

1 **MANHATTAN COMMUNITY BOARD 4**

2 January 6, 2014

3 Hotel Trades Council Auditorium, 305 West 44th Street

4
5 **PUBLIC HEARING**

6 **Presentation:** Letter to BSA re Special Permit application for a PCE (gym) – Peloton – at 140 West 23rd
7 Street

8
9 **Presentation:** Clinton Housing Development Company and Taconic/Ritterman - proposed
10 moderate/middle income housing and 80/20 housing at CURA Site 7 – 540 West 53rd Street, ULURP #s:
11 140181 ZMM, 140182 ZRM, 140183 ZSM, N 140184 ZCM, and 140185 HAM

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|----|----------------------------------|-------------------------|
| 12 | | |
| 13 | Public Session | Hugh Weinberg |
| 14 | Adoption of Agenda | Christine Berthet |
| 15 | Adoption of Last Month’s Minutes | Christine Berthet |
| 16 | Manhattan Borough President | Jesse Bodine |
| 17 | Local Elected Officials | Various |
| 18 | District Manager Report | Robert J. Benfatto, Jr. |
| 19 | Chair Report/Committee Reports | Christine Berthet |
| 20 | | |
| 21 | | |
| 22 | | |
| 23 | | |

24 **Chair Christine Berthet called the meeting to order at 18:38.**

25
26 Chair Berthet introduced Helen Rosenthal, new city council member representing Council District 6
27 (which includes a small part of CB4). Ms. Rosenthal introduced herself and her liaison to CB4, Jason
28 Harvey.

29
30 Chair Berthet then welcomed Corey Johnson, former CB4 Chair and new city council member for
31 Council District 3. Councilmember Johnson stated that he would occupy the same district office, with
32 the same phone number, as had been occupied by Councilmember Christine Quinn. He spoke about
33 yesterday’s tragic fire at 500 West 43rd Street and praised the over 100 firefighters on the scene for their
34 efforts. Jeffrey LeFrancois will be Councilmember Johnson’s new chief of staff, and Matt Green the
35 liaison to CB4. Shirley Littman, who lives at Penn South, will be handling constituent affairs.

36
37 Mike Petrillo, from the Tenth Precinct, spoke next. He stated that the year ended well with respect to
38 crime statistics. He noted that there had been a slight increase in property crime and urged residents to be
39 vigilant and aware of their surroundings. He invited interested community members to attend the
40 monthly police community council meetings, with the next meeting on January 29.

41
42 **PUBLIC HEARING:**

43 Chair Berthet introduced Chelsea Land Use Co-Chair, Lee Compton, to present: **Special Permit**
44 **application for a PCE (gym) -- Peloton at 140 West 23rd St.**

45 Mr. Compton invited comments from the Board and from the public. No one spoke. Mr. Compton
46 closed the public hearing.

1 **PUBLIC HEARING:**

2 Chair Berthet introduced Clinton/Hell’s Kitchen Land Use Chair JD Noland to present: **Clinton Housing**
3 **Development Company and Taconic/Ritterman - proposed moderate/middle income housing and**
4 **80/20 housing at CURA Site 7 – 540 West 53rd Street, ULURP #s: 140181 ZMM, 140182 ZRM,**
5 **140183 ZSM, N 140184 ZCM, and 140185 HAM.**
6

7 Mr. Noland introduced Joe Restuccia, of the Clinton Housing Development Company (“CHDC”) and a
8 member of CB4, to present the application -- an application by the Department of Housing Preservation
9 and Development (“HPD”) of the City of New York, joined in part by 525 West 52nd Street Property
10 Owner LLC (Taconic Investment Partners, LLC and Ritterman Capital, Inc.), for a series of actions
11 related to properties located in CB4 on Block 1080 and Block 1081, which are bounded by West 53rd
12 Street to the north, Tenth Avenue to the east, West 51st Street to the south, and Eleventh Avenue to the
13 west.
14

15 Mr. Restuccia stated that the project was the culmination of four years of work and would result in over
16 200 units of affordable housing.
17

18 Mr. Restuccia introduced Charles Bendit of Taconic Investment Partners, LLC. Mr. Bendit provided
19 some background on Taconic and noted that this project involved a joint venture of Taconic and
20 Ritterman Capital, Inc.
21

22 The discussion referred to the three buildings involved in the project as the CHDC building (CHDC is
23 partnering with Taconic/Ritterman on this site), the Taconic/Ritterman building, and the Captain Post
24 building.
25

26 Mr. Restuccia stated that the CHDC was in its fortieth year of developing affordable housing and noted
27 that this project involved providing a range of affordable housing, the accommodation of long-term local
28 businesses, a high level of design, and concern for the context of the neighborhood. He presented slides
29 of the development area before introducing the project’s architect, Gary Handel.
30

31 Mr. Handel presented slides of the overall project. He noted that one goal of the design was to preserve
32 light and air in Clinton Park by moving the bulk of the largest building to the northeast corner of the site;
33 typically, the greatest mass would be on the avenues, but here it would be midblock. Mr. Handel stated that
34 city planning requested a varied street wall, which he sought to provide. The design also aimed at
35 providing a more pleasant pedestrian environment on West 53rd Street, with a continuous retail presence
36 and 20 trees. Site plans include two public gardens, plus gardens for residents.
37

38 Mr. Restuccia described and presented slides of the proposed CHDC building at 540 West 53rd Street,
39 with approximately 103 units of affordable housing. He stated that one mission of the design was to
40 accommodate two long-term business tenants, Cybert Tire and LeNoble Lumber.
41

42 Mr. Handel described and presented slides of the proposed Taconic/Ritterman building at 525 West 52nd
43 Street, with approximately 81 units of affordable housing and approximately 324 market-rate units.
44

45 Mr. Restuccia described and presented slides of the Captain Post building at 556-560 West 52nd Street,
46 with 22 units of affordable housing.
47

48 Mr. Restuccia stated that the project is predicated on selling inclusionary housing development rights to
49 subsidize the affordable units, including a small four-unit building at 464 West 25th Street. He then
50 described the income bands that applied to the 210 total units of affordable housing in the project.

1 Marcie Kesner of the law firm Kramer Levin next presented five zoning actions needed to effectuate the
2 project:

- 3 A. Zoning map amendments to Section Map 8c.
 - 4 B. Amendments to the text of the Zoning Resolution. Ms. Kesner stated that both the map and text
5 amendments were necessary to accommodate the proposed inclusionary housing and the contemplated
6 commercial uses on the site.
 - 7 C. Urban Development Action Area Project (“UDAAP”) designation, project approval, and
8 disposition.
 - 9 D. Large scale general development bulk waivers, involving the transfer of floor area and height/set
10 back waivers needed to effectuate the building’s design.
 - 11 E. Curb cut certifications, to remove the 11 current curb cuts on West 53rd Street and replace them
12 with 3 proposed new curb cuts on West 53rd Street.
- 13 A final action would involve a mayoral zoning override to allow an additional 1700 square feet in the
14 CHDC building.

15
16 Matt Dienstack from LeNoble Lumber and John Everett from Cybert Tire spoke about their businesses
17 and their history on the site. Mr. Dienstack stated that a 2005 memorandum of understanding with the
18 City contemplated that LeNoble Lumber would temporarily relocate and then return to this site. New
19 development in the area, however, meant that the site was no longer appropriate for a lumber yard, and
20 accordingly Mr. Dienstack was actively seeking a supermarket to occupy the space allocated to LeNoble
21 Lumber on the site.

22
23 Mr. Noland next solicited comments from the Board.

24
25 David Warren asked about the possibility of a food coop instead of a supermarket in the LeNoble Lumber
26 space and was told that the neighborhood was most interested in a supermarket with reasonable prices.

27
28 Ernest Modarelli asked that the presentation be put up on the CB4 website and inquired about the pet
29 policy in these buildings.

30
31 Jay Marcus noted that building this high on a side street was unusual, but that the height was mitigated by
32 the design. Mr. Restuccia stated that details about the setbacks and other design elements would be
33 included in the Board’s letter, making clear that they were important factors in the Board’s decision. Mr.
34 Marcus also asked whether there was any guarantee of a supermarket on this site and was told that,
35 although there was no guarantee, the applicant would need to return to the C/HK Land Use Committee to
36 discuss any other use.

37
38 Brad Pascarella asked how the affordable units would be allocated.

39
40 Jay Marcus asked whether the developer would agree to keep the parking garage accessory rather than
41 public. Mr. Bendit of Taconic noted that, although the garage would be public, there were only 50
42 parking spaces for over 300 units in the building, so the expectation was that the parking would be used
43 principally by residents.

44
45 Ambur Nicosia asked that the businesses on the site give hiring preference to community residents. That
46 request will be included in the Board letter.

47
48 Seth Weissman asked about the green features of the building. Mr. Bendit of Taconic stated that the
49 building was designed to meet all of the qualifications for LEED Silver, but that they would not be going
50 through the certification process.

1 Christine Berthet asked about garbage disposal. Mr. Restuccia stated that both buildings would have
2 compactors inside. For the Taconic/Ritterman building, garbage would be collected and compacted
3 inside and put outside only on the day of collection.

4
5 Mr. Noland then called on members of the public.

6
7 Kathleen Treat expressed gratitude for the permanent affordable housing in the project and asked about
8 the status of Ensemble Studio Theatre (which she was told is not part of this project).

9
10 David Glasser asked about the timetable and duration of construction. Mr. Noland noted that CB4 will
11 form a construction task force.

12
13 Mr. Noland then closed this public hearing.

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16
17 **GENERAL PUBLIC SESSION:**

18 1st Vice Chair Hugh Weinberg called on the members of the public who signed up to speak.

- 19 1. **JD Noland**, Board member, called attention to the Bud Light Hotel, which will be docked in our
20 district during the week of the Super Bowl and sponsoring rock concerts on West 46th Street.
21 Chair Berthet stated that the Board would consider a letter during the new business portion of the
22 meeting.
- 23 2. **Ethan Felson**, resident of 305 West 18th Street and vice chair of a new block association there,
24 spoke about the Splosh erotic boutique that would be presenting its application for a liquor
25 license to the BLP Committee next week. He stated there were already too many such businesses
26 in Chelsea and that a liquor license to this applicant would have a detrimental effect on the
27 neighborhood.
- 28 3. **Frank Maresca**, resident of 233 West 26th Street, spoke about the liquor license applicant World
29 of Beer (agenda Item 21). He stated that there had been neighborhood problems with a similar
30 establishment down the street and was concerned about similar problems here.
- 31 4. **Delores Rubin**, Board member, spoke about the HOPE project, run by the NYC Department of
32 Homeless Services, which needed approximately 3,000 volunteers to assist in an annual count of
33 the homeless population. This year, the event will take place on Jan. 27 from 10 p.m. to 4 a.m.
34 Ms. Rubin stressed the importance of this project and encouraged people to volunteer.
- 35 5. **Tom Cayler**, of 525 West 45th St, spoke of the formation of the Neighborhood Task Force for
36 Business Planning. The task force seeks to promote variety in neighborhood stores and services,
37 to curb the trend of seemingly every vacant store being occupied by a bar or restaurant, to lobby
38 against liquor licenses on residential side streets, and to seek enforcement of the 500 foot rule.
39 He asked for commitment from the Board and the community to seek a variety of businesses and
40 to say no to new liquor licenses.
- 41 6. **Delores Rubin**, Board member, spoke about the Rebuild by Design project and its competition
42 for how to limit storm damage. One proposal is for New York City, which could lead to financial
43 benefits to the city but needs neighborhood feedback to win. Ms. Rubin urged the community to
44 pick up the available flyers on the project or check its website, rebuildbydesign.org.
- 45 7. **Lisa Wager**, of FIT, spoke about FIT's current museum exhibit and its public programming.

1 **ADOPTION OF THE AGENDA AND THE MINUTES OF THE DECEMBER 2013 FULL**
2 **BOARD MEETING:**

3 Chair Berthet requested to table Item 24 and to add Item 25 regarding the Bud Light Hotel.
4 The Agenda was adopted.
5 The Minutes of the December 2013 Full Board Meeting were adopted without amendment.

6
7 **REPORTS OF ELECTED OFFICIALS:**

8 **Jesse Bodine, for Borough President Gale Brewer,** stated that he was now serving as Director of
9 Community Development, but would continue to attend to CB4 issues until a new liaison was assigned.

10
11 **Jackie Black, for US Representative Jerrold Nadler,** provided an update on the federal budget and
12 stated that Congressman Nadler was proud that there were 81 NEA grants in his district (listed on his
13 website).

14
15 **Robert Atterbury, for State Senator Brad Hoylman,** spoke of the legislation introduced by Senator
16 Hoylman to end moonlighting for members of the state legislature. Mr. Atterbury also stated that, due to
17 overwhelming response, the free mammogram program hosted by Senator Hoylman would have a second
18 date on January 16, 2014.

19
20 **David Baily, for State Senator Adriano Espaillat,** noted that approximately one-half million New
21 Yorkers had submitted applications to New York's health insurance exchange, with over 240,000 of them
22 now enrolled in healthcare plans. Mr. Baily also stated that Senator Espaillat had introduced bills seeking
23 to address the issue of large groups of motorcyclists in New York, which would require groups of 50 or
24 more to register with the NYPD.

25
26 **David Czyzyk, for Assemblymember Dick Gottfried,** offered the Assemblymember's congratulations
27 to Christine Berthet as new chair of CB4. Following Governor Cuomo's endorsement of medical
28 marijuana, Assemblymember Gottfried believes that more comprehensive legislation in this area is
29 warranted. The Assemblymember was at the opening of Teresa's Park in December and is a sponsor of
30 the Water Quality Information Act.

31
32 **Erica Overton, for Assemblymember Linda Rosenthal,** stated that the Assemblymember was working
33 on a bill that would require all genetically-modified food to be labeled, as well as a bill that would give
34 rent-regulated tenants the same protections as homeowners in bankruptcy proceedings.

35
36 **Tricia Shimamura, for Congresswoman Carolyn Maloney,** reported that bipartisan legislation was
37 heard regarding the creation of a women's history museum. Ms. Shimamura is the contact person in the
38 Congresswoman's office for questions about the Affordable Care Act.

39
40 **Rebecca Godlewicz, for Comptroller Scott Stringer,** stated that the Comptroller would soon be setting
41 up a full staff of community liaisons, but that she is the point of contact at present. Ms. Godlewicz's
42 phone number is 212-669-4291. The Comptroller extends his congratulations to Christine Berthet.

43
44
45 **REPORT OF DISTRICT MANAGER ROBERT J. BENFATTO:**

46 District manager Bob Benfatto reported that new committee preference forms from Board members are
47 due on Wednesday.

48 The Chelsea Land Use Committee will not meet on the scheduled date of January 20; a new date will be

1 announced shortly.
2 Blasting is about to begin on the Hudson Yards platform, four times a day. They are open to talking with
3 the Board about any issues.
4 The Hudson Yards/Hell's Kitchen Business Improvement District has been voted on by the city council
5 and signed into law by the mayor.
6
7

8 **REPORT OF MCB4 CHAIR CHRISTINE BERTHET:**

9 Chair Berthet thanked everyone for welcoming her to her new position.
10 She announced that there would be three new committee chairs: Ambur Nicosia as co-chair of Quality of
11 Life, Ernest Modarelli as co-chair of Transportation Planning, and Frank Holozubiec as co-chair of
12 Business Licenses and Permits.
13 Complaints about bars and restaurants will now be heard by the Quality of Life Committee in order to
14 make things more manageable for the BLP Committee.
15 There will be three new task forces: outreach, openness, and best practices for committee chairs.
16 Chair Berthet noted a common complaint that Board meetings go on to long and stated a goal of finishing
17 meetings by 9:00 p.m.
18
19

20 **COMMITTEE LETTERS AND RESOLUTIONS:**

21
22 **Chelsea Land Use Committee (CLU)**

23 *Presented by Chelsea Land Use Co-Chair Lee Compton*

24 Item 1: Letter to BSA re special permit for a PCE (gym) for the Peloton at 140 W. 23rd Street
25 **(APPROVED)**
26
27

28 **Clinton/Hell's Kitchen Land Use Committee (C/HKLU)**

29 *Presented by C/HKLU Chair JD Noland*

30 Item 2: Letter to CPC re CHDC and Taconic/Ritterman at Site 7 – 540 W. 53rd Street **(APPROVED**
31 **WITH AMENDMENTS: voted as Roll Call – Aye 34, Nay 0, PNE 1, Abstain 0)**

32 *Sarah Desmond proposed as a friendly amendment, which was accepted, that the letter make clear that*
33 *the affordable units are permanent and will be distributed through all floors and all lines.*

34 *Walter Mankoff noted that we should ensure that this (and all) letters are addressed to the new agency*
35 *chairs.*
36

37 Item 3: Letter to CPC re Irish Arts Center's proposed expansion at 726 Eleventh Ave. (51/52)
38 **(APPROVED)**
39
40

41 **Housing Health and Human Services Committee (HH&H)**

42 *Presented by HH&HS Co-Chair*

43 Item 4: Letter to NYC HANES re Support of Health Initiative **(APPROVED WITH**
44 **AMENDMENTS)**

45 *Lisa Daglian proposed as a friendly amendment, which was accepted, moving lines 28 to 30 above line*
46 *20.*
47

1 Item 5: Letter to HPD re Affordable Housing Development RFP at Harborview Site W. 55th Street
2 between Tenth and Eleventh Avenues (**APPROVED WITH AMENDMENTS**)

3 *Lisa Daglian suggested as a friendly amendment, which was accepted, moving the section about*
4 *community requests and concerns up before the background section.*

5 *Maarten de Kadat noted that the discussion of a green building at line 195 allows for a lot of wiggle room.*
6 *Raul Larios asked that the discussion of preferences at lines 190-91 be clarified.*

7
8
9 At this point, the committee reports were interrupted to recognize new **Borough President Gale Brewer.**
10 Borough President Brewer noted that she was meeting tomorrow with technical staff who want to assist
11 community boards with respect to data challenges. She stated that she hoped to work with the Board on
12 Harborview to develop a savvy precedent that could be used more generally.

13
14
15 Following Borough President Brewer's remarks, the committee reports resumed.

16
17 **Transportation Committee (TRANS)**

18 *Presented by TRANS Co-Chair Ernest Modarelli*

19 The following items were bundled: 6-10 & 23 (**APPROVED WITH AMENDMENTS**)

20
21 Item 6: Letter to NYPD re Increased truck enforcement at W. 15th Street (6th to 7th Avenues)

22 Item 7: Letter to High Line Hotel re Illegal parking conditions on 10th Avenue (W. 20th to 21st Streets)

23
24 Item 8A: Letter to NYPD re Traffic conditions on 10th Avenue (W. 37th to 38th Streets)

25 *Lisa Daglian asked if there were other offending buses. Mr. Modarelli stated that the only complaints*
26 *have been with respect to NJ Transit, hence the focus of the letter. Ms. Daglian suggested that the letter*
27 *also be sent to the Port Authority, which will be done.*

28 *Burt Lazarin suggested that, in the future, the Committee should look into the possibility of traffic agents*
29 *at 10th Avenue and 30th Street, a busy intersection because of the tunnel and the post office.*

30 *Katherine Consuelo-Johnson noted that there also was constant horn honking on Eleventh Avenue. Mr.*
31 *Modarelli suggested bringing this issue to the Transportation Committee. Chair Berthet noted that the*
32 *Committee has asked to make that portion of Eleventh Avenue one way.*

33
34 Item 8B: Letter to NJT re Traffic conditions on 10th Avenue (W. 37th to 38th Streets)

35 Item 9: Letter to MTA re New bus stop on the NE corner of W. 40th Street and 10th Avenue

36
37 Item 10: Letter to DOT re Trailing turn signal at intersection of W. 57th Street and 9th Avenue

38 *Raul Larios suggested moving line 22 to the beginning of letter, a suggestion that will be reviewed by Mr.*
39 *Modarelli.*

40
41 Item 23: Letter to DOT re 7th Avenue at W. 25th Street

42 *Martin Treat requested that the letter use the term "disabled," not "handicapped," a suggestion that was*
43 *accepted.*

44 *Betty Mackintosh stated that it was not clear from the letter why the condominium board wanted the bus*
45 *stop relocated, as it seemed disadvantageous to have it in front of Whole Foods. Jay Marcus responded*
46 *that the Committee required the condominium board to ask for Whole Foods' support for this change,*

1 and they obtained it -- which gave the Committee a level of comfort. The condominium board is trying to
2 make this a more pedestrian-friendly block, a point that Ms. Mackintosh suggested be included in the
3 letter

4
5 **Business License and Permits Committee (BLP)**

6 Presented by BLP Co-Chair Paul Seres

7
8 Mr. Seres stated that these letters would be sent under the signature of Lisa Daglian, who was co-chair of
9 the BLP Committee at time it considered these matters.

10
11 The following items were bundled: Items 11-15 17-20 (**APPROVED**)

12 Item 11: Letter to SLA re Kiku – 235 9th Avenue (24/25)

13 Item 12: Letter to SLA re B-Side – 756 9th Avenue a/k/a 370 W 51st St.

14 Item 13: Letter to SLA re Blue Ruin – 538 9th Avenue (39/40)

15 Item 14: Letter to SLA re Moxy Restaurant Associates – 138 W 25th Street (6/7)

16 Item 15: Letter to SLA re The Cull & Pistol – 75 9th Avenue (15/16)

17 Item 17: Letter to SLA re Uncle Vanya Café – 315 W 54th Street (8/9)

18 Item 18: Letter to SLA re Porchlight – 261 11th Avenue (28)

19 Item 19: Letter to SLA re CoBa 53 – 401 W 53rd Street (9/10)

20 Item 20: Letter to SLA re 210 Tenth Avenue d/b/a TED – 210 10th Avenue (22/23)

21 Item 16: Letter to SLA re Kung Fu Little Steamed Buns Ramen Inc. – 300 W 49th Street (8/9)

22
23 Item 16: Letter to SLA re Kung Fu Little Steamed Buns Ramen Inc. - 300 W 49th Street (8/9)
24 (**APPROVED**)

25 *Mr. Seres noted that there was some concern over the applicant's large storm vestibule and use of*
26 *delivery bikes. He stated that the applicant did not plan to have delivery at this time and that the*
27 *Committee discussed with the applicant the location for the delivery bikes should delivery commence. He*
28 *recommended sending a letter to the Department of Buildings about the storm enclosure.*

29
30 Item 21: Letter to SLA re World of Beer – 320 8th Avenue (26) (**APPROVED**)

31 *Mr. Seres stated that the applicant first appeared before the BLP Committee in November and was asked*
32 *to return in December after doing more community outreach and with a more detailed security plan and*
33 *sound report. He noted that the security plan ultimately provided lacked the detail he would have*
34 *expected and that the sound report was from the applicant's director of operations not from an acoustical*
35 *engineer.*

36 *Mr. Seres stated that the local block association and the public speakers were concerned about the size of*
37 *the proposed operation at this location but that, because the applicant did not trigger the 500-foot rule,*
38 *the Board had limited options. He pointed out that the applicant did agree to an earlier closing time than*
39 *their initially-requested 4:00 a.m. and that the applicant had the support of the landlord.*

40 *In response to the Board's request, the applicant agreed to obtain an enhanced security plan and a sound*
41 *report from a third-party expert.*

42 *In response to questions, the applicant stated that none of the televisions in the establishment would face*
43 *the street and that there would be no open windows.*

1 **New Business (NewBus)**

2 *Presented by Waterfront, Parks and Environment Co-Chair Maarten de Kadt*

3

4 Item 22: Letter to HLP Properties re Remediation at 10th Avenue at W. 17th Street and 11th Avenue at
5 W. 18th Street (**APPROVED**)

6

7 Item 24: Letter to SAPO re Farmer's Market in Chelsea (**TABLED**)

8

9 Item 25: Letter re Bud Light Hotel New York and its Super Bowl activities (**APPROVED**)

10 *Chair Berthet stated that the Board would submit a letter expressing our concern about these events and*
11 *their effect on the community.*

12

13

14 **The meeting was adjourned at 22:14.** Scribed for the first time by Frank Holozubiec.

DRAFT