

2
3 July 16, 2015

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

9
10 **Re: High Line Hotel**

11
12 Dear Borough President Brewer:

13
14 This letter requests your intervention on behalf of Community Board 4 (CB4) in regard to
15 the Landmarks Preservation Commission’s unilateral approval of alterations to the
16 Highline Hotel’s forecourt at 180 Tenth Avenue in the Chelsea Historic District. The
17 Commission has acted in a manner dismissive of the community’s formally stated
18 concerns and subverted the public participation on which the Community Board system is
19 based.

20
21 Specifically, the Commission recently issued two Permits adversely affecting the historic
22 General Theological Seminary architecture, which is the focus of the Chelsea Historic
23 District.

24
25 On May 9, the Commission issued Permit CNE 17-0010 (attached) allowing “a free
26 standing bar with canopy at the southwest corner of the property to be removed by
27 September 30, 2015.” This covered bar was first installed without a permit last summer.
28 CB4 objected to it in a letter to LPC Chair Srinivasan last year, resulting in the attached
29 LPC Warning Letter. While the bar was removed for the winter season, it reappeared this
30 spring, legalized by the Commission’s Permit, which was granted without presentation to
31 - or opportunity for comment by - CB4. The Permit sets the stage for regular renewal of
32 approval for the bar and its annual presence. It should be noted that the bar is not “free
33 standing” but bolted to a permanent foundation and that it substantially blocks views of
34 the Seminary façade, as shown in the attached photos from Tenth Avenue and West 20th
35 Street.

36
37 On June 6, the Commission issued Permit PMW 17-1087 (attached) allowing “two
38 HVAC units and a transformer . . . partially screened by an existing stone wall, with two
39 ducts extending from the units and attaching to the west façade . . . and extending through
40 existing window openings . . .” As seen in the attached photo, this equipment detracts
41 extraordinarily from the historic Seminary architecture, designed for picturesque effect
42 by notable architect Charles Coolidge Haight. Confronted with community complaints
43 about a similar eyesore in place for much of last summer, a representative of the Hotel
44 then stated that it was a temporary measure pending installation of central air
45 conditioning. This was clearly not the case. As with the LPC Permit for the bar, the stage

1 is set for regular permit renewal and the annual presence of an HVAC solution which is
2 only “temporary” in being seasonal.

3
4 Issuance of these Permits follows on a sweeping staff-level Amendment legalizing
5 several violations in the same forecourt. This Amendment allowed about 90% of the
6 forecourt to be paved. The amount of paved area versus green space had been a major
7 subject of discussion by the Community Board and among Landmarks commissioners in
8 the two public hearings held on the issue. The Commission eventually approved
9 increasing the paved area from approximately one-third to about 71% of the total
10 forecourt area, reducing it from the approximately 74% sought by the applicant during
11 the permitting process, significantly less than the 90% allowed by staff. What had been a
12 garden oasis is now a paved commercial venue unrecognizable as the design presented to
13 CB4 or the public in LPC hearings.

14
15 It should be noted that none of the Commission’s actions favoring the Hotel can be
16 justified on grounds of practical difficulty or unnecessary hardship. They all benefit the
17 Hotel’s commercial ends, including its use of the historic Seminary refectory as an event
18 venue demanding increased air conditioning. It is also remarkable that the Commission is
19 so willing to accommodate an owner who built so much without regard for the permit
20 process, creating a dangerous precedent and making fools of owners who play by the
21 rules.

22
23 We ask your help in gaining assurances from the LPC that it will not Renew Permits for
24 the bar and HVAC equipment in the future. We also ask your help toward reducing the
25 forecourt’s paved area to the 71% approved by the Commission, and having the
26 surrounding privacy hedge reduced to allow the public to enjoy this historical resource, as
27 presented to and expected by the Commissioners and the community. Such actions would
28 go far toward renewing our faith in the public participation promised by the Community
29 Board system.

30
31 Sincerely,



32
33 Christine Berthet
34 Chair



35 J. Lee Compton
Co-Chair
Chelsea Land Use Committee



Betty Mackintosh
Co-Chair
Chelsea Land Use Committee

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3

4 July XX, 2015

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

10

11 **Re: BSA Cal. # 69-95-BZ**
12 **Extension of Term for the PCE The Sports Center at Chelsea Piers**

13

14 Dear Ms. Perlmutter:

15

16 On the recommendation of its Chelsea Land Use Committee, following a site visit by committee
17 members and after a duly noticed public hearing, Manhattan Community Board No. 4 (CB4), by
18 a vote of __ in favor, __ opposed, __ abstaining and __ present but not eligible to vote, voted to
19 recommend approval of the application for an extension of the special permit previously granted
20 pursuant to ZR 73-36 to The Sports Center at Chelsea Piers for a Physical Culture Establishment
21 (PCE) located at Pier 60, 111B Eleventh Avenue.

22

23 The Sports Center at Chelsea Piers occupies approximately 116,000 square feet of space on Pier
24 60, between West 19th and West 20th Streets, west of Eleventh Avenue, in an M2-3 district, and
25 operates under a special permit granted by the Board of Standards and Appeals (BSA) in 2006.
26 The special permit for the PCE expires on August 8, 2015; the current application is for a ten
27 year extension to that special permit.

28

29 The Sports Center at Chelsea Piers offers a wide range of physical culture facilities, including a
30 running track, a rock climbing wall, basketball courts, a swimming pool, studios for cycling,
31 weight training equipment and a spa offering massage by licensed masseurs/masseuses.

32

33 The applicant has submitted a letter detailing the facility's compliance with applicable laws and
34 regulations, and with the conditions imposed by BSA in granting the original special permit.
35 The Board has received no complaints regarding the PCE, it is located on the west side of
36 Eleventh Avenue far away from residential buildings, and based on our site visit we believe that
37 the facility is well-run.

38

39 CB4 believes that The Sports Center at Chelsea Piers meets the required findings of ZR 73-36
40 and therefore recommends approval of the application for an extension to the special permit.

41

42 Sincerely,

43 





44 Christine Berthet
45 Chair

J. Lee Compton
Co-Chair

Betty Mackintosh
Co-Chair

46 Chelsea Land Use Committee

Chelsea Land Use Committee

DRAFT

1 **CHELSEA LAND USE COMMITTEE**

Item # 25
RATIFICATION

2
3 July 16, 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: LPC Application for Extension at 58-60 Ninth Avenue**

12
13 Dear Chair Srinivasan:

14
15 On the recommendation of its Chelsea Land Use Committee, the Executive Committee of
16 Manhattan Community Board 4 (CB4) voted to recommend approval of the proposed
17 extension to the building at 58-60 Ninth Avenue which is located in the Gansevoort
18 Historic District, in a C6-2A district. This recommendation is subject to ratification by
19 the Board at its July 22, 2015 meeting.

20
21 The building is three and a half stories with a deep setback at the rear of the fourth floor.
22 Commercial uses will occupy the ground floor and cellar; the upper floors will be
23 residential. The entire building is undergoing extensive improvements, including
24 fireproofing, the addition of an elevator, a new fireproof stairwell, and mechanical system
25 upgrades. Air conditioning systems will no longer be seen on the outside of the building.
26 This core reconstruction will bring the inside of the building up to code but would result
27 in convoluted spaces and a loss of floor area. The number of residential units (three) will
28 be unchanged.

29
30 The proposed 800 square foot addition would extend the existing fourth floor to the rear
31 façade. It would cover part of the third floor, and provide space for the third floor
32 residential unit. It would not be visible from the street. CB4 believes that the proposed
33 addition will not detract from the historic value of the Gansevoort Historic District and is
34 part of an improvement project which will preserve this building in the district.

35
36 CB4 recommends that the Landmark Preservation Commission approve this application.

37
38 Sincerely,

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40 Christine Berthet

J. Lee Compton

Betty Mackintosh

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42

1 **CHELSEA LAND USE COMMITTEE**

Item # 26
RATIFICATION

2
3 July 16, 2015

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

11
12 **Re: LPC Application for 525 West 26th Street: Exterior Stair Removal and New**
13 **Windows**

14
15 Dear Chair Srinivasan:

16
17 On the recommendation of its Chelsea Land Use Committee, the Executive Committee of
18 Manhattan Community Board 4 (CB4) voted to recommend approval of the proposed to
19 recommend approval of an application at 525 West 26th Street which is located in the
20 West Chelsea Historic District. This recommendation is subject to ratification by the
21 Board at its July 22, 2015 meeting.

22
23 The building is a factory-like structure with windows and facade altered before the West
24 Chelsea Historic District was established. The applicant proposes to remove an exterior
25 steel sidewalk stair. The staircase is rusted and unattractive and has become a hazard to
26 pedestrians who bump into it. This staircase is not original to the building but is in the
27 location of an earlier, more ornate stair (as seen in historic photographs). It cannot be
28 rebuilt to its original design because it would not be code-compliant. The applicant also
29 proposes to replace the steel panel door at the top of the staircase with a large window
30 and add two new windows on the first floor. The new windows would be designed to
31 match the existing windows.

32
33 CB4 believes that the proposed improvements will enhance the façade of this building, be
34 consistent with the look of other factory-like buildings on the block and not detract from
35 the West Chelsea Historic District.

36
37 CB4 recommends that the Landmark Preservation Commission approve this application.

38
39 Sincerely,

40
41 Christine, Lee, Betty

2
3 July 16, 2015

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5 **2015 Borough Board/Community Board Resolution Recognizing the 50th Anniversary of**
6 **the NYC Landmarks Law and Value of Preservation**

7
8
9 Whereas: In 1965 elected officials signed The New York City Landmarks Law mandating the
10 protection of historic resources as part of a comprehensive urban planning process and a “public
11 necessity” that is “required in the interest of the health, prosperity, safety and welfare of the
12 people,” and

13
14 Whereas: The legitimacy of this process and its public purpose has been upheld by the U.S.
15 Supreme Court, and

16
17 Whereas: The Landmarks Law outlines the many reasons for establishing a means to designate
18 and protect buildings and neighborhoods, including fostering civic pride, protecting and
19 enhancing attractions, stimulating tourism and other businesses and overall, strengthening the
20 economy of the city, and

21
22 Whereas: The New York Landmarks Preservation Commission has a 50-year record of review
23 and approval of alterations to individual landmarks or buildings located within historic districts,
24 and half of a century later, preservation continues to serve New Yorkers by helping to create a
25 vibrant, livable city, and

26
27 Whereas: Preservation Stabilizes Diverse Communities. New York City is not a single
28 monolithic entity but rather a great consolidation of neighborhoods. Preserving the character of
29 those neighborhoods creates stability for the many diverse identities of New York and allows
30 them to flourish without being lost, and

31
32 Whereas: Preservation Preserves Affordable Housing. Landmarks and buildings in the city’s
33 historic districts in all five boroughs provide protections against demolition, which in turn save
34 hundreds of existing units subject to rent regulation, and

35
36 Whereas: Preservation Promotes Investment, Economic Development and Good Jobs.
37 Preservation encourages investment in real estate while stabilizing property values and
38 strengthening the city’s tax base. It helps create and protect local jobs in the conservation,
39 reconstruction, manufacturing, film and television, tourism, hospitality and other related
40 industries.

41
42 Whereas: Preservation is Sustainable. The greenest building is the one already built. Most old
43 buildings were designed with a sophistication of thought rather than a sophistication of
44 technology, which, in terms of climate control and energy usage, integrates them with the
45 environment in a way that most new buildings do not. Furthermore, repairing, rehabilitating and
46 re-using buildings and materials saves money, fuel and energy without the waste, debris, noise

47 and truck traffic that new construction generates when it involves the demolition of an existing
48 building.

49
50 Whereas: The New York Times declared that preservation is an “environmental necessity” on
51 the occasion of the a 50th Anniversary New York City Landmarks Law and the Landmarks
52 Preservation Commission in April 2015, now

53
54 Therefore be it resolved that: This community board celebrates the 50th Anniversary of the
55 Landmarks law in 2015 and the ongoing value of our community's distinctive character,
56 landmarks and built heritage, and

57
58 Be it further resolved that: We urge elected officials and citizens throughout the city to support
59 and defend the New York City Landmarks Law, a strong Landmarks Preservation Commission
60 and the distinctive landmarks in our community, both those that are officially designated and
61 those that are currently unprotected.

62
63 Be it further resolved that: We urge elected officials to strengthen relations between the
64 community boards and the Landmarks Preservation Commission and ensure that the
65 Commission is more responsive and accountable to the concerns of the community boards than it
66 has been in recent years by providing timely responses to Requests for Evaluation of historic
67 buildings and districts; allowing staff-level approvals and amendments only where appropriate;
68 honoring the spirit of its own regulations with due enforcement rather than acceptance of
69 specious arguments from non-compliant owners; and acting in a manner that does not reward
70 scofflaws who build first and seek retroactive approval only when caught.

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3 July XX, 2015

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

10 **Re: ULURP Application No. C 150309 ZSM**
11 **Special Permit for a 39-Space Accessory Parking Garage**

12
13 Dear Chair Weisbrod:

14
15 At its regularly scheduled full Board meeting on July 22, 2015, Manhattan Community Board 4
16 (CB4), on the recommendation of its Chelsea Land Use Committee, voted __ in favor, __
17 opposed, __ abstaining and __ present but not eligible to vote to recommend denial of the
18 Application for a special permit under ZR 13-45 and ZR 13-451 for an increase in the number of
19 parking spaces in an automated parking facility at 530 W28th Street to 39. The Board's
20 recommendation is based on the belief that the test determining eligibility for the special permit
21 is deeply flawed and inapplicable in this situation, and that the availability of nearby public
22 transportation makes the additional spaces unnecessary.

23
24 **Background**

25
26 The proposed development at 530 West 28th Street is an as-of-right mixed use building
27 occupying Block 699 Lot 49 in a C6-3 district in Subarea B of the Special West Chelsea District.
28 The development will have 36 residential units, and 6,540 square feet of commercial space on
29 the ground floor and 4,855 square feet of commercial space in the cellar. Under ZR 13-11(a) the
30 site is permitted seven accessory parking spaces for the residential units and three accessory
31 parking spaces for the commercial square footage.

32
33 The proposed garage will be an unattended, automated facility where vehicles will be stored and
34 retrieved by automated guided vehicles - battery-powered robotic devices - moving between the
35 garage entry area and storage spaces in the two levels below.

36
37 The applicant is seeking approval for 39 spaces in the proposed garage, all of which are intended
38 to be accessory parking spaces used only by the tenants of the proposed development.

39
40 **Analysis**

41
42 The Board believes that the applicant has shown that the project complies with findings that
43 address pedestrian traffic, street functioning, traffic congestion, etc. ZR 13-45(d) requires
44 compliance with the additional finding set out in ZR 13-451, that "the number of off-street
45 parking spaces in the proposed parking facility is reasonable and not excessive in relation to
46 recent trends in close proximity to the proposed facility..."

47
48 The Department of City Planning (DCP) addressed the issue of reasonableness by developing
49 methodology to calculate a "parking ratio." The calculation of the parking ratio requires
50 consideration of new residential dwelling units and new and lost parking spaces during a ten year
51 look-back period through the completion of the proposed facility. The application guidelines
52 also state, "Additionally, the City Planning Commission...may take into account levels of
53 vacancy in existing parking facilities within the area of the proposed parking facility."
54

55 The Board finds that the number of proposed off-street parking spaces is not reasonable and is
56 excessive in relation to recent trends in close proximity.
57

58 The Board has written in response to an earlier application that it believes that the DCP
59 methodology is not appropriate for the West Chelsea area. At the beginning of the mandated ten
60 year look-back period, the West Chelsea area was a manufacturing district with a large over-
61 supply of off-street parking caused by warehousing vacant lots as parking pending favorable
62 economic and social conditions for development of the lots. These parking spaces were not fully
63 utilized except on special occasions, such as events at Madison Square Garden. There also were
64 few residences within the one-third mile study area of the proposed development, and even fewer
65 legal ones. Thus, these parking spaces largely accommodated transient users, not residential
66 users.
67

68 Specifically, the analysis for the proposed increase in parking spaces raises the following issues:
69

- 70 • The proposed ratio of 100 percent of residential parking spaces is five times larger than
71 the average ratio in residential buildings constructed in the last ten years. Thus the
72 requested ratio is excessive in relation to recent trends. The numbers provided by the
73 applicant show that all previous and similar residential developments in close proximity
74 in the last ten years have a ratio of 14 percent parking spaces.
75
- 76 • Since this building's residents will have exclusive use of the proposed garage spaces, the
77 proposed increase in parking spaces will not alleviate the alleged loss of parking spaces
78 in the vicinity. The assumption that parking is a shared resource is inapplicable to this
79 case.
80
- 81 • It is unreasonable to attribute 30 percent of the lost parking spaces to residential spaces in
82 West Chelsea. The presumed decrease of 719 residential parking spaces calculated as 30
83 percent of the lost 1,267 DCA-licensed spaces greatly overstates the actual loss of
84 residential spaces; it does not accurately reflect what has happened in West Chelsea.
85
- 86 • There is no analysis of the type of usage in 2003 to demonstrate that all the spaces were
87 utilized and how many spaces were used by residents. It is likely that parking spaces were
88 not fully utilized. The loss of residential parking should be reduced significantly.
89
- 90 • The applicant may have exaggerated the loss of residential parking. The loss of parking
91 spaces in a residential building are counted as 100 percent residential loss, even though
92 these garages are registered with DCA for the purpose of accepting transient traffic, so a

93 portion of that parking capacity should be considered transient. In this application the loss
94 of spaces is inflated to 164 spaces.

- 95
- 96 • The applicant's analysis does not take into account the number of non-DCA parking lots
97 open during the 10-year look back period.
- 98

99 CB4 appreciates the applicant's commitment that all of the proposed spaces will remain
100 accessory parking spaces, but is concerned by the proposed 1:1 ratio of parking spaces to
101 residential units. Since city living increasing means going without an automobile, we believe it
102 is likely that one or more parking spaces would go unused by residential tenants of the building
103 and thus be available for transient parking, which we oppose.

104

105 The Board also notes that there is increasing access to public transportation in the vicinity of 530
106 West 28th Street. In addition to improved bus service, the final stop on the No. 7 subway line will
107 be less than a quarter mile from the proposed garage.

108

109 The Board is concerned by the increasing traffic created by new residential developments in
110 West Chelsea, and by buses bringing tourists to the High Line, art galleries and the new Whitney
111 Museum. Encouraging additional traffic by increasing residential parking will exacerbate traffic
112 congestion.

113

114 **Conclusions and Recommendation**

115

116 The Board believes that the technical justification for the additional parking spaces is flawed for
117 the West Chelsea area, that based on the development of new residential units and new parking
118 spaces the parking ratio is greater than 20 percent both with and without the proposed
119 development, that residents of the proposed development will have good access to public
120 transportation when the building is completed, as noted by the applicant, and that the requested
121 additional spaces are not necessary for the success of the development.

122

123 CB4 believes that the number of accessory parking spaces should be restricted to those available
124 as-of-right and recommends that the application for a special permit be denied.

125

126 Christine, Lee, Betty

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1 **CHELSEA LAND USE COMMITTEE**

Item # 29

2
3 Date

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

12
13 **Re: 220 Twelfth Avenue (Terminal Stores Building) – Exterior building signage**
14 **master plan**

15
16 Dear Chair Srinivasan:

17
18 At a regular Board meeting on July 22, 2015, Manhattan Community Board 4 (CB4), on
19 the recommendation of its Chelsea Land Use Committee, by a vote of ___in favor,
20 ___opposed, and ___abstaining and ___present but not eligible to vote, voted to recommend
21 approval of an application for an exterior building signage master plan at 220-224 12th
22 Avenue (Terminal Stores).

23
24 The applicant has prepared a master plan for tenant signs in a limited number of formats
25 based on both historic and successful contemporary community prototypes. The plan is
26 designed to allow tenants to display unique signs that identify their businesses while at
27 the same time establishing guidelines with standards to maintain a tasteful streetscape and
28 retain the historic character of the building. Standards include size, color, placement and
29 materials for signs with raised letters, plaques, hanging signs, window decals and signs
30 painted on the walls.

31
32 CB4 finds this signage master plan to be appropriate and believes its variety of approved
33 sign types in keeping with the building’s full-block size and history of diverse tenant
34 signs. CB4 asks that the arched lettering reading “Terminal Stores” above the central,
35 east portal be retained as an embodiment of the structure’s unique history, original
36 function and longtime building name.

37
38 Sincerely,

39
40 Christine, Lee, Betty

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4 July 17, 2015

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

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12
13 **Re: Intercity bus stop – 327 West 42nd Street**

14
15 We appreciate the opportunity to review the application for a bus stop for 53 departures
16 per weekday, at 327 West 42nd Street, from Galaxy Towers, Inc., Fuji Express Inc., Fuji
17 Lines, Inc., and Three Aces Transportation Inc., (dba SPHINX) commuter buses.
18 Manhattan Community Board 4 (MCB4) recommends that the bus stop at this location be
19 denied and proposes that the stop be established on 41st Street at the Northwest corner of
20 41st Street and Dyer Avenue, which is better suited for such operation.

21
22 The operator opposes the MCB4 proposed location. Should the Department of
23 Transportation (DOT) approve the stop at 327 West 42nd Street in spite of our opposition,
24 we ask they do so only if all the stipulations described below are included in writing in
25 the licenses, in order to mitigate the potential negative effects of this decision.

26
27
28 **Background**

29 MCB4 has long been a supporter of bus travel, which reduces the amount of vehicular
30 traffic in the city. As an example, in 2010 MCB4 advocated and obtained 70 parking
31 spaces to be located in our neighborhood for bus companies.

32
33 The four applicants have been operating on both sides of 42nd Street between 8th and 9th
34 Avenues for many years. They all serve the same commuter route in New Jersey, at a
35 slightly lower price point than NJ Transit for that route.

36 When the Intercity Bus legislation passed, and added a fee for obtaining a stop, the
37 applicants did not take advantage of the grandfathering period to secure their stop for
38 another three years. They have been operating without a permit at the current location for
39 24 months.

40
41 MCB4 has consistently sought to improve transit - in our district. When the SBS was
42 installed on 34th Street, we worked with DOT to free up the bus lanes by relocating
43 intercity bus stops to MCB4 approved locations. Similarly MCB4 has sought to eliminate
44 the obstructions on both bus lanes on 42nd street between 8th and 9th Avenue to improve
45 the performance of the M42 bus – a pokey award winner.

46

47 As early as 2007, MCB4 received complaints from seniors and residents who suffered
48 from asthma and deplored the constant idling of buses between 8th and 9th Avenues.
49 Currently the drivers keep their bus idling while they wait for passengers for 15 minutes
50 at a time. It is common to see driverless buses idling at the curb. The buses are very old;
51 they idle non-stop within 200 ft. from a day care and pre-k center located on this block.
52 Polite requests to the drivers to turn off their engines have elicited rude responses and not
53 resulted in any cooperation.
54 Finally the sidewalk in front of Holy Cross Church is unusually narrow because of the
55 church stairs enclosure and passengers lined up waiting for the bus leave no space for
56 pedestrians.

57
58 In 2014 MCB4 evaluated alternate sites, and DOT vetted two of them as appropriate to
59 relocate the operation. On May 15, 2015 MCB4 approved a new location for a two-bus
60 drop-off for these companies at 300 West 40th Street.
61 The location MCB4 recommends for a pick-up is on 41st Street, just west of Dyer
62 Avenue. From the current stop, it is a 3-minutes walk along the well-lit segment of 42nd
63 Street used by tourists, residents of MiMA and Yotel. MTA has just installed pedestrian
64 lighting on the adjacent property. The buses would be only one block away from the
65 Lincoln Tunnel entrance in straight line with no dangerous turns (today the buses have to
66 make a south turn at 42nd Street and 9th Avenue and then a turn west at 41st Street and 9th
67 Avenue, two very dangerous and congested intersections).

68
69 The companies are opposed to this location. They insist on being located on 42nd Street
70 and grouped together. Unfortunately with the growth in traffic and pedestrian volume on
71 the west-side, the installation of residential services like day care a pre-k, and the
72 increased concerns about pedestrian safety, this location is not appropriate any longer for
73 53 departures per day. We believe that the curbside belongs to the public and we
74 recommend that the stop be established on 41st Street at the North West corner of 41st
75 Street and Dyer Avenue, which is better suited for such operation.

76
77 **DOT /Applicants' Request:**

- 78 • Pick-up only stop for four-buses – 127 feet
- 79 • In front of 327 West 42nd Street (between 8th and 9th Avenues, closer to 8th
80 Avenue).
- 81 • Seven days a week, from 9:26 a.m. to 11:51 p.m.
- 82 • Total of 53 departures per weekday, 35 for Galaxy, 18 for the other three
83 companies. 42 on weekends.
- 84 • No overlay spaces

85
86 **Stipulations pre-requisite to DOT approving the 327 West 42nd St. location opposed**
87 **by MCB4**

- 88 • The stop should be limited to two (2) buses: this is sufficient to accommodate a
89 departure every half hour in each space. The applicants use various buses
90 including full size buses. This stop should be used only for pickup, not for bus
91 parking or overlay.

- 92 • The companies agree that they will park their buses in approved overlay zones
93 west of 9th Avenue, and not east of 9th Avenue.
94 • The stop should start at 327 West 42nd street and continue East toward 8th Avenue.
95 • Passengers – At least one employee of the companies will manage the queues of
96 passengers and ensure they are lined up starting at 327 West 42nd Street towards
97 the east and never in front of the Holy Cross Church where the sidewalk is
98 exceptionally narrow. An 8 ft. wide free pedestrian path will be maintained
99 throughout.
- 100 • Zero tolerance for idling: It is critical that the drivers be directed to turn off their
101 engine as soon as they reach the curb and not turn it on until they depart. A large
102 sticker with “TURN OFF YOUR ENGINE” should be posted within each bus at
103 an appropriate location.
- 104 • The Fuji Express and Fuji Lines must provide driving classes to all their drivers in
105 the next three months. According to the Federal Motor Carrier Safety
106 Administration¹ information site their driver fitness indicators rank in the lowest 1
107 and 18 percentile in the country (35 is the minimum required). We understand that
108 it is not a DOT criterion for the granting of the bus stop. In our opinion, in the age
109 of Vision Zero, it is irresponsible to allow such drivers to operate buses in New
110 York City.
- 111 • The companies agree that to reach the Lincoln Tunnel or the layover locations, the
112 drivers will use the Dyer Avenue contra lane during peak hours and 11th Avenue
113 all other times. They will not make a south turn at 42nd Street and 9th Avenue.
- 114 • The permit should be issued for one year only, with an opportunity for DOT and
115 MCB4 to review the performance of the stops in 12 months and take appropriate
116 measures.

117
118
119 MCB4 understands that this stop would be established in conjunction with the drop off
120 stop at 300 west 40th Street. We expect that at the same time, the stops on the south side
121 of 42nd street will be discontinued and all bus stop signs removed.

122
123 MCB4 also expects that DOT will proactively assist in obtaining NYPD’s enforcement of
124 the terms and stipulations of the license, including idling.

125
126 Thank you for your consideration.

¹ <http://www.fmcsa.dot.gov/safety/passenger-safety/search>

1 **Transportation Planning Committee**

Item # 31

2
3 July 17, 2015

4
5 Polly Trottenberg
6 Manhattan Borough Commissioner
7 NYC Department of Transportation
8 59 Maiden Lane, 37th Floor
9 New York, NY 10038

10
11 Dear Commissioner Trottenberg:

12
13 We first want to thank you for your extraordinary commitment to Vision Zero. It is very
14 important to our district. Impressive progress is being made under your leadership.

15
16 In the midst of the celebration of the 25th anniversary of the American with Disability
17 Act, Manhattan Community Board 4 (MCB4) asks your agency's increased attention to
18 the plight of seniors and wheelchair bound persons in our district. The horrendous state of
19 the pedestrian ramps here makes it extremely difficult to move around our neighborhood.

20
21 It rains an average of 120 days a year in New York City. For a third of the year the
22 accumulation of water at the bottom of ramps makes it extremely dangerous – if not
23 impossible – for seniors to cross the street. Potholes at the bottom of pedestrian ramps
24 trap wheelchair users. No wonder that 13.7% of our district's sidewalk complaints
25 concern damaged pedestrian ramps, four times more than the city's average.

26
27 Only a structural solution can improve the situation. We urge you to implement the
28 "Raised Pedestrian Crossing", which eliminates ramps by installing speed tables. The
29 tables raise pedestrian crossings to sidewalk level and connect to the sidewalks via a
30 small removable bridge. You can see an illustration here <https://youtu.be/0Iyu65cMZKA>
31 This solution eliminates major obstacles: the need to relocate catch basins and the costs
32 associated.

33
34 The voters chose the Raised Pedestrian Crossing project¹ as one of the winners in the
35 Participatory Budget process of Manhattan District 3, and we are very grateful that
36 Council Member Johnson gave \$250,000 in capital funds to DOT to prototype this
37 solution at a few intersections, including West 45th Street and Ninth Avenue, which is
38 near a NORC and also where two pedestrians have been killed in recent years, and where
39 24 persons were injured in the last three years (an increase of 300% over the previous
40 periods).

41
42 We ask you to expedite the installation of this prototype at this location. We would
43 appreciate working closely with your team to finalize the design and look forward to
44 finding out when it will be implemented.

¹ Sponsored by the Chelsea-Clinton-Hell's Kitchen coalition for Pedestrian Safety (CHEKPEDS)

45

46

47 Our best regards,

48

49

50 Council Member Corey Johnson

51 Victor Calise, Commissioner, Mayor's Office for People with Disabilities

DRAFT

2
3 July 22, 2015

4
5 Mr. Mitchell Silver
6 Department of Parks and Recreation Commissioner
7 City of New York Parks & Recreation
8 Arsenal West
9 24 West 61st Street
10 New York, NY 10023

11
12 **Re: Issue with Private Fitness Classes in City Parks**

13
14 Dear Commissioner Silver,

15
16 Manhattan Community Board 4 (MCB4) is concerned about the increased use of city parks and
17 playgrounds for private fitness classes and personal training sessions. MCB4 is aware that DPR
18 requires permits for gatherings of 20 or more people in city parks, but we believe there is
19 currently no policy in place regulating fitness groups of a smaller size in adult areas of city parks.
20 We would like to request that the Department of Parks and Recreation (DPR) determine whether
21 a policy regarding private fitness classes in city parks and playgrounds is necessary. If in fact
22 there is a policy in place, we urge DPR to actively enforce the rules.

23
24 MCB4 is encouraged by our fellow residents' focus on health and we are pleased that we all
25 have access to some open green spaces within our district for general use including fitness, but in
26 many cases the presence of large numbers of people engaging in a workout or even a few avid
27 athletic people in or near the playground areas is intimidating for young children and parents
28 alike. Members of our community have reached out to MCB4 to report such activity in May
29 Matthews-Palmer Park which is a between Ninth and Tenth Avenues spanning from 45th to 46th
30 Streets and Gertrude Kelly Playground which is between Eighth and Ninth Avenue on 17th
31 Street. Most likely this is an issue in parks throughout the city and is not unique to these two
32 sites. Residents of the district have shared with our Board photos and videos which show an
33 entire class being conducted by an adjacent gym at Gertrude Kelly. Residents have stated when
34 they asked adults not to use playground areas for their workout they have generally been greeted
35 with offensive language and aggressive behavior. There have also been reports of adults using
36 the playground equipment in their workout routines.

37
38 The lack of clarity of how our small parks and playgrounds should be used has created conflict
39 among some residents. Some parks in the city have equipment specifically designed for adult
40 fitness and these are separated from the playground areas. Design becomes so much more
41 important in the smaller spaces. And while MCB4 is thankful our community board has been
42 part of the conversation that revolves around capital improvement of our neighborhood parks, we
43 are not entirely sure of the methods used by DPR to determine the optimal design of our park
44 spaces and if the designs are aligned with the desired use of the residents. In light of the
45 inappropriate use of playground areas for adult fitness classes, MCB4 believes where funding

46 and space allow, adult fitness equipment may be a desirable addition to our some of our
47 neighborhood parks in the future.

48
49 To be clear MCB4 does not oppose fitness classes in parks. On the contrary, MCB4 welcomes
50 the fitness classes that are sponsored by DPR which are conducted in appropriate areas of our
51 parks. Our experience has been that these participants have been respectful of all park users.
52 Bottom line, we all want to enjoy outdoor space and feel safe and comfortable in our own
53 neighborhoods. The current trend of personal training sessions and fitness classes in city parks
54 may not be an issue for park patrons of large parks like Central or Prospect Park, but this is
55 overwhelming for residents in our small neighborhood parks. For this reason we again urge DPR
56 to investigate the use of city parks and playgrounds for private fitness classes and consider
57 implementing a policy to regulate such use so all of New York can enjoy our open green spaces
58 in the multiple ways for which they were designed.

59
60 Thank you and we hope to receive a timely response from your office and at the least we would
61 like if you can send members of your staff to observe the activity we are reporting within our
62 district.

63
64 Sincerely,

65
66 
67

68
69 Christine Berthet
70 Chair



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



74 Delores Rubin Co-Chair
75 Waterfront, Parks &
76 Environment Committee

77
78 cc: William Castro, City of New York Parks & Recreation
79 Brad Hoylman, NY State Senator
80 Richard Gottfried, NY State Assemblymember
Jerrold Nadler, Congressman
Gale Brewer, Manhattan Borough President
Corey Johnson, NYC Councilmember

2
3 Adam Ganser
4 Vice President of Planning and Design
5 Friends of the High Line
6 The Diller – von Furstenberg Building
7 820 Washington Street
8 New York, NY 10014
9

10 July 22, 2015

11 Re: Conceptual Design of the Spur of the High Line

12 Manhattan Community Board 4 (MCB4) was presented with a new conceptual design of Phase 2
13 of Section 3 of the High Line. Section 3 of the High Line includes the widest point of the High
14 Line at Tenth Avenue and 30th Street referred to as The Tenth Avenue Spur continuing west on
15 30th Street through the Coach Building (Tower C) which is currently under construction. The
16 concept presented to MCB4 is a complete reimagining of the Tenth Avenue Spur. This design
17 responds to revelations made as the surrounding section of Section 3 is being built out and
18 previously supported elements by this Board. Overall MCB4 is very impressed and supports the
19 conceptual design of Phase 2 of Section 3 of the High Line.

20 The Friends of the High Line previously presented the idea of a “Bowl” and then more recently a
21 “Forest” concept for this very unique section of the park. One of the discoveries made by the
22 design team was how attracted people were to look out over Tenth Avenue as the Spur offers a
23 very rare view across an avenue. Another special feature of the Spur is the ability to look back
24 on the High Line in multiple directions. With all this in mind, the new plan calls for three
25 sections:

- 26
- 27 • Green Space
- 28 • Seating Area
- 29 • Open Space
- 30

31 Building on one of the suggestions from MCB4 and taking inspiration from London’s Trafalgar
32 Square, Friends of the High Line envision the Spur as a flexible space where major works of art
33 can be featured on a center platform that can be elevated or lowered. The idea is to commission art
34 that would need to be designed specifically for this space and offered as a free exhibit to the
35 public. As mentioned the Spur is the widest area on the High Line and when built out will be
36 able to accommodate up to 650 people. This is a great opportunity for the High Line to add to
37 their 450 free public programs already offered throughout the park. MCB4 is appreciative the
38 High Line proactively engages with park patrons and the community at large through the free
39 public programs and other initiatives.

40
41 The re-design achieves some new objectives while maintaining some elements that were viewed
42 favorably by MCB4. The open design provides better circulation and an opportunity for diverse

43 programming. Removable tables and chairs offer a relaxing spot for park visitors and when
44 removed the space is opened up to accommodate performances, dancing, exercise classes and a
45 whole host of other creative, interactive ideas.

46
47 Unchanged in the plan presented to MCB4 is the area of the passage through the Coach Building.
48 This section will be a majestic space as the the height of the passage creates a very different
49 experience for park visitors. This Passage will include a small concession area, planters where
50 the most sunlight is available and protruding spaces, or balconies where people can sit under the
51 building and look straight up at the impressive height of Tower C. Programming is also possible
52 in this covered area. Also unchanged, the fixtures and furniture in Section 3 will follow the same
53 theme as found throughout the park.

54
55 Although this design will not have as dense vegetation previously planned, the green space will
56 still include many trees and shrubs. The trees will offer an ideal way for the High Line to
57 capture more rainwater helping to reduce the amount of water entering New York City's
58 combined sewer system. MCB4 welcomes all efforts to retain and reuse rainwater.

59
60 MCB4 is especially pleased this design still allows the High Line to add rest rooms which are
61 sorely needed in the Park. In the same space the High Line can have a storage room and a place
62 for mechanicals eliminating the need for a vault to house mechanicals at street level.

63
64 Even with the support of the new design MCB4 would again like to highlight a few points for
65 consideration.

- 66 • MCB4 suggests the High Line prominently feature local artists from the district or works
67 in conjunction with the surrounding galleries of the area. MCB4 has the most
68 concentration of art galleries in the city and these are all in the vicinity of the High Line.
69 Many of these galleries were hard hit by Super Storm Sandy and additional exposure may
70 be helpful to rebuild the sector.
- 71 • Any illumination of the Spur must not create a disturbance for area residents.
- 72 • Tree selection should include trees that can offer elements that can be enjoyed in all
73 seasons.
- 74 • The placement of the large trees should not be such that there is a risk to pedestrians at
75 street level of falling branches.
- 76 • The current concessions available are at a price point which may not be ideal for all area
77 residents. MCB4 urges the High Line to consider a more diverse array of concessions.
78 The use of multiple small food carts instead of one large concession stand may be a way
79 to achieve this. But keeping in mind the limited amount of space in the passage any
80 concession arrangement should be conservative to prevent potential congestion.
- 81 • This new section of the park gives the High Line the opportunity to be a leader in
82 sustainability. The additional space on the Spur would be an appropriate spot for
83 additional recycling and possibly compost bins. Solar or some other renewable energy
84 could provide the illumination of the Spur. The use of renewable energy, recycling and
85 composting throughout the park can set an example for other parks throughout the city.

- 86
- Programming space will be increased by the addition of Section 3. As stated in a
- 87 previous letter regarding the earlier design plans.
- MCB4 would like to see educational programming featuring topics around conservation
- 88 and sustainability.
- 89

90 The High Line envisioned a bold plan with their former design of the “Bowl” and the “Forest”
91 for the Tenth Avenue Spur. This redesign, just as bold offers an achievable goal of delivering a
92 response to the incredible amount of development in the district. This design of Phase 2 of
93 Section 3 of the High Line is creative and thoughtful and has the potential to create special
94 moments for park visitors. MCB4 looks forward to the project moving forward and appreciates
95 the High Line’s careful consideration of MCB4’s needs, requests and suggestions.

96

DRAFT

2
3 July 22, 2015

4
5 Ms. Madlyn Wils
6 President and Chief Executive Officer
7 Hudson River Park Trust
8 Pier 40, 2nd Floor
9 353 West Street
10 New York, NY 10014

11
12 **Re: Pier 84 Events**

13
14 Dear Ms. Madelyn Wils,

15
16 The recent 4 Knots Music Festival on Pier 84 raised some issues for Manhattan Community
17 Board 4 (MCB4). MCB4 along with Friends of Pier 84 has a long history advocating on behalf
18 of the community on matters concerning Pier 84. The all-day event took up much of the Pier and
19 although as of the date of this letter MCB4 has not received any complaints, neither Friends of
20 Pier 84 nor MCB4 was informed of the event. As you well know, Pier 84 is one of the few
21 public piers in Hell’s Kitchen. The loss of the pier for an entire day to a private event is
22 concerning.

23
24 MCB4 understands Hudson River Park is host to an enormous amount of programming,
25 especially in the summer, with much of it free and open to the public. MCB4 is also aware of the
26 need for revenue for the park. Our community board appreciates the complexity of coordinating
27 such events, but we strongly feel we need to be part of the conversation when HRPT is
28 considering closing off an entire pier for a ticketed event.

29
30 It was very clear the lack of notice for the 4 Knots Festival was an oversight. In the hopes we are
31 not caught off guard again, we have suggested that HRPT provide a calendar of HRPT and non-
32 HRPT produced events. This will help the community prepare to deal with additional foot traffic
33 in the park, noise and possible unruly behavior in our neighborhoods.

34
35 Hudson River Park is a very wonderful place for our community and because the Hell’s Kitchen
36 section of the park is mostly commercial, Pier 84 is particularly special to the residents of our
37 district. MCB4 appreciates all the great offerings throughout the entire park all through the year,
38 but we respectfully request that HRPT takes into consideration the community needs when
39 scheduling events.

40
41 Sincerely,

42
43 Christine Berthet
44 Chair

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

Delores Rubin Co-Chair
Waterfront, Parks &
Environment Committee

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cc: Brad Hoylman , NY State Senator
Richard Gottfried, NY State Assemblymember
Linda B. Rosenthal, NY State Assemblymember
Jerrod Nadler, Congressman
Gale Brewer, Manhattan Borough President
Corey Johnson, NYC Councilmember
West 44th Street Better Block Association
Friends of Pier 84

DRAFT

2
3
4 July 22, 2015

5
6 Maria Torres-Springer
7 President
8 New York City Economic Development Corporation
9 110 William Street
10 New York, NY 10038

11
12 Vicki Been
13 Commissioner
14 Department of Housing Preservation & Development
15 100 Gold Street 10038

16
17 Re: Covenant House – Hunter College Site
18 Block ----, Lots ----
19 Request-For-Proposal
20

21 Dear Ms. Torres-Springer and Commissioner Been:

22
23 On July 8, 2015, the Clinton/Hell's Kitchen Land Use Committee of Manhattan Community
24 Board 4 (MCB4) along with the New York City Economic Development Corporation (EDC) and
25 Covenant House completed a two month public process to discuss the Request-for-Proposal
26 (RFP) to be prepared for the Covenant House – Hunter College site (the Site) at ---- Tenth
27 Avenue (41st/40th).
28

29 At the forums EDC and Covenant House provided a presentation detailing the Site and the
30 surrounding area, discussed possible development opportunities for the Site, and heard from the
31 community and Board members on what should be included in the RFP.
32

33 **DEVELOPMENT SITE**

34
35 The Covenant House has been on Tenth Avenue between 41st and 40th Street for many years
36 now. First announced in 1976 by Father Bruce Ritter. Abutting the property to the east is the
37 former Carnegie Library now used by Covenant House as a health clinic. Abutting that is the
38 former Hunter College Annex, now empty and owned by the City. Covenant House with EDC
39 propose to sell the present site on the avenue and use the money to build a standalone new
40 facility on the 40th Street side of the Hunter College property. On the 41st Street side would be a
41 mid-block residential building with supportive housing. On the avenue where Covenant House is
42 now would also be a residential building. On the Dyer Avenue and 40th Street side is open space
43 owned by the Port Authority who would sell their development rights and the community we
44 work to see the space become open space with the help of EDC and the chosen developer.
45

46 The original proposal presented to MCB4 was for an up-zoning of the site to generate a tall
47 building on the avenue. MCB4 opposed an up-zoning and proposed looking at the Block as a

48 whole and during a large-scale general plan. This would allow the developer chosen from the
49 RFP to have a freer hand in getting the development they want and at the same time developing a
50 site that instead of being the outlier of the neighborhood would become a part of the
51 neighborhood.

52
53 As a result, EDC has proposed a text change to allow the present maximum of FAR at 7.5 to go
54 up to a FAR of 12. MCB4 supports this proposal provided height limits are incorporated in the
55 RFP (see below).

56
57 **COMMUNITY REQUESTS FOR RFP**

58
59 Following the July 8th presentation by EDC and Covenant House, the community and MCB4
60 members made the following recommendations for the development of the Site to be included
61 within the RFP.

62
63 **Residential Housing**

- 64 • All units are *permanently* affordable
- 65 • 100 supportive units for youth, with city subsidies
- 66 • A preponderance of the units be two-and three-bedroom apartments with 50% of the units to
67 be two-bedroom units
- 68 • 60% of the total apartments are affordable
- 69 • To sustain economic diversity in the District, a range of income bands for the affordable
70 housing units in both buildings should be 80/100/125/165% Average Median Income
- 71 • The building's design should include façade articulation and avoid looking like a dystopian
72 glass box
- 73 • Height limit on the avenue is 450 feet and on the mid-block is 250 feet; setback provisions
74 should adhere to the current zoning requirements in the P2 district of the Special Hudson
75 Yards District

76
77 **MTA**

- 78 • MTA entrance to be located east or west of the site, surfacing in the Port Authority lot (open
79 space) or on Tenth Avenue. No impact on the buildings.
- 80 • MTA fan plant is 100X100X100 or some variation of. The fan plant “box” envelope is to be
81 built as part of this project. The MTA box will have a façade along 41st Street. The exact
82 location of the station entrance is to be determined
- 83 • The FAR encumbered by the MTA box is reusable on the site

84
85 **Library**

- 86 • Preserve the Carnegie library building on 40th Street and restore its façade and entrance
- 87 • Maintain the library’s western elevator shaft and install a new elevator ADA accessible
- 88 • Install appropriate HVAC, power supply and bathrooms and plumbing in the library

89
90 **Open space – Port Authority property – sale of development rights**

- 91 • Landscape and install lighting and watering system
- 92 • Port Authority Air Rights are to start on the ground with possibly an option to use the site for
93 a limited time

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Miscellaneous

- The project is built entirely by a single developer
- The midblock sections must be completed before the market housing starts building
- Encourage the developers who intent to respond to the RFP to meet with MCB4
- Encourage creativity in the area one with a residential ambience

In **summation** the use of the development site (which includes City owned land should maximize benefits for the Community at large including Covenant house by

- Providing Covenant house a modern facility that suits its growing needs, while continuing to operate during the development
- Providing the maximum amount of affordable housing and Youth Supportive housing
- Providing community facilities– library and open space
- Preserving space necessary for the future # 7 subway station (entrance and fan plant volume)
- While remaining within the constraints of current zoning – explore use of a large scale development plan, use of Port Authority Air rights, and if feasible - acquisition of private space

MCB4 would like to thank EDC for its engagement with the community to discuss the RFP being prepared for such an important site within the district. The Board looks forward to continuing to work with EDC to prepare an RFP which reflects the current and future needs of the community.

Sincerely,

Christine Berthet
Chair

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

- cc:
- Hon. Gale A. Brewer, Manhattan Borough President
 - Hon. Richard Gottfried, New York State Assembly
 - Hon. Brad Hoylman, New York State Senate
 - Hon. Adriano Espaillat, New York State Senate
 - Hon. Corey Johnson, City Council
 - Hon. Helen Rosenthal, City Council

1 Clinton\Hell's Kitchen Land Use Committee

Item#: 37

2
3 July 22, 2015

4
5 Maria Torres Springer
6 President
7 New York City Economic Development Corporation
8 110 William Street
9 New York, NY 10038

10
11 Re: Dealings with EDC on the RFP for the Slaughterhouse site

12
13 Dear Ms. Torres Springer:

14 Manhattan Community Board 4 (MCB4) recently wrote a letter to you and Commissioner Been
15 of the Department of Housing Preservation & Development (HPD) thanking both New York
16 City Economic Development Corporation (EDC) and HPD for its engagement with the
17 community to discuss the Request for Proposal (RFP) to be prepared for the Old Slaughterhouse
18 site at 493 Eleventh Avenue (39th/40th). Over the past few months MCB4, HPD and EDC have
19 held very productive meetings and made significant progress outlining common goals for the
20 RFP. Despite the goodwill and understanding MCB4 believes communication between the
21 community and EDC can be further improved.

22 According to the EDC website, EDC is defined as "an organization dedicated to New York City
23 and its people...[to] use our expertise to develop, advise, manage, and invest to strengthen
24 businesses and help neighborhoods thrive." MCB4 shares these goals for our community.
25 MCB4 knows from experience to achieve these goals, it is vital to conduct discussions with
26 transparency. MCB4 is accustomed to a very collaborative relationship with the City agencies we
27 deal with on a regular basis. In order to maintain a trusting relationship with our neighbors who
28 we represent, MCB4 clarifies as much as possible how our community can work with the city
29 agencies to attain what is most important for our district. The RFP process in particular can be a
30 mystery to the layperson. MCB4 views our role is to advocate for our neighbors, ensure their
31 voices are heard and reflected in the RFP. We have found our community responds best when
32 they can trust they are part of the process. To that, we urge EDC to consider a more transparent
33 and collaborative style the manner in which EDC communicates with the public.

34 Overall our experience with EDC regarding the dealing with the Slaughterhouse site has been
35 very productive, as stated earlier. MCB4 would again like to thank EDC and for its continued
36 engagement with the community to discuss the RFP being prepared for such an important site
37 within the district. The Board remains optimistic the outcome will be positive for both the City
38 and Community District 4. We look forward to continuing to work with both EDC and HPD to
39 prepare an RFP which reflects the current and future needs of the community.

40 Sincerely,

41
42 Christine Berthet
43 Chair

Jean Daniel Noland
Chair

DRAFT

1 Quality of Life Committee

Item#: 38

2
3 July xx, 2015

4
5 David J. Harney
6 Chief of Staff to the
7 Deputy Fire Commissioner
8 Bureau of Support Services
9

10
11 Dear Mr. Harney,

12
13 Thank you for appearing before Manhattan Community Board 4's (MCB4) July 7th, 2015
14 Quality of Life Committee. As a follow-up to our discussion regarding FDNY's
15 Shorepower Alternative Energy Pilot Program, we would like to reiterate our request that
16 your office, which is responsible for the planning and implementation of the pilot
17 program, select EMS Station #7 (located at 512 West 23rd Street, New York, NY 10011)
18 as one of your first test sites.

19
20 MCB4 lauds EMS Station #7's efforts to provide excellent, much needed emergency
21 services to the west side of Manhattan. However, as has been discussed at numerous
22 MCB4 meetings over the past three years and in multiple letters to you and various other
23 city agencies, MCB4 has made an extraordinary effort to specify the issues at hand and to
24 work with you, DCAS Commissioner Cumberbatch and other FDNY senior officials in
25 an attempt to find an appropriate permanent home for EMS Station #7. While this may
26 be a longer-term goal, MCB4 remains committed to resolving a number of serious health
27 and quality of life issues that have resulted, in part, because the current temporary
28 location is unenclosed.

29
30 High on the list of resident complaints is the continuous, though at this time, technically
31 necessary engine idling of EMS vehicles, which has resulted in an unprecedented level of
32 unhealthy air pollution in this dense, highly populated area of West Chelsea. Since the
33 Shorepower Alternative Energy Pilot Program could potentially replace diesel fuel with
34 an electrified power source, MCB4, Councilmember Corey Johnson, State Senator Brad
35 Hoylman and other elected officials urge your office to prioritize utilizing EMS Station
36 #7 to field test the Shorepower Alternative Energy Pilot Program.

37
38 MCB4 is hopeful that this pilot program will be implemented in the near future and that
39 the results will not only significantly reduce diesel fuel consumption but also ameliorate
40 quality of life concerns for residents due to the anticipated reduction in noise and diesel
41 fumes.

42
43 MCB4 hopes to hear an update of plans for this pilot program as soon as they become
44 available. As always, we look forward to working with you to ensure EMS Station #7
45 can operate at its fullest capacity, while at the same time ameliorating the quality of life
46 and health issues that have been plaguing the neighborhood residents.

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Thank you in advance for your consideration of this request. We look forward to hearing from you soon.

Sincerely,

Christine Berthet
Chair
Community Board 4

Tina DiFeliciano
Co-Chair
Quality of Life
Committee

David Pincus
Co-Chair
Quality of Life Committee

DRAFT

1 Quality of Life Committee

Item#: 39

2

3

July 22, 2015

4 Rev. Kurt H. Dunkle

5 Dean and President

6 The General Theological Seminary of the Episcopal Church

7 440 West 21st Street

8 New York, New York 10011

9

10 Re: Venue: The Refectory
11 Liquor License No.: _____
12

13 Dear Rev. Dunkle,
14

15 We write to inform you that, according to the information contained in our
16 files, your tenant, The Highline Hotel, is currently not operating within the prescribed
17 methods of operation agreed to by and between Manhattan Community Board 4 (MCB4),
18 the State Liquor Authority (SLA) and The General Theological Seminary of the
19 Episcopal Church, as it pertains to the commercial usage of your liquor license.

20 Specifically, no “live” music is allowed in the use and operation of the
21 catering hall known as “The Refectory”. At the Quality of Life Meeting held on July 7,
22 2015, The Highline Hotel was asked to provide MCB4 within seven (7) days any
23 documentation that specifically demonstrates that it is not in violation of this stipulation.
24 As the seven days have passed without any substantiating documentation received, we
25 ask you to immediately inform your tenant that they are in violation of the stipulation
26 contained in your liquor license prohibiting the use of “live” music in The Refectory
27 venue and that The Highline Hotel needs to immediately cease all “live” music in The
28 Refectory until this matter is permanently resolved.

29 We note for the record that The Highline Hotel has worked closely with
30 MCB4 over the years to remediate many quality of life issues that have arisen due to the
31 operation of The Highline Hotel as a commercial tenant on your property. MCB4
32 commends The Highline Hotel for its cooperation in undertaking rigorous sound testing
33 that was conducted in the homes of nearby residences, which resulted in the remediation
34 of illegal sound levels that were emitted by way of recorded music.

35 If, however, documentation is provided to MCB4 that The Highline Hotel,
36 by stipulation, is allowed to play amplified “live” music in The Refectory venue, then
37 MCB4 requests that you work with The Highline Hotel to ensure an additional and
38 similar sound test of “live” music be conducted and that the best available noise
39 abatement technology is employed by the Highline Hotel to ensure that any sound, be it
40 “live” or “recorded” emanating from The Refectory venue, is compliant with all New
41 York City noise codes and ordinances and with the terms and conditions of your liquor
42 license.

43 In addition, we request that you ask The Highline Hotel to provide fifteen
44 (15) day written notice via email to MCB4 and your community members (the list will be

1 provided by our office) of all upcoming ~~rental~~ events that utilize any type of amplified
2 music in The Refectory.

3 Thank you for your time and attention to this important matter. Please
4 contact us at your earliest convenience if you have any comments or questions regarding
5 this issue. We look forward to hearing from you at your absolute earliest convenience.

6 Signed by: Christine, David and Tina

7 cc.: Tyler Morse, CEO of MCR Development LLC
8 400 Block Association
9 SLA
10 all local elected, resident groups, etc.

11
12
13
14

DRAFT

1 Quality of Life Committee

Item#: 40

2
3 Wednesday, July 22, 2015

4
5 Howard Lorber,
6 Chairman of the Board
7 Morgan's Hotel Group
8 356 West 58th Street
9 New York, NY 10019

10
11 Richard Szymanski,
12 Interim CEO
13 Morgan's Hotel Group
14 356 West 58th Street
15 New York, NY 10019

16
17 RE: Extensive History of Liquor License Stipulations Violations at the Hudson Hotel

18
19 Dear Messrs. Lorber and Szymanski,

20
21 As you know, last month MCB4 sent you yet another letter requesting that you finally address
22 and ameliorate all issues regarding the severe and adverse impact that the Hudson Hotel ¹ has
23 had on this community for the past 15 years.

24
25 While we are encouraged by John Beier's² letter dated July 7th, 2015 describing the steps your
26 organization is taking to remediate some of the longstanding problems, we remain extremely
27 concerned that without the guidance of a professional sound engineer, the changes proposed in
28 that letter may not be fully effective. Further, we are still waiting key answers to previously
29 posed queries, including a timeline for the implementation of these remedies.

30
31 **The Hudson Hotel's 2nd Floor:** (License 1110074)

32 CB4 is pleased to hear that you are reviewing proposals to install a tent above the 2nd floor
33 outdoor space. However, as you may know, most tent materials are ineffective at mitigating
34 sound. Per our previous letter and conversations, we urge you to employ a sound engineer to
35 provide specific suggestions for sound baffling materials that meet the fire code. The engineer
36 should also provide instructions as to the erection of the tent to ensure this measure is
37 successful. It has also been suggested that the tent and/or a partition made from another
38 material be placed at both sides of the area between the interior and exterior spaces to further
39 ensure that sound does not spill out. We would greatly appreciate an implementation schedule
40 for the above at your absolute earliest convenience.

41
42 We have yet to receive a confirmation that the two stand up bars in the outdoor spaces have
43 been converted back to service bars. As you are fully aware, only service bars are permitted by
44 your method of operation.

45
46 **The Hudson Hotel's 24th Floor:** (License 1110264)

47 CB4 is pleased to learn that you have received a proposal for installing 2,600 square feet of
48 rubber pavers. However, please recall that your sound engineer recommended a double hung

¹ Located at 356 West 58th Street, NYC 10019 between Columbus and 8th Avenues

² General Manager for Morgans Hotel Group Co. Hudson New York

1 floor solution, which was agreed to by your previous manager. This was committed in writing
2 to City Councilmember Corey Johnson, who was CB4's Chair at that time. Your agreement to
3 install double hung floors was incorporated into the stipulations, to which your company
4 agreed. As per our previous letter, we urge you to employ a sound engineer to validate all
5 prospective solutions so that the noise problems are fully resolved and that your investment is
6 not in vein. Please provide a timeline for the commencement and completion of the
7 installation.

8
9 We have yet to receive your responses to two of your sound engineer's recommendations
10 reflected in his May 10th, 2010 report: soundproof the underside of the tent and suspend
11 speakers from the pillars. Please provide a timeline for the commencement and completion of
12 this work.

13
14 Finally, CB4 is still waiting to hear whether you have ceased holding large events, as well as
15 events involving music, until the sound isolation work is fully completed. This is vital since
16 the hotel does not have a Cabaret License; therefore no events with dancing are to be held on
17 the 24th Floor.

18
19 CB4 is encouraged by your commitment to finally resolve the many problems involving The
20 Hudson Hotel and look forward to your response, as requested above, by August XX, 2015 so
21 that The Hudson Hotel's operations are finally in full compliance with all stipulations and
22 requirements of its Liquor Licenses, as well as the city's noise code laws.

23
24 Thank you in advance for your cooperation.

25
26
27 Christine

David

Tina

28
29
30 Cc.: Michael Jones, SLA

31 Cc.: John Beier, Hudson Hotel

32 Cc.: City Council Member Corey Johnson

33 Cc.: State Assembly Member Linda Rosenthal

34 Cc.: State Senator Brad Hoylman

New Business

Item#: 42

CB4 Draft Statement of District Needs & Budget Priorities will be distributed Monday, July 20 and available on CB4 website at the link below

<http://www.nyc.gov/html/mancb4/html/calendar/calendarnew.shtml>

2
3 July __, 2015

4
5 Ana Reyneso
6 Assistant Director of Licensing
7 Department of Consumer Affairs
8 42 Broadway
9 New York, NY 10004

10
11 **Re: PBQ LLC**
12 **d/b/a BarBacon**
13 **Sidewalk Café License/Application # [TO BE PROVIDED]**
14 **836 9th Avenue (54/55)**
15

16 Dear Ms. Reyneso:

17
18 Manhattan Community Board 4 (MCB4) regretfully recommends denial of an unenclosed sidewalk café
19 permit for PBQ LLC because the applicant has reneged on an agreement made by its representatives to
20 withdraw and defer this application until the applicant could demonstrate a record of compliance with its
21 liquor license stipulations to which the applicant has failed to adhere.
22

23 The applicant presented its sidewalk café application at the July 14, 2014 meeting of MCB4’s Business
24 Licenses and Permits (BLP) Committee. At that meeting, several members of the community spoke
25 about aspects of the applicant’s operations that were in violation of the applicant’s liquor license
26 stipulations and that were having a detrimental impact on the community. These stipulations were
27 agreed to in writing by the applicant and MCB4 and submitted to the NYS Liquor Authority to be
28 included as terms of the applicant’s liquor license.
29

30 As reported by these community members, the applicant has been in steady violation of its stipulation
31 requiring that all doors and windows be closed whenever amplified music is played inside the
32 establishment and, in any event, no later than 11:00 p.m. on Fridays and Saturdays and 10:00 p.m. on all
33 other nights (regardless of amplified sound). MCB4 has found that this stipulation is essential to a
34 reasonable residential quality of life for community members -- particularly in areas like the busy stretch
35 of Ninth Avenue where this applicant is located, which contains numerous bars and restaurants with
36 open doors and windows coexisting with thousands of residential units above and near those
37 establishments. The community members reported that they had attempted to discuss this issue with
38 staff at the establishment, but that the staff had shown no knowledge of the stipulation and refused to
39 correct the conditions.
40

41 The community members also submitted the enclosed photos, showing the open windows as well as
42 multiple, unauthorized sidewalk obstructions such as planters and free-standing signage -- in violation of
43 city regulations.
44

45 At the July 14 BLP meeting, the BLP Committee discussed these issues with the applicant and explained
46 that the applicant’s failure to adhere to its existing agreements with the community made it difficult for

1 MCB4 to support the expansion of the applicant's operations to include a sidewalk café. MCB4
2 suggested that the applicant withdraw its sidewalk café application from the DCA, demonstrate to
3 MCB4 and the community that it would comply with its existing stipulations, and re-file with the DCA
4 in several months -- after it had demonstrated a record of complying with its stipulations and respecting
5 the community's interests. The applicant, which was represented by three individuals at the July 14
6 BLP meeting, verbally agreed to withdraw its sidewalk café application. In light of that agreement,
7 MCB4 did not deem it necessary to submit any recommendations on this application to the DCA by the
8 July 15 deadline.

10 On the morning of July 16, 2015 -- the day after the deadline for recommendations -- the applicant's
11 owner, who did not attend the BLP meeting, wrote by email to MCB4 stating that "[o]ur submission will
12 not be withdrawn as to not slow the speed of progress." The email made no mention of the agreement to
13 the contrary by the applicant's representatives, but did state that "BarBacon fully intends to correct all
14 suggestion [*sic*] given by CB4 and seek CB4's approval before seating anyone in the outdoor café."
15 Unfortunately, the applicant's willingness to renege on the agreement made by its representatives with
16 MCB4 contributes to the lack of trust and concern whether the applicant will operate with the
17 community's interests in mind.

19 MCB4 recognizes that this is a very small sidewalk café (1 table, 2 seats) and appreciates that the
20 applicant has made the design changes suggested by MCB4. As MCB4 told the applicant at the BLP
21 meeting, however, MCB4 does not believe it is appropriate for the applicant to expand its operations
22 with a sidewalk café permit at time when it has no record of compliance with its liquor license
23 stipulations and the city regulations regarding sidewalk obstructions.

25 Although MCB4 urges that this application be denied for the reasons stated above, in the event any
26 permit is granted, MCB4 requests that the café be closed and vacated at the hours that MCB4 requests
27 from all sidewalk café applicants: 11:00 p.m. on Friday and Saturday nights and 10:00 p.m. on all other
28 nights. MCB4 has found that these closing hours are necessary to protect reasonable residential quality
29 of life for community members living above and adjacent to sidewalk cafes.

31 Sincerely,

32
33 Christine Berthet
Chair

Frank Holozubiec
Co-Chair
Business License & Permits
Committee

Burt Lazarin
Co-Chair
Business License & Permits
Committee