

MANHATTAN COMMUNITY BOARD 4

JULY 27, 2011

ROOSEVELT HOSPITAL, 1000 TENTH AVENUE

MEETING AGENDA

Public Session

Paul Seres

Adoption of Agenda

Corey Johnson

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

Corey Johnson

Committee Reports -- Letters & Resolutions

Old Business

New Business

Adjournment

PUBLIC HEARINGS

Before the beginning of the meeting there were public hearings on four items.

MTA Presentation on the No. 7 subway line extension and the temporary traffic measures that will be needed over the next 14 plus months along Eleventh Avenue from West 38th Street south to West 33rd Street.

Adrienne Taub of MTA NYC Transit described the situation.

There were no questions from the public.

Avenues – World School (ULURP No. C 110334 ZSM)

Application for a Special Permit to modify the Tenth Avenue ground floor use and transparency requirements and the maximum building height requirements in connection with the conversion of an existing ten story building to school use on property located at 259 Tenth Avenue (Block 697, Lot 31), in a C6-3 District, within the Special West Chelsea District (Sub Area C); submitted pursuant to Sections 197-c and 201 of the New York City Charter and pursuant to Sections 74-711 and 98-423 of the Zoning Resolution.

Ray Bordwell, Chief Facilities Manager of Avenues, addressed the new issues of traffic generation and community involvement brought up at the MCB 4 Chelsea Preservation and Planning

Committee meeting. He said the school would undertake a traffic study. They would also look at the possibility of creating an entrance on the West 25th Street side of the building. He stated that the school's sponsors would be willing to sign a memorandum of understanding (MOU) with MCB 4 formalizing an agreed to process of community outreach to potential employees and students. As to utilizing union labor on the reconstruction of 259 Tenth Avenue, Bordwell said that they were unable to negotiate an agreement and so are currently using non-union labor.

There were no questions from the public.

Global Parking Solution (ULURP No. C 080194 ZSM)
Application for a Special Permit to allow an attended accessory parking garage with a maximum capacity of 20 spaces on portions of the ground floor and cellar of an existing residential building on property located at 151 West 17th Street (Block 793, Lot 5), in a C6-2A District; submitted pursuant to Sections 197-c and 201 of the New York City Charter and pursuant to Section 13-561 of the Zoning Resolution.

There were no questions from the public.

Senior Needs Assessment Survey.

Barbara Davis, Co-Chair of the Housing Health and Human Services Committee of MCB 4, reviewed the survey's origins with the Actors' Fund. The population base has expanded to include all older people in MCB 4 and many community groups are now actively engaged and encouraging their members to participate. MCB 4 is among these and will have a link on its webpage to the survey. People will be able to answer the questions on line or download the survey and snail mail in their completed form. Print versions will also be directly distributed by participating organizations.

There were no questions from the public.

MCB 4 STATEMENT OF DISTRICT NEEDS FISCAL YEAR 2013

Second Vice-Chair Paul Seres discussed the process by which the Board creates the statement and where we are along that road, what more remains to be done. This year for the first time MCB 4 has a Budget Task Force that is involved in the process.

No one from the public had signed up to speak on the statement draft.

PUBLIC SESSION

In place of First Vice-Chair Christine Berthet who was on vacation, Second Vice-Chair Paul Seres led the public session.

Lou Moreno from INTAR urged MCB 4 to help his organization associated with others in the area to designate an arts corridor.

Jeremy Ang spoke in favor of Item 40 on tonight's agenda and supported the stipulations the BLP Committee of MCB 4 had attached to the approval of the applicant's license. A number of other people including Tony Abrams, Aaron Goldworn, Alison Horowitz, Lina Lerner, Michael Lerner, Scott Shey, and Alex Taylor concurred. Gregory Struck of the 408 West 15th project referenced in Item 40 stated that his development had already incorporated the BLP's stipulations in its proposed methods of operation. It is also continuing its community outreach with the Fulton Tenants' Association and the neighborhood block associations. It will be scaling back its hours of operation and will not be applying for a cabaret license. Struck said he wants to create with the TLC and the DoT a special taxi stand nearby.

Deborah Fenker of West 22nd Street spoke of her concerns around the use of the Highpoint Bistro's backyard (Item 26). Currently it stores glassware there and that creates excessive noise. If the license were to be approved she expects there would be a lot more.

Danya Sherman of Friends of the Highline (FotH) reviewed upcoming events and the opening of the roller skating rink at West 30th Street and Tenth Avenue.

Dan Pisark of the 34th Street Partnership argued it was time to stop the closing (one hour per day) of West 33rd Street for a play street. The Partnership supports converting the empty lot on the block into a park accessible to all (Item 18). Marisa Zalabak from the Clinton School for Writers and Artists (temporarily located at the former St. Michael's School on West 33rd Street), strongly supports the development of a permanent park on PANYNJ land.

Ashley Voroba of the NYC Coalition for a Smoke – Free City hoped everyone was enjoying for the first time smoke free parks and beaches. The Coalition's next objective she said would be the retail sale of tobacco near schools.

Phil Micali lives adjacent to the Highline. He wondered why there were no barriers installed on the Highline to prevent direct visual access by the public to private space. In raising this issue with the FotH he felt he got a negative reaction. He believes a decision of this kind should be made by a larger, more encompassing group and to this end he has started a Facebook site called FixHighlineFlaws.

Lee Cameron who lives near Roosevelt Hospital shared his observation that since St. Clare's Hospital closed, in his area there is much more noise from emergency vehicle sirens and police cars.

Jesse Clinton, President of the West 44th Street Block Association, spoke against Item 36. He felt that the community's objections had been ignored by MCB 4's BLP Committee. Chuck Spence, formerly a member of the Board, also opposed it. He questioned the operators' integrity and abilities and concluded that they would not make good neighbors. He added that Eleventh Avenue had just been rezoned for residential development and this future use would not be compatible with the proposed lounge and bar.

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

After the Public Session the agenda for the night's meeting was adopted with the amendment that a new business Item 56 from C/HKLU be included. It will be discussed out of sequence with the other items from the C/HKLU Committee.

The Board accepted the June minutes as submitted by Paul Seres, at that time the Co-Secretary of MCB 4.

REPORT OF MANHATTAN BOROUGH PRESIDENT SCOTT STRINGER

represented by Sandy Myers

Myers announced that the Borough President had released a study of non-profit organizations and their current condition. His office has also compiled a directory of resources and services for immigrants. It is published in English, Spanish, and Chinese.

REPORTS OF OTHER ELECTEDS

Congressmember Jerold Nadler, Katie Smith announced, has called for an up/down vote in the current debate on raising the national debt ceiling. He is continuing in his efforts to repeal DoMA. Smith added that the President endorsed the repeal movement and this was an exciting event.

Senator Tom Duane is proud of the passage of the state's Marriage Equality Act and the work he has done to move it forward since he first introduced the legislation in 2002 reported Sara Myers Zimbler. She pointed out that in the closing legislative session the rent regulation law was extended without major changes. Yet to be done, she added, is a law against gender discrimination and the creation of an independent redistricting body.

Jeffery Lafrancois stated that with Marriage Equality now the law, we are living in exciting times. State Assemblyman Dick Gottfried, he observed, is still concerned about the affect fracking would have on the environment upstate. Even though the watersheds of Syracuse and New York City are protected, other areas with the lifting of the temporary drilling ban by the Governor are not. We are waiting for the findings of the federal report on fracking's impact. The Assemblyman is concerned that most of the members overseeing the report are industry representatives.

State Assemblymember Linda Rosenthal's representative Paul Swere reviewed the important legislation passed in the session just ended: Marriage Equality, the extension of rent regulation, the creation of a locked box for transit funding. The Assemblymember still wants to extend tenant protections. On other notes, Swere said that Rosenthal's office would be undertaking a survey of pedestrian safety in her district. The recent horse carriage accident highlighted the danger of horse carriages from the perspective of the Assemblymember.

City Councilmember Christine Quinn's representative, Michaela Miller, reported that the Councilmember had facilitated a series of meetings between the Jamestown Management

Group with community members to discuss their development plans. They would like to construct additional office space on top of the Chelsea Market Building as well as a hotel.

City Councilmember Gayle Brewer spoke before the Board. She reviewed the recently adopted city Expense and Capital Budgets and pointed out some district projects including a new building for John Jay College that will incorporate community use space and funds for work at Harborview; and an additional \$8,000 to each of the community boards allocations which she personally helped to get included in the budget. She thanked OMB for their support. Brewer also emphasized what she sees as the need to buy locally originated food products (she recently led a tour of upstate farms for people from five city agencies). One of the issues she is currently working on is the distribution and siting of payphones on the streets. She is also pushing for the passage at the City Council of her open data bill, Intro 4, which she has introduced every year for the last three years and believes it may pass this year. It would open all city data bases to the public.

REPORT OF DISTRICT MANAGER ROBERT J. BENFATTO

Bob updated the Board on its summer meeting schedule. And gave reports on the Bowery Residents Committee opening on 127 W. 25th Street.

REPORT OF MCB 4 CHAIR COREY JOHNSON

Corey reported he had given testimony before the City Council on the move of Beacon High School from West 57th Street to West 43rd Street. The Board had adopted a resolution on the issue in June.

Corey announced a number of changes in committee chairs for the upcoming year. He also announced that the Theater Task Force would be folded into the Quality of Life/Education Committee and that he had created two new Board task forces. The first is a Budget Task Force to be Co-Chaired by Raul Larios and Burt Lazarin with Ernest Moderelli as a member; and the other is the Task Force on Governance and Bylaws which would review and make recommendations on how we conduct elections and incorporate public members and other ancillary issues. This is to include John Weiss and Betty Mackintosh with additional members to be announced in September.

Finally, Corey reminded Board members to turn in their voting sheets so there would not be an issues around counts and attendance.

[Subsequent to this night's meeting, Corey sent out an e-mail announcing the resignation of Carmen Matias as MCB 4 Co-Secretary. He appointed Larry Roberts, who also ran in the recent election, to replace her]

COMMITTEE LETTERS AND RESOLUTIONS

Executive Committee

Presented by Corey Johnson, MCB4 Chair.

Item 1: Letter to DCP re waiver of right to review a request by HL23 509-517 West 23rd Street for further modifications of Section 98-424 of the Zoning Resolution in the Special West Chelsea District. Action of Executive Committee ratified.

Item 2: Letter to HYDC re Hudson Park and Boulevard updated design (April 28, 2011). Includes a change on line 51 from "40% to 50%" to "a large percentage." Action of Executive Committee ratified.

Item 3: Letter to HYDC re support of HYPDC letter to HYPDC re Hudson Park and Boulevard redesign. Approved.

Presented by Elisa Gerontianos, Co-Chair C/HKLU Committee.

Item 4: Letter to DCP re Hudson Mews renewal application for Special Permit.

Elisa reviewed the history and issues involved in the previous approval of the special permit and the current application for a renewal. She said that in negotiations for the special permit the community received open space in perpetuity and affordable housing time limited to the life of the mortgage. Now in discussions over the renewal, the applicant is agreeing to make the affordable housing permanent as long as the PANYNJ concurs. Elisa added that we would have representation on the project's construction advisory board. Action of Executive Committee ratified including an accompanying letter to the PANYNJ stating the Board's position on permanent affordable housing as part of the development of Hudson Mews.

Presented by Corey Johnson, MCB4 Chair.

Item 5: Letter to HRPT re comments on Pier 57 EIS draft scope of work analysis. Jay Marcus said that our letter should point out that the EIS should include the project's total square footage. The EIS should also include a study of a smaller alternative than the one proposed. James Jasper pointed out that the deadline was Friday so our comments should be finished quickly and sent to the HRPT. Approved.

Item 6: Letter to Moynihan Development Corp re Historic Review and Pre-Final Phase 1 Design. This letter is a follow-up to our previous letter voicing our concerns to which Moynihan paid no attention. Joe Restuccia stated that we need to respond so our perspective will be in the public record as directed by federal law. Lee added that he will communicate with the Moynihan Advisory Committee before August 4. Since at the time of the vote there was no written letter, Corey suggested that the vote would be to approve or disapprove of the concept. Approved.

Item 7: Resolution re Payphone Franchise presented at Boro Board. Corey mentioned that he had testified earlier in the week and took the issue to the Borough Board. Bret Firfer commented that he found the letter too lawyerly. Jay observed that in an effort to create a strong front, it was the result of the input of many community boards so the style is not our own. Approved.

Item 8: Letter to LPC re auctioning of steer head sculptures from the 1908-1912 New York Butchers' Dressed Meat Company at 493 Eleventh Avenue at W38th Street. The issue addressed in this letter was brought to the attention of the Board by Joe. Approved.

Budget Task Force

Item 9: Statement of District Needs

Presented by Bob Benfatto

There is a deadline of August 15 (extended from August 1) so all changes have to be done soon. Raul, Co-Chair of the Task Force, reflected that he felt the document was too long and that at first he wanted to cut it but for now he will stay with the format as changed, add a cover sheet, a table of contents, and put items in alpha order. He believes it needs new editing because previously it was modified each year by an unthinking cut and paste process. Over the years this has created duplications and unintelligible passages and left behind already met needs. Jesse Campoamor wanted to know if the Task Force would talk to committees about their edits. Betty mentioned that the statement of needs of all the community boards were up on the City Planning website. Bob cautioned that we shouldn't necessarily use those as templates.

Landmarks Committee

Presented by Ed Kirkland, Co-Chair.

Item 10: Letter to LPC re 440 West 15th Street supporting testimony previously given.
Approved.

Clinton/Hell's Kitchen Land Use Committee

Presented by Elisa Gerontianos, Co-Chair.

Item 11: Letter to HPD re 500 West 52nd Street, part of Site 9C of the Clinton URA. Approved.

Item 12: Letter to HPD re 560 West 52nd Street, part of Site 9A of the Clinton URA.

Jay Marcus reminded the Board that with Item 12 we have wanted permanent affordable housing.
Approved as amended.

Item 13: Letter to DCP re Open Space Enforcement at 510 and 515 West 52nd Street a/k/a Archstone Clinton. Elisa pointed out that the developer is not in compliance with its agreement to provide public open space. Approved.

Presented by Joe Restuccia, former Co-Chair.

Item 14: Letter to DCP re Request for FUCA Special HY District - Midblock and Avenue Commercial Overlays.

Item 15: Letter to DCP re Request for FUCA special HY District – Midblock Building heights.
Approved.

Presented by Gretchen Minneman, Co-Chair.

Item 56: Letter to DCP re Failure of Central Parking System to comply with conditions attached to December 2010 MCB4 approval of 332 West 44th Street Request for Renewal of Special Permit (ULURP No. 090377 ZSM).

Approved.

At this point in the meeting New York State Senator Tom Duane entered the room and spoke to members of MCB 4 and those present in the audience about his feelings on the just ended legislative session and its accomplishments, particularly Marriage Equality.

Chelsea Preservation and Planning Committee

Presented by Lee Compton, Co-Chair.

Item 16A and 16B: Letters to DCP re Avenues -- The World School 259 Tenth Avenue Request for Special Permits to modify the Tenth Avenue ground floor use and transparency requirements and the maximum building height requirements ULURP No. C 110334 ZSM. Letter 16A was written by Lee subsequent to the committee meeting. It incorporated in the letter originally approved by the committee, 16B, an agreement with the school's sponsors to undertake a traffic survey and other feedback they received from members of the committee. Martha Hauze said that even though she hadn't read the two letters, Lee's presentation made the positions understandable. Jay questioned supporting the request before we knew the results of the traffic study and any proposed mitigations. Maarten de Kadt expressed disappointment that the Board would automatically approve zoning modifications. He thought that the developers had assumed the changes in their business plan; this he thought was presumptuous on their part. Lee responded that he did not consider the changes to the zoning would create much of a difference in the bulk of the existing structure. Jesse asked what percent of the student body and of the school's employees would be from the community. Lee said that at this point in the school's development the answer is not knowable. Jesse also thought that with the elimination of retail frontage an opportunity to foster small businesses would be lost. Miguel Acevedo argued that any financial aid to neighborhood applicants should be in the form of full scholarships to which a representative of the school said that they offered full scholarships. Bret also was against the special permit allowing the elimination of ground floor retail space along Tenth Avenue. Betty Mackintosh suggested we need more specificity about jobs for community residents.

Approved 16A on a roll-call vote after 16B was voted down.

Item 17: Letter to DCP re 151 West 17th Street Request for Special Permit to increase the number of attended accessory off-street parking spaces ULURP No. C 080194 ZSM.

Approved on a roll-call vote.

Transportation Planning Committee

Presented by Jay Marcus, Co-Chair.

Item 18: Letter to PANYNJ re Clinton School for Writers & Artists (MS 260) request for use of parking lot on West 33rd Street and Dyer Avenue as play area.

Item 19: Letter to MTA re M31 bus stop at West 54th Street near se corner of Eleventh Avenue.

Item 20: Letter to DoT re request to change hours to Teacher-Only-Parking street signs at 440 West 53rd Street (PS 111).

Item 21: Letter to DCA re application for a newsstand (license #1396324) on the sw corner of West 42nd Street and Dyer Avenue.

Item 22: Letter to DoT & CIC re relocation of bike rack currently south of the entrance to 76 Ninth Avenue so as to permit the return of long established street vendor now sited on West 15th Street.

Item 23: Letter to DDC/DoT re Water Tunnel connections and reconstruction of West 48th, 49th, and 51st Streets.

Item 24: Letter to MTA re reconstruction of the Eleventh Avenue viaduct in conjunction with the No. 7 subway line extension.

Item 25: Letter to MTA re reduction in frequency of M42 bus service.

Items 18 through 25 bundled and approved.

Business Licenses and Permits Committee

Presented by Paul Seres, Co-Chair.

Item 26: Letter to SLA re Earthen Grill Inc. d/b/a Highpoint American Bistro – 216 Seventh Avenue (btwn W22nd and W23rd Streets). Denied.

Item 27: Letter to SLA re Division One Hospitality Group Inc. – 500 West 43rd Street.

Item 28: Letter to SLA re Thaweechork Corp. d/b/a Chili Thai – 712 Ninth Avenue (btwn W48th and W49th Streets).

Item 29: Letter to SLA re Golden Beach Inc. d/b/a # 1 Asuka Sushi – 300 West 23rd Street.

Item 30: Letter to SLA re Meske Inc. d/b/a Meske Ethiopian Restaurant – 468 West 47th Street.

Item 31: Letter to SLA re Reins International New York Inc. d/b/a Gyu-Kaku Restaurant – 321 West 44th Street.

Item 32: Letter to SLA re Signature Theater Company d/b/a Signature Center – 480 West 42nd Street.

Item 33: Letter to SLA re Wyndham Garden Inn Hotel – 341-343 West 36th Street.

Item 34: Letter to SLA re Monk's Yard – 341 West 36th Street.

Item 35: Letter to SLA re Clyde Ark LLC d/b/a Clyde's Wine & Dine – 505 West 37th Street.

Item 39: Letter to SLA re LDV 23 LLC d/b/a Duplus – 461 West 23rd Street.

Item 41: Letter to SLA re Whole Foods Market Group Inc. – 10 Columbus Circle, Suite SC101A.

Item 42: Letter to SLA re Golden Crepes 1 Inc. d/b/a Golden Crepes – 262A West 15th Street.

Item 43: Letter to SLA re Shannon's Green Door Inc. d/b/a Green Door – 600 West 57th Street.

Item 44: Letter to SLA re Etai Cinader or Corp to be formed – 143 Eighth Avenue at W17th Street.

Item 45: Letter to SLA re Sharabi Inc. d/b/a Pierre Loti West – 258 West 15th Street.

Item 46: Letter to SLA re Gustoso LLC d/b/a Bar 9 – 807 Ninth Avenue (btwn W53rd and W54th Streets).

Item 47: Letter to SLA re Three Brothers Baking Inc. – 451CW West 39th Street.

Item 48: Letter to SLA re Columbus Restaurant Fund IV LLC & Columbus Steaks LLC d/b/a Center Bar – 10 Columbus Circle Fourth Floor.

Item 49: Letter to SLA re Columbus Restaurant Fund IV LLC & Columbus Steaks LLC d/b/a The Wine Library – 10 Columbus Circle Fourth Floor.

Item 50: Letter to SLA re Sullivan Street Bakery/Hell's Kitchen Inc. – 236 Ninth Avenue (btwn W24th and W25th Streets).

Item 52: Letter to SLA re NGM Management Group LLC d/b/a Bareburger – 153 Eighth Avenue at (btwn W17th and W18th Streets).

Item 53: Letter to SLA re Café De Crop Inc. – 201 West 14th Street.

These above items beginning with #27 were bundled and all were approved.

Item 36: Letter to the SLA re 572 Eleventh Avenue (btwn W43rd and West 44th Streets). This application had come before the Board last month and was sent back to committee. Lisa Daglian, Co-Chair of the BLP, said she wasn't at the last meeting and didn't hear the arguments or know the vote. She usually is in favor of denial unless stipulations are agreed to but in this case she said after listening to the representatives of the residents and the block association she would be for outright denial. Sandy Roldos informed the Board that the vote was 7 – 2 for denial with stipulations. James Wallace stated he was strongly opposed to the resolution. Since there is a 500 foot rule in effect, the applicant has to show a public benefit and James sees none. Paul argued that the Committee and the Board had to deal with what exists today, not any potential future development that may or may not happen. Corey reminded the Board that there was no

motion to deny the license application before the Board. Yasmine Mahdavi asked what does it mean for the community when all these new clubs open. Jay supported Item 36 but questioned the abilities of the operators of the proposed club.

At this point Martha introduced a substitute resolution to recommend denial of the on-premise liquor license application and it was seconded by Martin Treat. Joe spoke in favor of the substitute resolution emphasizing the June 30th rezoning of Eleventh Avenue to permit residential construction as his major reason. Sandy said that she has seen the operators of this proposed lounge and bar at every meeting but this was the first time she had seen the block association people; she was against the substitute resolution.

Substitute resolution to recommend denial passed 30-5-0-0.

Item 37: Letter to the SLA re Euphoral LLC – 622 West 47th Street. Approved.

Item 38: Letter to SLA re Beer Authority, Inc. – 613 Eighth Avenue (btwn W39 and W40th Streets). James wanted to know if there were any residents surrounding this bi-level establishment that includes a roof deck. Joe responded yes. Bret inquired if there were any noise abatement measures taken and the answer was no but the applicant would be hiring a sound engineer or acoustician as per an agreed stipulation. Lisa suggested a friendly amendment that an additional stipulation be included that would agree to the implementation of the Board's rooftop guidelines. The applicant agreed to this. David informed the Board that the Fashion Industry BID had issues around noise and garbage on this block of West 40th Street. He would like another stipulation added to the resolution to remediate some of this problem. Corey ruled that it wouldn't be appropriate. Earnest mentioned that the applicant will have security on the street and intend to keep clean the subway entrance near their establishment. Approved with the amendment.

Item 40: Letter to SLA re 408 West 15th Associates, LLC – 408 West 15th Street. Approved.

Item 51: Letter to SLA re Brickhouse Saloon Corp d/b/a Brick and Ale – 735 Tenth Avenue at W50th Street. Approved.

Quality of Life/Education Committee

Presented by David Pincus, Co-Chair.

Item 54: Letter to City Council Speaker Christine Quinn re The 45th Street Theater – Certificate of Occupancy. Approved.

New Business

Item 55: Letter to HRPT re Collaboration Agreement. Action ratified.

The meeting was adjourned.

Respectfully submitted by Burt Lazarin