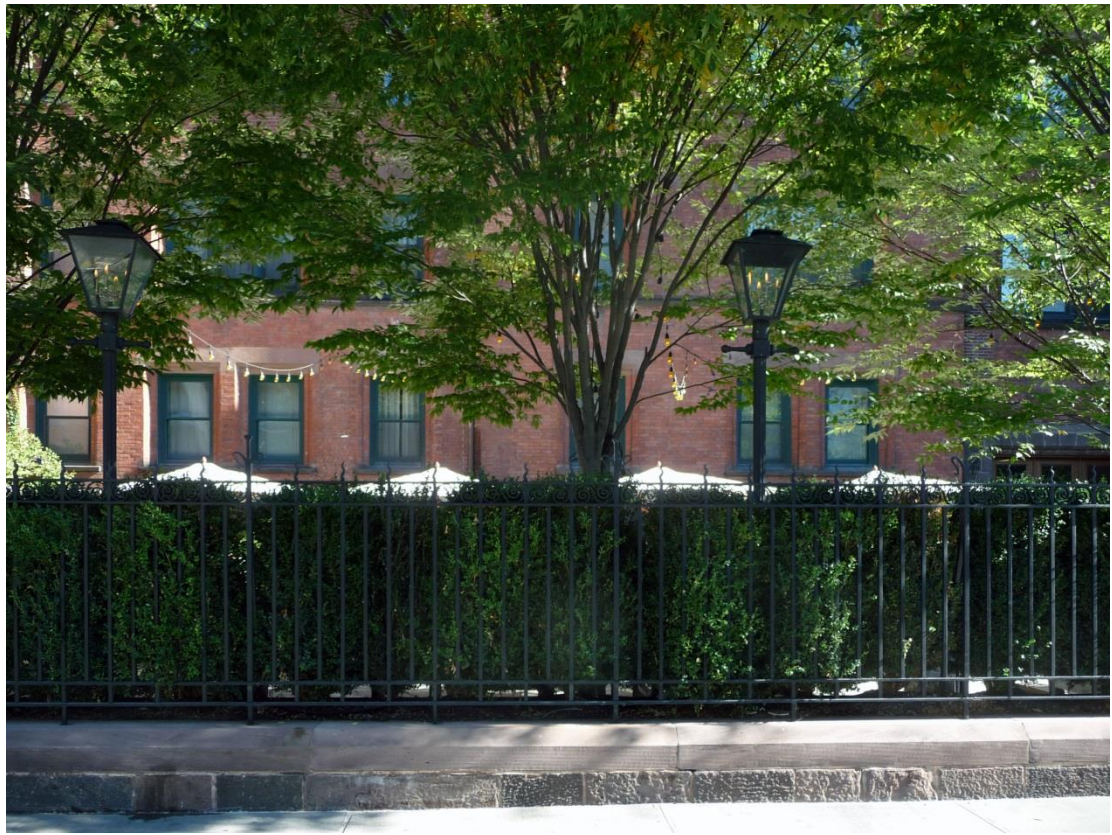
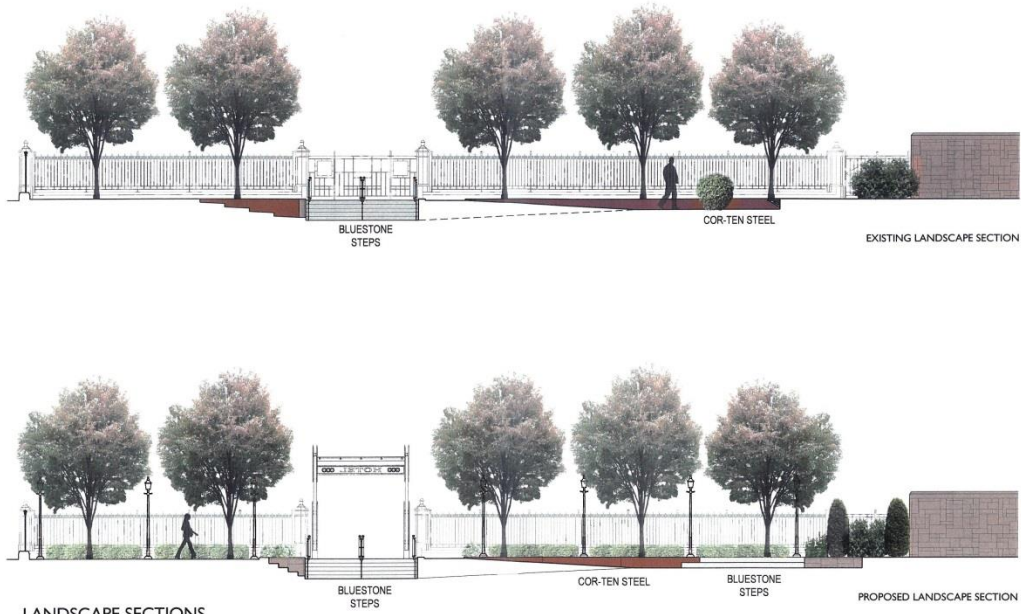


PROPOSED COURTYARD LANDSCAPING





# LPC-approved proposal without privet, and existing privet

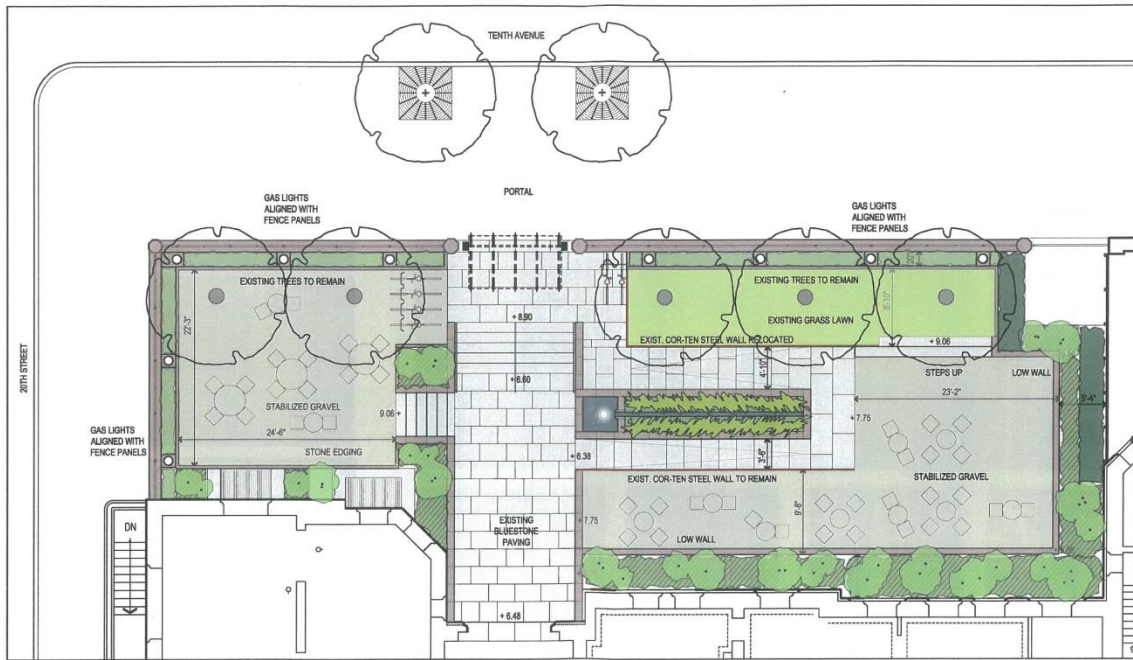




**“Please wait to be seated” and “Please enjoy our garden”**



# LPC-approved plan / green space and lighting hidden behind benches



REVISED LANDSCAPE PLAN

Beyer  
Blinder  
Belle

Quennell Rothschild & Partners, LLP

THE BRODSKY ORGANIZATION

MCR  
DEVELOPMENT

HIGHLINE HOTEL  
180 TENTH AVENUE, NEW YORK

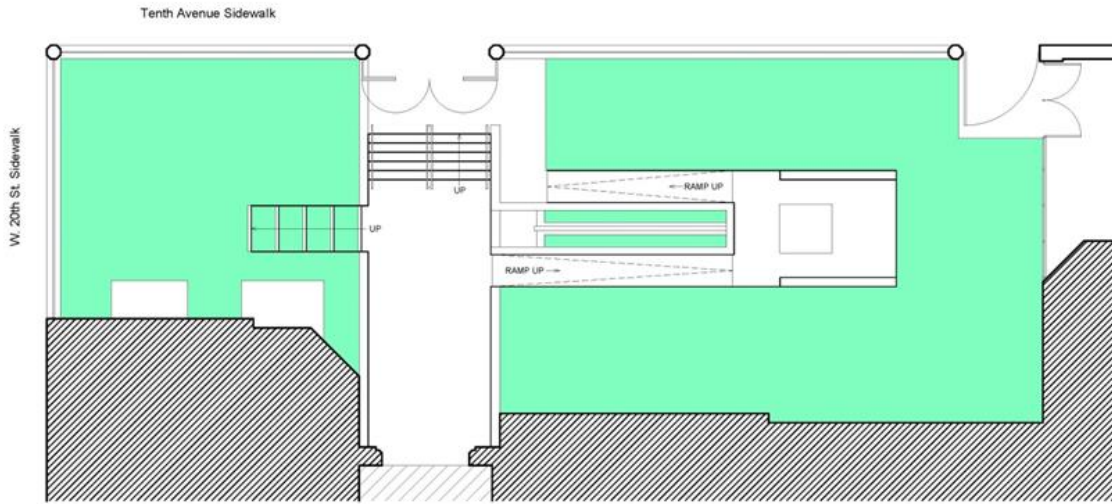
NYC LANDMARKS PRESERVATION COMMISSION  
2 APRIL 2013

9



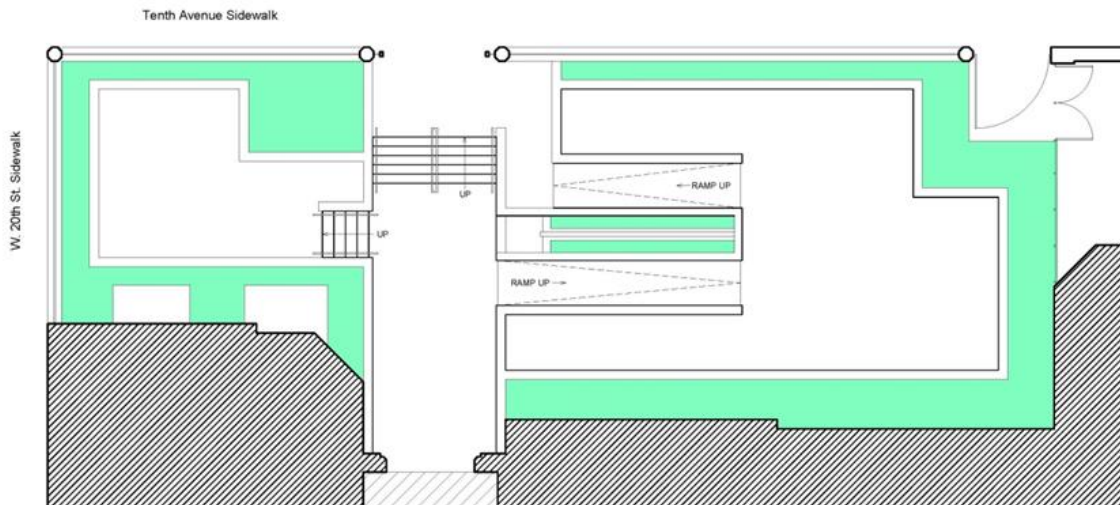


# Original garden and initially proposed alteration plans



High Line Hotel Schematic Landscape Plan, Approximately as Presented as "Existing" on 4/2/2013  
180 Tenth Avenue, New York, NY

Planted Area

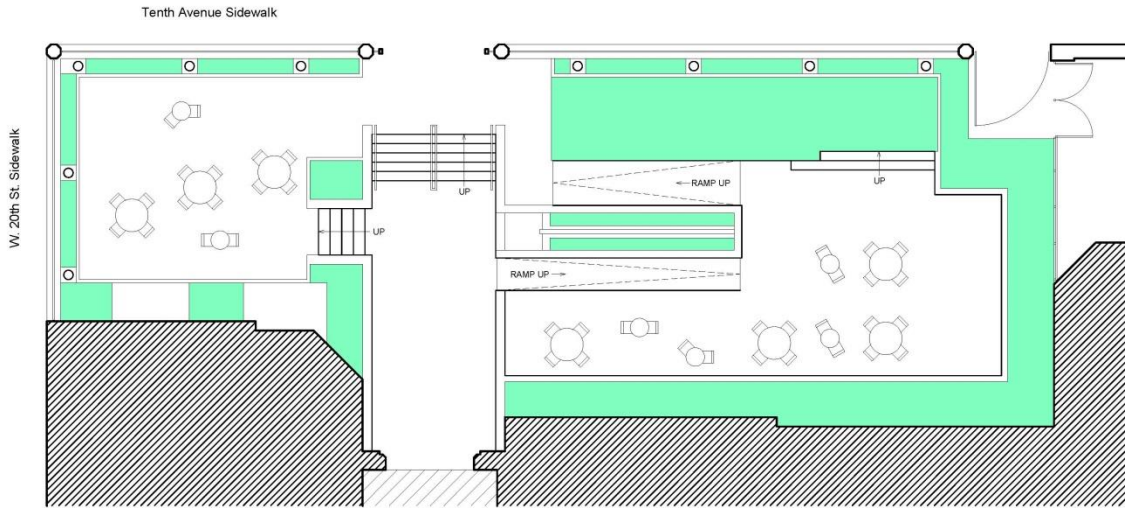


High Line Hotel Schematic Landscape Plan, Approximately as Presented as "Previously Proposed" on 4/2/2013  
180 Tenth Avenue, New York, NY

Planted Area

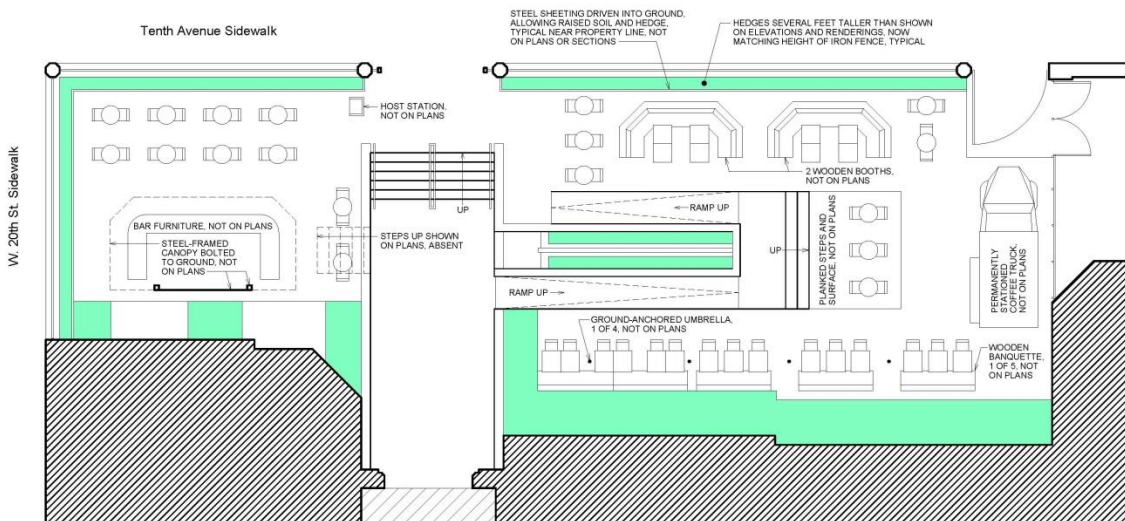
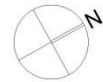


# Revised proposal approved by LPC and existing plan



High Line Hotel Schematic Landscape Plan, Approximately as Presented as "Revised Landscape Plan" on 4/2/2013  
180 Tenth Avenue, New York, NY

Planted Area



High Line Hotel Schematic Landscape Plan, Approximately as Existing on 10/24/14  
180 Tenth Avenue, New York, NY

Planted Area



2  
3 December XX, 2014

4  
5 Carl Weisbrod, Chair  
6 City Planning Commission  
7 22 Reade Street  
8 New York, NY 10007  
9

10 **Re: District Plan for the Meatpacking Area Business Improvement District,**  
11 **N150156BDM**

12  
13 Dear Chair Weisbrod:

14  
15 At its regularly scheduled full Board meeting on December 3, 2014, Manhattan Community  
16 Board 4, on the recommendation of its Chelsea Land Use Committee and following a duly  
17 noticed public hearing, voted by roll call \_\_\_ for, \_\_\_ against, \_\_\_ abstaining and \_\_\_ present not  
18 eligible to recommend approval of the District Plan for the Meatpacking  
19 Area Business Improvement District (BID) with three conditions:

- 20  
21 1. To assure that the Memorandum of Understanding (MOU) is implemented, that the  
22 MOU always be considered as part of the Meatpacking Area BID documents and always  
23 filed with the BID's District Plan;  
24 2. To the extent practicable, that the MOU be fully incorporated into the BID's bylaws  
25 and that BID decision-making be transparent including public hearings for the approval  
26 and amendment of bylaws;  
27 3. That the members elected by the Impact Areas Advisory Committee be included on the  
28 Interim BID Board and on any committee involved in writing or approving the bylaws.  
29

30 Description of Proposed BID

31 The proposed BID District covers 21 blocks, from West 17<sup>th</sup> Street on the north to Horatio Street  
32 to the south; tenth and Eleventh Avenues to the west, and Hudson Street and Eight Avenue to the  
33 east. The BID area is bisected by West 14<sup>th</sup> Street which is the boundary between CD4 and CD2.  
34 The portion within CD4 includes Chelsea Market, the Google building and part of Fulton  
35 Houses, a New York City public housing complex. Most of the BID area falls within the  
36 Gansevoort Market Historic District.  
37

38 The creation of the Meatpacking BID was triggered by the growth of commercial uses (currently  
39 750 businesses), and the increasing popularity of the area for visitors to restaurants, shops, and  
40 the High Line. More visitors and workers are anticipated when the Whitney Museum opens and  
41 Piers 54 and 57 are developed. All this activity is straining the resources of the community. The  
42 proposed BID would provide services in addition to City services: to maintain clean public  
43 spaces, assure a safe and physically appealing environment, and to promote a vibrant, diverse  
44 business district, reflecting the unique character of the Meatpacking area.

45 The proposed BID has an annual budget of \$1.6 million. Business property owners would pay  
46 \$.24 per square foot. Residential property owners would pay a symbolic \$1 per lot. Six

47 community information meetings were held between January and May 2014. The proposal has  
48 gotten robust support from property owners and commercial tenants.  
49

50 The development of the BID proposal has been guided by a Steering Committee composed of  
51 representatives from businesses, residents, Community Boards 2 and 4, and elected officials. The  
52 New York City Small Business Services staff advised the committee which met nine times,  
53 between October 2013 and August 2014.  
54

#### 55 Vision Statement

56 The Steering Committee determined that in addition to a District Plan, a more specific  
57 description of the BID's goals was needed. This statement details the range of community  
58 services the BID would provide, including specifics about sanitation, beautification, public safety  
59 and traffic mitigation services as well as capital and economic services. The Vision Statement  
60 also mentions district-wide oversight and management, and open communication between the  
61 District and its neighbors. The statement is Exhibit H in the District Plan.  
62

#### 63 Memorandum of Understanding

64 Residents in the eight-block area south of the southern-most boundary of the proposed BID –  
65 from Horatio Street to W. 12<sup>th</sup> Street – have been concerned that they would not have a voice in  
66 the decisions about quality of life issues that currently have a serious impact on their area such as  
67 late night noise, unruly behavior in front of homes, and traffic congestion.  
68

69 To address those concerns a Memorandum of Understanding (MOU) was prepared that  
70 designates two "Impact Areas": Horatio Street to West Twelfth Street (south of BID southern  
71 border, in CD2) and West 17th Street to West 18<sup>th</sup> Street (north of BID northern border in CD4).  
72

73 This MOU specifies that an Impact Areas Advisory Committee would consist of representatives  
74 from the two areas. The BID Executive Director and this Committee would meet quarterly. The  
75 Committee would elect two representatives who would be appointed to the BID Board of  
76 Directors in a non-voting capacity and would participate in BID Subcommittees pertaining to the  
77 Impact Areas such as traffic, public safety and sanitation.  
78

79 The MOU was signed by the chairs of CB2 and CB4, the Councilmember and the BID Steering  
80 Committee in August and September 2014. This document is not included in the District Plan  
81 but is part of the BID proposal and carries the same ULURP number. CB4 unanimously  
82 approved the MOU at its September 3, 2014 full Board meeting with the condition that when the  
83 Impact Advisory Committee elects two representatives, one would be from the northern Impact  
84 Area (in CD4) and one would be from the southern Impact Area (in CD2). The letter CB4 sent  
85 describing that decision is also part of the BID package.  
86

#### 87 CB4: Approval with Conditions

88

89 CB4 enthusiastically supports the creation of the proposed Meatpacking Area BID. We  
90 appreciate the need to preserve the neighborhood's unique, vibrant character and recognize the  
91 challenges that increased commercial and tourist activity have brought to the area. The Whitney  
92 Museum's opening in the spring 2015 and the addition of new office buildings will bring

93 additional visitors and employees. We believe that a BID will sustain the vitality of the  
94 neighborhood for businesses, residents and visitors.

95

96 CB4 approves the proposed Meatpacking Area BID with the following conditions:

97

98 1. To assure that the Memorandum of Understanding is implemented, that the MOU  
99 always be considered as part of the Meatpacking Area BID documents and always filed  
100 with the BID's District Plan;

101 2. To the extent practicable, that the MOU be fully incorporated into the BID's bylaws  
102 and that BID decision-making be transparent including public hearings for the approval  
103 and amendment of bylaws;

104 3. That the members elected by the Impact Areas Advisory Committee be included on the  
105 Interim BID Board and on any committee involved in writing or approving the bylaws.

106

107 CB4 looks forward to establishment of the Meatpacking Area Business Improvement District  
108 and is optimistic that the BID will provide cohesive, enhanced services to keep this exciting  
109 historic area attractive, safe, and vibrant.

110

111 Sincerely,

112

113 Christine, Lee and Betty

114

115 CC: Corey Johnson, Councilmember  
116 Small Business Services  
117 David Gruber, CB2 Chair

118 Lauren Danziger, Meatpacking Improvement Association Executive Director

119

120

121

122

123

124



2  
3 December XX, 2014

4  
5  
6 Hon. Meenakshi Srinivasan  
7 Chair  
8 Landmarks Preservation Commission  
9 Municipal Building, 9<sup>th</sup> floor  
10 One Centre Street  
11 New York, NY 10007

12  
13 **Re: Window Replacement, Louver Addition, Platform Addition and Canopy**  
14 **Re-introduction – 239-241 Eleventh Ave**

15  
16 Dear Chair Srinivasan:

17  
18 At a regular Board meeting on December 3, 2014 Manhattan Community Board 4 by a  
19 vote of \_\_\_in favor, \_\_opposed, and \_\_\_abstaining and \_\_present but not eligible, voted  
20 to recommend approval of an application for first- and second-floor window  
21 replacement, introduction of louvers in selected existing second-floor openings,  
22 introduction of access platforms to first floor retail areas, and re-introduction of canopies  
23 to east and north facades. This vote reflects the recommendation of the CB4 Chelsea  
24 Land Use Committee which voted on this application on November 17, 2014.

25  
26 The applicant proposes for the historically early all-concrete Baltimore and Ohio  
27 Railroad 26<sup>th</sup> Street Stores Building to replace the existing second-floor windows with  
28 new steel and insulated glass windows patterned and painted to match existing windows,  
29 although some of the existing second-floor windows will be replaced with similarly  
30 painted louvers in a minority of locations yet to be determined by mechanical system  
31 ventilation needs. The applicant proposes to replace first-floor loading bay doors with  
32 storefronts having either similarly patterned glazed doors and sidelights as the windows  
33 above them, or more modern-appearing glazed doors and sidelights having larger glass  
34 lights, and with vertical mullions at third points, recalling the major tripartite division of  
35 the windows above. These more modern storefronts will be in the location of current  
36 loading bays, and will echo their plainer appearance. The applicant proposes to introduce  
37 new painted steel access platforms and glazed steel-framed canopies which are in keeping  
38 with the industrial character of the building and with long-removed canopies visible in  
39 historic photos. The applicant proposes creation of a recessed entrance along three bays  
40 of West 26<sup>th</sup> Street which will not alter existing opening dimensions, and which will  
41 create a loggia-like entrance space. This will add a welcome sense of depth and recall the  
42 un-glazed voids which the historic loading bays would have presented with their rolling  
43 doors open.

44  
45 The Board commends the applicant and architect for a thoughtful, consistent and  
46 appropriate solution successfully supporting both adaptive re-use and preservation of

1 historic character.

2

3 The Board has two recommendations: collection and re-use of graywater runoff from the  
4 proposed canopies; and stronger indication of the accessible entrance location and its  
5 wheelchair lift. If possible, the accessible entrance and lift should be moved closer to  
6 Eleventh Avenue to shorten travel distance for the disabled along their most likely path of  
7 approach.

8

9 Sincerely,

10

11 Christine, Lee, Betty

12

DRAFT



1 **Chelsea Land Use Committee**

**Item #: 19**

2  
3 December XX, 2014

4  
5 Hon. Margery Perlmutter, Chair  
6 Board of Standards and Appeals  
7 250 Broadway, 29th Floor  
8 New York, NY 10007

9  
10 **Re: BSA Cal. # 231-14-BZ**  
11 **Special Permit at 124 West 23<sup>rd</sup> Street**

12  
13 Dear Ms. Perlmutter:

14  
15 On the recommendation of its Chelsea Land Use Committee, following a site visit by  
16 committee members and after a duly noticed public hearing at the regular Board meeting  
17 on December 3, 2014, Manhattan Community Board No. 4 (CB4), by a vote of \_\_ in  
18 favor, \_\_ opposed, \_\_ abstaining and \_\_ present but not eligible, voted to recommend the  
19 granting of a special permit pursuant to ZR 73-36 to Orangetheory Fitness for a Physical  
20 Culture Establishment (PCE) at 124 West 23<sup>rd</sup> Street, subject to the three conditions  
21 addressing potential transmitted sound and other potential complaints listed at the end of  
22 this letter.

23  
24 Orangetheory Fitness ("Orangetheory") is a franchise operation offering group-based  
25 personal training led by an instructor. The PCE will be located in approximately 3,646  
26 square feet of the ground floor of a 16 story residential building with 29 dwelling units  
27 located in a C6-3X zone. The facility will operate from 5:00 AM to 10:00 PM, seven  
28 days a week. Equipment includes treadmills, rowing machines and dumbbells. The  
29 heaviest weight is 50 pounds and is not intended to be dropped. All activities will be  
30 conducted within Orangetheory's space. There will be no use of sidewalks or other  
31 outdoor space.

32  
33 The application to the Board of Standards and Appeals (BSA) for the special permit  
34 pursuant to ZR 73-36 follows the necessary denial by the Department of Buildings under  
35 ZR 32-31.

36  
37 The siting of a PCE in a residential building raises compatibility issues. Following a  
38 recent unfortunate experience with another PCE that operated in a manner that disturbed  
39 and enraged the residential tenants in the building, CB4 seeks to prevent a recurrence by  
40 addressing noise and other issues carefully.

41  
42 In order eventually to be able to operate without disturbing neighbors, the applicant and  
43 his team have conducted a comprehensive program of outreach, pre-construction analysis  
44 and acoustical engineering. The applicant has met with the building's condominium  
45 board and has kept it informed of plans and progress. He arranged for access to second  
46 floor units - those directly above the Orangetheory facility - where noise transmission to

47 those units from the raw space below was tested. Based on the results of this testing,  
48 acoustical engineers for both the applicant and for the building's condominium board  
49 agreed to and approved a site-specific "box-within-a-box" for the studio, isolating it  
50 physically and acoustically from the rest of the building. Construction is now underway.

51  
52 The applicant has committed to extensive acoustical testing once construction is complete  
53 and before Orangetheory begins operations, including testing in the second floor units  
54 with music in the studio at full volume; he will share the results with the Board. The  
55 applicant believes that the acoustical engineering will prevent noise from the studio from  
56 disturbing residents in the building. He stated that the sound system will be equipped  
57 with a governor able to reduce the volume of any frequencies that create problems, and  
58 committed to any other necessary preventive steps if there are any sound issues.

59  
60 The Board appreciates the thoroughness of the applicant's efforts to prevent acoustical  
61 disturbances, and especially his efforts to include the building residents in the process.  
62 The Board believes that if the efforts at acoustical isolation of the facility are successful,  
63 the facility will meet the required findings under ZR 73-36 and will be an appropriate and  
64 attractive addition to the community.

65  
66 We thus recommend the granting of the requested special permit subject to confirmation  
67 of acceptable performance of the acoustical isolation of the studio and these additional  
68 conditions:

- 69
- 70 • Programming will either not include potentially disruptive activities or will  
71 demonstrate conclusively with an acoustical engineering report that equipment  
72 use and classes will not disturb other building tenants; and
  - 73  
74 • If operation of the facility leads to complaints from residents above or from the  
75 community, the operators of Orangetheory will attend meetings set up by the  
76 Board and quickly take any steps necessary to correct the problems leading to the  
77 complaints.

78  
79 Sincerely,

80  
81 Christine, JLC, Betty

82

2  
3 December XX, 2014

4  
5 Hon. Margery Perlmutter, Chair  
6 Board of Standards and Appeals  
7 250 Broadway, 29th Floor  
8 New York, NY 10007

9  
10 **Re: BSA Cal. # 174-04-BZ**  
11 **Amendment of Variance for 124 West 24<sup>th</sup> Street**

12  
13 Dear Ms. Perlmutter:

14  
15 On the recommendation of its Chelsea Land Use Committee, and after a duly noticed  
16 public hearing at the regular Board meeting on December 3, 2014, Manhattan  
17 Community Board No. 4 (CB4), by a vote of \_\_\_ in favor, \_\_\_ opposed, \_\_\_ abstaining and  
18 \_\_\_ present but not eligible, voted to recommend denial of an application to reopen and  
19 amend the variance granted in 2005 to 124 West 24<sup>th</sup> Street (Block 799, Lots 1001-1026,  
20 the "Site") under BSA #174-04-BZ (the "Variance").

21  
22 The application seeks restoration of unused development rights barred by BSA in  
23 granting the Variance, with the intention of transferring them to another parcel in a  
24 zoning lot to be created by a merger of contiguous parcels on Block 799. The Board  
25 believes that the proposed amendment would violate the conditions on which the  
26 Variance was granted, constituting an unwarranted windfall for the owner contrary to  
27 BSA's original findings. The Board also believes that the intended conveyance of the  
28 development rights to a proposed transient hotel would be detrimental to the public  
29 welfare.

30  
31 **Background**

32  
33 124 W24<sup>th</sup> Street, the Site, is a seven story building located in an M1-6 zone, which does  
34 not allow residential uses as of right. On June 14, 2005 the Board of Standards and  
35 Appeals (BSA) granted to the then owner of the Site the Variance permitting the second  
36 through sixth floors of the Site to be converted to residential uses.

37  
38 In seeking the Variance, the owner submitted evidence that the Site had unique physical  
39 conditions that created practical difficulties and unnecessary hardships in complying with  
40 the provisions of the Zoning Resolution regarding M1-6 districts. The owner also  
41 submitted feasibility analyses demonstrating that the value of the unused development  
42 rights were insufficient to generate a reasonable return from a conforming use.

43  
44 BSA determined that a reasonable return would be generated by permitting non-  
45 conforming residential uses alone, without the sale of the unused development rights, and  
46 therefore granted the Variance with the condition that the FAR on the site not exceed

47 4.81, amended on February 24, 2006 to 4.843 by letter.

48 **Application**

49

50 The current owner of the Site seeks an amendment to the Variance to approve the  
51 restoration and right to convey the unused development rights on the Site on the  
52 understanding that the owner will seek BSA approval to relocate the rights to a newly  
53 formed zoning lot. There will be no modifications made to the building on the Site.

54

55 **CB4 Recommendation**

56

57 In granting the Variance in 2005, BSA determined that the non-conforming residential  
58 use was sufficient to generate a reasonable return and specifically capped the Site's FAR  
59 at the existing 4.843. BSA barred the use of the unused FAR because the non-  
60 conforming use alone provided the owner with a reasonable return, while the value of the  
61 development rights in 2005 added to the non-conforming use would have generated a  
62 return that BSA considered greater than reasonable. The value of the development rights  
63 in 2015, which is much greater than the 2005 value, added to the non-conforming use  
64 would generate an even greater return, which BSA should consider unreasonably large.

65

66 CB4 believes that permitting the restoration and transfer of the unused development  
67 rights from the Site would unfairly benefit an owner of the Site. The current owner  
68 purchased the Site knowing that there were no unused FAR available pursuant to the  
69 terms of the Variance. Whatever arrangements may have been made between the current  
70 and former owners, neither is entitled to the windfall profits to be realized by overturning  
71 the terms of the Variance. The application provides no justification for the amendment  
72 other than a desire for additional profit.

73

74 We also believe that the subsequent assemblage of development rights for the purpose of  
75 building a transient hotel larger than would be permitted on a single lot would be  
76 detrimental to the community. We have too many examples of large, out-of-scale hotels  
77 towering over their neighbors in Community District 4. CB4 strongly supports requiring  
78 special permits for the construction of transient hotels, as well as revised zoning  
79 including comprehensive bulk controls that would keep the height of buildings within  
80 limits appropriate for their neighborhoods.

81

82 CB4 believes that amending the Variance to permit the restoration and right to convey the  
83 "unused" development rights from the Site would constitute an unwarranted excess  
84 economic benefit, a windfall, to one or more of the owners, and would be detrimental to  
85 the public welfare. We therefore recommend that BSA deny the application.

86

87 Sincerely,

88

89 Christine, JLC, Bet



2  
3 December XX, 2014

4  
5 Chief Thomas M. Chan  
6 Transportation Bureau  
7 New York Police Department

8  
9 **Re: Enforcement of Jitney Bus Operations**  
10 **West 42<sup>nd</sup> Street between 8<sup>th</sup> and 9<sup>th</sup> Avenues**

11  
12 Dear Chief Chan:

13  
14 Manhattan Community Board 4 (CB4) would like to request the assistance of the New  
15 York Police Department (NYPD) in better regulating the Jitney bus operation on West  
16 42<sup>nd</sup> Street between 8<sup>th</sup> and 9<sup>th</sup> Avenues outside of the Port Authority Bus Terminal.  
17 Currently three bus operators, Fuji, Galaxy, and Three Aces use locations on the north  
18 and south side of the street as curbside terminals. Although these operators have been  
19 using these locations for close to a decade they failed to apply for a permit from the DOT  
20 as required by provisions 04-01 and 04-10 in Section 4 of the Rules of the City of New  
21 York which requires Intercity Bus operators with existing DOT authorized bus stops to  
22 reapply to keep these stops and provide for a 90 Day review period, including  
23 Community Board review.

24  
25 The use of these Intercity Bus stops along West 42<sup>nd</sup> Street, between Eighth and Ninth  
26 Avenues, has grown so significantly in recent years that the sidewalk has become  
27 impassable for most pedestrians (particularly around commuting and after-theater hours).  
28 The bus operations block a designated bus lane that causes significant delays for the  
29 MTA M42 bus, which has frequently been the winner of the Straphanger Campaign's  
30 "Slow Poke Award." During evening commute and after theater shows, the lines for  
31 commuting passengers waiting to load on the North Side of the street typically extends  
32 from mid-block on West 42<sup>nd</sup> Street around the corner to mid-block on Ninth Avenue  
33 between West 42<sup>nd</sup> and West 43<sup>rd</sup> Streets.

34  
35 Furthermore, these buses are a safety concern for cars and pedestrians. The buses are  
36 frequently idling and double parked causing greater congestion on an already heavily  
37 congested roadway and creating unnecessary pollution. On their approach to the Lincoln  
38 tunnel these buses make a left turn on 9<sup>th</sup> Avenue heading towards West 41<sup>st</sup> Street,  
39 which causes further backup on both 9<sup>th</sup> Avenue and 42<sup>nd</sup> Street.

40  
41 CB4 appreciates the service these buses provide to commuters from New Jersey, but  
42 would like their operation to be better managed. First we would like them to submit their  
43 application to the DOT for the intercity bus permit, and we would like the (NYPD) to  
44 increase enforcement for operating without a permit. It has come to the attention of CB4  
45 that there is some confusion between NYPD and DOT regarding the status of the permit  
46 and the NYPD's ability to enforce the operation. CB4 has confirmed that these operators

47 have not applied for a permit and that the NYPD should be enforcing the violation of  
48 provisions 04-01 and 04-10 in Section 4 of the Rules of the City of New York.  
49 Sincerely,

50  
51 Christine /Ernest / Jay

52  
53 CC: Polecky NYPD  
54 NYC Council Member Cory Johnson  
55 Manhattan Borough President Gale Brewer  
56 NYS Assemblymember Dick Gottfried  
57 NYS Senator Brad Holyman  
58 U.S. Congressman Jerrold Nadler

59  
60  
61  
62

DRAFT

1 **Transportation Planning Committee**

**Item #: 22**

2  
3 December XX, 2014

4  
5 David Gruber, Chair  
6 Manhattan Community Board #2  
7 3 Washington Square Village, 1A  
8 New York, NY 10012

9  
10 Vikki Barbero, Chair  
11 Manhattan Community Board #5  
12 450 7<sup>th</sup> Avenue, Suite 2109  
13 New York, NY 10123

14  
15 **Re: Complete Streets for Sixth and Seventh Avenues**

16  
17 Dear Mr. Gruber and Chair Barbero:

18  
19 Manhattan Community Board #4 would like to request a Tri-Community Board  
20 discussion and plan around Complete Streets for 6<sup>th</sup> and 7<sup>th</sup> Avenues. We would like to  
21 see an effort, led by Community Boards, to bring together area block associations, BIDS,  
22 and pedestrian, and disability, senior and bicyclist advocates to create “Complete Street”  
23 plans for these avenues - that will improve pedestrian, bicyclist, and vehicular experience  
24 and safety.

25  
26 Many of these elements included in Complete Streets have been implemented at various  
27 places during the last few years – in CB4 we have seen expanded sidewalks, enclosed  
28 bicycle lanes, pedestrian refuge areas, Leading Pedestrian Intervals, improved  
29 landscaping, raised crosswalks, speed bumps, and bulb outs. Most of these improvements  
30 have resulted in decreased accidents and fatalities and improved pedestrian, bicyclist and  
31 vehicle driver experience. With these experiences under our belt, it will be an exciting  
32 effort to focus these tools – and the tools learned by our CB2 and CB5 partners - on  
33 shared and adjacent roadways of 6<sup>th</sup> and 7<sup>th</sup> Avenues – both of which border MCB4 and 5  
34 in various places and are shared further south with MCB2.

35  
36 We believe a joint Community Board effort will enable increased learning from our  
37 various efforts to date, and increased diverse perspectives to ensure a fuller balance of  
38 views and ideas, and increased political clout to effectuate recommended changes. We  
39 also request that DOT assist to facilitate these discussions and provide necessary staffing  
40 and research to enable informed decisions.

41  
42 Thank you for your consideration and we look forward to joining together in this exciting  
43 effort.

44  
45 Sincerely,  
46 Christine /Ernest / Jay  
47 CC: DOT

1 **Transportation Planning Committee**

**Item #: 23**

2  
3 December XX, 2014

4  
5 Assembly Member Linda Rosenthal  
6 230 W. 72<sup>nd</sup> Street, 2F  
7 New York, NY

8  
9  
10 **RE: M11 Bus Service**

11  
12 Dear Assembly Member Rosenthal:

13  
14 Manhattan Community Board 4 requests your assistance in working with the MTA to  
15 increase and improve service on the M11 bus. We ask for your assistance since our  
16 previous requests to the MTA have not resulted in significant changes or improvements  
17 and we feel a more creative approach is required.

18  
19 The M11 bus services is an important transportation mode for MCB4 – running through  
20 the middle of Hell’s Kitchen and Chelsea along 9<sup>th</sup> and 10<sup>th</sup> Avenues and adjacent to  
21 CB4’s large high rise communities such Manhattan Plaza, London Terrace, Penn South,  
22 MIMA, and Fulton Houses. Given its route from Harlem to Greenwich Village, it also  
23 serves as an important link to Manhattan’s cultural (from the Apollo Theater to Lincoln  
24 Center to Broadway and off-Broadway) and tourist (Highline, Chelsea Market, Riverbank  
25 Park) resources. However, the timeliness of the bus service is hampered by the frequent  
26 severe traffic around Lincoln Tunnel access points on both 9<sup>th</sup> and 10<sup>th</sup> Avenues and by a  
27 schedule that discourages usage on potentially high customer base times after theater and  
28 during the weekends (when it is scheduled to run every 15 to 30 minutes).

29  
30 We believe there are both solutions to these problems and a way for the MTA to see the  
31 potential for increased ridership beyond quarterly passenger counts. This would require  
32 creative brainstorming and effective and expansive communications. Your office has  
33 played an important role working with the MTA in the past and we ask for your  
34 assistance in increasing dialogue between the M11 constituencies and the MTA and in  
35 improving bus line service.

36  
37 Thank you for your consideration and involvement.

38  
39 Sincerely,

40  
41 Christine /Ernest / Jay  
42  
43  
44  
45  
46



2  
3 December XX, 2014

4  
5 New York City Franchise and Concession Review Committee (“FCRC”)  
6 Mayor's Office of Contract Services  
7 253 Broadway, 9<sup>th</sup> floor  
8 New York, NY 10007  
9

10 **Re: Links – Department of Information Technology and Telecommunication (DoITT)**

11  
12 Manhattan Community Board 4 (CB4) requests that the New York City Franchise and  
13 Concession Review Committee (“FCRC”) postpones the approval of the Franchise Agreement  
14 for the Installation, Operation, and Maintenance of Public Communications Structures in the  
15 Boroughs of the Bronx, Brooklyn, Manhattan, Queens and Staten Island (Contract), until three  
16 clauses essential to the success of this agreement are revised: the siting rules which impact  
17 pedestrian safety, the substitution and removal rules which are inconsistent and open to  
18 interpretation, and the inclusion of the Borough presidents in the approval process.  
19

20 CB4 applauds the Department of Information Technology and Telecommunication (DoITT) for  
21 its selection of appliances and services: the Links (the new name of the appliances that replace  
22 the phone booths) provide desirable features (Wi-Fi with a reach of 150’, over 1 gigabyte of  
23 bandwidth, continuous network, browser, 911 service, free phone calls to the U.S., phone  
24 charging, user lighting), in an attractive station (Advertising Structure: 114” in height and 11” by  
25 35” in dimension, Non Advertising Structure: 122.9” in height and 11” by 16” in dimension).  
26 CB4 is also very grateful for DoITT having extensively engaged the community in the design of  
27 the new Link and incorporated the vast majority of the community’s many suggestions in the  
28 contract. In particular we are pleased that the contract allows much flexibility in the removal and  
29 relocation of installations.  
30

31 **Community Review:** We are surprised that this productive engagement with the community will  
32 terminate with the signing of the contract. Contrary to the customary community consultation  
33 provided by the city for other sidewalk obstructions like sidewalk cafés and newsstands, the  
34 community boards will not be consulted for the placement or replacement of installations. We  
35 expect this to be costly to the Franchisee since, after the installations are in place, the community  
36 will ask for their removal and relocation. For a successful and cost effective program, we urge  
37 that you include the Borough President upfront in the decision process for replacements  
38 removals relocations and new locations.  
39

40 **Removals and Relocations**

41  
42 In section 2.5 Substitute Location indicates that “In the event that, pursuant to Sections 2.2, 2.3,  
43 and 2.4, the City requests removal of a Structure, the Franchisee shall be permitted to install a  
44 Structure at a mutually acceptable location of equal or greater advertising value.”  
45

1 Based on this clause, it will be impossible to replace an installation on 7<sup>th</sup> Avenue at Penn  
2 Station, which has an extremely high advertising value but also should be removed to make place  
3 to pedestrians who are currently walking the streets because of lack of sidewalk.

4  
5 This statement is also inconsistent with those in Paragraph 4.2.3 “The Franchisee acknowledges  
6 and accepts that the City has the sole discretion in the management of its rights-of-way to  
7 approve or deny any request by the Franchisee, or other Person, for a permit to install a Structure  
8 in a particular location” and in paragraph 1.2 (ii) of the SVR “Notwithstanding the forgoing,  
9 DoITT will have the right to deny approval of any such location if DoITT approves an alternative  
10 location that in DoITT’s reasonable judgment is of at least equal economic value to the  
11 Franchisee.”

12  
13 This discrepancy is particularly concerning since it appears that the removals cannot take place  
14 until the replacement has been installed. Thus this clause could render inoperative the clause  
15 permitting the removal as long as the Franchisee does not accept the replacement location.

16  
17 It is critical that removal not be subject in any way to the approval of the Franchisee. This has  
18 been a major problem in the current contract and must not be replicated. We urge that the  
19 “mutually acceptable location of equal or greater advertising value.” be replaced by  
20 “A location that in DoITT’s reasonable judgment is of at least equal economic value to the  
21 Franchisee.” In case of a loss of revenue to the Franchisee, a reduction in minimum payment  
22 should be contemplated.

#### 23 24 **Siting measurements**

- 25 • While the new measurements are an improvement over the current ones, they may not be  
26 enforceable, since the contract says: " Notwithstanding anything contained herein, the  
27 siting of Franchise Structures shall be subject to any applicable requirements of the New  
28 York City Administrative Code." It is also not clear if the new installations will render  
29 irrelevant the grandfathering clauses existing in the current rules, as they should.
- 30 • Clear Path: The links contract should increase the clear path requirement in order to  
31 reflect the new design, or change the design to provide services below the advertising  
32 panel.
- 33 •

34 Although the appliance is narrower than the current installations, it is as deep and still presents  
35 the same 36" encroachment in the pedestrian clear path. Because the design does not allow the  
36 user to be serviced within the footprint of the installation, as is the case with the current phone  
37 booth, It requires the user to be in front of the installation obstructing the 8’ pedestrian clear path  
38 by a minimum of 1’6". In addition we can anticipate that the new services will attract many more  
39 users that will spend longer time in front of the appliances (3 minutes to charge a phone). The  
40 city has already established a precedent for Newsstands where the required clear path is 9’6" to  
41 accommodate the same user placement. This is particularly important in the very busy arterials  
42 with thousand of commuters like Penn Station and Eight Avenue, or avenues like 9<sup>th</sup> Avenue and  
43 its side streets with narrow sidewalks. On such avenues, DOT has elected to install 2’ wide way  
44 finding signs instead of the normal 3’ wide to preserve the maximum clear path.

45

- 1 • Distance from pedestrian crossings and corner quadrants: with the massive increase in  
2 pedestrian volumes over the last 20 years, the DOT often widens the pedestrian crossings  
3 to accommodate the increased foot traffic. CB4 recommends a required 5' distance from  
4 the outside limit of pedestrian crossings to provide a safe crossing to all the pedestrians  
5 and from corner quadrants to allow the pedestrian platoons to congregate while waiting  
6 for the lights.
- 7 • Distances from traffic sign and traffic lights remain at 3' and 4' respectively: the height of  
8 the new appliance (114 or 123) where the advertising display may either block the signs  
9 and signals or distract the drivers or the pedestrians about to cross the street makes such  
10 distances inadequate as a matter of safety.

11  
12 We urge the committee to require such changes that will guarantee a more successful and less  
13 costly deployment of the Links.

14  
15  
16 Sincerely,

17  
18 Christine /Ernest / Jay

19  
20 CC: All elected  
21 DOT Commissioner Forgione  
22 DOT Wendy Feuer  
23  
24  
25

DRAFT