



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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DELORES RUBIN
Chair

Jesse R. Bodine
District Manager

March 14, 2016

Hon. Carl Weisbrod
Chair
City Planning Commission
22 Reade Street
New York, New York 10007

**Re: Balsley Park
362-8 W. 57th Street/866-72 Ninth Avenue
Reauthorization of Kiosk
Application N 160129 ZCM**

Dear Chair Weisbrod:

Manhattan Community Board 4 (MCB4), at its March 2, 2016, Full Board meeting voted to deny Application N 160129 ZCM, a Chair Certification to continue the use of a kiosk in an Urban Plaza at 362-8 West 57th Street/866-72 Ninth Avenue, aka Balsley Park (“Park”), unless the conditions listed below are included as conditions in the Chair’s Certification.

These conditions have been agreed to in writing by the applicant in a letter dated March 11th, 2016¹. MCB4 feels that service from a kiosk is a convenient and affordable public amenity and this Board is grateful for the applicant's intention to re-open one as well as its commitment to improve maintenance of the open space, one which is heavily and enthusiastically used by the public.

HISTORY

Balsley Park was completed in 1978 in connection with construction of the building known as the “Sheffield” at 316 West 57th Street. The Sheffield was built pursuant to the then Open Space Bonus in the Special Clinton District, the text of which referred to zoning text for plazas. The Open Space Bonus in the Special Clinton District was removed in 1990. The zoning text for plazas also subsequently changed. However, in 1999, under action N990202ZCM, the kiosk and open air café was approved by the City Planning Commission and the open space was extensively renovated. An

¹ See Appendix A – Letter from Sheffield, dated March 11, 2016

additional action, N990201ZAM, authorized nighttime closing and required that the owner continually maintain the park. A renewal application for the kiosk and café was approved by the City Planning Commission in 2002. A renewal application for the kiosk and café was approved by the City Planning Commission in 2002.

This application is pursuant to Section 37-04 and 37-06 of the NYC Zoning Resolution.

CONDITIONS

The following conditions by MCB4 have been agreed to in writing by the applicant. The Board requests these conditions be incorporated in the agreement before a Chair's certification is granted.

1. General Maintenance – by April 30, 2016²

General maintenance remains the obligation of the Sheffield as a requirement of the nighttime closure certified by the Chair of the Planning Commission under action No. N990201ZAM in 1999. Items include:

- Repainting playground equipment
- Clearing garbage out of planting beds
- Repainting concrete column at southwest corner of park
- Cleaning and repainting garbage cans

2. Daily Inspection and Ongoing Maintenance

This Board received complaints and pictures documenting the fact that the open space is not kept sufficiently clean. In particular, the complaints indicated that the benches and ground were splattered with pigeon droppings, gardening tools were left lying around for days, and the walls needed repainting.

The Sheffield will send maintenance staff four times per day to the Park to clean and inspect. In addition, the kiosk operator will provide additional maintenance within 100 feet of the kiosk; such a requirement will be a part of his operating agreement.

3. Capital Repairs³

The open space is heavily used and several elements have become worn and require repair. Plantings need to be restored. There has been graffiti and chipped paint on some of the walls, particularly the wall surrounding the children's play area. Repairs include:

- Reinstalling water fountain
- Scraping and painting playground walls
- Repairing paving near water fountain

4. Compliance with Original Plans

The Sheffield will replace and install all missing, damaged or dead plants in accordance with the

² See Appendix B – General Maintenance Needs

³ See Appendix C – Capital Repairs Needs

schedule in the architectural plans dated August 6, 1998.⁴ The Sheffield will also evaluate and remove, as needed, additional plantings outside of the original design for the park.

Signage and Security

Separate from the Chair's Certification, the Sheffield will consider the installation of additional signage regarding use and behavior in the Park and explore the feasibility of installing a camera or cameras connected to the concierge desk to monitor the Park.

The Board commends the Sheffield for agreeing to work with the Board, NYPD, local elected officials and appropriate NYC agencies regarding anti-social activity, homelessness, and other activities of concern in the Park and applauds the applicant's re-commitment to fulfilling its obligation to maintain Balsley Park.

Sincerely,



Delores Rubin
MCB4 Chair



Jean Daniel Noland, Chair
Clinton Hell's Kitchen Land Use
and Zoning Committee

cc: Assembly Member Linda B. Rosenthal
Council Member Corey Johnson
Congressman Jerrold Nadler
Senator Brad Hoylman
Manhattan Borough President Gale Brewer
Richard Bass, Sheffield Representative
Parc Vendome Residents

⁴ See Appendix D – Plantings Diagram and Comments and Appendix E – List of Plantings