

1 **Housing Health and Human Services Committee**

Item #: 7

2  
3 April 23, 2013

4  
5 Hon. Arlene Gonzalez-Sanchez, Commissioner  
6 Office of Alcoholism and Substance Abuse Services, Certification Bureau  
7 1450 Western Avenue  
8 Albany, NY 12203-3526  
9

10 **Re: GMHC Application for Article 32 licensure**

11  
12 Dear Commissioner Gonzalez-Sanchez:

13  
14 At the April 16th, 2013 meeting of Manhattan Community Board 4's ("CB4") Housing, Health &  
15 Human Services ("HH&HS") Committee, the Board met with GMHC leadership and discussed their  
16 the proposed substance use treatment program. CB4 strongly supports their application and  
17 encourages the New York State Office of Alcoholism and Substance Abuse Services to approve  
18 GMHC's application for licensure through New York State as an Article 32 provider of outpatient  
19 substance use treatment.  
20

21 GMHC's long history of providing services to vulnerable individuals facing significant health  
22 disparities will inform its approach to substance use treatment. MCB4 continually looks for effective  
23 ways to address the unmet needs in our community, including the provision of needed services to  
24 LGBT residents, people with mental health diagnoses, individuals living with or affected by  
25 HIV/AIDS, and other disenfranchised and vulnerable individuals in need of behavioral health care.  
26 Research clearly demonstrates that members of these groups have significantly higher rates of  
27 substance use disorders than the general population.  
28

29 GMHC's outpatient substance use services will be provided in tandem with its existing mental health  
30 and other supportive services, addressing the continued demand for comprehensive and coordinated  
31 behavioral health services in our community. GMHC's more than three decades of experience have  
32 shown that individuals' substance use treatment needs must be addressed in order for HIV prevention  
33 and treatment to have a lasting impact. The primary client population will be drawn from its existing  
34 client base (over half of which report both substance use and mental health issues) and others  
35 connected to the HIV and LGBT communities throughout all five boroughs. The proposed program  
36 will be one facet of the full continuum of care that GMHC provides, including services such as  
37 housing, benefits enrollment, meals, legal services, case management, mental health services, and  
38 workforce development. GMHC currently offers nearly forty twelve-step meetings, for which  
39 attendance continues to grow. GMHC's nurturing, nonjudgmental environment is conducive to a safe  
40 haven for those seeking support and recovery.  
41

42 MB4 has full confidence in GMHC's ability to design and operate an effective service delivery  
43 model that will significantly benefit the NYC community. We are in full support of GMHC's  
44 application to the Office of Alcoholism and Substance Abuse Services to obtain licensing for the  
45 aforementioned program and extend our continued thanks for the services GMHC has provided to  
46 our community for the past 30 years.  
47

48 Sincerely,  
Corey Johnson, Chair

To be addressed jointly to The Governor, The Mayor, Assembly Majority Speaker (Silver) & Senate Majority Speaker (Skelos).

**Re: Future of Pier 76 as part of Hudson River Park**

Dear Governor Cuomo, Mayor Bloomberg, Speaker Silver and Speaker Skelos;

Pier 76, near West 36<sup>th</sup> Street and the Hudson River, is located within Manhattan Community Board No 4 (CB4). It is currently being used as a NYPD Tow Pound and Mounted Police Unit. At some point in time, to be determined, it is intended by NY State Law, to become part of Hudson River Park. This letter addresses two issues related to that goal:

1. Relocation of NYPD Tow Pound to allow 50% of the pier to be developed as park land.
2. Changes in the HRP Act for Pier 76 requested by HRPT to make the pier more financially beneficial to the Hudson River Park.

**Relocation of NYPD Tow Pound**

The Hudson River Park Act (HRP Act), enacted by New York State in 1998, stipulates that the city of New York shall use best efforts to relocate the tow pound on Pier 76 (but no set date is specified) so that fifty percent of Pier 76 could be developed for passive and active public open space, with the remaining 50% retained by NYC for unspecified commercial development of any kind, which could include any legal use – commercial office, residential/hotel, shopping mall, etc. (The full text of the relevant section is in footnote 1 below)

In February 2011, CB4 wrote a letter to the NYPD respectfully asking that the city “(1) provide CB4 with a list of such best efforts it may have taken to date and/or (2) initiate a study or task force to do just that”. We said further that a simple statement that it’s hard and/or expensive to find a suitable solution, as was cited by NYPD, was not sufficient. The full letter is attached as Exhibit 1. As of today, we have not received any response to this request, which leads us to believe that (1) no efforts to relocate the tow pound have taken place and (2) none are planned.

Accordingly, CB4 again asks that the city initiate a study or task force to find a solution to relocate the tow pound, as stipulated by NY State law (the HRP Act).

**Changes in the HRP Act for Pier 76 requested by HRPT.**

CB4 wrote another letter in June 2012 in which it discussed at length the financial challenges facing HRP and endorsed a series of proposed changes to the HRP Act to help the Trust become financially sound. The full letter is attached as Exhibit 2. Several of these changes affect Pier 76, as follows:

- A provision to strengthen the terms of the departure of the NYPD tow pound (and now also the Mounted Unit) from Pier 76 to a date certain (vs. the words “best efforts”)

- A further change to permit the Trust to retain 100% of the income from the future development of Pier 76 (now destined to go to NYC directly under the current law), again with the provision that the pier be developed with at least 50% open space for park use.
- A broadening of certain use restrictions to include potential office, residential, hotel and commercial uses (at Pier 76 only within CD4).

Other changes include longer lease term limits (affecting all commercial piers in the park), the removal the non-waterfront portion of the park south of Chambers Street and other minor changes (Pier 54 footprint, clarify dredging, etc.) that have been favorably received by the community and elected officials, including CB4. Many, if not most of these changes, have been discussed publically many times in the past 18 months. CB4 urges our elected officials to move toward agreement on a final list of changes that may be implemented in the current legislative session lest we lose another year to inaction. Note that CB4 has no comment on specific use changes for Pier 40.

As stated in our June 2012 letter, our support for any changes to the HRP Act is conditioned as follows:

1. That the Trust, and local elected officials, will continue to explore ways to seek increased public funding for the park, both for its completion as well as ongoing maintenance.
2. That other methods of increasing funding will also be sought.
3. That no such changes to the HRP Act shall decrease the amount of public open space, and that one goal of said changes shall be to increase public open space to the extent possible, even at commercial nodes.
4. That no such changes will limit or bypass the public processes already in place (such as the EIS process, ULURP, public hearings, etc.) to permit public involvement and comment on any particular development proposal that may arise going forward.

50% of Hudson River Park is within CD 4, including several sections that are yet to be funded. It is very important to CB4 that Hudson River Park continues to be built, and then maintained in the best possible manner for the future, and we hope these changes will provide more options for the Trust help to accomplish this goal in the future.

#### Attachments

- Letter April 2011 to New York Department of Design & Construction & NYPD re Pier 76 lighting modifications.
- Letter June 2012 to City & State elected officials re changes to the Hudson River Park Act.

CC

- Other elected officials (Federal, State, City)
- Trust board (Taylor, etc) & senior management (Wils, Doyle)
- CB 1 and 2 Chairs & Waterfront Chairs
- Arthur Schwartz, Chair HRPT Advisory Council
- Friends of Hudson River Park

Footnote 1

(1) HUDSON RIVER PARK ACT - Approved and effective Sept. 8, 1998

Sec 7, 9 (c) The city of New York shall use best efforts to relocate the tow pound on Pier 76. Subsequent to relocation of the tow pound, the city of New York shall convey to the trust a possessory interest in fifty percent of Pier 76 for passive and active public open space use for a period not to exceed 99 years, provided that such open space portion of Pier 76 shall be contiguous to water. Upon such conveyance, the portion so conveyed will become part of the park and will be used solely for passive and active public open space uses.

.....



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42<sup>nd</sup> Street, 26<sup>th</sup> floor New York, NY 10036  
tel: 212-736-4536 fax: 212-947-9512  
www.ManhattanCB4.org

JEAN-DANIEL NOLAND  
Chair

ROBERT J. BENFATTO, JR., ESQ.  
District Manager

February 3, 2011

Kevin Arscott  
NYC Department of Design &  
Construction  
30-30 Thomson Avenue  
Long Island City, NY 11101

Chief Joseph J. Esposito  
New York Police Department  
One Police Plaza  
New York, NY 10007

**Re: Pier 76 – Exterior Lighting**

Dear Mr. Arscott & Chief Esposito:

This letter is in response to your request for a letter of consent for certain lighting improvements (called “Exterior Lighting / Pier 76”) planned for the area along the front roadway and access of Pier 76, North River, as presented to the Waterfront & Parks Committee of Manhattan CB 4 on 13 January 2011. Pier 76 currently houses the NYC’s Manhattan NYPD Tow Pound and NYPD’s Mounted Unit. Pier 76 is within the general area of Hudson River Park at the end of 36th Street (appx.) and, although not part of Hudson River Park, when the resident tow pound (and mounted unit) is relocated as required by law, fifty percent of Pier 76 shall be conveyed to the Hudson River Park Trust for use as passive and active public open space as per the NYS Hudson River Park Act (The Act) (1). The lighting plan presented to CB4 consisted of a number of luminaires on poles that will be used to enhance safety and security at the front of the pier. Although there was concern expressed about the relatively high brightness of the lights (appx. 14 fc compared to average park levels of under 2 fc) and possible affects to users of the adjacent bike/walkway and Route 9a traffic, after considering the plans and measures described by DDC to control the lighting within the footprint of the NYPD access area in front of the pier, CB finds no reason to withhold its consent.

However, the fact that the city is planning such improvements, however desirable, (and, in addition, as reported, has been in the process of making additional improvements in the interior of the pier), to a facility that is destined to move raises a larger question to CB4: Namely, what efforts have been made by the city, as required by The Act, to find a new location for the tow pound so that 50% of Pier 76 can take its place as part of Hudson River Park. (We note that plans to locate the mounted unit are underway). The Act was passed in 1998 – over 12 years ago. We realize that finding a new location for the pound is not easy. As stated, about 350 towed cars & trucks on average are located in the facility; finding that

large a space in Manhattan is not a simple matter. But this is not an excuse for inaction. Does there exist any sort of task force or study to seek a solution? Can the city tell us what “best efforts” it has taken in the 12 years since the Act was passed?

Finding a solution should not simply be limited to finding a single location or one that needs the same footprint. Several years ago our CB suggested to the city the idea of privatizing the tow pound operation to multiple smaller existing parking lots located throughout the city, which would reduce mileage of the tow trucks as well as make it easier for owners to retrieve their vehicles. Similarly, the operation could be divided into two or three city-operated locations with the same advantages – one each downtown midtown and uptown for instance. Further it was noted that NYC DOS, facing similar footprint issues, has successfully implement “vertical” solutions for their vehicles. Granted, dealing with tow-trucks and their tows on multiple levels is more complicated, but the idea is still worth study. We also realize that these solutions also have costs associated with them, but feel that the city should be taking a long range view regarding costs, and should further study ways that these costs can be mitigated. For instance shorter tow-truck travel might yield savings in fuel, driver time and wear & tear on vehicles, or costs might be offset by higher tow fines and/or surcharges.

These are just a few ideas. The point is, the city is required to “use best efforts to relocate the tow pound on Pier 76.” as quoted from the Act<sup>1</sup>. CB4 respectfully asks that the city (1) provide CB4 with a list of such best efforts it may have taken to date and/or (2) initiate a study or task force to do just that. A simple statement that it’s hard and/or expensive to find a suitable solution is not sufficient.

We hope the city will respond with a serious effort to find a way to vacate Pier 76 at the earliest possible date, and with that assumption, we approve of the lighting plan as presented. Hudson River Park is an important public amenity with enormous quality of life as well as economic benefits to the city. The Park is now at 80% completion and we hope that we can reach 100% within a reasonable timeframe. Thank you for your consideration

Sincerely,

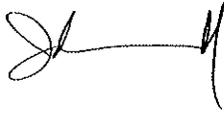


John Weis  
Chair  
Manhattan Community Board No. 4

---

<sup>1</sup> HUDSON RIVER PARK ACT - Approved and effective Sept. 8, 1998

Sec 7, 9 (c) The city of New York shall use best efforts to relocate the tow pound on Pier 76. Subsequent to relocation of the tow pound, the city of New York shall convey to the trust a possessory interest in fifty percent of Pier 76 for passive and active public open space use for a period not to exceed 99 years, provided that such open space portion of Pier 76 shall be contiguous to water. Upon such conveyance, the portion so conveyed will become part of the park and will be used solely for passive and active public open space uses.



John Doswell  
Co-Chair  
Waterfront & Parks Committee

[signed 2/3/11]  
Carmen Matias  
Co-Chair  
Waterfront & Parks Committee

cc: Mayor Michael Bloomberg  
Diana Taylor – HRPT  
Connie Fishman – HRPT  
NYC Council Speaker Christine Quinn  
NYS Senator Thomas Duane  
Assemblyman Richard Gottfried  
Commissioner Ray Kelly - NYOD  
A. J. Pietratone – FoHRP  
HKNA



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

330 West 42<sup>nd</sup> Street, 26<sup>th</sup> floor New York, NY 10036  
tel: 212-736-4536 fax: 212-947-9512  
www.nyc.gov/mcb4

**COREY JOHNSON**  
Chair

**ROBERT J. BENFATTO, JR., ESQ.**  
District Manager

June 8, 2012

Ms. Diana Taylor  
Chair  
Hudson River Park Trust  
Pier 40, West Houston Street  
New York, New York 10014

Hon. Michael Bloomberg  
Mayor, City of New York  
City Hall  
New York, New York 10007

Hon. Andrew M. Cuomo  
Governor, State of New York  
New York State Capitol Building  
Albany, New York 12224

Hon. Sheldon Silver  
Speaker  
New York State Assembly  
Legislative Office Building, Room 932  
Albany, New York 12247

Hon. Dean G. Skelos  
Majority Leader  
New York State Senate  
Legislative Office Building, Room 909  
Albany, New York 12247

Re: Hudson River Park Strategic Planning Task Force Recommendations

Dear Ms. Taylor and Honorable Legislators:

Manhattan Community Board No 4 (MCB4) has been a member of the Hudson River Park Strategic Planning Task Force convened by Trust President, Madelyn Wills and is, therefore, fully aware of the financial challenges facing the Hudson River Park Trust in the coming years, and the need for several initiatives to help the Trust meet its financial obligations. Some of these will require certain carefully worded changes to the Hudson River Park Act, and, after consideration, MCB4 supports

such changes as outlined below, as we have been long time supporters of the park and enjoy the many benefits it provides to our largely park starved neighborhood.

In a nutshell, the facts and challenges to the park include:

- The park is still not done in many sections within Community District 4 (CD4), and public funding has been reduced to a trickle in recent years.
- The park is largely built on piers supported by piles, or on the esplanade, much of which is also shored up with piles and/or landfill, and is, therefore much more expensive to maintain than parks that are on solid ground.
- The cost to maintain the park are turning out to be much higher than was anticipated in 1998, when the park was formalized by the Hudson River Park Act, this being the first major waterfront park of its kind in NYC.
- At the same time, the park has already increased property values along the upland section of the park and contributed value far more that it has cost to the city of New York, and in particular, to the neighborhoods adjacent to the park.
- Deficits, which already have reached a total of \$14 million in the current and past fiscal years, are expected to rise over the next 10 years to unprecedented levels.
- The Hudson River Park Act specifies that the park be largely (but not necessarily 100%) self sustaining. However the Hudson River Park Act also has many use and other restrictions that make this goal impossible to achieve.\*
- The financial issues facing the park are so serious that, if not addressed in a timely manner, they will lead to the loss of important and valuable infrastructure (such as Pier 54, already recently condemned, Pier 40, a major revenue source for the park as a whole, and others) and will prevent the completion of the park, especially within CD4 (which encompasses 50% of the park).
- While (a) continued efforts for public funding, (b) new efforts at seeking private funding, (c) creative ways to increase income throughout the park (while keeping it free to the public as parks should be), and (d) initiatives such as the proposed Park Improvement District are all important, it is clear that they, combined, will not provide near enough revenue to solve the park's economic situation.

\* At the time the park was created, there was fear that the waterfront would be developed as a walled-off row of high-rise condos and commercial towers, and it was believed that such use restrictions were necessary to prevent that. However, now that 75% of the park has been completed largely as passive and active high-quality public open space and true park land and the Trust has had an excellent 14 year track record as public-minded stewards of the park and its environment, those fears largely no longer exist.

Therefore the Task Force is recommending several proposed one-time changes to the Hudson River Park Act that will increase its ability to maximize income from its few as-of-right commercial nodes yet to be developed (primarily Pier 40 and Pier 76). These changes would have no negative effect on the many existing and new public park piers, and could even permit larger percentages of open public space on the commercial nodes by maximizing efficiencies.

The changes being proposed by the Task Force include:

- Longer lease terms (currently only 30 years) at commercial nodes, as this limitation inhibits responsible development. (Note: longer lease terms were previously approved for Chelsea Piers and Pier 57.)

- The ability for the Trust to issue tax-exempt bonds against guaranteed revenue streams, to address immediate infrastructure issues now. (Deferred maintenance is always more expensive).
- A provision to strengthen the terms of the departure of the NYPD tow pound (and now also the Mounted Unit) from Pier 76 to a date certain (vs. the words "best efforts") (Note: MCB4 has long advocated for the faster removal of the tow pound so that the pier can be developed as 50% minimum park land as called for in the HRP Act).
- A further change to permit the Trust to retain 100% of the income from the future development of Pier 76 (now destined to go to NYC directly under the current law), again with the provision that the pier be developed with at least 50% open space for park use.
- A broadening of certain use restrictions at specified as-of-right commercial locations, to include potential office, residential, hotel and commercial uses (Note: no changes to the use limitations at public park piers are being recommended, and gambling as a use will continue to be prohibited).
- Removal of the non-waterfront portion of the park that is a very thin narrow strip south of Chambers Street and east of Battery Park City, to reduce expenses.
- Other minor changes (Pier 54 footprint, clarify dredging, etc).

After participating in the Task Force itself, and having been presented with the situation and proposed changes at a recent meeting at the Waterfront, Parks and Environment Committee, and a recent public meeting, MCB4 supports the concept of the changes to the HRP Act as described above, provided that:

1. The Trust, and local elected officials, will continue to explore ways to seek increased public funding for the park, both for its completion as well as ongoing maintenance.
2. Other methods of increasing funding will also be sought.
3. No such changes to the HRP Act shall decrease the amount of public open space, and that one goal of said changes shall be to increase public open space to the extent possible, even at commercial nodes.
4. No such changes will limit or bypass the public processes already in place (such as the EIS process, ULURP, public hearings, etc) to permit public involvement and comment on any particular development proposal that may arise going forward.

It is very important to MCB4 that Hudson River Park continues to be built, and then maintained in the best possible manner for the future, and we hope these changes will provide more options to help the Trust accomplish this goal in the future.

Sincerely,



Corey Johnson  
Chair

Cc:  
FoHRP,  
Local elected officials

1 **TRANSPORTATION COMMITTEE**

**Item # 26**

2 May 1, 2013

3 Borough Commissioner Margaret Forgione  
4 Department of Transportation  
5 59 Maiden Lane, 35<sup>th</sup> Floor  
6 New York, NY 10038

7 **RE: West 44<sup>th</sup> Street between 9<sup>th</sup> and 10<sup>th</sup> Avenue bus traffic/parking/double parking**

8

9 Dear Manhattan Borough Commissioner Forgione:

10

11 Manhattan Community Board #4 requests that the Department of Transportation:

- 12
- 13 • install a sign on 10<sup>th</sup> Avenue south of West 40<sup>th</sup> Street indicating that interstate buses should use West 40<sup>th</sup> or West 42<sup>nd</sup> Street to enter the Port Authority to pick up loading passengers,
  - 14 • install signs on 10<sup>th</sup> Avenue just south of West 43<sup>rd</sup> and West 45<sup>th</sup> indicating that interstate buses should not turn onto West 44<sup>th</sup> or West 46<sup>th</sup> Streets;
  - 15 • install a sign on West 44<sup>th</sup> Street indicating no bus parking and a sign reminding drivers of fines for idling
- 16

17 There has been a substantial increase in the number of commuter buses using the Lincoln Tunnel in the last several years.  
18 Many empty buses, typically entering from either the Lincoln Tunnel or parking spaces further south or west, enter the Port  
19 Authority between 4pm and 6pm each weekday to load passengers and then depart. Traffic regulations require empty buses to  
20 use "Through" or "Local Truck Routes" to arrive at the Port Authority. These routes include 8th, 9th, 10th and 11<sup>th</sup> Avenues and  
21 West 40<sup>th</sup> Street between the Tunnel Entrance and 11<sup>th</sup> Avenue and the entire length of West 42<sup>nd</sup> Street. Unfortunately, empty  
22 buses have begun to illegally use other residentially oriented streets within Community Board #4.

23 The residents of West 44<sup>th</sup> Street between 9<sup>th</sup> and 10<sup>th</sup> Avenue, a street of primarily older 4 story residential buildings, have been  
24 experiencing a substantial increase of empty buses on their street. These empty buses are using West 44<sup>th</sup> Street both as a  
25 travel street and for parking and double parking, frequently also illegally idling for over 3 minutes. The West 44<sup>th</sup> Street Better  
26 Block Association documented the situation between 4pm and 6pm on Wednesday March 13. The made the following  
27 observations (and recorded them on video and camera);

- 28
- 29 • 59 buses travelled on this block during those 2 hours;
  - 30 • 35 (59%) of those came north on 10<sup>th</sup> Avenue, turned onto West 44<sup>th</sup> Street for one block and then went South on 9<sup>th</sup>  
31 Avenue
  - 32 • Several of the buses doubled parked and idled for a portion of these two hours.

33 In addition to it being illegal and harming the quality of life on West 44<sup>th</sup> Street, this traffic also causes increased back up on 9<sup>th</sup>  
34 Avenue as buses turning from West 44<sup>th</sup> Street onto 9<sup>th</sup> Avenue often block the avenue and pedestrian crosswalk, since their  
35 turning radius tends to take up all traffic lanes on 9<sup>th</sup> Avenue and back-up traffic prevents them from completing the turn.

36 The above traffic signs, combined with requested increased enforcement and the involvement of the Port Authority, we hope will  
37 lead to improvements of this situation.

38 Thank you for your consideration and assistance.

39 Sincerely,

40

1 **TRANSPORTATION COMMITTEE**

**Item # 27**

2 May 1, 2013

3 Mr. Patrick J. Foye  
4 Executive Director  
5 Port Authority of New York & New Jersey  
6 225 Park Avenue South  
7 New York, New York 10003

8

9 **RE: West 44<sup>th</sup> Street between 9<sup>th</sup> and 10<sup>th</sup> Avenue bus traffic/parking/double parking**

10

11 Dear Mr. Foye:

12

13 Manhattan Community Board #4 requests that the Port Authority require the bus companies that use its facility obey  
14 New York City traffic rules and cancel the leases of bus companies that are scofflaws.

15 There has been a substantial increase in the number of commuter buses using the Lincoln Tunnel in the last several  
16 years. Many empty buses, typically entering from either the Lincoln Tunnel or parking spaces further south or west,  
17 enter the Port Authority between 4pm and 6pm each weekday to load passengers and then depart. Traffic  
18 regulations require empty buses to use "Through" or "Local Truck Routes" to arrive at the Port Authority. These  
19 routes include 8th, 9th, 10th and 11<sup>th</sup> Avenues and West 40<sup>th</sup> Street between the Tunnel Entrance and 11<sup>th</sup> Avenue  
20 and the entire length of West 42<sup>nd</sup> Street. Unfortunately, empty buses have begun to illegally use other residentially  
21 oriented streets within Community Board #4.

22 The residents of West 44<sup>th</sup> Street between 9<sup>th</sup> and 10<sup>th</sup> Avenue, a street of primarily older 4 story residential buildings,  
23 have been experiencing a substantial increase of empty buses on their street. These empty buses are using West  
24 44<sup>th</sup> Street both as a travel street and for parking and double parking, frequently also illegally idling for over 3  
25 minutes. The bus traffic and illegal parking/double parking increases congestion and makes a residential street seem  
26 more like a Bus ramp.

27 The West 44<sup>th</sup> Street Better Block Association documented the situation between 4pm and 6pm on Wednesday  
28 March 13. They made the following observations (and recorded them on video and camera);

- 29
- 30 • 59 empty buses travelled on this block during those 2 hours;
  - 31 • 35 (59%) of those came north on 10<sup>th</sup> Avenue, turned onto West 44<sup>th</sup> Street for one block and then went  
32 South on 9<sup>th</sup> Avenue
  - 33 • Several of the buses doubled parked and idled for a portion of these two hours
  - 34 • 5 companies, all of whom have Gates at the Port Authority, account for 75% of the above illegal bus traffic,  
35 including
    - 36 ○ Academy Buses
    - 37 ○ Community Lines Jitney
    - 38 ○ NJ Transit
    - 39 ○ Trans Bridge
    - Martz

40 In addition to it being illegal and harming the quality of life on West 44<sup>th</sup> Street, this traffic also causes increased back  
41 up on 9<sup>th</sup> Avenue as buses turning from West 44<sup>th</sup> Street onto 9<sup>th</sup> Avenue often block the avenue and pedestrian  
42 crosswalk, since their turning radius tends to take up all traffic lanes on 9<sup>th</sup> Avenue and back-up traffic prevents them  
43 from completing the turn.

44 Manhattan Community Board #4 has advocated for the construction of an additional Port Authority garage near Dyer  
45 Avenue within our district. We have designated parking areas specifically for commuter buses. It is in that sense of  
46 partnership that we request that the Port Authority work with us to address this issue and urge The Port Authority to  
47 remind bus companies that utilize the Port Authority building about the requirement for empty buses to travel on  
48 designated Truck Routes and encourage the Port Authority not to lease to companies that frequently violate NYC  
49 traffic laws, particularly those that are crucial to enabling the Port Authority to co-exist with its neighbors.

50 Sincerely,

51

1 **TRANSPORTATION COMMITTEE**

**Item # 28**

2 May 1, 2013

3 James Tuller  
4 Chief, Transportation Bureau  
5 NYC Police Department  
6 1 Police Plaza  
7 New York, New York 10038

8

9 **RE: West 44<sup>th</sup> Street between 9<sup>th</sup> and 10<sup>th</sup> Avenue bus traffic/parking/double parking**

10

11 Dear Chief Tuller

12

13 Manhattan Community Board #4 requests that the assistance of the NPYPD Transportation Bureau, Traffic Enforcement Division  
14 in addressing the illegal use of West 44<sup>th</sup> Street between 9<sup>th</sup> and 10<sup>th</sup> Avenues by empty buses by increasing enforcement on this  
15 block – more specifically increasing enforcement related to these buses use of a non-truck route for through traffic, idling for over  
16 3 minutes and double parking.

17 There has been a substantial increase in the number of commuter buses using the Lincoln Tunnel in the last several years.  
18 Many empty buses, typically entering from either the Lincoln Tunnel or parking spaces further south or west, enter the Port  
19 Authority between 4pm and 6pm each weekday to load passengers and then depart. Traffic regulations require empty buses to  
20 use "Through" or "Local Truck Routes" to arrive at the Port Authority. These routes include 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Avenues and  
21 West 40<sup>th</sup> Street between the Tunnel Entrance and 11<sup>th</sup> Avenue and the entire length of West 42<sup>nd</sup> Street. Unfortunately, empty  
22 buses have begun to illegally use other residentially oriented streets within Community Board #4.

23 The residents of West 44<sup>th</sup> Street between 9<sup>th</sup> and 10<sup>th</sup> Avenue, a street of primarily older 4 story residential buildings, have been  
24 experiencing a substantial increase of empty buses on their street. These empty buses are using West 44<sup>th</sup> Street both as a  
25 travel street and for parking and double parking, frequently also illegally idling for over 3 minutes. The bus traffic and illegal  
26 parking/double parking increases congestion and makes a residential street seem more like a Bus ramp.

27 The West 44<sup>th</sup> Street Better Block Association documented the situation between 4pm and 6pm on Wednesday March 13. They  
28 made the following observations (and recorded them on video and camera);

- 29
- 30 • 59 empty buses travelled on this block during those 2 hours;
  - 31 • 35 (59%) of those came north on 10<sup>th</sup> Avenue, turned onto West 44<sup>th</sup> Street for one block and then went South on 9<sup>th</sup>  
32 Avenue
  - 33 • Several of the buses doubled parked and idled for a portion of these two hours
  - 34 • 5 companies, all of whom have Gates at the Port Authority, account for 75% of the above illegal bus traffic, including
    - 35 ○ Academy Buses
    - 36 ○ Community Lines Jitney
    - 37 ○ NJ Transit
    - 38 ○ Trans Bridge
    - Martz

39 In addition to it being illegal and harming the quality of life on West 44<sup>th</sup> Street, this traffic also causes increased back up on 9<sup>th</sup>  
40 Avenue as buses turning from West 44<sup>th</sup> Street onto 9<sup>th</sup> Avenue often block the avenue and pedestrian crosswalk, since their  
41 turning radius tends to take up all traffic lanes on 9<sup>th</sup> Avenue and back-up traffic prevents them from completing the turn.

42 Sincerely,

43

2 May 1, 2013

3 Frances Tedesco

4 President

5 Academy Bus Company

6 111 Paterson Avenue

7 Hoboken, New Jersey 07030

8

9 RE: West 44<sup>th</sup> Street between 9<sup>th</sup> and 10<sup>th</sup> Avenue bus traffic/parking/double parking

10

11 Dear Mr. Tedesco:

12

13 Manhattan Community Board #4 requests that Academy Bus Company instruct their New York City  
14 drivers to use legal truck routes rather than residential streets for empty buses to travel to the Port  
15 Authority building.

16 There has been a substantial increase in the number of commuter buses using the Lincoln Tunnel in the  
17 last several years. Many empty buses, typically entering from either the Lincoln Tunnel or parking  
18 spaces further south or west, enter the Port Authority between 4pm and 6pm each weekday to load  
19 passengers and then depart. Traffic regulations require empty buses to use "Through" or "Local Truck  
20 Routes" to arrive at the Port Authority. These routes include 8th, 9th, 10th and 11<sup>th</sup> Avenues and West  
21 40<sup>th</sup> Street between the Tunnel Entrance and 11<sup>th</sup> Avenue and the entire length of West 42<sup>nd</sup> Street.  
22 Unfortunately, empty buses have begun to illegally use other residentially oriented streets within  
23 Community Board #4.

24 The residents of West 44<sup>th</sup> Street between 9<sup>th</sup> and 10<sup>th</sup> Avenue, a street of primarily older 4 story  
25 residential buildings, have been experiencing a substantial increase of empty buses on their street.  
26 These empty buses are using West 44<sup>th</sup> Street both as a travel street and for parking and double  
27 parking, frequently also illegally idling for over 3 minutes. The bus traffic and illegal parking/double  
28 parking increases congestion and makes a residential street seem more like a Bus ramp.

29 The West 44<sup>th</sup> Street Better Block Association documented the situation between 4pm and 6pm on  
30 Wednesday March 13. They made the following observations (and recorded them on video and  
31 camera);

- 32 • 59 empty buses travelled on this block during those 2 hours;
- 33 • 35 (59%) of those came north on 10<sup>th</sup> Avenue, turned onto West 44<sup>th</sup> Street for one block and  
34 then went South on 9<sup>th</sup> Avenue
- 35 • Several of the buses doubled parked and idled for a portion of these two hours
- 36 • 5 companies, all of whom have Gates at the Port Authority, account for 75% of the above  
37 illegal bus traffic. The largest scofflaw was Academy Bus Company with 14 buses illegally  
38 driving through West 44<sup>th</sup> Street between 9<sup>th</sup> and 10<sup>th</sup> Avenues in those two hours.

39 In addition to it being illegal and harming the quality of life on West 44<sup>th</sup> Street, this traffic also causes  
40 increased back up on 9<sup>th</sup> Avenue as buses turning from West 44<sup>th</sup> Street onto 9<sup>th</sup> Avenue often block the  
41 avenue and pedestrian crosswalk, since their turning radius tends to take up all traffic lanes on 9<sup>th</sup>  
42 Avenue and back-up traffic prevents them from completing the turn.

43 As the largest private bus company in the country, Academy Bus Company has a particular obligation to  
44 be ensure its drivers use legal driving routes to provide a model for how an active bus fleet can co-exist  
45 with its resident neighbors.

46 Sincerely,

47

1 TRANSPORTATION COMMITTEE

Item # 30

2 May 1, 2013

3

4 Borough Commissioner Margaret Forgione  
5 Department of Transportation  
6 59 Maiden Lane, 35<sup>th</sup> Floor  
7 New York, NY 10038

8 **RE: Request to Improve Safety at the Corner of West 46<sup>th</sup> Street and Tenth Avenue**

9 Dear Commissioner Forgione:

10 Manhattan Community Board #4 reiterates its request from April 4, 2008 that the Department of  
11 Transportation take steps to improve pedestrian safety at South East corner of West 46<sup>th</sup> Street  
12 and 10<sup>th</sup> Avenue. More specifically, we request that sign be installed along the east side of the  
13 avenue south of West 46<sup>th</sup> Street warning drivers "Caution on Right Turn, Street Bulb-out." We  
14 also request that the NYC Department of Transportation instigate installing a right hand turn  
15 traffic light for turns from 10<sup>th</sup> Avenue onto West 46<sup>th</sup> Street, including protected time for  
16 pedestrian crossing on West 46<sup>th</sup> Street. At a minimum, and in the interim, we request that DOT  
17 change the traffic light timing to have northbound traffic slow down near W. 46<sup>th</sup> Street.

18 We make this request following another pedestrian injury resulting from a vehicle turning onto a  
19 portion of the bulb-out on West 46<sup>th</sup> Street. Neighbors report that vehicles often speed up on 10<sup>th</sup>  
20 Avenue after the typical common slow-down as result of cars exiting and entering the Hess  
21 Station between West 44<sup>th</sup> and West 45<sup>th</sup> Street and that vehicles going over the bulb-out is a  
22 common occurrence.

23 Our request in 2008 was denied indicating that after DOT inspection of the intersection it did not  
24 feel any changes were required. We hope that our reiteration of this request will result in a closer  
25 examination of the intersection and a more active response from DOT.

26 As always, we appreciate your consideration and assistance of this important pedestrian safety  
27 request.

28 Sincerely,

29

1 TRANSPORTATION COMMITTEE

Item # 31

2 May 1, 2013

3

4 Borough Commissioner Margaret Forgione  
5 Department of Transportation  
6 59 Maiden Lane, 35<sup>th</sup> Floor  
7 New York, NY 10038

8 **RE: Proposed Tree Planting and bench installations on the south side of West 34<sup>th</sup> Street**  
9 **between 11<sup>th</sup> and 12<sup>th</sup> Avenues.**

10

11 Dear Commissioner Forgione:

12 Manhattan Community Board #4 requests DOT assistance in enabling sidewalk improvements  
13 including planting trees and installing benches on the sidewalk surrounding the planned  
14 summer/fall 2014 installation of a High Line entrance approximately mid-block on the south  
15 side of West 34<sup>th</sup> Street between 11<sup>th</sup> and 12<sup>th</sup> Avenues. Permitting these sidewalk  
16 improvements would require two changes to existing sidewalk usage.

- 17
- 18 • The removal of a SBS ticket machine that is within 10 feet of the proposed entryway for  
19 the High Line. Manhattan CB 4 makes this request since there is a machine about 50  
20 feet to the east, nearer the M34 SBS bus stop.
  - 21 • Moving the 4 Megabus bus stops and loading zones from the South Side of West 34<sup>th</sup>  
22 Street between 11<sup>th</sup> and 12<sup>th</sup> Avenue to the South side of West 34<sup>th</sup> Street between 11<sup>th</sup>  
23 and 12<sup>th</sup> Avenue. As you might recall, our original request for moving Megabus from  
24 West 41<sup>st</sup> Street between 8<sup>th</sup> and 9<sup>th</sup> Avenue was for it to be moved to the north side of  
25 West 34<sup>th</sup> Street. At the time we did not object to the change to the south side of the  
26 street and were pleased to have it moved from the more problematic West 41<sup>st</sup> Street  
27 location. However, with the proposal from the High Line for approximately 100' of  
28 sidewalk improvements around their future entrance mid-block on the south side of  
29 West 34<sup>th</sup> Street, we reiterate our request to move Megabus to the north side of the  
street.

30 As always, we appreciate your consideration and assistance.

31 Sincerely,

32

2 May 1, 2013

3

4 Peter Mullen

5 Vice President for Planning and Design

6 Friends of the High Line

7 529 West 20<sup>th</sup> Street, Suite 8W

8 New York, NY 10011

9

10 **RE: Proposed Tree Planting and bench installations on the south side of West 34<sup>th</sup> Street between**  
11 **11<sup>th</sup> and 12<sup>th</sup> Avenues.**

12

13 Dear Peter:

14 Manhattan Community Board #4 appreciates the Friends of the High Line presenting its proposal for  
15 planting trees and installing benches on the sidewalk surrounding the planned summer/fall 2014 installation  
16 of a high line entrance approximately mid-block on the south side of West 34<sup>th</sup> Street between 11<sup>th</sup> and 12<sup>th</sup>  
17 Avenues. We support most of the proposed improvements, but request that Friends of the High Line delay  
18 final design until we can resolve potential issues with the surrounding Mega-Bus loading zones.

19 The Friends of the Highline propose to install 9 trees at various distances from the curb and 3 three foot  
20 wide wood benches along the fenced area on either side of the 15' Highline entryway. The area  
21 surrounding the entryway on the other side of the fence will have similar features, as well as movable  
22 chairs. The 19' feet width of the West 34<sup>th</sup> Street sidewalk makes it conducive for such improvement. We  
23 do request that the placement of the trees, will at varying distances, still provide a minimum 6' wide straight  
24 walking path to enable those who are visually disabled to more comfortably walk along the street. The  
25 proposed installations require three changes on the sidewalk:

- 26 • The removal of a SBS ticket machine that is within 10 feet of the proposed entryway for the High  
27 Line: Manhattan CB 4 supports the removal of this machine, since there is a machine about 50  
28 feet to the east, nearer the M34 SBS bus stop;
- 29 • Moving Megabus loading to another space: Friends of the High Line request moving the Four  
30 Megabus Loading areas on the south side of West 34<sup>th</sup> Street to either 11<sup>th</sup> Avenue or West 33<sup>rd</sup>  
31 Street. Given the construction expected in this area within the next couple of years, we don't  
32 believe either option is ideal. However, to accommodate The Friends of the Highline proposed  
33 improvements we do reiterate our previous request to move the Megabus loading zone to North  
34 Side of West 34<sup>th</sup> Street. We had never received an explanation on why our original request to  
35 move Megabus to the North Side of West 34<sup>th</sup> Street (from West 41<sup>st</sup> Street between 8<sup>th</sup> and 9<sup>th</sup>  
36 Avenue) was changed to the south side. We will repeat our request to move Megabus to the North  
37 Side of the street.

38 While we hope to be successful at this request, we request that Friends of the Highline hold off on seeking  
39 final approval for the sidewalk change until this is resolved. If the Megabus Parking cannot be moved to the

40 North Side of the street, we may seek Megabus to move the two bus stops/waiting areas that overlap the  
41 proposed sidewalk improvements further west and request the M34 SBS move its layover on the south side  
42 of West 34<sup>th</sup> Street near 12<sup>th</sup> Avenue to the north side of West 34<sup>th</sup> near 12<sup>th</sup> Avenue (where it currently also  
43 stops). This might require a reduction in the total length of the Friends of the High Line improvements from  
44 100' to 90' or 80'. We also request Friends of the High Line also request the movement of MegaBus to the  
45 northside of West 34<sup>th</sup> Street.

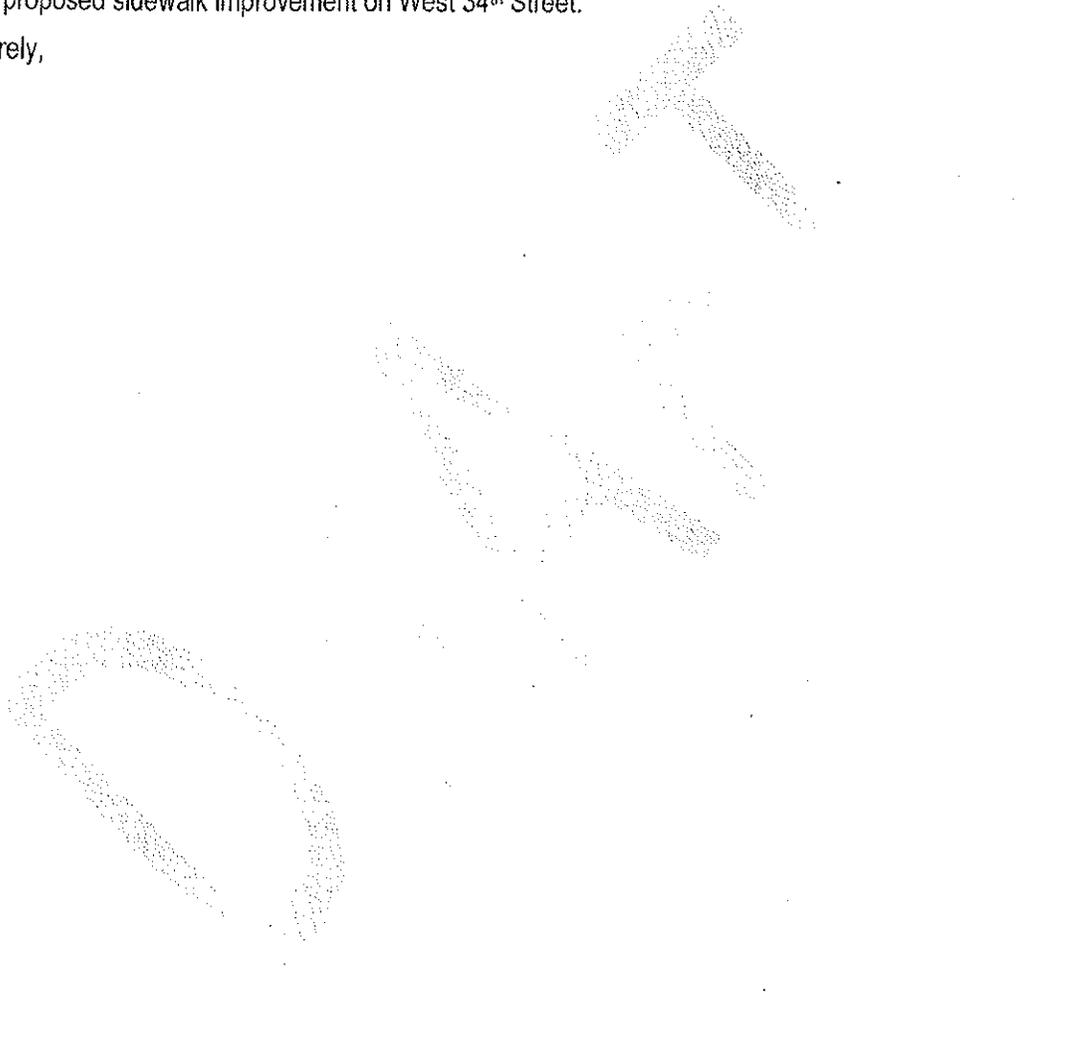
46

47 Again, we appreciate your presentation and look forward to continuing to work with Friends of the High Line  
48 on its proposed sidewalk improvement on West 34<sup>th</sup> Street.

49 Sincerely,

50

51



1 **CLINTON/HELL'S KITCHEN LAND USE COMMITTEE**

Item #: 33 (Revised)

2  
3 May 1, 2013

4  
5 Amanda M. Burden  
6 Director  
7 Department of City Planning  
8 22 Reade Street  
9 New York, New York 10007

10  
11 **Re: ULURP #N 120146 ECM**  
12 **DCA # 1415773**  
13 **MS Restaurant Owners LLC**  
14 **DBA: Morning Star Restaurant**  
15 **879 Ninth Avenue aka 401 W. 57th Street, Borough of Manhattan**  
16

17 Dear Director Burden:

18  
19 At the recommendation of its Clinton/Hell's Kitchen Land Use and Zoning Committee, Manhattan  
20 Community Board 4 recommends approval of the application by MS Restaurant Owners LLC for renewal  
21 of an enclosed sidewalk café with 8 tables and 24 seats.

22  
23 We recommend approval in expectation that this operation will continue to be the successful, well-run  
24 restaurant it has been since the early 1990s.

25  
26 Our recommendation, however, does not contravene the Board's fundamental opposition to enclosed  
27 sidewalk cafes. We remain opposed for three reasons:

28  
29 One: Enclosed sidewalk cafes are permanent structures that appropriate public property for private use  
30 without providing a public benefit;

31  
32 Two: Unlike unenclosed sidewalk cafes which can add to community ambiance and create more vibrant  
33 streetscapes, enclosed sidewalk cafes isolate diners from sidewalk activity and the community; and,

34  
35 Three: As permanent structures, they are difficult to remove when warranted.

36  
37 Sincerely,

38  
39 Corey Johnson, Chair, Community Board 4  
40 Jean-Daniel Noland, Chair, Clinton/Hell's Kitchen Land Use and Zoning Committee

41  
42 cc: Steve Gagliano, Project Manager - DCP  
43 NYC Council Speaker Christine Quinn  
44 NYC Council Member Gale Brewer  
45 NYS Senator Brad Hoylman  
46 NYS Assemblywoman Linda Rosenthal  
47 MBP Scott Stringer  
48 MBPO – Brian Cook, Michael Sandler  
49 MS Restaurant Owners LLC