

EXG 332 W 44 LLC
c/o Edison ParkFast
100 Washington Street
Newark, NJ 07102

January 5, 2015

Jean-Daniel Noland
Chair, Clinton/Hell's Kitchen Land Use
Committee
Manhattan Community Board 4
330 West 42nd Street, 26th Floor
New York, New York 10036

Re: 332 West 44th Street, Block 1034, Lot 48
CPC No. M090377(A)ZSM

Dear Mr. Noland:

We thank you and the Clinton/Hell's Kitchen Land Use Committee for the opportunity to present our project to you.

The following are our responses to issues and questions raised in the committee meeting and in the Committee's draft recommendation.

- 1. The Applicant landscapes and maintains a planted area of at least ten feet on one side of the West 43rd Street Garage driveway and cooperates with MCB4 to get a tree planted near the Garage driveway on West 43rd Street.**

To address community concerns about unauthorized use of the driveway as an entrance, Edison has installed a series of bollards that effectively reduce the width of the driveway to only one lane (for exits only) and has installed a stop-gate in the exit lane to prevent vehicles from using the exit lane as an entrance (see site plan).

In order to enliven and improve the appearance of the driveway, Edison agrees to work with its neighbors and the community board to commission a mural for one or both of the side walls of the adjacent buildings, subject to the cooperation of the adjacent property owners and provided that the same can be done feasibly and at a reasonable cost.

Edison will support Community Board 4 in its efforts to have a street tree planted along West 43rd Street and is willing to make a financial contribution for its installation.

- 2. The Applicant replaces the roll-down gate with a white picket iron gate on West 43rd Street so the landscaping will be visible to the public.**

The existing electronic roll-down gate was installed by the previous owner at the request of the community board. The middle 2/3 of this gate is comprised of a see-through grate, which provides ample visibility into the driveway for pedestrians (see photographs). Wall mural(s) would be visible through the gate (when it is closed) and from the sidewalks on both side of the street.

3. The Applicant delivers, within six months if possible, a white box core and shell for the proposed retail spaces on West 44th Street.

Delivery of the retail spaces to prospective tenants requires successful modification of the special permit. While Edison is currently seeking retail tenants, Edison expects greater interest from a broader range of potential tenants when the proposed retail spaces are allowed via the special permit modification. Edison expects lease terms will be negotiated with future tenants in mid-2015. In order to maintain design flexibility for the specific needs of future tenants, Edison will design and construct the spaces after tenants are selected.

4. The Applicant agrees not to rent the retail spaces on West 44th Street to establishments requiring a liquor license.

Edison will not rent the retail spaces to establishments requiring a liquor license.

5. The Applicant considers the feasibility of art installations in the driveway on West 43rd Street or in the proposed retail spaces on West 44th Street.

As discussed above, Edison agrees to work with its neighbors and the community board to commission murals on the side walls of the adjacent buildings, should adjacent property owners agree provided that the same can be done feasibly and at a reasonable cost.

During any significant period of vacancies in the retail space, Edison will consider art installations in those spaces.

6. The Applicant submits a time-frame for the new facade improvements on West 44th Street.

Most of the proposed major capital improvements will require the modification of the special permit. DOB approval of the proposed capital improvements and issuance of construction permits cannot happen until completion of the CPC modification process. Although the design of the façade of the building has not been finalized yet, façade improvements are planned to be undertaken concurrently with capital improvements proposed in the special permit modification application.

Very truly yours,

EXG 332 W 44 LLC

By: 