



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD No. 4

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J. LEE COMPTON
Chair

ANTHONY M. BORELLI
District Manager

October 11, 2005

Hon. Amanda Burden
Chair
City Planning Commission
22 Reade Street
New York, New York 10007

Re: Balsley Park, 362-8 W. 57th Street/866-72 Ninth Avenue - Application N 050227 ZCM

Dear Chair Burden:

This is an application for a Zoning Certification pursuant to Section 37-04 of the Zoning Resolution to permit continuation of a kiosk and open air café in Balsley Park, a public open space on Ninth Avenue between 56th and 57th Streets. The open space was completed in 1978 in connection with construction of the building known as “the Sheffield” at 316 West 57th Street. In 1998, the kiosk and open air café was approved by the City Planning Commission and the open space was extensively renovated. A renewal application for the kiosk and café was approved by the City Planning Commission in 2002.

Pursuant to the Notice of Certification dated December 21, 1998 by Rose Associates, Inc. in connection with the original application (N 990202 ZCM dated November 12, 1998), the owner of the Sheffield is required to maintain the open space substantially in accordance with the site plan prepared by Thomas Balsley Associates that was part of the original application.

The open space, including the kiosk and open air café, are heavily and enthusiastically used by the public. Service from the kiosk is convenient and affordable. This is a much-appreciated public amenity, and this Board is grateful to Rose Associates, Inc. for its development and continued maintenance of the open space.

Manhattan Community Board No. 4 has the following comments and recommendations on this application:

1. Continuing maintenance commitment. We understand that earlier this year the Sheffield was sold to 322 West 57th Owner LLC, an affiliate of Swig Burris Equities. Nonetheless, this application has been filed by Rose Associates, Inc. on behalf of the former owner. The new owner should be required to confirm that it will continue to maintain the open space in accordance with the 1998 Notice of Certification.

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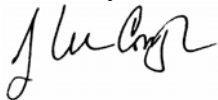
2. General maintenance. This Board has received several complaints that the open space is not kept sufficiently clean. In particular, we have received complaints about pigeon droppings on the kiosk tables. The tables are appropriately located under shade trees, and pigeons are a fact of urban life, so we are not requesting relocation or removal of the tables. But the operator of the kiosk should be required to redouble his efforts to keep the café area clean.

3. Modest repairs required. Because the open space is so heavily used, several elements have become worn, and require modest repairs:

- Kiosk tables – Over the years, the tables have become worn and several are now chipped and/or stained with pigeon droppings and coffee rings. The tables should be refinished or replaced.
- Plantings – Some of the plantings are now quite sparse, a function, no doubt, of heavy use and a challenging environment. The plantings should be restored to meet the specifications in the site plan.
- Graffiti – There is graffiti and chipped paint on some of the walls, particularly the wall surrounding the children's play area. The walls should be repainted.

Subject to addressing the matters listed above, this Board is pleased to recommend approval of this application.

Sincerely,



J. Lee Compton

Chair

Manhattan Community Board No. 4



Anna Hayes Levin

Co-Chair

Clinton/Hell's Kitchen Land Use Committee



Simone Sindin

Co-Chair

Clinton/Hell's Kitchen Land Use Committee

In order to provide a response within the 30-day review period, on September 30, 2005 a draft of this letter was transmitted by fax to the City Planning Commission.

Cc: Manhattan Borough President's Office
Local elected officials
Rose Assoc., Inc., Agent for Southcroft Co.
Mark A. Levine, Esq., Herrick, Feinstein LLP
322 West 57th Owner LLC, c/o Swig Burris Equities LLC