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THE WEST SIDE'S COMMUNITY NEWSPAPER SERVING CHELSEA, HUDSON YARDS & HELL'S KITCHEN

Hell's Kitchen Bus Congestion Bedevils

BY ZACH WILLIAMS

Rush hour on 10th Ave. offers the unmistakable odor of exhaust, the ceaseless rumble of engines and the sheer volume of human movement between the under-sized Port Authority Bus Terminal and the western shore of the Hudson River.

A line of NJ Transit buses stretched from W. 36th to W. 40th Sts. on Aug. 6, along the eastern curb of 10th Ave. — idling far beyond the city's three-minute limit. In the other lanes, competition grew as more and more buses from carriers such as Megabus, Peter Pan and Coach USA entered the four-lane avenue leading to W. 40th St. Some turn right there towards the bus terminal,

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Photo by Winnie McCroy

Foreground, L to R: Cher Elyse Carden, Andrew Rai and Steve Schaeffer are among only seven tenants, out of 23, who still reside at 222-224 W. 21st St.

This Fringe Has Edge



It's no mystery: FringeNYC (the New York International Fringe Festival) is on the Downtown boards through Aug. 24. Above, Janet Prince does double duty as British thespian Margaret Rutherford and Miss Marple creator Agatha Christie — in the U.S. debut of the U.K. smash, "Murder Margaret and Me." FringeNYC coverage begins on page 12.

Tenants' Rights Trashed Amidst Market-Rate Conversion

BY WINNIE McCROY

In a case of landlord harassment that State Senator Brad Hoylman called "egregious," the longtime tenants of 222-224 W. 21st St. are allegedly being illegally evicted so that Slate Property Group can construct high-end rentals in place of their subsidized housing.

Only seven of the original 23 tenants remain, and these holdouts say they are subjected to drilling and jackhammering from 7 a.m. until midnight, random cuts to utilities (including water, cable and Internet), unsafe living conditions, and a campaign of harassment intended to make them leave their home of nearly 20 years.

By the time tenants Cher Elyse Carden, Andrew Rai and Steve Schaeffer contacted Chelsea Now about what was happening to their home, construction workers had already torn out the floors and ceilings, walls and insulation, locked them out of the basement storage and laundry room, disconnected their buzzers and changed the locks on their front door.

"If I had the money, I would have packed up and moved," said Carden, who has lived in the building since

1986. "Now I'm appalled that this seems to be endemic in the city. If they would have kept 20 or 30 percent of it as affordable housing, that would have been okay. But they didn't. They just bulldozed their way through."

All seemed fine in the building until it was sold this March. By the end of the month, tenants came home to discover a generic eviction notice from MGT Property Management, which informed them that they would "be required to vacate and surrender the premises on or before April 30, 2014."

"You could hear people crying in their apartments after this happened," Carden recalled. "The superintendent was doubly sad, because he had lost both his home and his job."

Later, the remaining tenants received a more formal-looking notice from the landlord's attorneys, Belkin Burden Wenig & Goldman, LLP — requiring them to terminate their tenancy by Aug. 31, 2014 (the "Vacate Date") or face "summary proceedings under the Statute to remove you from the apartment for the holding over

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Idling Buses Don't Sit Well With CB4

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while most of the remaining buses move one block further, where two lanes of traffic lead west into the Lincoln Tunnel.

Traffic sometimes gets so thick that vehicles progress mere feet per green light. Getting through an intersection requires deft movement, utter attention and improvisation for drivers and pedestrians alike. Whenever buses block intersections, people go outside the crosswalks and into the intersections — and private automobiles are not above doing the opposite. Nearby construction equipment stored on street in front of the Hudson Yards development does not help.

With 200,000 passengers and thousands of buses traveling through the aging bus terminal every day, the congestion was already a familiar topic for Community Board 4 (CB4), as well as the collection of government agencies and non-profit groups involved with local transportation issues. Lasting solutions will take years to implement, but action in the short-term could lessen the circumstances that have put pedestrians in harm's way.

A July 14 collision on W. 47th St. and 10th Ave., during which two pedestrians (tourists) were struck and seriously injured by a Trans-Bridge Line, spurred the community board to once again seek action on the gridlock and associated safety issues. It remains to be seen whether the city Department of Transportation (DOT) will install signs on W. 44th and in the W. 40s between Ninth and 10th Aves. warning drivers of turning restrictions, as requested by CB4 in a July 28 letter — but DOT has consistently acted upon community suggestions in recent years, according to a March CB4 letter to Mayor Bill de Blasio.

"There has been a substantial increase in the number of commuter buses using the Lincoln Tunnel in the last several years," states the July letter to DOT Borough Commissioner Margaret Forgiione. "Many empty buses, typically entering from either the Lincoln Tunnel or parking spaces further south or west, enter the Port Authority between 4 p.m. and 6 p.m. each weekday to load passengers and then depart. Traffic regulations



Photo by Zach Williams

NJ Transit says they are not responsible for double-parked and idling agency vehicles that routinely fill 10th Ave. lanes during the afternoon rush.

require empty buses to use 'Through' or 'Local Truck Routes' to arrive at the Port Authority."

Permitted routes run from Eighth to 11th Aves., the entire length of W. 42nd St. and along W. 40th St. between the tunnel entrance and 11th Ave., states the letter, before adding: "Unfortunately, drivers of empty buses are illegally using other residential streets within Community District 4."

DOT has yet to respond, according to CB4 Transportation Planning Committee Co-Chair Ernest Modarelli.

CALLS FOR A MORE VISIBLE POLICE PRESENCE

The NYPD needs to deploy more traffic and parking enforcement to the area between W. 30th and W. 47th Sts., argued CB4 in another July 28 letter, this one sent to NYC Police Commissioner Bill Bratton.

"We appreciate that there has been a slight increase in the number of traffic agents at intersections during rush hour since our request earlier this year," reads the letter. "However, these new placements are only during rush hour, not during heavy bus inflow on 10th Ave. in the afternoon and at a couple of intersections. In addition, there remain very few infractions being issued to buses, despite the clear violations of both traffic and parking requirements."

Modarelli said the police department's response to the letter was similar to past efforts: they deployed a few more officers to 10th Ave., who are no longer seen after a week or two.

"It's touch and go, it never lasts," Modarelli reflected.

Pedestrians, meanwhile, followed maze-like paths through the canyon of buses, big trucks and beleaguered private automobiles. As she waited for her opening to cross the street with her young son, Corletta Alleyne reiterated the same observation as policy makers.

"They don't have anywhere to put [the buses]," she said.

Nearby, a police officer shook his head as he wrote a citation for one idling NJ Transit bus, but there were a dozen more up ahead. Technically, some of them only remained in one space for a green light or two, before advancing a bit further up the avenue. As one emerged from W. 37th St. to slip into 10th Ave., another blocked its way — needing a few feet of the intersection to accommodate its advancement along 10th Ave. The other driver would have to wait — at least 15 minutes.

"It's rough," said the NJ Transit driver of the rear vehicle who declined to give his name. "Everybody wants to go home."

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Calls to Combat Hell's Kitchen 'Busageddon'

Continued from page 7

PLEAS AND PLANS

The afternoon of Aug. 6 featured the same rush hour madness described by the CB4 letters, but previous attempts to be heard amidst all the bureaucratic noise surrounding the issue have hardly been successful. The community dynamics of the problem have drastically changed in the years following the 2005 rezoning of the surrounding area, which brought in thousands of new residents to an area known previously for its industry.

A decade ago, the congestion did not impact residential life so much, but now something must be done, CB4 wrote to NJ Transit in January. The letter requested a meeting with the transit agency to discuss pedestrian safety, bus idling, a routinely blocked M11 stop at W. 37th St. and the idea of diverting some of the buses to 12th Ave. — which an MTA spokesperson said (in an email to Chelsea Now) would conflict with the upcoming M12 bus line, as well as block a current bus depot at W. 40th St.

This was not the first time that CB4 reached out to NJ Transit, according to a Jan. 9, 2014 letter, which followed a similar one sent on Oct. 6, 2010.

"The conditions have not changed and our community continues to struggle with safety and quality of life concerns caused by the improper operation of your buses. We feel the inaction is unusual and not appropriate for a major bus company," reads the January 2014 letter which adds: "CB4 actively supports the Port Authority's efforts to build a new bus garage on the far west side or in Secaucus, NJ, which would mitigate these problems. However, building the garage is likely several years away and these matters of safety cannot wait."

A representative of NJ Transit said in



Photo by Zach Williams

A jeep turns against traffic while a Coach USA bus blocks the intersection of 10th Ave. and W. 39th St.

an email to Chelsea Now that the agency did not have the letter on file, but would forward a copy provided by Chelsea Now to the relevant officials. The NYPD is responsible for enforcing traffic laws, the agency said.

"NJ Transit is working collaboratively with the city of New York, the NYPD and the Port Authority, which operates the terminal, to address the issues of congestion around the terminal," the agency said in response to a question regarding current action on the problem. An MTA official stated a similar commitment to negotiation among CB4, DOT and other relevant parties.

A DOT study released in April (the Clinton/Hell's Kitchen Neighborhood Traffic Study) issued several recommendations — including improved signage, turn prohibitions on troublesome side streets, altering 11th and Dyer Aves. to better absorb rush hour traffic and expanding Port Authority Bus Terminal in order to address the traffic congestion resulting from tunnel traffic. No mention of 10th Ave. was made in the summary

of its findings. While the report concluded by stating that increased enforcement would be needed in order to properly implement its recommendations, the word "enforcement" appears only eleven more times in the 82-page document.

"The main traffic problem to be addressed is the chronic congestion caused by vehicular access to and from the Lincoln Tunnel," the report notes.

PORT AUTHORITY UPGRADE IN THE WORKS

The Port Authority, for its part, is in the midst of preparing an 18-month master plan to determine the future of its bus terminal.

"The functionally obsolete facility no longer meets the transportation needs of the hundreds of thousands of riders that pass through the terminal every day, and the Port Authority is committed to identifying comprehensive improvements within the context of its existing Capital Plan. This initiative will make interim improvements to the terminal as the agency explores a program to deliver

a redeveloped facility," read a July 25 statement announcing \$90 million in funding to update facilities within the terminal including dilapidated ceilings and bathrooms.

It is a good start, according to State Senator Brad Hoylman, who said in a July 24 statement that he looked "forward to working with the Port Authority as it continues to press forward with the Bus Terminal Master Plan, which would modernize and expand capacity of the depot and help keep idling buses off our city's streets."

Plans for a bus storage and staging facility (The Galvin Plaza Bus Annex, at W. 39th St., btw. 10th & 11th Aves.) are underway, with the Port Authority having submitted a request for \$250 million from the Federal Transit Administration. An additional \$170 million would be needed to realize the project according to projections. The Port Authority did not respond for a request for comment by press time.

CB4's Modarelli said that without "major investment," stricter enforcement is the only viable short-term option. In the coming years if political will and available funding coalesce, a canceled tunnel project could resume, allowing more traffic to simultaneously travel the Lincoln Tunnel. But what activists really wish for is a 7 train that would eventually traverse state boundaries, drastically reducing commuters' reliance on automobile travel.

"That is the dream of all," said Will Rogers, a member of local traffic safety advocacy group Chekpeders (the Clinton Hell's Kitchen Coalition for Pedestrian Safety), of which Modarelli is a member.

In a recent email thread among the group, one activist christened the traffic situation in Hell's Kitchen by a new portmanteau.

"Yes, it is 'Busageddon,'" he wrote.

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THE WEST SIDE'S COMMUNITY NEWSPAPER SERVING CHELSEA, HUDSON YARDS & HELL'S KITCHEN

10th Ave. Traffic Forces M11 to Skip Stops

BY ZACH WILLIAMS

Within the rush-hour fury of 'Busageddon' near the Port Authority Bus Terminal, one city bus line reflects both the best and the worst of efforts to tame traffic congestion in Hell's Kitchen.

The MTA's M11 is hard to spot amidst the thousands of daily buses moving between the terminal and the Lincoln Tunnel. At the macro-level, the humble bus line hardly assumes a conspicuous role within discussions among activists, residents, bureaucrats and politicians aimed at addressing the overall problem. Nonetheless, transit activists promote the M11 as an example of the costs locals pay for the thousands of commuters

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Photo by Raanan Geberer

ARCHAEOLOGY OF A WOMAN



Victoria Clark (left) and Sally Kirkland star in a feature film written and directed by longtime Chelsea resident Sharon Greytak. "Archaeology of a Woman" will have its NYC theatrical debut on Sept. 12, at Village East Cinema. See page 2 for more about this multi-layered look at a mother and daughter confronting dementia in the present and secrets in the past.

Key Parks of Hell's Kitchen

Serenity lies just beyond the gate, in these hidden (and highly affordable) green spaces. Beginning on page 12, Raanan Geberer introduces you to the four Key Parks of Hell's Kitchen — with a preview of three more on the way.

Sidewalk Cafe Skeptics Want Table For None

BY WINNIE McCROY

Putting tables on a sidewalk already dense with High Line foot traffic will open a Pandora's Box, say residents of London Terrace.

The high-end crudo restaurant Barchetta recently approached Community Board 4 (CB4), asking to add six or eight sidewalk tables, open until midnight. After the Business Licenses & Permits CB4 committee meeting voted against it, they submitted a revised proposal for two outdoor tables with a total of eight seats, to close by 9 p.m.

The problem at hand is that residents of London Terrace, located above Barchetta's 461 W. 23rd St. address (despite the discrepancy in address, the build-

ing is located inside of 465 W. 23rd St.), contend that it will take up too much space on a thin and congested sidewalk. Despite testimony from several residents (who provided numerous photos to support their claims), Barchetta's request was granted, when the full board passed Item #45 at the July 23 full board meeting of CB4.

"We approved it 21 to 12, so the vast number of us thought it was probably within zoning," said CB4 District Manager Bob Benfatto. "I think it passed because it closes at 9 p.m. every night, and it's seasonal as well. But we are not really certified planners. Some

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Lincoln Tunnel Congestion Blocks Bus Route



Photo by Zach Williams

An MTA M11 bus lets passengers off in the street while a vehicle blocks its stop, at 34th St. and 10th Ave.

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who move through this gateway to New Jersey.

NJ Transit (NJT) buses regularly block M11 bus stops along 10th Ave. between 34th and 44th Sts. Sometimes passengers come and go when the M11 stops in a center lane.

Other times, stranded prospective passengers can see through the windows of the idling NJ Transit vehicles that their trip to the Upper West Side passed them by.

“I’ve been taking the M11 for quite some time, and what I would say at this stop there is always a problem due to the fact that you have the Lincoln Tunnel traffic. So as far as reliability and time

it can be iffy at times,” said Shelia Mims, an MTA employee waiting at W. 34th St. and 10th Ave. for the bus.

M11 buses were on time recently when Chelsea Now came for rides — but some riders report wait times in excess of an hour. Summer heat and lack of cover don’t help, riders said. Overall, the M11’s 80.5 percent on-time rate in Aug. 2014 thus far falls just a half percent short of eligibility for the “Schleppie” award given each year by the Straphangers Campaign, a project of New York Public Interest Research Group, for chronically unreliable MTA buses.

In July, the line arrived on time 79.4 percent of the time — 1.2 percent above the overall Manhattan average. Kathleen Treat, chair of the Hell’s Kitchen Neighborhood Association, said in an Aug. 14 email that she often gets off the M11 at 34th and 10th Ave., knowing she will arrive home faster by walking.

“So many people here depend on the M11 — elderly folks who cannot manage the subway stairs and disabled folks like my husband who rely on the bus to ‘kneel’ to accept his wheelchair,” she wrote. “The 10th Ave. wait to get Uptown is maddening.”

New development and a growing volume of interstate buses in the neighborhood further exacerbate the situation, according to Community Board 4 (CB4) Chair Christine Berthet, who is also a co-founder of transit advocacy group Clinton Hell’s Kitchen Coalition for Pedestrian Safety (CHEKPEDS). Major intersections Uptown comprise much of the problem, she added.

“Because of the congestion the buses are unreliable and the riders choose other means, thus the ridership declines and the MTA, instead of figuring what is the problem, just reduces the frequency,” she wrote in an Aug. 19 email to Chelsea Now.

MTA records indicate that M11 ridership fell about 12 percent in between 2008 and 2013 (when 12,404 passengers rode the line). According to an agency spokesperson, buses skip a stop due to rush-hour traffic at Ninth Ave. and W. 59th St., per a city Department of Transportation (DOT) request. No such measures have been taken on 10th Ave., according to MTA — though it often skips a stop as well, as seen in Chelsea Now.

Transit pressures in the neighborhood should result in all available bus stops being used, accord-

ing to Andrea Bernard, an interim board member at Hudson Yards/Hell’s Kitchen Alliance. She said she often has to walk to W. 42nd St. in order to catch the M11. Having “at least one solid bus that didn’t skip over stops” would greatly benefit all residents, especially the disabled, she added.

“The resources are limited for the west side transportation so it would be good to have all the stops used,” She said.

But efforts to reach out to NJ Transit, the transit company that routinely blocks M11 stops, have thus far fallen short. They have yet to respond to CB4 requests for a meeting. In an email to Chelsea Now, an NJT representative said responsibility for keeping the agency’s buses from the bus stops rests with NYPD.

MIXED SUCCESS AMIDST GRIDLOCK

Identifying the litany of relevant government agencies involved in Hell’s Kitchen traffic can be just as imposing as the problems themselves.

There are city agencies such as the DOT, NYPD and MTA. State agencies like NJT and the Port Authority of New York and New Jersey (PA) are major players, but they can range from grassroots groups like CHEKPEDS to the federal government. Cooperation among these groups as well as CB4 is crucial in arriving at both long and short-term solutions, representatives of NJT, MTA, DOT and CB4 told Chelsea Now.

Expanding the Port Authority Bus Terminal will take years. A new tunnel idea fell through when New Jersey Gov. Chris Christie channeled funds elsewhere resulting in a legal and political fight with the federal government, which had provided the funds. Extending the 7 subway line across the Hudson will not happen any time soon (if ever). These are all proposed top-down solutions to the overall problem: getting commuters through the Lincoln Tunnel with as little collateral traffic as possible.

In the meantime, bottom-up mitigation efforts are seeing some success in altering Ninth Ave. to be more pedestrian-friendly as well as a tad smoother for bus riders. A dedicated bus lane stretches from 41st to 44th Sts. Further improvements are under-

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Study Considers Better Balance of Traffic, Use of Bus Routes

Continued from page 4

way, according to the DOT.

The department released a report in April (Hell's Kitchen/Clinton Neighborhood Traffic Study) outlining numerous ways through which buses can be better shepherded between the tunnel and bus terminal while also boosting pedestrian comfort and safety.

According to Berthet, the study arose after a request by CHEKPEDS which was sponsoring a "Ninth Ave. renaissance community drive vision" which advocated a rapid transit lane on the thoroughfare.

The study is contemplating a better balance of traffic between the avenues, a better use of certain routes for buses," Berthet said in the email. "This will eventually result in lesser congestion on Ninth Ave." A planned Port Authority bus annex expansion on W. 39th St. (btw. 10th & 11th Aves.) will further ease congestion by accommodating an additional 100 buses and 30,000 daily passengers.

In the short term, many local residents say increased police enforce-

ment is the best shot at really speeding things along. Outreach to NYPD has resulted in periodic enforcement actions, according to transit activists.

"For a couple of weeks the traffic will be more sane, but they can't be here 24/7," said Linda Ashley, chair of the 44th Street Block Association and a member of CHEKPEDS.

On most days however, white-capped NYPD officers are the only present police resources managing traffic. Changes are necessary so that they can issue tickets for moving vehicles, said Ashley.

A July 28 letter from CB4 to NYPD reiterated community concerns of pedestrian safety and urged a more permanent increase in traffic enforcement compared with "a slight increase" in police presence since January.

"There remain very few infractions being issued to buses, despite the clear violations of both traffic and parking requirements," states the letter.

A resident of Hell's Kitchen for the past 30 years, Ashley said she has seen the neighborhood evolve from a crime-ridden industrial area to an



Photo by Zach Willaims

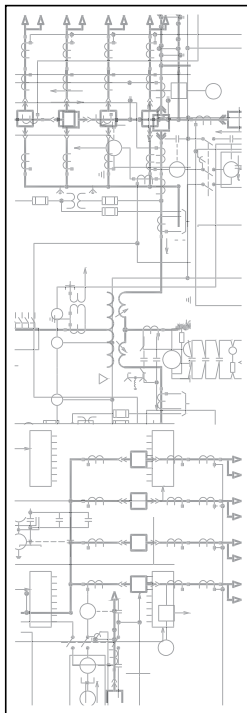
Improvements to Ninth Ave. include a designated bus lane during peak hours, but more enforcement is necessary to prevent abuse, say activists.

emerging ritzy area now plagued by what Ashley and fellow CHEKPED members call 'Busageddon.'

Longtime riders avoid the M11 stop at W. 37th St. and 10th Ave., but one New York City visitor waited for the bus there on Aug. 21 not knowing the reputation that stop enjoys. She said her experience with

the M11 and NYC public transportation has gone rather well since arriving from San Francisco.

"Oh my good, it's the best," said Navid Armstrong as the M11 arrived on time — though barely visible amidst the NJ Transit buses poised to slow down the line championed by locals.



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Cooper protest continues as new tuition kicks in, new security comes on

BY ZACH WILLIAMS

Students began the new semester at The Cooper Union on Tues., Aug. 2, with a reminder outside of the school's Engineering Building that the fight to keep the 155-year-old college tuition-free continues.

The Committee to Save

Cooper Union deployed a table, signs, pamphlets, a top-notch P.R. representative and plenty of vitriol toward the school's administrators and board of trustees.

Incoming freshmen, though, were their overall target as the group comprised of alumni, students

TUITION, continued on p. 13

Katz's reportedly sells its development rights, but deli will be staying

BY GERARD FLYNN

Recent news reports and rumors that a developer will be hoisting luxury condominiums atop Katz's on the corner of Houston and Ludlow Sts. aren't true, Jake Dell, the famed deli's owner, told The Villager this week.

"The look, the feel" of Katz's, now in its 126th year, will stay the same, Dell said.

He did confirm, however, that he had made a deal to sell "air rights," also known as development rights, to a developer, whom he declined to identify. But an agent from

KATZ'S, continued on p. 24



Governor Cuomo, left, marched on Eastern Parkway Monday with Mayor de Blasio, Chirlane McCray and their children, Dante and Chiara, at the West Indian Day Parade. His challenger Zephyr Teachout was also there. See page 3.

PHOTO BY TEOJULA MINISKY

Arthur's plays a different tune? Not for sale now, a source says

BY YANNIC RACK

Confusion surrounded the future of treasured West Village jazz club Arthur's Tavern this week, after its home at 57 Grove St. was listed for sale on two different real estate Web sites.

Listings for the property, to be delivered "100% vacant" and with a "ground floor commercial space," appeared on Leslie J. Garfield Real Estate and Town Real Estate, but were abruptly taken

down this week.

The only person that could be reached for comment was a man who didn't want to give his name but said he has been "affiliated with the place for over 20 years." He said on Wednesday that Arthur's is not, in fact, for sale and that there would be a press release by Thurs., Sept. 4, shedding light on the whole affair.

"It's a mistake and it will be taken off and it's not for sale," he stated. "We are not going anywhere."

The brokers for the prop-

erty could not be reached for comment. However, an employee at Town Real Estate confirmed that the broker responsible there had taken down the listing at the request of the building's owner.

Among the concerned fans of the club — renowned for its iconic piano bar — was jazz cabaret singer Cynthia Crane.

Without establishments such as Arthur's, she said, "There'll be very little reason to come to New York soon. Because you can get Starbucks anywhere!"



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Cooper flap continues amid new tuition, security

TUITION, continued from p. 1

and faculty seeks new supporters.

"The incoming students are super-, super-involved compared to last year," said Harrison Cullen, a senior who was among the dozen students and alumni representing the committee on Aug. 2.

Freshmen will pay about \$20,000 in tuition this year, in contrast to students who in past years received a free education. It's a necessary change in order to address the school's future operating deficits, according to administrators. With the new cost of attending the school, students are also finding new ways to relate to the community there, as well as each other.

"It actually brings us together because we're stuck in the same boat," said Gabe Frasier, an incoming freshman from North Carolina, who expressed his support for the committee as he made his way to class.

Another first-year student said the ongoing struggle over tuition catalyzed her early-decision application last year.

"A lot of the reason I did decide to apply was to become a part of the movement, to sort of be inspired by faculty and upperclassmen who are so devoted to the school," said Claire Klermann. She added that, to keep costs down, she will live with her family on E. 18th St.

Some new students reported that they haven't had to pay any tuition this year because of their lower-income status. According to Cooper Union, a higher proportion of students are eligible this year for Pell Grants, available to those whose family income is less than \$50,000. In recent years, about 17 to 20 percent of students qualified for this aid. This year, however, 22.4 percent of freshmen can receive such financial aid, according to school spokesperson Justin Harmon.

"This is likely to be a reflection of the fact that these students receive both a full-tuition scholarship and need-based aid that covers more of the cost of attendance, such as living expenses, materials and the like," Harmon said in an e-mail.

An ongoing lawsuit by the committee against Cooper Union's board of trustees aims to nullify newly implemented tuition for incoming students. Arguments were heard on Aug. 15 in State Supreme Court, with a critical factor being the court's interpretation of Cooper Union's founding documents, which the plaintiffs argue mandate a tuition-free institution for enrolled students. Representatives of the board of trustees disagree, The Villager reported on Aug. 21.

According to the committee, financial mismanagement resulted in the



A member of the Committee to Save Cooper Union held up one of their buttons, with the school's Foundation Building in the background, on Tuesday.

announcement from the trustees in 2013 to institute tuition on a sliding scale beginning this fall. In protest, a group of students occupied the office of President Jamshed Bharucha from May to July 2013. By January 2014 the trustees rejected alternate plans from faculty, alumni and students to deal with Cooper Union's financial challenges.

Harmon pointed The Villager to a 2013 online video by Robert Spencer, listed in the clip as part of interim financial leadership at the Cooper Union. Spencer said in the video that the whims of the real estate market caused revenues from the college's land under the Chrysler Building to not keep pace with rising expenditures.

Committee members further allege that college administrators are tampering with free expression regarding the tuition issue. A documentary on the life of Peter Cooper, Cooper Union's founder, by an alumna, for example, did not receive approval for screening during freshmen orientation because free tuition was discussed prominently in it, they say. But Harmon said that critics have misunderstood the situation.

Last spring, a member of the Cooper Union Alumni Association approached the Joint Student Council about hosting an event to show the documentary, but there was no follow-up, Harmon said. By the time last week that an alumnus approached Dean Stephen Baker about the idea, orientation week activities had already been finalized, Harmon. But they are welcome to screen the movie later in the semester, he added.

In addition, the recent hiring of a new security firm led by a TV pundit who has made charged remarks about the shooting of teenager Michael Brown in Ferguson, Missouri, has raised eyebrows. The committee says that, by hiring Bo Dietl and As-

sociates, the Cooper Union administration is further departing from the traditional spirit of the institution.

According to Harmon, the retaining of new security resulted from a study about campus security and is not meant whatsoever to counter potential civil disobedience from critics.

"Bo Dietl maintains a high public profile and has made statements about various issues that reflect a dif-

ferent worldview than that of many — perhaps most — members of the Cooper community," Harmon said in the e-mail. "However, his personal statements have no bearing on how the BDA-provided security guards are to carry out their responsibilities."

Student activist Cullen said that the local community should not be surprised if a fresh round of civil disobedience kicks off later in the semester. Right now, though, he said, the focus of the committee and its two dozen or so active members remains outreach.

On the first day, however, students waiting for their classes said while they vehemently support a tuition-free Cooper Union, the time comes when other priorities gain relative importance compared to campus activism, even while stories circulate about incoming students disadvantaged by tuition payments.

As his last year as an undergraduate begins, art student Aaron Fowler said this semester's beginning is making him consider life after Cooper Union.

"I've been dealing with this for the past two years," he said, "and I've sacrificed my own education for this failure of a school, and I need to worry about myself now."

PHOTO BY ZACH WILLIAMS



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DOWNTOWN EXPRESS

THE NEWSPAPER OF LOWER MANHATTAN

VOLUME 27, NUMBER 9

OCTOBER 9-OCTOBER 22 2014



Downtown Express photo by Zach Williams

Renata Anorsdottir with a cup of bubble tea.

Bubble Tea: No bursting the drink's popularity

BY ZACH WILLIAMS

Anne Pappenheim of Oxfordshire, England came to Chinatown for a different kind of tea Monday afternoon.

She took it with milk, sugar and plenty of black tapioca balls at the bottom of her domed plastic cup. She had never drunk bubble tea before this week, but a classmate from her university days would change that by bringing her to Ten Ren's Tea Time on Mott St.

"I've been told it's an experience not to be missed," she said as she turned her attention to the matter at hand.

"That's lovely," she said of the cold, vanilla-flavored drink in her

right hand.

Call it tapioca milk tea, bubble milk tea, boba (pronounced "ball [without the L sound] bah") or zhen-zhu naicha ("jen jew nigh cha"). Within the last 30 years, the drink has spread from its native Taiwan to Chinese communities throughout the world. A dozen or so businesses devoted to it are within a few minutes walk from Columbus Park in Manhattan's Chinatown. While their products taste quite similar, businesses distinguish themselves through ambience and the pace of life patrons desire as they satisfy their sweet teeth.

Wellington Chen, executive director of the Chinatown Partnership, a local business group, said boba business is hot. The phenomenon rep-

resents the broader Chinese snack tradition that often relies on the innovative use of ingredients and a cultural fixation on eating, he said. A common Chinese vernacular greeting includes a question: have you have eaten?

Acquiring the necessary permits to sell bubble tea is relatively easy compared to other business types, Chen added.

"They do recognize one thing," he said about Chinatown business owners. "Bubble tea has a nice profit margin to it."

Innovation accompanies the increasingly competitive local tapioca milk tea market, he said.

Continued on page 12

DOWNTOWN SUBWAYS AWASH IN CASH FOR FLOOD PROTECTION

BY DUSICA SUE MALESEVIC

The Metropolitan Transportation Authority has received \$301 million in federal money to fortify Lower Manhattan subways.

More than 500 street openings — stairwells, elevators, escalators, sidewalk vents, access hatches and manholes — will either be capped by fixed or deployable covers, according to an announcement last month by Governor Cuomo's office. These necessary street openings are where water can flood in, which is what occurred during Superstorm Sandy, Oct. 29, 2012.

Lower Manhattan was deluged with water when Sandy hit and its stations were among the last to reopen.

The M.T.A. is considering several different prototypes of manhole covers and deployable covers for elevators and stairways, M.T.A. spokesperson Kevin Ortiz wrote in an email. Possible options include a deployable sidewalk vent cover and two different manhole covers, one that has depth like a round baking pan and another like a solid tire with a handle jutting out, pictured in an M.T.A. report to Community Board 1 from late last year.

Other protective measures, said Ortiz, include \$112 million for substations, which houses the machinery that powers the subways, \$20 million for internal stations, \$64 million for equipment and \$24 million for pumping capacity.

The money will go primarily to

Continued on page 10



Bubble tea, ever 'yummy,' gets even bigger in Chinatown

Continued from page 1

"We didn't used to see this variety," he said in a phone interview. "That is new."

Some businesses offer long lists of available flavors. Others tempt passersby with accompanying snacks. There are places to drink boba and buns whereas other joints offer no place to sit. A sculpture of Marge Simpson meanwhile attracts attention to Vivi Bubble Tea at East Broadway where the interior menu options alike resemble fast-food shacks in China itself. There is even popcorn chicken — something

that added two pounds to my frame in Xi'an, China eight years ago.

The gleaming counters and steel sidings at Vivi juxtapose with the grimy sidewalk. This place would be quite at home near any Beijing university campus.

Tapioca milk tea appeals to the younger folks for two reasons, according to Vivi employee Bai Xun.

"There's lots of flavors and it is cheap," she said in Mandarin Chinese.

A cup usually goes for about \$2 or \$3.

Taro flavor did not disappoint me there as I completed a five-round binge of Chinatown's zhenzhu naic-

A sample of Bubble Tea places

Dragon Land Bakery

35 Walker St.
Open everyday 7 a.m. - 8 p.m.

Fay Da Bakery

5 Mott St.
Everyday 7 a.m. - 8:30 p.m.

Kung Fu Tea,

54 Canal St.
Tues.-Sun. 11 a.m. - 10:30 p.m.,
Mon. 11 a.m. - 9:30 p.m.

Teariffic Café

51 Mott St.
Everyday 11 a.m. - 11:30 p.m.

Ten Ren's Tea Time

79 Mott St.
Sun.-Thurs. 10 a.m. - 8:20 p.m.,
Fri.-Sat. 10 a.m. - 9 p.m.

Vivi Bubble Tea

2 East Broadway
Mon.-Thurs. 10 a.m. to 10 p.m.,
Fri.-Sat. 10 a.m. - 11 p.m.



Downtown Express photos by Zach Williams

"The Simpsons" statue adds some American flavor to the scene outside Vivi Bubble Tea on E. Broadway.

ha. While Vivi offers salty deep-fried confections, at Dragon Land bakery on the corner of Baxter and Walker Sts., the mixtures of sugar and salt come within the pastries. French chef Armelle Giriot has come there for the food as well as ample seating for 25 years. However, she had never tasted bubble tea until a friendly reporter offered her a sip last Friday afternoon.

She was under the initial impression that blueberries were at the bottom of the drink.

"Not bad," she said, but it was a bit too sweet for her taste.

Fay Da Bakery on 83 Mott St. keeps the sugar to a minimum. Ovaltine is on the menu but their real specialty was speed. Within 30 seconds, ordering and preparation were completed. Efficiency and technological sophistication coalesce at Kung Fu Tea on 234 Canal St. where 21st-century Chinese culture reveals new culinary heights amidst pop music ballads.

There were lots of people and racket inside the shop on Oct. 3. The custom-

er queue moved swiftly through as one machine shook the orders while another applied tops with a seemingly never-ending ease. Shop employees rushed to fill orders. Half the clientele occupied themselves with smart phones as they waited. They evidently had little time to lose as they retrieved their drinks and re-entered the N.Y.C. bustle outside.

When Donza Knight came to New York City a few years ago there weren't so many places in Manhattan selling bubble tea, though she first tried it in her native Buffalo.

"Then all of a sudden, they were everywhere," she said.

Not so much though in Iceland, said Renata Anorsdottir who is currently studying classic ballet in the U.S. A classmate's mother brought her to Chatham at 240 Canal St. for her second taste of cultural diffusion.

She did not go for a classic flavor though, preferring a bit of the familiar instead. Imbibing chewy tapioca

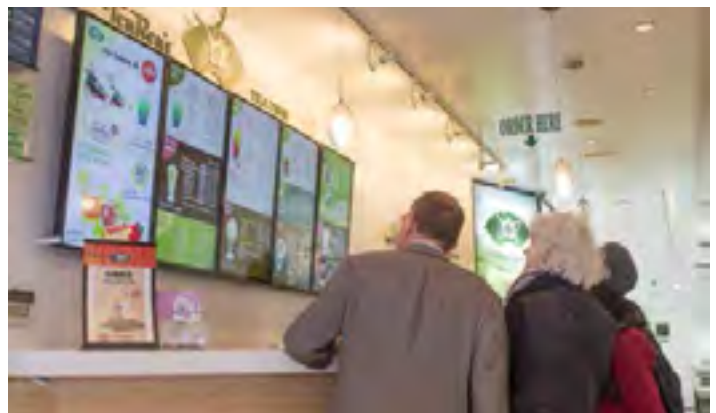
Continued on page 13

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Customers check out the menu at Ten Ren's Tea Time.

Less community space at 346 Broadway

Continued from page 6

the 15,713 square feet actually amounted to.”

“For [the Bloomberg administration] not to be crystal clear with C.B.1 was one failing.” Assemblymember Deborah Glick, who was opposed to the sale of 346 Broadway, told Downtown Express Oct. 1. “I do think the community deserves to get the space it was promised. A deal is a deal.”

Downtown Community Television Center, at 87 Lafayette St., will be in charge of the new media center.

“None of us asked for a media center,” said committee member Adam Malitz. “Frankly, there are plenty of other needs in the community that outweigh a need for a media center.”

The need for more schools and classroom space has been a continuing issue for Lower Manhattan.

The city contends the new space is less valuable, and Peebles negotiated with the New York City Economic Development Corporation for a compensation price of \$2.5 million.

“That two and half million dollar payment really represents about 70 to 75 percent of a recouping of the cost of the space,” said Jeffrey Nelson, executive vice president, real estate transactions, for the E.D.C. “Don’s view is he should pay zero, our view is he should pay some premium. And the number two and a half million is where we landed.”

He said there were many components when determining the value of the space.

The issue of whether that \$2.5 million

would be committed to C.B. 1’s district was also raised.

“It was determined that we want this money to stay in C.B.1 to the best of our ability,” said Thompson of the mayor’s office. “To the extent that we can work with the board to develop some parameters for the funding.”

“That’s the language that we’ve been hearing, with all due respect,” said Joyce. “It’s a new administration and I know that you mean as well as you can. It’s the same situation where we’ve been hearing that kind of language for a decade. And then what happens is, everything backpedals, ‘oops, someone made a communication mistake and oh we can’t really do it now.’”

“This is infrastructure. This isn’t an amenity. We are at a loss for infrastruc-

ture. I don’t fault [the Peebles Corp.], the city should have done diligence on this space,” she continued. “Now we have this really complicated problem and we can’t hear from you even that those funds can be committed to for this community.”

The committee passed a resolution asking for the city to get the best deal possible for the adjustment of the community space, and for it to commit to spending the money to benefit the C.B. 1 area.

“This community through the last 15 years, we have major ULURP coming before us, we all know about the South Street Seaport,” said Hughes, referring to the Uniform Land Use Review Procedure. “Depending how this goes will send a clear signal on what’s going to be happening as any other ULURP decision with the city.”

Bubble tea

Continued from page 12

through an oversized straw might just be peculiar enough.

“The texture of the bubbles is really strange and fun,” she said.

The Chinatown Partnership’s Chen said the strange ingredients

found in Chinese snacks can be attributed in part to a tumultuous history. Famines and wars made his ancestors consider foods as well as combinations that people elsewhere in the world might have overlooked, he said.

“We care a lot about eating,” he

said. “We haven’t always had it easy.”

Now Chinese people enjoy foods as diverse as scorpions, duck intestines and green pea ice cream in the booming night markets of China, Taiwan and Singapore. Nostalgia for these markets runs strong in Chen’s office, he said. With bubble tea there

is a fun outlet for this and a “win-win” for local businesses and their customers, he said.

“They are perfecting these little goodies,” he said of Asian night market snacks gaining increasing prominence stateside. “They are absolutely yummy.”



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Idling NJT Buses Kicked from Hell's Kitchen Curb

BY ZACH WILLIAMS

Afternoon rush hour on 10th Ave. remains frantic, but New Jersey Transit (NJT) buses no longer queue there before entering the Port Authority Bus Terminal.

NJT announced to Community Board 4 (CB4) on Sept. 17 that a partnership with the Port Authority (PA) would better manage the NJT fleet, which transports thousands of daily commuters in between the bus terminal and New Jersey. Agency buses will now linger within the Lincoln Tunnel until PA traffic enforcement gives them the go-ahead to drive to the bus terminal, NJT officials said.

CB4 Chair Christine Berthet — who is also co-founder of the Clinton Hell's Kitchen Coalition for Pedestrian Safety (CHEKPEDS) — told Chelsea Now that the new cooperation between NJT and PA indicates fresh momentum for addressing pedestrian and traffic issues on the avenue.

Continued on page 7



Photo by Jenny Rubin

Urban Flotilla Honors Harbor Heroes

The Chelsea waterfront was even more picturesque than usual on October 6, when over two dozen vessels took part in the Parade of Boats. Sponsored by the Metropolitan Waterfront Alliance, the procession is a prelude to their annual benefit. This year's Heroes of the Harbor Award Dinner recognized the work of Sims Metal Management, the New York and New Jersey Ferry Industry, and Captain John Doswell. For more info, visit waterfrontalliance.org.

CB4 Approves Expansion of Special West Chelsea District

BY WINNIE McCROY

The Chelsea community came together on Oct. 1 at the Fulton Auditorium for the monthly full board meeting of Community Board 4 (CB4). Top issues included presentations on domestic violence, the Special West Chelsea Rezoning of W. 15th St., and the Balanced Business Policy.

"If you don't think domestic violence is happening in this community, I'm here to let you know that it is," said Rose Pierre-Louis, commissioner of the Mayor's Office to Combat Domestic Violence. "Thirty percent of crime in NYCHA housing is DV-related. In 2013, 4,000 reports were filed in CB4 — 11 per day. Since 2002, there have been 15 DV-related homicides in CB4. And 121 of 573 felony assaults in CB4 are DV-related; almost a quarter."

Pierre-Louis said that the takeaway from the incident involving NFL player Ray Rice incident was the teachable moment allowing youth to see the dynamics

of unhealthy relationships. She referred people to the Family Justice Centers in each borough, including the renovated Manhattan office, co-located with DA Cyrus Vance's Special Victims Unit, dealing with DV, elder abuse and trafficking.

"Last year there were 280,000 DV reports filed with NYPD," said Pierre-Louis. "What's good about this is it indicates people are reaching out for help. But we don't have a sense who is going to other resources beyond the FJC, whether it be counseling or the emergency room."

Pierre-Louis noted connections between DV, homelessness and child abuse, saying that it cut across the very fabric of the city, as the 24 percent of New Yorkers who live with high poverty and low unemployment accounted for 42 percent of domestic violence cases last year.

Continued on page 5

Local Fest Has Global Flavor



The South Korean documentary "Let's Dance" is part of Oct. 16-19's Chelsea Film Festival. See page 17.

Idling NJT Buses Moved from 10th Ave to Lincoln Tunnel

Continued from page 1

"I think we've seen a big change, this change of buses is enormous in perception and in reality," she said.

The announcement follows at least two CB4 requests to address problems arising from the dozens of NJT buses which illegally idled on 10th Ave., forming a line in the far Eastern lane that often stretched for four or more blocks. Letters concerning the issue sent by CB4 in January 2014 went unanswered, Chelsea Now reported on Aug. 14. CB4 also wrote to NJT about the issue as far back as 2010.

"We feel the inaction is unusual and not appropriate for a major bus company," reads the January 2014 letter from CB4 to NJT.

However, the transit agency took a different posture at a Sept. 17 private meeting with CB4, which also included representatives from the NYPD, the PA, the city Department of Transportation (DOT) and private bus carriers such as Peter Pan and Trans-Bridge Lines. The meeting focused on the traffic situation around the bus terminal, according to Ernest Modarelli, co-chair of the CB4 Transportation Planning Committee.

"Out of the meeting, CB4 learned that there was some confusion on the part of the bus companies caused by miscommunication by the NYPD which would have one traffic agent directing buses down a street, and another officer issuing tickets to buses for using a residential block. NYPD said they would look into the issue and try to correct the miscommunication," he wrote on Sept. 28 in an email to Chelsea Now.

Collaboration among these groups resulted in the announcement from NJ Transit that they would end the practice of using 10th Ave. as a de facto bus staging area, according to a NJT spokesper-

son. The change — implemented on Sept. 15 — will also improve the efficiency of the NJT fleet by reducing by 25 percent the driving time of its fleet as well as helping to reduce traffic congestion during rush hours, the spokesperson added.

Under the plan, NJT buses will remain in New Jersey longer before journeying through the Lincoln Tunnel towards the bus terminal. PA traffic police will then send the buses north rather than south, according to a PA spokesperson.

"Therefore they enter the terminal without traversing the city streets," wrote a Port Authority spokesperson, of the plan, in an email. "[The plan] is still in the early stages and it will be reevaluated as conditions dictate, but so far it has been successful."

The spokesperson declined to provide information on how many PA police officers were deployed to the area as part of the plan, nor the cost. Such data is not made publicly available, the spokesperson added in a subsequent email.

The situations often credited with causing traffic delays and accidents remain common on 10th Ave. Vehicles drive through red lights and pedestrians cross the street outside of designated crosswalks. Buses turn right at the intersection with W. 40th St. on their way into the aging bus terminal that is largely blamed for the overall traffic problems at the bottleneck of 10th Ave.

The immediate blocks to the south as well as side streets were clogged with buses and private vehicles around 5 p.m. on Sept. 26.

Pedestrians dashed across the avenue in between interstate buses and large industrial trucks. Sedans swerved around buses, which blocked intersections during red lights. There was plenty of honking while an unidentified man presented an obscene gesture to the



Photo by Zach Williams

Changes in New Jersey Transit policy allowed the MTA's M11 bus to resume service to a stop at 10th Ave. and 37th St.

bus driver of an otherwise empty double-decker sightseeing bus, which had turned towards the man before stopping abruptly in the crosswalk — just before it would have hit the pedestrian.

There were no NJT buses idling along the avenue, but those from Coach USA assumed NJT's former position albeit in much smaller numbers. One Coach USA bus idled near an MTA bus stop at W. 37th St. and 10th Ave. for at least 30 minutes before leaving, far exceeding city and state limits on idling vehicles.

Along W. 39th St. parked buses from private carriers clogged the southern shoulder of the west-bound street.

But signs of progress were apparent as well.

The MTA's M11 bus had mostly ceased stopping at the stop at W. 37th St. due to the NJ Transit buses which had previously idled there as a matter of course, as Chelsea Now reported Aug. 28. Nearly one month later, three pas-

Continued on page 10

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Bus Volume Decreases in Frantic Hell's Kitchen Rush



Photo by Zach Williams

CB4 members expressed optimism that traffic conditions will improve on 10th Ave., which buses frequent in order to access the Port Authority Bus Terminal.

Continued from page 7

sengers waited for the M11 there, which was largely unimpeded by nearby idling private carrier buses.

Then an upsurge of buses heading north swarmed the stop, though the space immediately in front was still unoccupied. Two M11 buses would drive past on their way uptown. Just when it seemed that some things never change, a third M11 bus easily served the stop once the traffic subsided about 10 minutes later.

A few blocks north, four NYPD officers observed traffic while nearby a NJT official did the same, though the latter declined to offer details to Chelsea Now about what he was doing there. Despite the ongoing challenges, CB4 members expressed optimism that traffic forces are negotiating a turn for the best.

"Hell's Kitchen [from 30th to 39th Sts.] has been transformed from a bus parking lot back into a neighborhood, and my neighbors and I hope the initiative is a permanent solution," Modarelli added in the email.

In the past year, other progress has been made in addressing dangerous traffic conditions, Berthet added. A DOT study of Hell's Kitchen's traffic conditions, released last spring, resulted in numerous changes on Ninth Ave. such as delayed signals and increased turning signs.

"Now what we're seeing is a lot of the results from the study of Hell's Kitchen," she said in a phone interview.

Neighboring Community Board 2 approved a resolution on Sept. 18 calling on DOT to conduct a similar study of Seventh Ave. between 14th and Canal Sts. Conditions there are similar to those on Ninth Ave. before the changes.

"Complete Streets type redesigns, such as the kind that would be addressed in the requested study, including such improvements as pedestrian safety islands with landscaping, protected bicycle lanes, dedicated bus lanes, and traffic lights with leading pedestrian intervals or split phase timing have resulted in notable decreases in crashes and injuries on other NYC streets," reads a draft version of the resolution provided to Chelsea Now.

On Seventh Ave., at least four lanes of traffic are thick with cars, buses and trucks during rush hours. Automobiles routinely drive into a designated bus lane. Bicyclists compete for space with automobiles and car doors alike. Pedestrians islands — a method employed on Ninth Ave. to safeguard pedestrian crossings — are non-existent.

Street redesigns reduce injuries to street users, states the resolution, which cited recently released DOT statistics indicating that injuries on Ninth Ave. have fallen 58 percent following the study.

The resolution asks that a similar study be concluded within six months. The resolution as approved by CB2 could not be obtained by press time.

A DOT spokesperson said in an email that the department is reviewing CB2's request.

CB4 will likely take up the issue of asking DOT for a traffic study of Seventh Ave. in October, Modarelli and Berthet both said.

Implementing changes takes time, according to Berthet.

"We are making progress and there's a lot of small incremental progress which is hard to see," she said of ongoing efforts.

Tenants battle Kushner to save homes and garden

BY ZACH WILLIAMS

A backyard garden on E. Second St. between Avenues A and B doesn't look like a place that would be the center of conflict, but it was there that a landlord-tenant dispute quickly escalated in April.

A new building manager announced on April 8 that repairs to a retaining wall required the demolition of the garden, which is where residents of 170-174 E. Second St. go to unwind and also hold their tenant association meetings.

Ever since Jared Kushner — son-in-law of Donald Trump and owner of about 15,000 residential units nationwide — purchased the E. Second St. buildings at the beginning of this year, the tenants had been on edge. Kushner representatives quickly offered six-figure buyout offers, followed by a pattern of harassment defined by long periods of silence from building management interrupted by sudden and intimidating developments, tenants say.

"This is where the turning point was," said Cypress Dubin, a 10-year resident of the building, during an interview held July 14 in the garden. Dubin constructed the garden five years ago with the help of other tenants.

They fought back by asserting to the New York State Homes and Community Renewal agency that the garden was a protected building amenity, and that the dilapidated retaining wall cited as a Class C building violation was located elsewhere.

Management stepped back from touching the garden. But, within days, they also served Dubin with legal notice, claiming she was illegally occupying her studio apartment and owed the company thousands of dollars in back rent, plus attorney fees.

Legal actions by tenants and the landlord followed during subsequent months, with three tenants still considered illegal occupants by building management and 64 building violations issued by the city Department of Housing Preservation and Development — 40 of them since March 1.

Conflicting claims focused on the rent-stabilization status of apartments and whether the ownership / management company, Village K2, had adequately addressed building repairs and complaints about ongoing renovation work. The renovations, they said, were exposing the remaining in-place tenants to construction dust, in addition to causing noise, damage to walls, utility shutdowns and other inconveniences.

Meanwhile, following months of wrangling — and as the construc-



PHOTO BY ZACH WILLIAMS

The backyard garden, created by tenants, at 170-174 E. Second St. At left is Mary Ann Siwek and at right is fellow tenant Mark Fritsche. The buildings' new owner previously tried to demolish the garden, and plans are on file to expand the buildings into the open space.

tion work still continued — Mary Ann Siwek finally received a new lease on the apartment she has occupied for three decades.

"There was so much powder and dust," she said. "I was coughing. I had itching. I suffer from depression also. I increased my medication. I was losing it, just losing it. It was insane... There was nobody to ask."

Kushner representatives told The Villager that the cold winter, the previous landlord and the Department of Buildings permit process all created problems in addressing many tenant concerns. Ever since Kushner bought the buildings, they said, efforts have been underway to perform "electric system upgrades, new heating and hot water systems, plumbing repair and replacement, roof work, pointing, sidewalk repairs, refurbishing common areas, hallways and lighting systems, and new intercoms and mailboxes."

However, the "illegal" tenants will not let management enter their apartments. A repairman, though, eventually did manage to visit Fred Kaplan, a resident of 174 E. Second St. who also is seeking a new rent-regulated lease, on July 14 to fulfill a long-requested floor repair.

"We have a very strong track record of being responsive landlords in our other residential properties across the city," Matthew Gorton, a Village K2 spokesperson, said in a statement. "And we will provide the same high level of engagement and communication to address our residents needs in these buildings, despite attempts by a handful of illegal tenants to sabotage our efforts for their own personal gain."

These tenants are holding out in hopes of receiving larger monetary settlements before vacating their apartments, Gorton added.

Some of the ambiguity on the apartments' rent-stabilization status results from the previous owner's casually shifting tenants around within the buildings, while also maintaining inaccurate rental histories, tenants said.

Building residents point to the experience of Mark Fritsche, the tenant association president, as an example of how the shoddy rental records were fraudulently used to make the case for deregulation. Ultimately, Fritsche received a rent-stabilized lease after he proved the records had inaccurately recorded an apartment vacancy in 2007 — even though he resided there then.

Dubin admitted that, in previous years, she didn't fully understand the legal requirements for deregulation — namely, that a unit can be deregulated following a vacancy, if the rent exceeds \$2,500 — which is far above the \$1,425 she had been paying.

"I didn't know what to look for," she said. "I had a good relationship with them. The rent increases were reasonable."

In mid-April, the tenants association began seeking allies in their ongoing battle, including the Cooper Square Committee, Councilmembers Rosie Mendez and Margaret Chin and Community Board 3. By then, about two-thirds of the tenants in the two buildings had left.

For months, the tenants tried to get their grievances on the agenda of the C.B. 3 Land Use Committee. Finally, the committee heard the tenants at its July 9 meeting, and, in the end, voted to write a letter in support of their cause.

"There are dozens of other cases like this going on in the Lower East Side each year," said Brendan Kielbasa, lead organizer for the Cooper

Square Committee. "With the most aggressive, speculative landlords, we see a pattern of acquisition, renovation, management — or lack thereof... We've seen that 170-174 E. Second St. fits that pattern."

Whether the city's Housing Court ultimately rules that the tenants should receive new rent-stabilized leases won't be decided for weeks, at the earliest. Any type of cash settlement would have to be large enough to secure new housing of a comparable quality and cost, said Dubin, who has spent thousands of dollars of her own to retain an attorney.

She added that, even with a six-figure buyout, finding an apartment with a garden — where residents could gather for any occasion, and in which she could hold her private yoga classes — would be a tall order. Building management, meanwhile, has yet to say what will happen with the garden at 170-174 E. Second St.

"A final decision has not yet been made with respect to the backyard," Gorton said, "but access may be interrupted during reconstruction of the retaining wall."

Plans on file, however, call for the building eventually to be expanded into the backyard. Gorton did not respond by press time as to whether that will, in fact, occur.

For her part, Dubin warned that anyone considering settling with a landlord to vacate a rent-regulated apartment in the expensive East Village should first consider the overall costs of such a decision. Sure, the sum of cash initially appears a bit dazzling, but the rent at the next place will no doubt be higher.

"When you really break down how much more a month you have to pay," she said, "there's really no way for people to move and survive."