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3 **MANHATTAN COMMUNITY BOARD NO 4**

4 APRIL 4, 2012

5 FULTON CENTER, 119 NINTH AVENUE

6
7 **PUBLIC HEARING**

8
9 Midtown West EMS Station: Site selection and acquisition of property at
10 512 West 23rd Street – 120177PCM

11
12 **MEETING AGENDA**

13
14 Public Session Christine Berthet
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16 Adoption of Agenda Corey Johnson
17 Adoption of Last Month's Minutes
18
19 Reports of Local Elected Officials Various
20 Report of the District Manager Robert J. Benfatto, Jr.
21 Report of the Chair Corey Johnson
22
23 Committee Reports -- Letters & Resolutions
24 Old Business
25 New Business
26 Adjournment

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28 **SCOTT STRINGER, MANHATTAN BOROUGH PRESIDENT**, spoke before the
29 beginning of the public hearing and the Board meeting. He welcomed the 11 new
30 members whose term began April 1. This, he pointed out, is the largest class of new
31 members of any community board in Manhattan.

32 MBP Stringer also announced that today was **Ed Kirkland Appreciation Day** in
33 Manhattan and showed his **PROCLAMATION** to that affect. He described Ed as a
34 community leader and activist of many years and "a real New York hero." Ed recently
35 tendered his resignation from the Board.

36 MCB Chair Corey Johnson followed and added that from his first meeting, he found Ed
37 to be a mentor, a resource, and a teacher. He has been involved in all major
38 community projects and is tireless, thinks strategically, and is smart.

1 **PUBLIC HEARING**

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3 David Harney, Chief of Staff for the Deputy Fire Commissioner for the Bureau of
4 Technology and Support Services represented the FDNY accompanied by FDNY Captain
5 James Foley and NYPD Chief James Murley. Harney provided the background for the
6 decision to move to the current site and the department's reasons for wanting to create
7 a more stable leasing situation. When St. Vincent's Hospital closed, five EMS units
8 disappeared. The FDNY began looking for a site on the Westside to service the area.
9 It thought to do so from Bellevue would not be viable. In addition to crosstown traffic,
10 Bellevue was built to house six units but was operating with 13. The West 23rd site,
11 Harney said, was available but EMS is currently on a month to month lease. The
12 proposal before the Board will give the FDNY the ability to sign a longer term lease for
13 this temporary facility and be secure while it then seeks a permanent site.

14
15 Members of the Board had a number of questions. Betty Mackintosh reviewed the
16 complaints from residents in the adjoining residential building about idling vehicles
17 emitting fumes wafting directly into the property's apartments. Captain Foley, in
18 charge of the site, responded by saying that most of his crews are complying with his
19 directives to minimize idling. Harney reminded the Board that cabs and equipment had
20 to be maintained ready to go which necessitated at least some energy from the
21 vehicles' engines. Jay Marcus wanted to know if included in the city's budget was
22 money for permanent improvements. MCB 4 Chair Corey Johnson stated that with so
23 many substantial complaints, there was a need for protocols and more communication
24 with the neighbors. It would be helpful, he added, if the FDNY could work with the
25 Board. Christine Berthet suggested that it would be critical to know the highest ranking
26 person to whom we could call. She also mentioned that studies have shown that sirens
27 on emergency vehicles don't work so why do they use them immediately on leaving the
28 site? Chief Murley emphasized that there were laws on the use of sirens that needed to
29 be followed, even at midnight. Damyanti Radheswar wondered if there might be
30 another source of energy for the vehicles. Murley responded that neither their vehicles
31 nor the station itself could currently support alternatives. Lee Compton said he
32 understood the predicament but asked if in the longer term the FDNY was willing to use
33 shore power. Chief Murley stated that the next generation of ambulances would be
34 capable of using shore power.

35
36 At this point the discussion was opened to the general public for statements and
37 questioning. Patrick Procter said that his apartment in 520 West 23rd Street fills with
38 fumes from the idling vehicles, morning and night, and the problem is a hindrance to
39 his quality of life. Ron Perez' apartment also abuts the site. He observed that the
40 fumes do not dissipate and because the site is below the High Line, they go directly up
41 the sides of the building. The sirens, he said, go on as soon as an ambulance begins to
42 move out. Joseph Aoun of the same building questioned the urgency of converting the
43 monthly lease into something longer term. Bret Firfer wanted to know what was the
44 time frame of a longer lease. Harney said he did not know the answer since DCAS
45 negotiates the rental agreements. Elissa Burke of 525 West 22nd Street, immediately to
46 the south of the site, said that every night she is awoken and so are many families.
47 Craig Harwood from the same building questioned why this site was chosen and felt
48

1 that EMS was not giving us any commitment to change their method of operation. Tim
2 Saternow requested that the FDNY consider sites to the north in more “industrial”
3 areas. JD Winston pointed out that there was a school nearby and that with warm
4 weather the fumes and noise would get worse. He thought the space should be
5 enclosed and properly ventilated.

6 Jay asked what operational changes could the FDNY make?

7 Chief Murley averred that once a long-term lease were secured, the FDNY could start
8 addressing the issues and concerns raised tonight and work towards mitigating efforts.

9 10 **PUBLIC SESSION**

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12 The Public Session began with Auxiliary Police Officer Jeff Wice of the Traffic Task Force
13 describing the group and he put out that they were looking new members. He was
14 followed by Janet Kalson, the lawyer representing many of the tenants at the Chelsea
15 Hotel. She commented that the proposed letter from the Board on the agenda tonight
16 was excellent. Caroline Hansberry, a tenant at the Chelsea Hotel, rose to thank the
17 Board for its efforts. Tisch from West 18th Street complained about the music from the
18 Dream Hotel's rooftop bar. Late into the night it disturbs the hotel's neighbors. Kate
19 Linker of West 17th Street invited people to join a new group she was part of that was
20 fighting for the election of progressives and Democrats. She was for a living wage and
21 gun control. Joshua Schwartz spoke on behalf of the Hunter College MFA students who
22 are in favor of closing part of West 41st Street on May 16th in celebration of finishing
23 their thesis work. Gerry McCarthy raised the issue of noise on Restaurant Row
24 emanating from within the venues. Danya Sherman of the High Line announced the
25 beginning of spring hours and reviewed the upcoming events. The design for Phase
26 III, she notified the Board, is now on the website of Friends of the High Line and they
27 were looking for feedback. Gene Kaufman and Greg Karn of Gwathmey Seigel,
28 architects for the new owners of the Chelsea Hotel, showed the renderings to the Board
29 of the changes planned to restore the building to the historic conditions of about 70
30 years ago (not the late 19th century). Proposed rooftop changes, Kaufman said, would
31 be minimal and visible mostly from the rear of the building. Michelle Zalopany, a tenant
32 in the hotel, countered that she had a different experience when viewing the proposed
33 changes and she invited everyone to the roof. There is no sound proofing there.
34 The public session ended with Lisa Wager of FIT describing the current exhibit at the
35 school's museum, Stolen/Received/Restored.

36 37 **ADOPTION OF THE AGENDA AND** 38 **THE MINUTES OF THE MARCH BOARD MEETING**

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40 Agenda adopted with modifications.

41 March's minutes accepted.

1 **REPORTS OF OTHER ELECTEDS**

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3 Senator Tom Duane’s representative Jarrod Chesler reported that Megabus had
4 decided to work with everyone involved to resolve the issue of where it would locate
5 it New York City street terminus.

6 State Assemblymember Dick Gottfried, Jeffery Lafrancois let the Board know, was
7 thrilled there were no cuts to the state’s health care budget and there were
8 increases in education spending.

9 State Assemblymember Linda Rosenthal’s representative Paul Swere emphasized
10 that in the just completed state budget process the Assemblymember fought hard
11 and successfully to restore the cuts to EPIC, the Neighborhood and Rural
12 Preservation Programs, and to non-residential programs for survivors of domestic
13 violence.

14 Councilmember Christine Quinn, Michaela Miller informed the Board, is concerned in
15 light of the recent crane collapse near the W34th Street construction site of the
16 Number 7 Line extension, that the city has no legal oversight to ensure the
17 maintenance of safe working conditions at non-municipal sites. She strongly wants
18 to make all job sites safer. The City Council revised the city’s safety laws in 2008
19 and some governmental agencies not covered have agreed to follow this
20 agreement. She has urged the MTA to voluntarily adhere to the 2008 law.

21 Councilmember Gail Brewer reported that the City Council was in budget
22 negotiations with the Mayor’s office over spending reductions proposed in his
23 preliminary budget for the libraries, cultural, and day care. The façade of the West
24 59th Street Recreational Center, she disclosed, will be fully completed. The Open
25 Data bill which she had introduced and pushed for was passed by the Council and
26 signed by the Mayor.

27 Manhattan District Attorney Cyrus Vance’s liaison to the Board, Edgar Hugh, invited
28 all interested young people to apply for summer internships.

29 Congressman Jerry Nadler appeared himself to make his report [he actually
30 appeared later on in the meeting, during the Chair’s report, but is included in this
31 section of the minutes]. He commented that he usually can’t make it on a
32 Wednesday night since he is in DC but this week Congress is in recess. The budget
33 passed by the House, the Congressman observed, is a very radical document. It
34 converts the Medicaid program which has very clear directives and objectives
35 followed by spending formulae into a unified unspecified block grant to the states.
36 Medicare is transformed into a voucher program give money directly to participants
37 to spend.

38
39 **REPORT OF DISTRICT MANAGER ROBERT J. BENFATTO**

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41 The plans for the proposed additions to the Chelsea Market will be certified on April
42 9 Bob reported. This will trigger the Unified Land Use Review Process (ULURP) for
43 this project. The Chelsea Preservation and Planning Committee will be meeting two
44 times on this issue. First this month on April 16 at Fulton Center at which time
45 there will be no vote. That will take place at a second meeting in May. People are
46 invited to the full Board meeting in May to voice their opinions but the full Board
47 vote will happen in June after the CPP vote.

1 Two Board members have been appointed to the community advisory committee of
2 the BRC.
3 Bob announced that construction on the water distribution tunnel through Hell's
4 Kitchen should start in late May or early June.

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

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8 Corey reported that Michaela Miller of Chris Quinn's office deserved a big thank you for
9 all the work she has been doing on the derelict structure at 210 Seventh Avenue at the
10 corner of W22nd Street.

11 Corey introduced the 11 new members of the Board and asked each to take a few
12 minutes to say something about themselves. Charles Baylor was not present but the
13 other ten, Katherine Consuelo-Johnson, Tina DiFelicianantonio, Frank Holozubiec, Bruce
14 MacAffer, Aldona McCarthy, Miranda Nelson, Delores Rubin, Khemraj Singh, David
15 Warren, and Elizabeth Zechella, each took their turns.

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17 **COMMITTEE LETTERS AND RESOLUTIONS**

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19 Business Licenses and Permits Committee

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21 Presented by Paul Seres, Co-Chair.

22 Item 1: Letter to SLA re Spanish Benevolent Society Inc., d/b/a Centro España –
23 239 West 14th Street.

24 Item 2: Letter to SLA re 575 Market Corp – 575 Eighth Avenue
25 (btwn W38th and W39th Streets).

26 Item 4: Letter to SLA re Electric Room 16 LLC., Strategic Dream Lounge LLC., Electric
27 Hospitality, d/b/a The Electric Room – 355 West 16th Street (btwn 8th & 9th Avenues).
28 Items #1, 2, and 4 bundled and approved.

29 Item 5: Letter to DCA re Añejo LLC, d/b/a Añejo Tequileria – 668 Tenth Avenue.

30 Martin Treat raised the issue of planters on the sidewalk which are not allowed as well
31 as fences. Delores stated that the neighborhood needed cafes such as the one
32 proposed. Catherine took the opposite view and said the sidewalk café would interfere
33 with pedestrian traffic, particularly mothers with carriages. JD Noland mentioned that
34 he and Larry Roberts had met with the café's owners and were satisfied that they
35 would be operating a good addition to the neighborhood. Aldona thought the café was
36 a wonderful idea. Approved.

37 Item 3: Letter to SLA re Avenues Restaurant LLC., Northquay Properties LLC., Strategic
38 Dream Restaurant, Electric Hospitality, d/b/a Marble Lane – 355 West 16th Street (btwn
39 8th & 9th Avenues). Paul corrected the letter before the Board. It should have read
40 open to 4 am which is what was actually voted on in committee. The venue is an
41 internal hotel bar. Brett Firfer suggested it would be good to know what kind of
42 alteration the applicant was making. Paul said it was only a corporate name change.
43 Approved.

1 Chelsea Preservation and Planning and Clinton/Hell's Kitchen Land Use Committees

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3 Presented by Lee Compton and Brett Firfer, Co-Chairs CPP.

4 Item 6: Letter to DCP re Midtown West EMS Station: Site selection and acquisition of
5 property at 512 West 23rd Street – ULURP #120177PCM.

6 JD wanted deleted reference to alternate sites to the north of the current one. Paul
7 asked if we were “stuck” with this temporary site since in his experience many
8 temporary sites were almost by stealth transformed into permanent sites. What
9 happened in committee? Brett responded that at the CPP meeting the FDNY provided
10 as much information as they were presenting now. He continued that this is part of the
11 city's process. There is zero commitment to the time of temporary since it is hard to
12 find land in the district and until there is some kind of agreement they do not know.
13 Lee suggested that we send a letter to City Planning and a second letter to the Speaker
14 reviewing the issues we are discussing including fumes. JD is correct. Lee proposed an
15 amendment to the letter removing references to any sites at or near Roosevelt Hospital
16 and urging the use of shore power and natural gas as soon as possible. Maarten de
17 Kadt agreed and pointed out that the FDNY people had said the technology exists today
18 so we should push them.

19 Aldona concluded that the FDNY doesn't have solutions. What is our power she asked?
20 What would happen if we said no? Corey answered that in all likelihood part of the EMS
21 station would remain at the site. If City Planning were to say no, Lee responded next,
22 the FDNY would still be on a month to month lease and there would not be any need to
23 make the changes to its methods of operation as we are now suggesting; saying no
24 abdicates our responsibilities he summarized.

25 JD proposed that the Board's letter be a denial unless our stipulations were accepted.
26 Lee agreed. Christine added that the space should be enclosed with proper ventilation.
27 But, Lee said, we don't know what is the best solution. Joe also recommended a letter
28 of denial unless and agreed with Christine's idea. He said the station should be run
29 properly. Jay joined with Christine and Joe. Gwenn Billig mentioned that the
30 Waterfront Committee had the same issues around denial unless.

31 Betty suggested that “rigorous search in a non-residential area” should be substituted
32 for the current letter language. Maybe the letter could also state that the Board would
33 be willing to work with them revisiting the operation in a specified timeframe to see if
34 changes had been made David Warren, a new Board member who also works for the
35 FDNY, said that perhaps Board representatives could meet with DCAS as well as
36 residents of the adjacent buildings.

37 Corey asked Lee if he would accept the language on community consultation and he
38 did. Sarah Desmond proposed that consultation be changed to on-going dialogue.
39 Pamela Wolffe cautioned that she experienced the FDNY as pushing back on everything
40 that had been suggested and she concluded that they don't seem to care. Christine
41 asked that in the letter we specify a three year lease.

42 Corey gave a brief overview of the discussion and the amended nature of the letter to
43 be voted on.

44 Lee introduced a this point a proposed Item 20 which would be a letter to Speaker
45 Quinn about our concerns around this EMS site and lease. Walter asked that it include a
46 statement about the city's budget and the necessity of funds to upgrade the operations.
47 Jay wanted to include a line about a fleet upgrade. Joe questioned the need for a
48 second letter. Lee said he was happy to withdraw it if the first letter is strong and clear

1 and inclusive of the concerns and suggestions made during this discussion. The new
2 letter was approved on a roll-call vote.

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4 Landmarks Committee

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6 Presented by Damyanti Radheshwar, Co-Chair.

7 Item 7: Letter to LPC re 357 West 20th Street.

8 Approved.

9 Item 8: Letter to LPC re 222 West 23rd Street [Chelsea Hotel].

10 Damyanti explained all the points in the letter and said numbers 1 – 5 were approved
11 by the committee while with numbers 6 – 9 the committee found reasons not to
12 approve or pass over. Pamela said there needed to be some edits. JD felt the letter
13 was weak and should be viewed as a work in progress. Joe held that it needed clearer
14 phrasing. Sarah pointed out that one issue not spotlighted was the fact that the
15 elevator to the roof will block light and air to those nearby apartments. Joe said it will
16 definitely block some windows and we have to be clear on communicating this. JD
17 summarized that so many issues were unclear or unresolved we should write the letter
18 saying that until we have clarity, nothing should proceed. There also should be a letter
19 to the Speaker. David W added that the residents should be part of the process we are
20 going through. Corey disagreed and outlined the Board's process which is to listen to
21 the community, discuss it among ourselves, and adopt the letter and send it out. Joe
22 pointed out that we had consulted with the residents to hear their views. Approved as
23 amended. An additional letter to the Landmarks Preservation Commission with a more
24 overall accounting of the Board's concerns was approved as Item 19.

25
26 Transportation Planning Committee

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28 Presented by Christine Berthet, Co-Chair.

29 Item 9: Letter to DoT re Eighth and Ninth Avenue Curbside Protected Bicycle Lane
30 Extensions – follow up.

31 Delores stated that she was a cyclist but felt the money for the construction of
32 dedicated bike lanes should be used for other projects. Aldona, on the other hand, said
33 that she was in favor and thought they were a great thing to have. JD supported
34 stronger language up front in the letter about the education of cyclists to the city's rules
35 on biking. Approved.

36
37 Quality of Life: ACES Committee

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39 Presented by Jesse Campoamor and David Pincus, Co-Chairs.

40 Item 10: Letter to SAPO re Hunter College MFA Thesis Show – West 41st Street
41 between Dyer and Tenth Avenues, May 16, 2012.

42 Item 11: Letter to SAPO re Chelsea Improvement Company Summer Festival – West
43 15th Street between Ninth and Tenth Avenues, June 3, 2012.

44 Item 12: Letter to SAPO re Chelsea Improvement Company Summer Festival – West
45 15th Street between Ninth and Tenth Avenues, August 26, 2012.

46 Items 10, 11, and 12 bundled. The time of the street closure in Item 10, David stated,
47 should read 6:00 – 8:30 pm. Joe Rustuccia commented that the date for the proposed
48 event is a Wednesday, a matinee day, and the street is a major entrance to the Lincoln

1 Tunnel. It would be crazy, he said, to close W41st Street. The PANYNJ should be
2 consulted he added. Both Bob and David responded that the PA would not comment.
3 James Wallace, as a member of the committee, said it had voted only on the merits of
4 the proposal. Christine suggested that only one lane of the street be devoted to the
5 event leaving the others open to tunnel traffic. Paul thought that SAPO would approve
6 the closing without thinking or looking at the details we would stipulate. Jay Marcus of
7 the Transportation Committee added that David did ask him to comment and he said
8 that the closure was not mitigatable. Bruce stated that this was a one time only event,
9 a great event to celebrate the graduates. Aldona believed that it should be moved to
10 another day. It was decided that the letter be written as a denial stating the Board's
11 reasons for our action. Approved.

12 Items 11 and 12 approved.

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14 Item 13: Letter to UJA re Mayor's FY 2013 Preliminary Budget cuts to Child Care and
15 Afterschool Services. Jesse outlined the details of the letter. Walter Mankoff
16 questioned why the letter was addressed to the UJA and thought there was no reason
17 for the letter since the Board had already commented on the Mayor's Preliminary
18 Budget. David said that even though the letter in its present form passed in
19 committee, he was now against it. Approved with suggested changes.

20 Item 14: Letter to SAPO re Holy Cross Block Party – West 42nd Street between Eighth
21 and Ninth Avenues, May 28, 2012. Jay asked the Board to vote down this request.
22 The proposal is to close W42nd Street on a holiday Monday, Memorial Day, when there
23 will be lots of traffic particularly heading west to the Hudson. It is simply not feasible.
24 JD rejoined that the applicant is one of Hell's Kitchen's major churches, Holy Cross, and
25 the purpose of the closure is to celebrate its 150th anniversary. He said that since DoT
26 had no objections, it's ok. Why pick a fight with Father Pete? Joe pointed out the
27 anniversary celebration encompasses the whole year, not just that particular date. So
28 why not pick another date? Bob said it is too late to resubmit the application. A vote
29 was taken and the letter was not approved. Corey announced this and suggested
30 alternative language be inserted seeking the use of W43rd for the block party.

31
32 Executive Committee

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34 Item 15: Letter to SAPO re P.S. 11 PTA Spring Crafts Fair – West 21st Street between
35 Eighth and Ninth Avenues, May 19, 2012.

36 Approved.

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38 Clinton/Hell's Kitchen Land Use Committee

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40 Presented by Christine Berthet, Co-Chair.

41 Item 16: Letter to BSA re 419 West 55th Street – Special Permit application for a PCE
42 (Physical Culture Establishment) BSA Cal. No. 7 – 12 – BZ.

43 Approved.

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By-Laws Task Force

Presented by Betty Mackintosh, Co-Chair.

Item 17: Confidentiality of Board members' votes for officers. Betty explained the reasoning behind the Task Force's recommendation. She noted that other boards use this method of voting.

Approved.

New Business

Item 18: Letter to DoT re 34th Street Transitway.

Approved.

The meeting was adjourned.

Respectfully submitted by Burt Lazarin