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2 **MANHATTAN COMMUNITY BOARD NO 4**
3 DECEMBER 7, 2011
4 ROOSEVELT HOSPITAL, 1000 TENTH AVENUE

5
6 **MEETING AGENDA**

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8 Public Session Christine Berthet
9
10 Adoption of Agenda Corey Johnson
11 Adoption of Last Month's Minutes
12
13 Report of the Manhattan Borough President Sandy Myers
14 Reports of Local Elected Officials Various
15 Report of the District Manager Robert J. Benfatto, Jr.
16 Report of the Chair Corey Johnson
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18 Committee Reports -- Letters & Resolutions
19 Old Business
20 New Business
21 Adjournment

22
23 **PUBLIC HEARING**

24
25 Before the beginning of the meeting there was a public hearing on the following two ULURPs
26 concerned with the Post Office Garage Project at 340 West 31st Street.

27
28 **ULURP No. C 110374 ZSM:**
29 **Application for a Special Permit (Section 13-562 and Section 74-52 of the Zoning**
30 **Resolution) to allow a public parking garage with a maximum capacity of 309 spaces**
31 **and to allow spaces on the roof of the existing 8th story.**

32
33 **ULURP No. C 120085 ZSM:**
34 **Application for a Special Permit (Section 74-54 of the Zoning Resolution) to modify**
35 **requirements (Section 33-292 of the Zoning Resolution) and allow a ten foot portion**
36 **of a garage building 23 feet above curb level, as a permitted obstruction in the rear**
37 **yard.**

38 There were no questions from the public. Some MCB 4 members had questions. Jay Marcus
39 noted the letter indicated that there is a lack of oversight when it comes to special permits; there
40 doesn't seem to be any enforcement when they expire. He also wanted to know if the
41 improvements to be done at the garage were to be executed before or after the renewal of the
42 special permit. Seth Wright, associated with the engineering aspects of the project, stated that
43 they would probably not be completed within four months. Sidewalk work should be done

1 simultaneously. Walter Mankoff declared that no work could be done before the ULURP process
2 was over. Jay thought that the sidewalk work could proceed.

3 4 **PUBLIC SESSION**

5
6 The Public Session began with a update from Deputy Inspector Elisa Cokkinos of the 10th Precinct
7 on the state of safety and crime in her geography. Pamela Wolff asked if there was more crime in
8 the area around the new BRC facility and the response was "a little more activity." Christine
9 Berthet stated that we needed more enforcement of the traffic regulations on Ninth Avenue.
10 Many speakers at the public session had comments on Item 2 on the evening's agenda, a letter
11 on the proposed New York City Council Intro 251-A known as the Fair Wages for New Yorkers Act.
12 Twenty-one speakers were in favor of the legislation. Many talked about their experiences in the
13 food service and retail industries where they had jobs but on the wages they were paid they could
14 barely cover all their basic family needs. Others cited cities like San Francisco which have already
15 passed similar laws with beneficial results.

16 Onida Mayers, Director of Voter Assistance at the NYC Campaign Finance Board, told the meeting
17 that on December 12 at the BMCC the agency would be holding a hearing on voting difficulties. A
18 number of people spoke in favor of the restoration of the 1972 Arnold Belkin mural "Against
19 Domestic Colonialism" in the Mathews Palmer playground on West 46th Street. It would be
20 undertaken by the group Rescue Public Murals. Some concern was expressed about the duration
21 of the restoration and its affects on the use of the playground. It was noted by Corey that no
22 vote would be taken tonight on the mural restoration. The issue would addressed in the
23 Landmarks committee and a letter would come before the full Board in January.

24 Alfred Siqueros came forward and endorsed the application of La Boom (Item 19). Stephanie
25 Baretto called to the Board's attention upcoming City Council hearings on raising fines on the
26 owners of illegal hotels. Tiffany Baron of the Pearl Theater Company announced that the
27 company was looking to form partnerships with community groups. MCB 4 member Carmen
28 Matias stated in response she would be more willing to support the Pearl if the people involved in
29 their productions better reflected the community. Donna Sherman of the Highline mentioned the
30 beginning of winter hours on the Highline and their sponsorship of a Christmas toy drive.
31 Damyanti asked why the billboard art is lit up until 10 pm while the Highline closes at 7 pm.
32 Donna replied that they believed there was enough neighborhood foot traffic on Tenth Avenue to
33 warrant the additional three hours. Andrew Bey of the West 46th Street Block Association said
34 that his group had worked with the restaurants on the plans for reconstruction and that they now
35 approved the designs. He reported that the sidewalk signs had been dropped and the lighting
36 and signage had been modified. Paul Ames said he had gone to the Boxers 500' SLA hearing and
37 was dismayed. Lisa Wager of FIT announced that the school's museum was mounting a new
38 exhibition based on items from its permanent collection.

39 40 **ADOPTION OF THE AGENDA AND** 41 **THE MINUTES OF THE NOVEMBER BOARD MEETING**

42
43 Agenda adopted with the addition of a new item suggested by Larry Roberts. It would be a letter
44 to the SLA illustrating further concerns about Boxers including smoking and the new position of
45 the door. Passed.

46 November's minutes accepted.

1 **REPORT OF MANHATTAN BOROUGH PRESIDENT SCOTT STRINGER**

2 represented by Sandy Myers

3
4 The Borough President’s representative announced that she was leaving the BP’s office to
5 work with the UJA in governmental affairs. As one of her last duties, she reminded people
6 that applications for open Board positions were due by January 15.

7
8 **REPORTS OF OTHER ELECTEDS**

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10 Congressman Jerold Nadler, Katie Smith reported, has called for an investigation of police
11 conduct at the OWS sites. She also mentioned that the Senate Judiciary Committee has voted
12 out the bill to eliminate DOMA.

13 Senator Tom Duane’s representative Sara Myers Zimble reiterate his deep concern about
14 hydrofracking in New York state. The Senator will be holding a public forum, she added, on
15 the proliferation of bars in the neighborhood. It is tentatively slated for January 19.
16 State Senator Dick Gottfried, Jeffery Lafrancois informed the Board, viewed the legislation
17 coming out of the special legislative session as a “victory for social justice.” Moving forward
18 the Senator will be proposing legislation that would eliminate the ability of landlords to convert
19 rental apartments to their private use as has recently happened on West 16th Street. He will
20 also continue his support of the medical marijuana bill.

21 State Assemblymember Linda Rosenthal’s representative Paul Swere reiterate her opposition
22 to hydrofracking. He also raised the issue of off-season mosquito breeding areas and possible
23 infestations.

24 City Councilmember Gayle Brewer spoke before the Board. She is working with the Durst
25 Organization to get permanent affordable housing for its development on West 57th Street.
26 There will be hearings on December 13 on illegal hotels and on December 15 on gun
27 reciprocity legislation which she opposes. The councilmember was pleased to announce that
28 the Board of Elections will now have available sample ballots before the election.

29 City Councilmember Christine Quinn’s representative, Michaela Miller, informed the Board that
30 the Council had filed a lawsuit on the new proposed eligibility rules for homeless childless
31 adults. Also the Council passed a bill that requires the city’s DoT to provide community boards
32 with traffic data from before and after the implementation of bike lanes as well as coming
33 before the boards with plans prior to any construction.

34 City Comptroller John Liu has completed an audit of the awarding of concessions by the Parks
35 Department, stated Jessica Dennison, and has discovered because of faults in the process the
36 loss of \$8m.

37 Manhattan District Attorney Cyrus Vance’s liaison to the Board, Edgar Hugh, announced that
38 the DA would be offering training on spotting elder abuse and he has opened a new hotline.

39
40 **REPORT OF DISTRICT MANAGER ROBERT J. BENFATTO**

41
42 Bob went to a number of meetings in the past month. He updated the Board on the Port
43 Authority Jumbotron. There was a meeting including residents affected and representatives of
44 Speaker Quinn to discuss the issues. There will be a follow-up meeting. Bob reported that he
45 met with DoITT on street phone policy and they are favorable to our input and are up to
46 reevaluating the whole concept of street phones. The meeting he attended on the five year

1 water tunnel local extension on W48th was raucous. Bob represented MCB 4 at
2 Councilmember Brewer's town hall and he was impressed with her personal knowledge of the
3 500 people there. The SLA had a 500' hearing on Boxers which he went to. Finally, in relation
4 to the new BRC facility, only four people showed up with complaints at the open monthly
5 community meeting.

6
7 **REPORT OF MCB 4 CHAIR COREY JOHNSON**

8
9 Corey introduced Evangeline Gomez, a new member of MCB 4. The Board currently has three
10 vacancies. The BP will be having informational sessions for people interested in serving on
11 community boards.

12 Last night, Corey reported, he attended a large meeting on the future of Phase III of the
13 Highline. This is the northern section to be incorporated into the new Related developments
14 to be constructed above the MTA LIRR yards.

15 Corey reminded Board members about the holiday party scheduled for December 18.
16 He also thanked Joe Restuccia and David Pincus who he said worked very hard with Speaker
17 Quinn's office on the dangers resulting from the reconstruction of the building on W45th Street
18 and Tenth Avenue while tenants are still living in their apartments. He is cautiously optimistic
19 that we will get a satisfactory resolution.

20
21 **REPORT OF THE BUDGET TASK FORCE**

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23 Budget Task Force Co-Chair Burt Lazarin reported that MCB 4 sent to the NYC Office of
24 Management and Budget the statement we developed in the fall on the FY 2013 budget. Bob has
25 yet to receive a reply but is expecting it soon. OMB will respond to each of the issues we
26 addressed. Burt noted that in the beginning of November the Mayor issued a modification to the
27 city's fiscal plan. At this time in the budget cycle changes are usually minor. But this year it
28 included a \$2.6 billion reduction of the projected deficit accomplished by agency cuts including
29 layoffs in the libraries and cultural; eliminating the contribution to the retiree health care trust
30 thus freeing up for other uses \$1 billion; and estimating the city will gain \$1 billion in additional
31 revenue by selling new taxi medallions as authorized in the legislation awaiting the Governor's
32 signature. Even with this reduction, the gap for next fiscal year remains large at a little over
33 \$2 billion. The next step in the budget process will be the release in January of the new financial
34 plan and the preliminary FY 2013 budget.

35
36 **REPORT OF THE GOVERNANCE SPECIAL COMMITTEE**

37
38 Committee Co-Chairs John Weis and Betty Macintosh related to the Board the committee's
39 process in developing its report. John described it as triage. They divided the Board's current
40 operating procedures into three categories: what we think we should look at (by-laws), other
41 areas that might need change, and those items that we did not think we wanted to consider.
42 Corey suggested that having done this, the next step should be a new task force that will focus on
43 the first two categories and then make specific proposals to the Board.

1 **COMMITTEE LETTERS AND RESOLUTIONS**

2
3 Executive Committee

4
5 Item 1: Letter to Governor Cuomo re Hydraulic Fracturing gas drilling in the New York City
6 watershed area. JD Noland argued that the letter should address the drilling issues as they
7 pertain to the city’s watershed area only and not range wider than that. Brett Firfer suggested
8 that the last paragraph was not necessary. David questioned the connection between the drilling
9 process and earthquakes. Passed with the deletion of the last paragraph.

10 Item 2: Letter to Councilmember Gale Brewer re Fair Wages for New Yorkers Act. Christine
11 Berthet asked for the removal from the beginning and the end of the letter of the word
12 “conditional” used to describe the nature of the Board’s support for the Act. Joe agreed stating
13 that the body of the letter contains questions about the Act, not conditions of our approval. Sara
14 Desmond thanked all the people in the room who had shown up and spoken in favor of the Act.
15 She thought lines 77 through 125 should be deleted from the letter. Walter Mankoff spoke
16 against the Act arguing that low wages should be raised through hikes in the minimum wage. He
17 feels that this bill is too complicated and wondered where the opposition was. Jesse Campoamor
18 supported the letter and the Act and concurs with Sara that lines 77 through 125 should go. In
19 response to Walter, Jesse stated that the Quality of Life Committee invited speakers against the
20 Act to speak but none showed up. James Wallace echoed Walter also thinking the bill too
21 complicated and that the issue would be better addressed legislatively through already existing
22 minimum wage laws. Betty wanted the letter changed as previously suggested. Raul Larios also
23 thought that “conditional” should be deleted; he is strongly in favor of affordable housing and a
24 living wage goes hand-in-hand with this goal. Paul Seres noted that as the bill is written there
25 would be no enforcement at the local level unlike in San Francisco. He said he was in favor of the
26 Federal government raising the minimum wage. Joe is in favor of amending the letter by the
27 language changes discussed. He also wants to eliminate the paragraph on the Hudson Yards.
28 Jay Marcus believed that the concerns of small businesses were still not addressed by the
29 proposed Act.

30 Amendment to modify the letter with the changes discussed passed 22 - 10. Final letter
31 approved.

32
33 Chelsea Preservation and Planning Committee

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35 Presented by, Co-Chair.

36 Item 3: Letter to CPC re Post Office Garage Project – 340 West 31st Street. Christine brought to
37 the Board’s attention the fact that this is the third time a garage has been illegally operating in
38 the neighborhood and has come before us for a special permit. We should add language in our
39 letter noting this and the lax enforcement of the zoning code by the city. Brett informed the
40 Board that the applicant had a special permit but it had expired and was cited for overparking.
41 Damyanti Radheshwar asked if in effect we are giving them a bonus, permitting them additional
42 parking? Brett responded with a no, in fact there maybe a reduction in parking spaces from the
43 number they have been illegally using. Walter agreed with Christine but thought our comments
44 on enforcement should go in a separate letter to the City Planning Commission. Ed Kirkland
45 opined that he had never seen a garage legally operating. Joe added that he did not like the
46 precedence and to avoid this we should include in the letter some history. Brett felt that the
47 applicant is proposing physical changes that would make it more neighborhood friendly. Jay also

1 wants the Board's objections outlined in another letter but thought we could include a oneliner in
2 the letter before us stating something like: if you frequently violate the rules of your operation,
3 you won't get your special permit renewed. Hugh Weinberg argued that the Board should be
4 regularly notified when a special permit expires. Pamela asked if the garage had engineering
5 issues and the answer was no. Carmen Matias observed that the length of the discussion to her
6 indicates that there are unmet issues.

7
8 Clinton/Hell's Kitchen Land Use Committee

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10 Presented by Brett Firfer, Co-Chair.

11 Item 4: Letter to CPC re "E" designation zoning text amendment. Passed.

12
13 Landmarks Committee

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15 Presented by Ed Kirkland, Co-Chair.

16 Item 5: Letter to LPC re 473 West 21st Street. Passed.

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18 Transportation Planning Committee

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20 Presented by Christine Berthet and Jay Marcus, Co-Chairs.

21 Item 6: Letter to DoT re One-Way signage at 601 West 41st Street. Passed.

22 Item 7: Letter to DoT re traffic signage and signals on Tenth Avenue and West 19th and West 21st
23 Streets. Passed.

24 Item 8: Letter to DoT re One-Way on West 59th Street between Tenth and Eleventh Avenues.
25 Passed.

26 Item 9: Letter to DoT re signage on West 41st Street and Eleventh Avenue. Passed.

27 Item 10: Letter to Times Square Alliance re proposed street improvements to Restaurant Row.

28 Joe criticized the TSA because they had not made outreach to all the property owners that would
29 be affected by the proposal; his organization owned property and had not been contacted. JD
30 expressed his concern about the installation of solar powered lights here as setting a precedent.

31 What will happen, he wondered, if other streets ask for them? Jay responded that language
32 would be added to the letter stating clearly that this was not the case, that this only applies to
33 Restaurant Row. Corey suggested that language also be added noting that property owners are
34 aware of the plans and are participating in the process. Passed with the added language.

35 Item 11: Letter to SAPO re proposed changes to the Rules of New York concerning Street Activity
36 Permits. Passed.

37
38 Business Licenses and Permits Committee (BLP)

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40 Presented by Paul Seres, Co-Chair.

41 Item 12: Letter to SLA re Café Maria Antonieta, Inc. d/b/a La Kasbah – 498 Ninth Avenue (btwn
42 W37th and W38th Streets).

43 Item 13: Letter to SLA re Aura LLC d/b/a Mickey Spillane's – 350 West 49th Street.

44 Item 14: Letter to SLA re Gastro Market LTD d/b/a TBD – 315 Tenth Avenue (btwn W 28th and
45 W29 the Streets).

46 Item 15: Letter to SLA re Leo and Emma's Restaurant Corp. d/b/a The Delta Grill – 700 Ninth
47 Avenue at W48th Street.

48 Item 16: Letter to PBQ LLC d/b/a PS 90 – 765 Ninth Avenue (btwn W51st and W52nd Streets).

1 Item 17: Letter to SLA re Simply Thai Restaurant Corp. d/b/a Ideal Thai Cuisine – 693 Ninth
2 Avenue (btwn W47th and W48th Streets).

3 Item 18: Letter to SLA re The Hummus & Pita Co, LLC d/b/a TBD – 585 Sixth Avenue (btwn
4 W16th and W17th Streets).

5 Items 12 through 18 were bundled and all were passed.

6 Item 19: Letter to SLA re La Boom, Inc. d/b/a La Boom – 605 West 48th Street. JD noted that the
7 applicant had been asked to reach out to the neighboring block associations and had not done so.
8 Larry averred that there had been a miscommunication about whom to contact. He believed that
9 they now will talk with the West48th/47th Street Block Association. Corey added that it would be
10 a sign of good faith to talk to local groups. He asked if members of the Board wanted to hold up
11 the application until this was accomplished; no one answered affirmatively. JD advised the
12 applicant that they should attend the Midtown North community meetings. He also wanted a
13 copy of the letter sent to the City Planning Commission because this establishment may be a
14 harbinger of a mass migration of clubs into the West Side around Eleventh Avenue. Brett
15 commented that La Boom will attract a lot of people and it was a long walk to the nearest subway
16 stop. Betty had the same thought. In response they were told that the applicant intends to run a
17 shuttle van between their site and the Port Authority. Jay inquired about the hours of operation
18 of this shuttle. Corey asked the applicant if they were willing to appear before the Transportation
19 Committee and they said yes. Joe wondered if there was to be dancing on the roof. Miguel
20 stated emphatically that he was in favor of the applicant since there was no live Latin music
21 venue in Manhattan. Maarten de Kadat asked if there was going to be any kind of sound control.
22 Yes was the answer but since it is not mentioned in the letter, Corey added that it would be
23 included.

24 Passed.

25
26 New Business

27
28 Letter to SLA re Boxers Enterprises, LLC d/b/a Boxers HK – 766 Tenth Avenue. No printed letter
29 before the Board since this is new business. Corey outlined what would be included. Passed.

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31 The meeting was adjourned.

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33 Respectfully submitted by Burt Lazarin

34