



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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

CHRISTINE BERTHET
Chair

ROBERT J. BENFATTO, JR.
District Manager

July 23, 2014

Rev. Kurt H. Dunkle
Dean and President,
The General Theological Seminary
440 West 21st Street
New York, NY 10011

Dear Rev. Dunkle,

Manhattan Community Board 4 (MCB4) appreciates your appearances before its Quality of Life Committee. This letter serves as a follow-up to our discussion during the July 14th, 2014 meeting regarding the urgency for The General Theological Seminary, located between West 20th and 21st Street and Ninth and Tenth Avenue, to ensure that the Highline Hotel, which sits upon its grounds and generates funds to benefit the seminary, conform New York City Noise Control Codes.

The excessive noise currently in question emanates from the Refectory, which was traditionally used as a dining hall and at times doubled as a gymnasium for the seminary. The 3,300 square foot room has a coffered barrel vaulted ceiling and leaded glass windows. Today, according to the Highline Hotel's website, the Refectory is its premier event space with a capacity of up to 275 people: "This exquisite space is perfect for wedding receptions, galas, meetings, exhibitions or fashion shows." Due to the dissimilar use of the space, noise issues centering on music played during the Highline Hotel's events are now affecting long-time residents of a formerly peaceful residential block of Chelsea.

In response to one of MCB4's prior recommendations, you hired acoustical engineer Alan Fierstein to evaluate what can be done to ameliorate the problem. At the July 14th meeting, Mr. Fierstein stated that he had conducted noise samplings in five apartments in the vicinity of the Refectory. His tests verified that the measured noise was significantly higher than the permissible level, which is 45db as per the New York City noise code. In fact, readings of the levels reached during the three-hour testing period were between 60-65db.

It should be noted that in the case of commercial music, the DEP Code stipulates that the maximum level of music permissible inside an affected residence may be deemed excessive if any one of eight octave bands is exceeded. In practice, this means that for someone overwhelmed by thumping bass, a 45 dB(A) sound averaging measurement may be within legal limits (because the high frequency sounds are not present and the average reading is skewed downward), but when separate octave music readings are taken, the low frequency bass is shown to exceed lawful limits.

It is fairly well known that excessive noise is hazardous to one's physical and mental health. The body reacts to unwelcome noise as it does to other intrusive stressful stimuli: elevated blood pressure, excessive secretion of hormones, changes in the rhythm of the heart. (There is a growing body of literature that suggests that physiological responses may lead to psychological impairment and/or bodily damage in children). In addition, the frustration of not being able to limit noise compounds the body's physiological responses. Thankfully, noise abatement technologies employed by acoustical experts can indeed significantly lower decibel levels to the legal limits.

Mr. Fierstein indicated that solutions were somewhat limited due to the building's landmark status. Notwithstanding the fact that residents indicated that music was loudest during the winter months, the current situation is exacerbated by the need for the hotel to keep windows open as a result of air conditioning problems. While you noted that there are currently no events scheduled for the remainder of July and the month of August, Mr. Fierstein promised to create a list of proposed solutions that take these factors into account. He noted that his report should be ready by the end of July 2014.

We appreciate that you clarified that you are ultimately responsible to ensure that corrective measures are taken immediately upon receipt of the report so that the level of noise conforms to the noise code, expeditiously. We understand your desire to try the least expensive method first and we appreciate your promise to try successive methods, without delay, until a final solution has been found.

During the meeting, residents also complained that marijuana was being smoked in the street by personnel associated with event-related delivery trucks. We acknowledge your commitment to ensure all laws are respected and adhered to by those doing business with The Highline Hotel and the seminary. We also appreciate that Tyler Morse, CEO of MCR Development LLC, which owns the Highline Hotel, has promised to be directly accessible via his cellphone during events so that residents can immediately reach him if the need arises.

We ask that you send us a copy of the acoustical engineer's report as soon as it is available, an estimated timeline for noise abatement implementation efforts and contingencies, and attendance at MCB4's September 2014 Quality of Life committee meeting to provide a status update.

Thank you for working with the community to finally resolve this quality of life issue.

Sincerely,

A handwritten signature in blue ink, appearing to read "Christine Berthet", is placed over a light gray rectangular background.

Christine Berthet
Chair

[Signed 7/23/14]
Tina DiFelicianantonio
Co-Chair
Quality of Life Committee

Cc: Tyler Morse, CEO of MCR Development LLC
Cc: Councilman Corey Johnson
Cc: Department of Environmental Protection
Cc: 400 Block Association