

MANHATTAN COMMUNITY BOARD NO 4

MAY 4, 2011

FULTON CENTER AUDITORIUM, 119 NINTH AVENUE

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. Brunie Sánchez of the US Bureau of the Census announced that the New York Regional office is available to provide assistance for those people interested in working with Census material. The NY City Department of City Planning will be disaggregating borough-wide Census data conforming to community board geography.

Bob Trentlyon, former MCB 4 member, spoke against the proposed construction of commercial and hotel additions atop the existing Chelsea Market building.

Josh David of Friends of the Highline provided information about the elevated park's current activity schedule. He described the plans for a multi-use area at the northern end of Phase II at Tenth Avenue and West 30th Street that would be open during the summer months.

Justin Hoy of the group Save Chelsea spoke against providing any zoning changes which would allow Chelsea Market to construct additional office and hotel space above its existing building. He felt that the neighborhood was becoming overdeveloped.

McBurney YMCA's Johana Teran announced that they have a pre-diabetes prevention program. In conjunction with Columbia University the Y is offering with new start-up memberships participation in an exercise research study.

Highline volunteer Karen Jacob urged MCB 4 to approve the sale of wine and beer at the two designated places in the park.

Both Francia Chandler and Irving Spodnick, owner of the Ohm apartment building, spoke in favor of the liquor license application saying tourists want a place to eat and drink and it would generate revenue to support Highline activities.

Maureen Bray of the Sean Kelly Gallery on West 29th Street said she was pleased to know that the Highline would have a food concession and believed it would have a positive affect on nearby businesses.

Stephen Jobe who was the night watchman 30 years ago at the Nabisco Building (now the Chelsea Market) spoke against its proposed expansion. He described his affection for the building and its intricacies and stated that "money is not the only scorecard."

Betty Mackintosh informed the meeting that a new alliance between farmers and consumers, the Hell's Kitchen Farm Project CSA (Community Supported Agriculture), will begin operations between June and November. People participating by buying in to the CSA and will be able to pick up their shares at the Metro Baptist Church at 410 West 40th Street every Monday.

Eric Zollinger spoke against the potential roof-top construction at the Chelsea Market which he characterized as irresponsible development.

Christine Kelleher represented the views of a group called Education Reform Now which is working for changes in how school boards decide at times of fiscal stress which people need to be laid-off. The group is against using seniority and is working to pass legislation in the New York state legislature.

Kathleen Treat of the Hell's Kitchen Neighborhood Association urged MCB 4 to "advocate for children" since she believed that PS 51 is being "pushed around" by the construction down the block from the school. HKNA is having its spring event this coming weekend on West 31st east of Tenth Avenue.

Danah Rosenfield, having lived in Chelsea for 19 years, has seen many changes over the years, mostly "fabulous," but is concerned about the proposed Chelsea Market expansion. She wants more information and a study of the impact of additional traffic and hotels and jobs for the community.

Katherine Consuelo Johnson of Tenth Avenue observed that many working-class people have committed to the neighborhood so why put a nightclub at West 44th

Street and Eleventh Avenue? She held that 35% of students at PS 51 walked past this address and this would create dangers. They need to be protected.

ADOPTION OF THE AGENDA AND THE MINUTES OF THE APRIL BOARD MEETING

After the Public Session the agenda for the night's meeting was adopted. Chair John Weis pointed out that at this time there is no agenda item concerning the proposed developments at the Chelsea Market.

The Board accepted the April minutes as submitted by Burt Lazarin, Co-Secretary of MCB 4.

REPORT OF MANHATTAN BOROUGH PRESIDENT SCOTT STRINGER

represented by Sandy Myers

Myers reminded everyone that the Borough President was sponsoring a screening of the movie Gasland at 7 pm at Baruch College. On May 13, she continued, there will be a meeting of the Disabilities Task Force at the Lighthouse on East 59th Street. Borough President Stringer is trying to streamline the permit process for independent farmers' markets and has issued a report Streamline Green. There will be a town hall meeting on May 25 at Goddard Riverside co-sponsored with a number of local electeds on the proposed city budget cuts to early care and education. Finally, the Borough President has sent the Chancellor of the Department of Education a letter requesting a delay in tabulating the school board election returns until the outstanding issues of eligibility and turnout are resolved.

REPORTS OF OTHER ELECTEDS

Congressmember Jerold Nadler, Katie Smith announced, has introduced in the House legislation that would enable legally married lesbian and gay men to bring into this country their immigrant spouses. He has called for the relocation of PS 51. Congressmember Nadler was among those from the New York congressional delegation that successfully pushed for one of the space shuttles to be located here in the city, at the Intrepid Museum. He is also part of a bi-partisan caucus in Congress that is fighting to protect a woman's right to choose.

Senator Tom Duane urges everyone to staff the phone banks for equal marriage rights for all New Yorkers said his representative Sara Myers Zimble. On behalf of the Senator she thanked the Port Authority and local residents for the clean-up April 16 and the opening of Alice's Garden. Senator Duane nominated MCB 4's Martin Treat to the Army Air Calvary Veterans' Hall of Fame.

State Senator Dick Gottfried, Jeffery Lafrancois stated, is urging everyone to provide testimony before the Rent Stabilization Board during their hearings on this year's

proposed increases. The Senator is pressing for the renewal with modification of the rent laws which expire this coming June.

Assemblymember Linda Rosenthal, Rachael Stein noted, is also pushing for the extension of the rent laws. She is one of the co-sponsors of the BP's May 25 town forum on the budget cuts.

City Councilmember Christine Quinn's representative, Amanda Younger, announced that there will be a free credit workshop on May 7 from, 10 am to 1 pm at the Hudson Guild. Also applications are now being accepted for the affordable units at the building under construction on Ninth Avenue and West 25th Street. Amanda was pleased to report that the City Council recently voted to change the law regulating alternate side of the street parking.

[This report actually took place out of chronological order in the middle of the Nominating Committee presentation, see below, when the Councilmember appeared in person]

City Councilmember Gale Brewer told the meeting that the release of the Mayor's Executive Budget was delayed a day by the arrival of the President. It now will be published on Friday May 6. The Councilmember is part of a group trying to make the Upper West Side more senior friendly including a grocery store initiative that will publicize the availability of bathrooms within and benches outside. She said that she (along with Joe Restuccia and Sara Desmond of MCB 4) are "plugging away" on the Windemere. Having Beacon High School on West 44th Street is a plus; it's a great school Brewer commented. With Memorial Day coming soon, the Councilmember spotlighted the Soldier and Sailor's Monument at West 89th Street and Riverside Drive and the events taking place around it on the holiday.

REPORT OF DISTRICT MANAGER ROBERT J. BENFATTO

Bob updated the Board on the status of the BRC proposal for building a facility on West 25th Street. There will be a hearing on May 10 on the just released fairshare analysis on 200 of the facility's beds.

The Midtown Community Court is in the process of informing business in the area about the proper operation of bicycles before beginning a ticketing blitz of those riders not observing the appropriate rules and regulations.

REPORT OF MCB 4 CHAIR JOHN WEIS

John reported with a broad smile that he had had a good vacation in Berlin. He reminded the new appointees to MCB 4 that they needed to pick the committees to which they would like to be assigned. They might want to visit and sit in on committee meetings before they make their choices.

NOMINATING COMMITTEE REPORT

Sara Desmond, Chair of the Nominating Committee, announced the committee's candidate recommendations for MCB 4's upcoming elections. These will take place at the June meeting. She stated that these results derived from interviews with the eight candidates and discussion among the committee members during two meetings in April.

Chair: Joe Restuccia

First Vice-Chair: Christine Berthet

Second Vice-Chair: Paul Seres

Co-Secretary: Burt Lazarin, Carmen Matias, Larry Roberts

Since April when candidates had first been announced, Barbara Davis for personal reasons had withdrawn as a candidate for the First Vice-Chair.

Howard Babich, a committee member, presented a "minority" viewpoint to Sara's report. He thanked Sara and observed that the committee members worked well together. Though our by-laws he felt do not provide specific directions and are not clear as to the criteria to use in the selection process, he himself looked for experience and commitment (attendance being a measurable manifestation). The first vote on the recommendation for Board Chair was to put forth both candidates. It tied at 3-3. Subsequent committee actions eventually ended with only one candidate. Howard said he was "perturbed" at this result.

Walter Mankoff, another committee member, stated that there was nothing wrong with their process. He felt it was deliberative; it weighed the strengths and weaknesses of each candidate and in so doing concluded with only one recommendation for Board Chair. The committee, he declared, made a proper decision. The Board's by-laws list only one requirement to be considered for elected office, membership on the board.

MCB 4 Chair John Weis asked if there were any nominations from the floor. Corey Johnson was nominated by Jay Marcus and seconded for the position of Board Chair. No other names were put forward and nominations were closed. At this time candidates were asked to speak by position and the value of the playing card chosen from those offered to them by John.

Joe Restuccia expressed concern that the Board was becoming polarized on a number of issues. He recalled that in the past decisions arose from consensus and he is running for Chair because he would make an effort to move back in that direction. He believes that new members should be fully trained in the process of decision making and understand the real meanings of yes and no votes. Board members should be good at compromise and arriving at solutions with applicants. Board membership, Joe declared, should not be a stepping stone to other offices.

Corey Johnson stated it was an honor to be nominated for Board Chair. Currently he is First Vice-Chair of MCB 4 and in the past has held many other positions including chair of two committees. He wants the Board to be open and transparent

in its workings and have stronger ties to the community and neighborhood organizations. It is also critical, he added, that the Board work with municipal agencies and developers. He believes the committees are an important part of the Board's operation. They move the Board forward.

The statements of the candidates for Board Chair were followed by a lively question and answer period.

Ending this part of the meeting, the candidates for the remaining positions described their qualifications and the reasons they were running for office.

COMMITTEE LETTERS AND RESOLUTIONS

Executive Committee

Item 1: Letter to City Council Speaker Chris Quinn re Empanada Mama 763 Ninth Avenue. This letter went through the Executive Committee because of timing issues rather than the usual process and is addressed to the Speaker because this application for a sidewalk café is already at the Council for approval. Ratified.

Item 2: Letter to City Council Speaker Quinn/School Construction Authority re PS 51 construction task force. Ratified.

Landmarks Committee

Presented by Ed Kirkland, Co-Chair.

Item 3: Letter to LPC re 433 West 20th Street.

Item 4: Letter to LPC re 338 West 22nd Street.

Joe asked if there were a certificate of non-harassment since this building is an SRO. Both letters were approved.

Clinton/Hell's Kitchen Land Use Committee

Presented by Joe Restuccia, Co-Chair.

Item 5: Letter to HPD re Clinton Commons, 533-543 West 52nd Street. Approved.

Transportation Planning Committee

Presented by Jay Marcus, Co-Chair

Item 6: Letter to DoT re 34th Street Transitway EAS. Approved.

Item 7: Letter to NYPD et al. re Increased Enforcement at Temporary Long Distance Bus Stop on Ninth Avenue. Betty Mackintosh asked if the use of portojohns had been

considered. Jay said they wanted to meet with the bus companies to discuss that and other issues. Lisa Daglian suggested that the scope of the letter was too narrow and that we should include all long distance bus stops such as those on 34th Street west of Eighth Avenue. Miguel Acevedo stated that Chelsea's 10th Police Precinct is going to assign a police officer to the bus stop area. Christine Berthet, Co-Chair of the TP Committee, argued that since there were five separate bus companies the state legislature should give the DoT the authority to regulate their operations. John Lamb observed that this was a federal issue since travel was interstate. Brett Firfer concluded that the problems cannot be overemphasized since the solutions are important to the neighborhood. Approved.

Item 8: Letter to DoITT re proposal for pilot program for the redesign of PPT. JD Noland thanked the committee for taking up the challenge but believed that we didn't need any additional advertising. Jay agreed to take this reference out of the letter. Lisa observed that we still need street phones. Christine summarized that the committee wanted to offer DoITT an alternative to the current phones and didn't want a blanket renewal of the existing agreement but a new one resulting in a smaller footprint on the streets. Damyanti Radheshwar thought that we should add some benches to the streets while reducing the increasing amount of clutter and James Wallace added that this may be provide an opportunity for more public art. Approved as revised.

Item 9: Report by TP Committee to MCB 4 re Pilot Program of PPT. No action needed.

Item 10: Letter re curb cut eliminations at Emblem Health, 433 Ninth Avenue. Approved.

Waterfront and Parks Committee

Presented by John Doswell, Co-Chair.

Item 11: Letter to DPR re Conditions at Matthew Palmer Playground. JD suggested that the possible use of auxiliary police be added to the letter. Lisa questioned if we really needed more people to patrol. Martin Treat urged that school security be also inserted in the letter as possible staffing resources. Approved.

Business Licenses and Permits Committee

Presented by Paul Seres, Co-Chair.

Item 14: Letter to SLA re Four Points by Sheridan Times Square, 326 West 40th Street.

Item 16: Letter to SLA re Blue Dog Coffee Bar & Bakery, 101 West 25th Street.

Item 17: Letter to SLA re 23 Innovations, Inc., 308 West 50th Street.

Item 18: Letter to SLA re Pinch Food Design, 537 West 27th Street.

Item 21: Letter to DCA re Donatella, 184 Eighth Avenue (btwn W19th and W20th Streets).

Item 22: Letter to DCA re Ember Room, 647 Ninth Avenue (btwn W45th and W46th Streets).

Item 23: Letter to DCA re Tello's, 198 Eighth Avenue (at W20th Street).

Item 24: Letter to DCA re Le Pain Quotiden, 52 Ninth Avenue (btwn W14th and W15th Streets).

These items were bundled. Maarten de Kadt asked why in the letters to the DCA about sidewalk cafes we use the phrase "continue to request that the outer boundaries of cafes be marked" as if they hadn't done so and we were reminding them. He felt our language should be stronger and more direct. Lisa agreed with Maarten and said the committee will do so. Bob remarked that DCA doesn't enforce this rule. Corey Johnson remarked that at yesterday's meeting of the Quality of Life Committee it was agreed to do a survey and get a list of those who don't comply. In answer to a question concerning the storage of bikes on West 45th Street (Item 22), Lisa said that that is where the existing racks are.

All of the above items were approved.

Item 13: Letter to the SLA re Friends of the High Line Above the Chelsea Market between 15th and 16th Streets at Tenth Avenue. Jay reminded the Board that originally the High Line was to be free of commercial activities. Paul responded that operations have evolved and no matter this application is for the four summer months for this year only. Lisa said the High Line is in need of revenue sources to help maintain the park. Brett suggested that this be explained in the letter. John W added that he wasn't sure we had a policy about commercial activities. Joshua David of Friends of the High Line informed the Board that their license agreement with the city allows in four or five designated spaces the sale of food and beverages. Joe stated that this application was about this location only, not the High Line in general. Maybe, he added, they should have come to the Board about the concession. Joshua said they had gone to the Waterfront and Parks Committee. John L wanted to know if the High Line gets a good chunk of the revenue generated and Joshua answered yes. Approved.

Item 12: Letter to the SLA re Friends of the High Line at 30th Street and Tenth Avenue – Street Level. Introducing this application, Paul stated the FHL had done about everything the committee had asked them to do to modify the proposed operations and mitigate its impact on the surrounding area. Pete Diaz asked it were located in a residential neighborhood. Paul answered that there was only one existing apartment house adjacent to the site and for that reason the committee wanted the bar to be split in two which the applicant has done. Walter wanted to know if any limits were to be imposed on the music. The FHL said that per city ordinances all music would cease at 10pm. Yasmine Mahdavi next inquired after the findings of the report of the sound engineers. They looked at sound amplification, FHL stated, and suggested that the amps should face towards the railyards and the stage for music should face away from the apartment house, on the west side of the site. Where are the restrooms asked Damyanti and Lisa said in parked trailers. Christine requested that the residents of the apartment house be given a cell phone number to call if the sound became annoying. The number will be distributed responded FHL. Miguel pointed out that the Ohm owners were in favor of the applicant's project. Ed said we needed an end date and Paul gave it as October 31, 2011. Carmen Matias was curious about the prices to be charged for the food and drink; were they affordable she asked. FHL said beer and wine would be about \$7. Jim Jasper let all know that he could not support the applicant because it had a live music component. Joe felt that given the location with

nothing else around it, that it was the northern terminus of the High Line, the project would inevitably evolve into a summer scene, that it was just too big. Approved.

Item 15: Letter to SLA re The New York Beer Company, 321 West 44th Street. Martin asked if we were in receipt of a sound engineer's report. Paul said no yet but the applicant had hired a consultant to do the study. Lisa pointed out that the site is located in a large commercial structure that contains a number of sound studios. Approved.

Item 19: Letter to SLA re 572 Eleventh Ave (btwn W43rd and W44th Streets). The applicant has agreed not to file with the SLA for the moment. John W stated that we must deny the application and if they want they can return. Lisa suggested that if they agree not to file we could send the application back to BLP. Sent back to committee.

Item 20: Letter to SLA re J Akira, 200 Eighth Avenue (btwn W20th and W21st Streets). The applicant had agreed to submit a floor plan before tonight's Board meeting and Lisa reported it had not done so. Sent back to committee.

Housing Health and Human Services Committee

Presented by Sarah Desmond, Co-Chair.

Item 25: Letter to NYS electeds re extension and strengthening of rent regulations. Jim observed that this was a "feel good" letter and it did not include any statistics backing up our conclusions. Sarah said borough wide data exists. For Hell's Kitchen she estimated that about 68% of the residential units fall under rent stabilization. Approved.

Item 26: Letter to HPD re Affordable Housing Application for Gotham West, 592-608 Eleventh Avenue; 507-553 West 44th Street, 508-558 West 45th Street. Approved.

Item 27: Letter to DoB re 565 West 23rd Street. Approved.

Item 28: Authorization for MCB 4 Office to ask DoT for temporary traffic light on West 45th Street and Tenth Avenue. Approved.

Item 29: Letter to SCA re PS 51 temporary relocation. Approved.

Item 30: Letter to Hess re PS 51 construction. Approved.

New Business

No new business.

The meeting was adjourned.

Respectfully submitted by Burt Lazarin