



CITY OF NEW YORK  
**MANHATTAN COMMUNITY BOARD FOUR**

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**JEFFREY LEFRANCOIS**  
Chair

**JESSE R. BODINE**  
District Manager

October 16, 2023

Commissioner Adolfo Carrión Jr.  
Department of Housing Preservation and Development  
100 Gold Street  
New York, NY 10038

**Re: 353 West 57<sup>th</sup> Street – Hudson Hotel**

Dear Commissioner Carrión Jr,

At Manhattan Community Board 4's (MCB4) Housing, Health, and Human Services (HHHS) Committee meeting on September 7<sup>th</sup>, 2023, the committee discussed 353 West 57<sup>th</sup> Street, formerly the Hudson Hotel, located between 8<sup>th</sup> and 9<sup>th</sup> Avenues. During the meeting, questions were raised about the lack of a Certification of No Harassment (CONH) from the Department of Housing Preservation and Development (HPD) for the work permitted by Department of Buildings (DOB).

During the MCB4 full board meeting held on October 4, 2023, by a vote of 39 in favor, 0 opposed, 0 abstaining, and 1 present but not eligible to vote, MCB4 voted to request that HPD conduct an investigation into reports of harassment at 353 West 57<sup>th</sup> Street and issue a finding of harassment to DOB.

**Background**

353 West 57<sup>th</sup> Street is the site of the former Hudson Hotel which ceased operations in May 2020. Prior to being converted into a transient hotel, the building had long-term use as an SRO building. The Hudson Hotel had 835 rooms, and as a hotel, all existing long-term tenants continued to reside in the building. These tenants lived in the building through all renovations, including a major event center on the ground floor. Following the closure of the hotel, Alberto and Sal Smeke purchased the building in May 2022. In June 2022, internal demolition of mechanical systems and partitions began, with long-term tenants in occupancy throughout the building. The Tenant Protection Plan (TPP), as required by Administrative Code, was not presented until July 2022; the

narrative<sup>1</sup> outlined plans to convert vacant SRO units into apartments on floors 3 through 23 (exclusive of 13), with SRO units remaining on floors 15, 17, 18, 19, 20, 21 and 22. Section 96-109 of the Special Clinton District states that prior to the issuance of an **alteration permit** by the Department of Buildings for a material alteration of a multiple dwelling, HPD shall certify to DOB that HPD has issued a CONH or that the owner has complied with the Cure for Harassment.

On February 2<sup>nd</sup>, 2022, DOB issued a permit under Job #M00700809 for ‘Minor interior demolition within existing 1<sup>st</sup> floor commercial space’. However, on that day, a letter<sup>2</sup> was sent to tenants of the building stating “demolition work will commence Monday, February 6<sup>th</sup> 2023...on the 22<sup>nd</sup> floor (vacant rooms) and the entire 23<sup>rd</sup> floor”. The material alteration of the 22<sup>nd</sup> and 23<sup>rd</sup> floors results in the elimination of dwelling units. Not only is this interior demolition work outside the scope of the alteration permit, but construction of this magnitude is in violation of ZR 96-109, which states “prior to the issuance of an **alteration permit** by DOB for a material alteration of a multiple dwelling unit, HPD shall certify to DOB that HPD has issued a CONH or that the owner has complied with the Cure for Harassment”.

### **Investigation of Harassment**

On December 2<sup>nd</sup>, 2022, HPD sent a letter to tenants of 353 West 57<sup>th</sup> Street regarding the owner’s application for a CONH. Per the letter and the definition of harassment found in ZR 96-01, harassment includes any activity that an owner took to illegally remove a tenant from a building, including offering money, threatened use of force, the disruption of essential services like heat and hot water, or negligently creating an unsafe living environment.

During the presentation from Raul Larios<sup>3</sup> at the September 7<sup>th</sup>, 2023, HHHS meeting, multiple instances of harassment were discussed.

- Less than 24-hour notice of water shutdown for 7 hours, which ran beyond the 7 hours<sup>4</sup>.
  - o Return of water service yielded brown discolored water.
- Electrical shutdown for work on floors 11, 12, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24 on 5/10/23 from 7:00am to 3:00pm<sup>5</sup>.
- Incompetent pest control, findings of mice and vermin around the building.

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<sup>1</sup> Exhibit A: TPP Narrative

<sup>2</sup> Exhibit B: Letter to Tenants

<sup>3</sup> Raul Larioa, HHHS Committee and resident of 353 W 57<sup>th</sup> Street voted Present-Not Eligible at both HHHS Committee & Full Board Meetings

<sup>4</sup> Exhibit C: Water shutdown notice

<sup>5</sup> Exhibit D: Electrical Shutdown Notice

- Positive testing for lead in demolition dust on floors 11, 15, 18, 20, where tenants are living, reported on 12/20/22. Said findings were not made available to tenants until 1/25/23<sup>6</sup>, which was one month and five days after the original findings were issued by DOH.
- Exposed wiring and cables on 15<sup>th</sup> floor, where alterations are ongoing, and one household lives; pictures dated 9/24/23<sup>7</sup>.
- Exposed wiring and lead hazard signs on 20<sup>th</sup> floor, where alterations are ongoing, and four households live; pictures dated 9/24/23<sup>8</sup>.

**Conclusion**

Material alteration has already taken place at 353 West 57<sup>th</sup> Street without the issuance of a CONH. To this end, MCB4 requests that HPD conduct an investigation of harassment, as required by ZR 96-109, and issue a finding of harassment for 353 West 57<sup>th</sup> Street based on tenant exposition and the exhibits noted in this letter.

Sincerely,



Jeffrey/LeFrancois  
 Chair  
 Manhattan  
 Community Board 4



Joe Restuccia  
 Chair  
 Housing, Health, Human Services  
 Committee



Maria Ortiz  
 Chair  
 Housing, Health, Human Services  
 Committee

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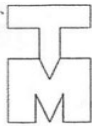
<sup>6</sup> Exhibit E: Lead Test Report and Email from Tenants Association

<sup>7</sup> Exhibit F: Pictures of 15<sup>th</sup> Floor

<sup>8</sup> Exhibit G: Pictures of 20<sup>th</sup> Floor

## Exhibits

### Exhibit A: TPP Narrative



**Thomas J. Mesuk Architect**

Hudson Hotel  
353 West 57<sup>th</sup> Street  
New York, NY 10019

#### Tenant Protection Plan Narrative

General: All work to be done in accordance with section 28-104.8.4 of the NYC Building Code and regulations of all other agencies having jurisdiction.

The building currently houses multiple SRO rooms on Floors 3 thru 23 (exclusive of 13). The plans are to modify the floor plans to convert the SRO rooms into apartments. SRO Units will remain on floors 15, 17, 18, 19, 20, 21, 22.

Floor 15 – 1 SRO Room  
Floor 17 – 1 SRO Room  
Floor 18 – 3 SRO Rooms  
Floor 19 – 1 SRO Room  
Floor 20 – 4 SRO Rooms  
Floor 21 – 12 SRO Rooms  
Floor 22 - 16 SRO Rooms

^  
VACANT

Exhibit B: Letter to Tenants

CSC Hudson LLC

358 W 58<sup>th</sup> St, New York

N.Y 10019

Date: Thursday February 2<sup>nd</sup> 2023

Dear, Tenants

Please be advised construction demolition work will commence Monday, February 6<sup>th</sup> 2023 between the hours of 7am-3pm.

On the 22nd floor (vacant rooms) and the entire 23<sup>rd</sup> floor.

Scheduled work as follow:

Monday 2.6.23 – Protection and demo

Tuesday 2.7.23 – Demo and clean up

Thursday 2.9.23- Install of steel

Friday 2.10.23 – install of steel

All renovation activities will occur with the guidelines set forth by the building management we are aware of the inconvenience caused by activity and we seek to minimize disruption/ debris and dust to the maximum extent possible.

If you have any questions or concern please contact Yulia Letenko at 1(646)494-6083.

Sincerely

Yulia Letenko

Exhibit C: Water Shutdown Notice

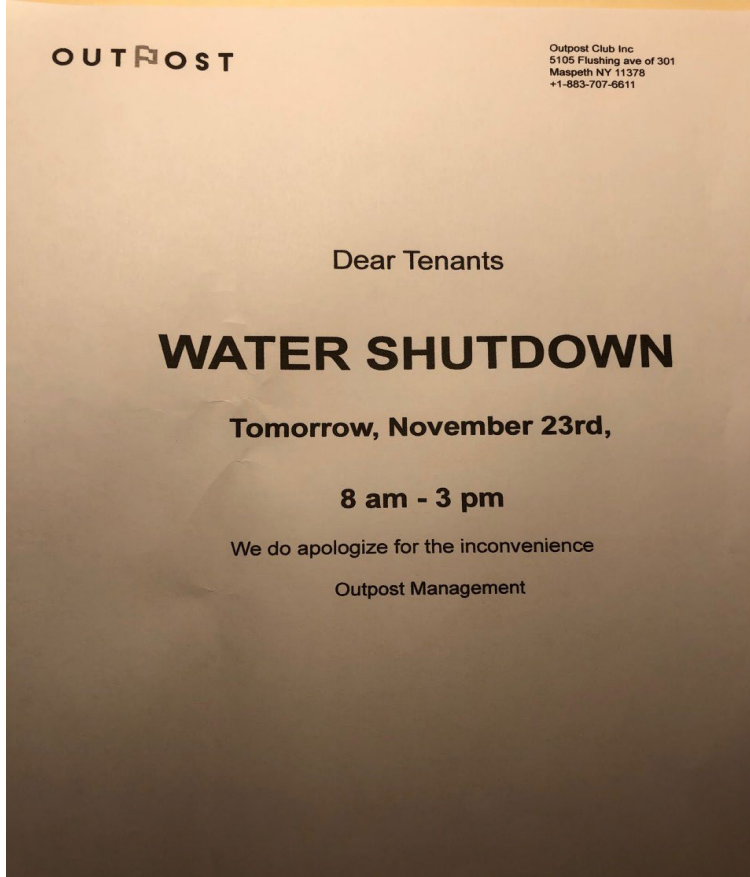


Exhibit D: Electrical Shutdown Notice

# OUTPOST

Dear Tenants,

We would like to inform you of the power shutdown on **Wednesday, 10th of May** from **7:00 am** to **3:00 pm** on the following floors **11, 12, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24** - any apartments on **Riser B**.

Exhibit E: Lead Test Report and Email from Tenants Association

**DOH test confirms Lead in demolition dust**

Hudson Tenants Association <hudson.tenants@hotmail.com>

Mon 01/30/2023 8:09 AM

To: Hudson Tenants Association <hudson.tenants@hotmail.com>

Hudson tenants - please be advised that the inspection conducted last month on the 18<sup>th</sup> floor by the City's Department of Health (DOH) came back positive for LEAD in the demolition dust (see screenshot below; report is dated 12-20-2022).

Those tenants who live in the floors that are currently undergoing demolition (11, 15, 18 and 20) should take extra precautions to protect themselves from the lead in the air.

Our thanks to the tenants who pushed to get this test done and for persevering in getting a copy of the report directly from DOH.

Equipped with the DOH copy, said tenants questioned the Owner (CSC Hudson LLC) and the Property Manager (Outpost Club Inc.) about not sharing this information on a timely basis with the tenants. The report was finally posted in the tenant bulletin board last Wednesday 1/25/2023. That was one month and five days after the original findings were issued by DOH.

It goes without saying that CSC's and Outpost's lack of transparency is most troubling.

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## HUDSON TENANTS ASSOCIATION

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### ANALYSIS OF REPORT FOR LEAD IN DUST WIPES

<b>Client:</b> Healthy Homes Program	<b>Lab ID:</b> LW12221131
<b>Collected by:</b> Client	<b>Date Sampled:</b> 12/7/2022
<b>Technician:</b> EL	<b>Date Received:</b> 12/19/2022
<b>Child ID:</b> N/A	<b>Date Analyzed:</b> 12/19/2022
<b>LASU #:</b> L2022-1280	<b>Report Date:</b> 12/20/2022
<b>Address:</b> 353 West 57 St	
<b>Apt/Boro:</b> CMN / 1 Manhattan	



Client ID #	Lab ID #	Location/Description	Area Sampled (Inches)	Lead (µg/ft²)
120722-2414-001	LW12221131-1	18th Floor Public Hallway - Floor - No 1/2 Landing / Cement	12x12	150
120722-2414-002	LW12221131-2	18th Floor Public Hallway - Windowsill - No 1/2 Landing / Wooden	45x8.5	33
120722-2414-003	LW12221131-3	Blank	N/A	<5 (µg/Wipe)

Analysis Method: EPA 7000B  
RL (Reporting limit): 5.0 µg/ft² (based upon 1.0 square foot samples)  
NYS - ELAP#11999, AIHA-LAP, LLC ID: 208306, CT Reg. # PH-0154

Exists Method: EPA 7000  
Prep Method: EPA 3050B

Analyst: EG

Approved By:





Sep 24, 2023 at 3:09:11 PM



Sep 24, 2023 at 3:09:55 PM



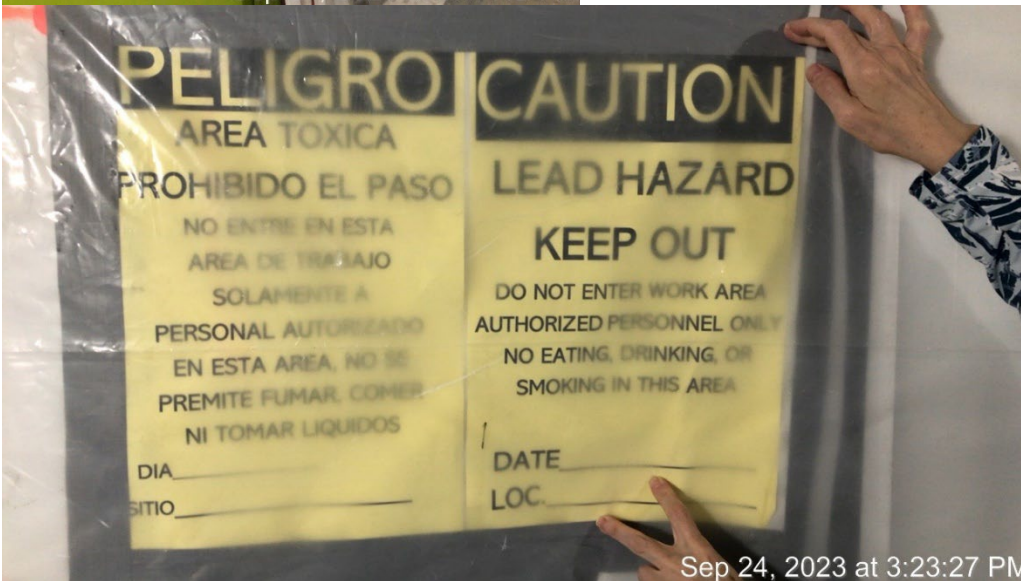
Exhibit G: Pictures of 20<sup>th</sup> Floor







Sep 24, 2023 at 3:17:12 PM



Sep 24, 2023 at 3:23:27 PM