

# **MANHATTAN COMMUNITY BOARD NO 4**

APRIL 6, 2011

FULTON CENTER AUDITORIUM, 119 NINTH AVENUE

Chair John Weis announced that nine people were recently appointed to Manhattan Community Board 4. He congratulated them.

## **PUBLIC HEARING**

Before the beginning of the meeting there was a public hearing on two items.

### **Mayor's Preliminary Fiscal Year 2012 Budget**

As mandated by the City Charter, the Board must prepare a budgetary statement. Second Vice-Chair Christine Berthet introduced and reviewed MCB4's Statement on the Preliminary Budget, Fiscal Year 2012. She solicited comments from the public. There were none.

### **Proposed New Public School Facility**

The New York School Construction Authority (SCA) is proposing the development of a new public school facility with a total capacity of approximately 1,400 seats in Manhattan School District No. 2. The site for the proposed school is located on the north side of West 43<sup>rd</sup> Street between Tenth and Eleventh Avenues in Hell's Kitchen and it contains an existing six-story building currently used by the New York Public Library for document storage. This structure will be converted for school use. The site is .69 acres or 30,100 square feet.

Gretchen Minneman, Co-chair of the Quality of Life/Education, Libraries, and Cultural Affairs Committee, introduced Michael Mirisola, Kenrick Ou, and Elan Abneri of the SCA. Mirisola described the project for Beacon High School. It would add on a gym to the existing building. Currently the school is located in space shared with Public School 91 on W61st. JD Nolan stated that in the neighborhood we already have a lot of high school students and was wondering potential conflicts between "elite" and "non-elite" students were taken into consideration.

Ou stated that currently Beacon High works closely with the schools near its location to prevent such incidents. JD reiterated that he thought the SCA should anticipate problems and plan for it. Miguel Acevedo questioned the need for a high school when he felt that our local elementary schools were overcrowded. Ou held that relief for these schools was a future decision based on projection of population needs. Christine Berthet asked where was the open space, recreation facilities, and transportation for 1,400 children. The SCA's Ou responded that there was no opportunity other than the proposed gym for a recreation area. He said he would bring these issues up with the school's principal.

Carmen Matias wanted to know where did these children come from and was told most were from Manhattan. She asked if it were possible to give preference (after the required test) to students from MCB4 or School District 2. The answer given was no since high schools are not part of any school district and this one is a "screened" school.

What is that? Carmen quizzed. Data defining this will be given to District Manager Bob Benfatto.

Joe Restuccia said he was glad we were getting a high school but wanted to know if the facility with the proposed gym would fit within the Eleventh Avenue rezoning, would it be contextual. Abneri, director of architecture and engineering for SCA, responded that with the new addition the building would rise only another 30 feet. Even though they are only in the early design phases, he doesn't foresee changes to the existing structure.

James Wallace suggested that the SCA consider a green roof for the school building but was told that it wasn't part of the "base standards." Gretchen inquired of the time frame for construction. Miris answered that most of the work was interior but that the new PS 51 would be finished first. Jay Marcus wanted to know if there was going to be crossing guards assigned to the school and was told that there would only be security guards. Jay also urged the SCA to add its voice to those in our community who are requesting a station at Tenth Avenue and W41st Street on the extension of the No 7 subway line.

## **MEETING AGENDA**

Public Session	Corey Johnson
Adoption of Agenda	John Weis
Adoption of Last Month's Minutes	
Report of the Manhattan Borough President	Sandy Myers
Reports of Local Elected Officials	Various
Report of the District Manager	Robert J. Benfatto, Jr.
Report of the Chair	John Weis
Nominating Committee Report	Sarah Desmond
Committee Letters & Resolutions	John Weis
Old Business	John Weis
New Business	
Adjournment	

## **PUBLIC SESSION**

First Vice-Chair Corey Johnson led the public session. Flora Mattis of the group NYCLASS spoke in support of City Council Intro 86 which would ban the use of horse drawn carriages. She argued that the life of the animals forced to work 9 – 14 hours a day is cut in half. Her group wants to replace them by vintage 1920 cars to be phased in over three years.

Roxanne Warren announced that on May 5, there would be a study tour of NJT's Bergen light rail line. Those interested should make a reservation at vision42.org and meet at 1:30 pm at the W39th Street ferry terminal.

Rebecca Kalin spoke in favor of the creation of "asthma free zones" around city schools that would include no idling vehicles and no smoking. After the creation of these zones she envisioned the ban of cigarette sales near schools.

Martin Treat wanted MCB 4 to support Alice's Garden. He knew Alice and he wanted to thank the PANYNJ, Joe Restuccia, and the Hell's Kitchen Neighborhood Association for putting together the support needed to move this project along.

Michelle Ranelli of the Hudson Guild urged everyone to attend her organization's flea market. Danya Sherman from Friends of the Highline spoke of the park's schedule of events and that summer hours with the park open until 10 pm were now in effect. She mentioned that they have not yet confirmed an opening date for phase II.

Matt Weiss who supports the creation of a small park on W20th Street argued for the use of the buildings on Seventh Avenue and W 22<sup>nd</sup> Street for affordable housing. He disagrees with MCB 4's position.

Sara Desmond representing HCC let all know that her organization would be offering free credit counseling on May 7 at the Hudson Guild. You must bring your credit report to avail yourself of this service.

FIT's Lisa Wager reminded people that its summer youth program will be beginning soon and its list has a searchable online sustainable guide.

## **ADOPTION OF THE AGENDA AND THE MINUTES OF THE MARCH BOARD MEETING**

After the Public Session the agenda for the night's meeting was adopted. The Board accepted the March minutes as submitted by Paul Seres, Co-Secretary of MCB 4 with one change: the first name of Ms. Treat from the HKNA begins with a K, not a C. It should be Kathleen.

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

represented by Sandy Myers

Myers welcomed the new members of MCB 4 all recently appointed. She highlighted the town hall meeting sponsored by the Borough President on safety and security in developments of the NYC Housing Authority scheduled for April 7 at the Rutgers Community Center at 200 Madison Street on the Lower East Side. Yesterday, she reported, the Eleventh Avenue rezoning was introduced.

## **REPORTS OF OTHER ELECTEDS**

Congressmember Jerold Nadler's repeal of DoMA, Katie Smith revealed, has for the first time appeared with sponsors in the Senate. The federal budget is down to the wire. Senator Tom Duane voted no on the new state budget said his representative Sara Myers Zimble. He did so, she continued, even though it contained many items that the Senator favored and fought for such as funding for Title 20, housing for the visually impaired, CUNY/SUNY, and senior centers. There were too many cuts and no extension of the so-called "millionaire's tax" or rent regulation.

State Senator Dick Gottfried, his new community liaison Hunter Johanson stated, voted yes on the budget because it was "as good as could be done" and he will continue to fight next year.

Assemblymember Linda Rosenthal, Rachael Stein stated, was upset that rent regulation wasn't considered with the passage of the state's budget. Stein announced that on Friday May 6 beginning at 10 am there would be free breast cancer screening for women over the age of 40 at Rosenthal's district office 230 W72nd Street. Appointments are required.

Councilmember Christine Quinn's representative, Amanda Younger, announced that there is now a council sponsored website on bedbugs. The council's newly enacted law provides that landlords must report infected apartments and must inspect and treat apartments adjacent to those infected. Younger also related that the Speaker was pleased that New York would be getting one of the four NASA shuttles.

Manhattan DA liaison Edgar Yu mentioned the upcoming town hall meeting on NYCHA safety and security. He was questioned by Miguel and Martha Hauze about the DA's policies on evictions for drug use from public housing. Many times evictions are made against relatives of the users in whose apartments the events take place.

## **REPORT OF DISTRICT MANAGER ROBERT J. BENFATTO**

Bob updated the Board on the status of the BRC proposal for building a facility on West 25<sup>th</sup> Street. The BSA has ruled unanimously in favor of BRC saying there were no zoning code, or building issues. Bob brought to the Board's attention that our website now has a new link on health needs.

## **REPORT OF MCB 4 CHAIR JOHN WEIS**

John described a meeting he and a number of other community board chairs had with Deputy Mayor for Operations Stephen Goldsmith. The point of the meeting was to acquaint him with some of the concerns and problems of our neighborhoods. John reported that he seemed to be completely unfamiliar with some of these. Community board leaders in Manhattan, John declared, are questioning the inconsistency of election dates for board officers. There is no common month. The by-

laws of each community board dictate the timing. John suggested the possibility of changing these by-laws to enable the boards to co-ordinate their elections. John reviewed the election schedule for MCB 4. At our May meeting the nominating committee will report out its recommendations. Nominations will also be taken from the floor at that time. The actual elections will take place at our June meeting. At both meetings, people can speak in favor of candidates.

At this point John introduced the board's new members and asked each to identify themselves. He proposed that in the future we might want to create "board buddies" to ease the move onto the board.

## **NOMINATING COMMITTEE REPORT**

Sara Desmond, Chair of the Nominating Committee, announced that as of today the following people had been nominated for officer positions for the coming year.

Chair: Corey Johnson, Joe Restuccia  
First Vice-Chair: Christine Berthet, Barbara Davis  
Second Vice-Chair: Paul Seres  
Co-Secretary: Burt Lazarin, Carmen Matias, Larry Roberts

The committee in the coming days will be interviewing the candidates and their conclusions will be included in the report to the full board at the May meeting.

## **COMMITTEE LETTERS AND RESOLUTIONS**

As a courtesy to the people in the audience here about the proposed new school and the representatives of the SCA, Item 22 was brought up for discussion first.

Item 22: Letter to the SCA on Proposed Site Selection of New Public School Facility at 521 West 43<sup>rd</sup> Street, Manhattan; Block 1072 Lot 15.

Gretchen Minneman, Co-chair of the Quality of Life/Education, Libraries, and Cultural Affairs Committee, spoke for the letter. She emphasized that the board wanted planning in co-ordination with the principal and continuous community involvement in the process. With the insertion of the local block associations among the community groups to be consulted as suggested by JD and the desire for a middle school to be located at Beacon's old site as requested by Miguel, the letter passed. James again brought up the issue of a green roof as something we should be pushing for on all new structures in our area.

### Executive Committee

Item 1: Letter to Deputy Mayors Steel and Goldsmith re NYPD Mounted Unit Stable Permanent Location at Clinton Park Development 770 Eleventh Avenue. Joe thought the letter should have more strongly stated that the stables were built to police specifications. Ratified.

Item 2: Letter to DCA re Rudy's Bar & Grill 627 Ninth Avenue.

This letter went through the Executive Committee because of timing issues rather than the usual process through the BLP Committee. Jay Marcus asked that the concerns the Board expressed about this establishment last year be amended to the letter. Bob said he would do it. Ratified.

Item 3: Letter to PANYNJ re Alice's Garden. John Doswell, Chair of the Waterfront and Parks Committee, in speaking for the letter said that again there was a timing issue forcing this to go to the Executive Committee. Christine responded to a question from JD about keys since the MCB 4 is identified as a co-sponsor of the park. Ratified.

Item 4: Statement on the Preliminary Budget, Fiscal Year 2012. Walter Mankoff commented that it read well and he agreed with what it had to say. He went on to add, though, that to him it appeared more like a statement of district needs rather than a budget evaluation. Jesse Campoamor wanted the statement to include the need for more summer jobs and James W wanted to add something about the visual arts which he felt were ignored. David Pincus, Chair of the Theater Task Force, responded that we could easily add lines referencing the visual arts. He reminded the Board that the budget proposes a 35% cut in the Department of Cultural Affairs. John W thought Walter's point was well taken and we should think about it when we are doing our statement for next year. Passed.

#### Transportation Planning Committee

Presented by Christine Berthet, Co-Chair

Item 5: Letter to Senator Squadron re New York City Intercity Bus Permit Proposal.

Item 6: Letter to DoT re C/HK Traffic Study Delay.

Pete Diaz suggested that lines 17-23 in Item 5 were too wordy.  
Both Passed.

Item 7: Letter to MTA re Select Bus Service Off-Board Fare Collection.

Passed as amended with changes proposed by Martin Treat that the fare machines face the sidewalk.

Item 8: Letter to MBP Stringer re Transit Rider Bill of Rights. Discussion ensued about the meaning of certain phrases used in the bill. Burt Lazarin and JD felt that it was unclear what exactly was meant by "transparent and committed allocation of funds" and "current proportion of the budget borne by riders." Christine and Jay responded saying that the first meant open budgeting and dedicated funding mechanisms. No one knew what the portion of the current budget was derived from passenger revenues. New language emerged from the conversation. Passed.

#### Clinton/Hell's Kitchen Land Use Committee

Presented by Joe Restuccia, Co-Chair.

Item 9: Letter to HPD re Clinton Commons and Mayoral Zoning Override, 533-543 West 52<sup>nd</sup> Street, ULURP Application Nos. 110125 ZMM and 110126 HAM.

Sandy Roldos wanted clarification of income levels. Larry wondered about the second set of window and Joe didn't yet know the outcome. John Lamb thought we were turning ourselves into knots over this project and its special needs but expressed concern about what would happen with the next one down the road, what kind of precedents we were setting. Raul Larios questioned the funding and asked Joe if the developers had gotten back to us yet. Joe said the issue is not the availability of funds but the viability of the project without the units the override will provide. Ed Kirland building on what John L had said previously stated that this development established a horrible precedent but it was such a special case that no one could ever invoke it. Joe added that our letter will be attached to the Mayor's override. Betty Mackintosh, who used to work at the DCP, urged that we act fast. Approved.

### Housing Health and Human Services Committee

Presented by Barbara Davis, Co-Chair.

Item 10: Letter to SCA re PS 51 construction. Walter thought this was a good letter but more in the nature of an administrative letter, not one about policy. He believed that it could be sent to the SCA without approval by the Board. His viewpoint was accepted and the letter was withdrawn.

Item 11: Letter to the Hess Corporation re 45<sup>th</sup> Street Exit/Entrance near PS 51 site. Approved.

Item 12: Letter to Friends of 20<sup>th</sup> Street re DoS W20th Street Site. This letter is in response to correspondence from the Friends of 20<sup>th</sup> Street suggesting that the buildings on Seventh Avenue near W22nd Street are an appropriate affordable housing resource waiting to be developed. Sandy Roldos informed the Board that in 1978 she helped put these buildings into a housing assistance program. She considers the project a failure since it was never fully developed. Jay asked if the HHHS Committee could come back to the Board with a report on the status of these buildings. John L stated that the buildings were a mess and to paper over their conditions by saying they are fine would be ridiculous. Joe rejoined that they are in their current state with the tenants vacated because they are scheduled for rehabilitation in the Fiscal Year 2012 budget. James Jaspar asked if there were other sites, was this one a priority. Joe said this is not a new site and others in the district mentioned by the Friends were privately owned. Betty said we should clarify the history of the last 20 years and we should reiterate our position. Brett wanted to congratulate the Friends on keeping a positive attitude. A suggestion was made about looking into the possibility of parks on building roofs with access provided by outdoor elevators up the walls of the buildings. Miguel introduced the problems beginning at 130 W20th Street adjacent to the DoS site. There are cracks in the walls and we need to protect the tenants he argued. Sara and Joe both said that our building data is not clean. Walter felt that the Board should not be put in a position of examining possibilities building by building. John W agreed and suggested that maybe this kind of analysis should go to Councilmember Quinn's office.

Sandy joined in again and said we were being short-sighted at not looking by not looking at the three parcels. Joe reminded people that W20th Street was a co-op and that people there could not move as could renters. He summarized and said the Friends should be invited to the proper MCB 4 committees to discuss all sites in the district. Jay wanted us not to forget Sandy's point about protecting the occupants of the building.

### Business Licenses and Permits Committee

Presented by Paul Seres, Co-Chair.

Item 13: Letter to SLA re Social 8<sup>th</sup> Avenue Corp. d/b/a Social Bar – 795 Eighth Avenue (btwn W48th & W49th Streets). Raul stated that the problems with this bar were continuing. Pete mentioned that he had spoken to the bar operators and they assured him that the problems were taken care of. Raul cautioned that he had been told that before. Martha added that it would make sense to put into the letter the 8 year history of the bar and that something should be included in the stipulations. Sara wanted to know if there were stipulations in prior letters and Paul said no. Miguel asked Pete if he as an adjacent resident wanted to deny the license and he responded no because he did believe they were moving to solutions. JD continued that the bar is working with the community and we should approve the letter. Martin asked that we say something about preventing individual DJs from overriding the sound systems. Paul said he would add a stipulation about limiters and suppressors. Approved as amended.

Item 14: Letter to SLA re Greek Kitchen Inc. – 885 Tenth Avenue at W58th Street. Walter asked if we had done this establishment before because the Board opposes enclosed sidewalk cafes. Bob said yes we had and this is an existing structure. Approved.

Item 15: Letter to SLA re Il Baretto, LLC – 750 Eleventh Avenue at W53rd Street.

Item 16: Letter to SLA re DDHK Corp d/b/a Cloud Nine – 360 Ninth Avenue (btwn W30th & W31st Streets).  
Both approved.

Item 17: Letter to SLA re TNN Enterprises LLC d/b/a Tir Na Nog – 315 W39th Street. Since as had been promised no security plan had been submitted to the Board as of this meeting, the letter was sent back to committee.

Item 18: Letter to SLA re Manimba Entertainment LLC d/b/a SW Lounge – 547 West 27<sup>th</sup> Street. Tabled.

Item 19: Letter to DCA re CCH Restaurant Management Inc. d/b/a Zen Palate – 663 Ninth Avenue at W46th Street. James W wanted emphasized that the tables for the proposed sidewalk café were situated on the avenue, not the street side of the restaurant. Raul wanted to specify that there was a drop down fire ladder that must be considered in any plans for a sidewalk café. Approved.



Landmarks Committee

Presented by Ed Kirkland, Co-Chair.

Item 20: Letter to LPC re 525 West 26<sup>th</sup> Street.

Item 21: Letter to LPC re 413-432 West 14<sup>th</sup> Street.  
Both approved.

New Business

No new business.

The meeting was adjourned.

Respectfully submitted by Burt Lazarin