



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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CHRISTINE BERTHET
Chair

Jesse R. Bodine
District Manager

December 11, 2015

Maria Torres Springer
President
New York City Economic Development Corporation
110 William Street
New York, NY 10038

Re: Events at Pier 92/94

Dear Ms. Torres Springer:

Manhattan Community Board 4 ("MCB4") is writing, to once again express our concerns regarding late night functions that are held at Piers 92/94 ("Piers"), most recently, the NYC Food and Wine Festival ("Festival") that took place on October 15-18, 2015.

This is MCB4's second letter to the New York City Economic Development Corporation ("NYCEDC") regarding the continuation of severe noise disturbances to surrounding residents and businesses due to amplified sound that emanates from the Piers. And, as you may recall, Assembly Member Linda Rosenthal also wrote two letters reiterating the same concerns. MCB4 is hopeful that we will begin working together on a more global and consistent basis to eliminate future problems.

The success achieved with the "Pier of Fear" ADM Halloween events is one example of what can be accomplished when all stakeholders communicate and cooperate in good faith. After years of MCB4 negotiations with "Pier of Fear" organizers, NYCEDC, Vornado Realty, NYPD, Department of Environmental Protection and affected residents/businesses, all parties were ultimately able to achieve a commercially successful event, which received minor complaints from the community. We applaud the efforts of all parties who worked together to engender this outcome—one that exemplifies what is possible when various entities take action to achieve positive results.

It is, therefore, inexplicable that NYCEDC did not provide the necessary guidance to ensure that the operators of this year's Food and Wine Festival performed advance outreach to the surrounding neighborhood nor did they consult, or even notify, this Community Board. While we applaud the fundraising aspect of the Festival, MCB4 is highly dismayed, and community residents are greatly perplexed, as to why there was insufficient oversight of the operator, especially in light of the fact that a new, customized open-air tent was used on the roof/parking lot, thus allowing sound to emanate loudly and reverberate throughout the area.

Keep in mind that this was caused by the use of a powerful amplified sound system, which created thunderous bass so loud that residents submitted complaints like the following:

- “This weekend, both Friday and tonight, there has been an obnoxiously loud concert from the parking lot over by where the cruise ships are docked. Tonight's concert just started at 10 pm and is almost as loud as the Pier 94 concerts we've been demonized by for the past several years.”
- “We were plagued...by noise, especially bass, so loud that [our] apartments [shook].”
- “Now they are playing some sort of Tahitian drumming. It's like there's an episode of Gilligan's Island happening in our apartment.”

MCB4 is especially concerned that these problems will be replicated due to the future use of the tent. We have learned that the roof was physically altered to facilitate the erection of the tent, which Festival organizers plan to use for next year's Festival. Even more disquieting are plans to rent the tent to other event organizers.

Given the number and nature of complaints caused, in part, by the use of this tent, MCB4 would like to be informed about what measures will be taken to ensure all future event operators adhere to New York City laws regarding noise levels.

Given its authority over the Piers, NYCEDC is ultimately responsible for their operation. It is, therefore, vital that amplified sound remediation protocol be included in all leases, contracts and vendor agreements that relate to the use of any amplified sound. This includes the employment of an acoustical engineer to provide specific recommendations so that NYCEDC can ensure event organizers adhere to noise ordinances. These may include the adoption of sound limiting technology, which is commonly and successfully utilized by many operators throughout our district.

Obviously, event organizers using amplified sound should make a concerted effort to conduct prior outreach to the community. This includes the dissemination of a complaint hotline number, which should be manned by a designated on-site staff member throughout each event. This hotline information should be shared with MCB4's District Manager, who will post it on our website and further disseminate it via email blasts.

MCB4 is particularly disturbed that these ongoing community disturbances could have been avoided if NYCEDC had taken responsibility for the use of the Piers by doing what was necessary to prevent excessive noise leakage before leasing the Piers to Vornado/Merchandise Mart Properties, Inc. (“MMPI”). Even MMPI admitted that, “Piers 92/94 were not intended for loud, live music, and that such parties are in fact a break from their standard business model.”

It is time for NYCEDC and Vornado/MMPI to work together to fund capital improvements that will eliminate future constituent complaints caused by sound leakage resulting from the insufficiencies of the current building structures, as well as the future use of the aforementioned tent.

We have also received complaints regarding traffic back-ups caused by idling cabs, limos and other vehicles that are lined-up to pick-up passengers. As such, we request that NYCEDC work with Vornado/MMPI to find a resolution to this problem, which not only affects residents but commuters as well.

In addition, MCB4 has become aware that truck drivers who are attempting to enter the lot (often in the middle of the night) restrain from honking at the security gate. We strongly suggest that a sign be erected to remind drivers not to blast their horns, and for security gate attendants to be

trained to be more responsive to approaching vehicles. To further mitigate this problem, please consider posting a dedicated phone number to connect drivers.

In order to proactively facilitate a productive exchange of information between the community and event operators, MCB4 invites everyone who plans on utilizing amplified sound to attend a Quality of Life Committee meeting at least two months in advance of the event.

Importantly, as discussed at MCB4's October 2015 Quality of Life Committee meeting, we urge NYCEDC to ensure that Vornado/MMPI, sub-lessees, and all vendors stop alcohol sales at least one hour before closing each night to allow for a more gradual dispersion of patrons, which will help alleviate problems caused by large crowds exiting the venue.

As always, MCB4 encourages entrepreneurship and supports the generation of business in our district, however, as we hope you will agree, it should not be at the expense of constituents' quality of life.

We look forward to a detailed response at your earliest convenience, and look forward to working with you to develop a detailed protocol that addresses these issues.

Thank you for your attention to this matter.

Sincerely,



Christine Berthet
Chair



Tina DiFelicianantonio
Co-Chair
Quality of Life Committee



David Pincus
Co-Chair
Quality of Life Committee

cc: Hon. Brad Hoylman, State Senate
Hon. Linda B. Rosenthal, State Assembly
Hon. Corey Johnson, City Council
Thomas Pivarnik, Director of Operations, Vornado
John Trumble, Managing Director, Food Network & Cooking Channel New York City
Wine & Food Festival
Resident of 554 West 53rd Street
Ms. Lilly Pollack