



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR

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JEFFREY LEFRANCOIS
Chair

JESSE R. BODINE
District Manager

October 16, 2023

Commissioner Jimmy Oddo
Department of Buildings
280 Broadway
New York, NY 10007

Re: 353 West 57th Street – Hudson Hotel

Dear Commissioner Oddo,

At Manhattan Community Board 4's (MCB4) Housing, Health, and Human Services (HHHS) Committee meeting on September 7th, 2023, the committee discussed 353 West 57th Street (formerly the Hudson Hotel) and raised questions about work permits issued in error by the NYC 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 DOB rescind permits and administer a Stop Work Order for 353 West 57th Street pending the issuance of a Certification of No Harassment (CONH) by the NYC Department of Housing Preservation and Development (HPD).

Background

353 West 57th 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 narrative¹ 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.

¹ Exhibit A: TPP Narrative

Protections for Alterations of Residential Buildings

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 2nd, 2022, DOB issued a permit under Job #M00700809 for ‘Minor interior demolition within existing 1st floor commercial space’. However, on that day, a letter² was sent to tenants of the building stating “demolition work will commence Monday, February 6th 2023...on the 22nd floor (vacant rooms) and the entire 23rd floor”. The material alteration of the 22nd and 23rd 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”.

Instances of Material Alteration

- Protection, demolition, and installation of steel on 22nd and 23rd floors from 2/6/23 to 2/10/23.
- Building-wide water shutdown on 11/23/23³.
- 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 3:00pm⁴.
- 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 1/25/23⁵, which was one month and five days after the original findings were issued by DOH. Exposed wiring and cables on 15th floor, where alterations are ongoing, and one household lives; pictures dated 9/24/23⁶.
- Exposed wiring and lead hazard signs on 20th floor, where alterations are ongoing, and four households live; pictures dated 9/24/23⁷.

² Exhibit B: Letter to Tenants

³ Exhibit C: Water Shutdown Notice

⁴ Exhibit D: Electrical Shutdown Notice

⁵ Exhibit E: Lead Test Report and Email from Tenants Association

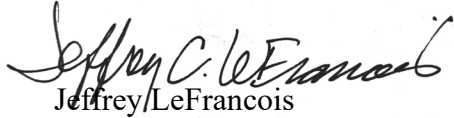
⁶ Exhibit F: Pictures of 15th Floor

⁷ Exhibit G: Pictures of 20th Floor

Requests

To date, a CONH has not been issued by HPD, and thus the material alteration work is in violation of the zoning resolution. Given the absence of a CONH, MCB4 requests the immediate issuance of a Stop Work Order and the rescinding of permits until the owners either obtains a CONH or a finding of harassment which would require a Cure for Harassment.

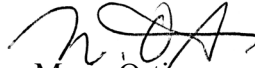
Sincerely,



Jeffrey LeFrancois
Chair
Manhattan
Community Board 4



Joe Restuccia
Chair
Housing, Health, Human Services
Committee



Maria Ortiz
Chair
Housing, Health, Human Services
Committee

Exhibits

Exhibit A: TPP Narrative



Thomas J. Mesuk Architect

Hudson Hotel
353 West 57th 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 58th St, New York

N.Y 10019

Date: Thursday February 2nd 2023

Dear, Tenants

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

On the 22nd floor (vacant rooms) and the entire 23rd 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

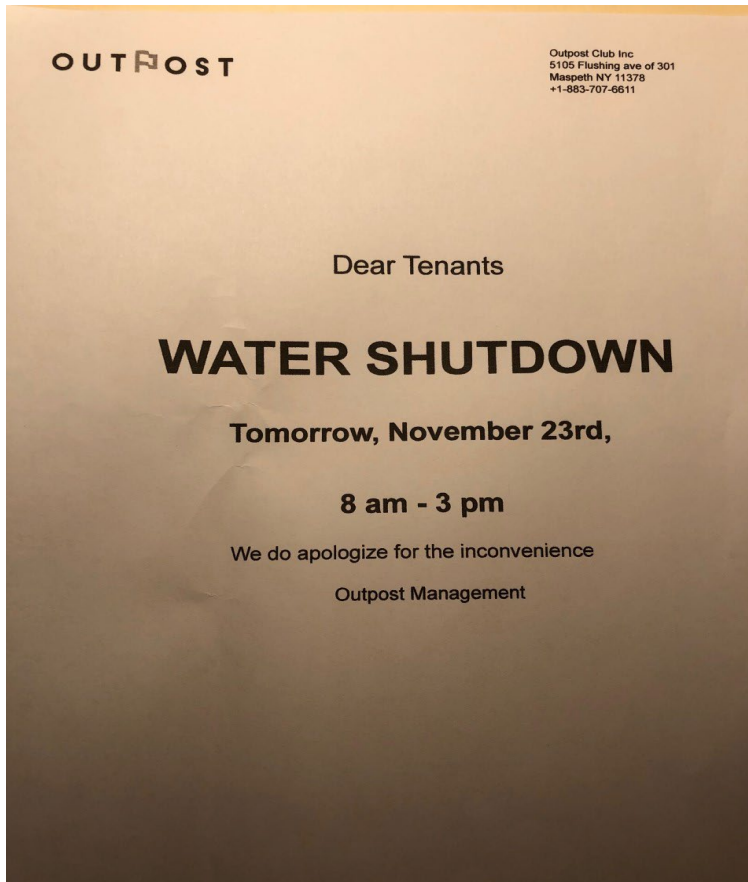


Exhibit D: Electrical Shutdown Notice

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 18th 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.

HUDSON TENANTS ASSOCIATION

ANALYSIS OF REPORT FOR LEAD IN DUST WIPES

Client: Healthy Homes Program
Collected by: Client
Technician: EL
Child ID: N/A
LASU #: L2022-1280
Address: 353 West 57 St
Apt/Boro: CMN / 1 Manhattan

Lab ID: LW12221131
Date Sampled: 12/7/2022
Date Received: 12/19/2022
Date Analyzed: 12/19/2022
Report Date: 12/20/2022



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:

Exhibit F: Pictures of 15th Floor



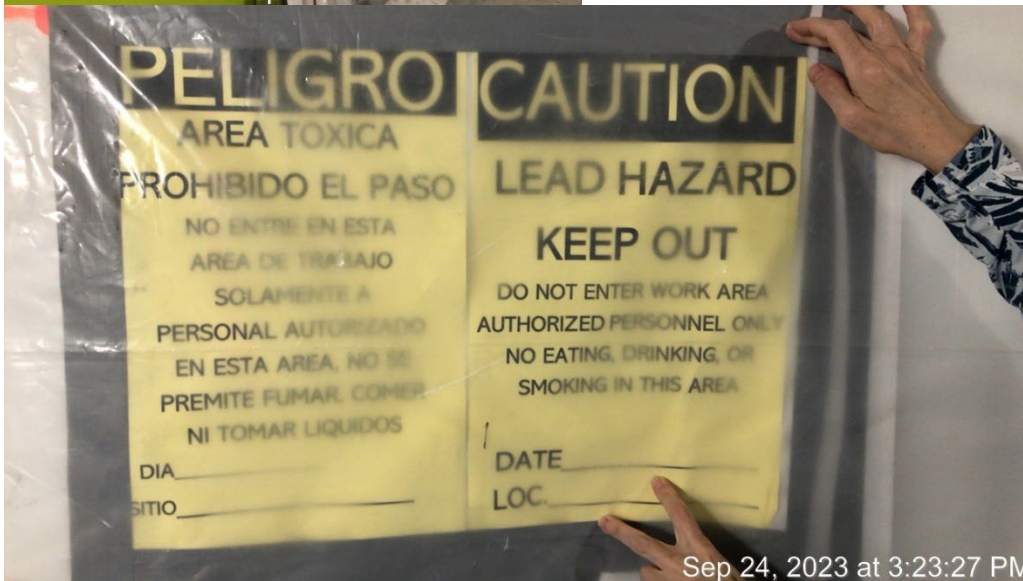


Exhibit G: Pictures of 20th Floor





Sep 24, 2023 at 3:17:12 PM



Sep 24, 2023 at 3:23:27 PM