

MANHATTAN COMMUNITY BOARD NO 4

JUNE 6, 2012

FULTON CENTER, 119 NINTH AVENUE

MEETING AGENDA

Public Session	Christine Berthet
Adoption of Agenda	Corey Johnson
Adoption of Last Month's Minutes	
Reports of Local Elected Officials	Various
Report of the District Manager	Robert J. Benfatto, Jr.
Elections	Betty Mackintosh
Report of the Chair	Corey Johnson
Committee Reports -- Letters & Resolutions	
Old Business	
New Business	
Adjournment	

PUBLIC SESSION

First Vice-Chair Christine Berthet led the public session. It began with a number of neighbors of the proposed ABA Turkish restaurant sidewalk café on West 57th Street (Item #9) voicing their approval. They were followed by Fanny of W34th Street observing the "terrible situation" created by the shortness of the red light on the corner of Ninth Avenue. Christine interjected that the ability to make a left turn at that intersection will be eliminated.

The public session was dominated by the Chelsea Market (CM) expansion (Item #1). Julie Menin, Chair of Community Board 1, said that her neighborhood faces similar issues and that we must be sensitive to development, each project is different. Community concerns should be heard. MCB 4, she urged, should ask for landmarking of the CM. Julie was worried about the upzoning involved in the expansion and the possible precedent it might create. There is a lot of nontextual development on the West Side she added.

Bill Borock of the Council of Chelsea Block Associations noted that people move to Chelsea because it's a community of mixed uses and that the CM expansion would be overdevelopment. Carol Demech of W17th Street looked at the pros and cons and concluded that there were more cons associated with the CM and that no "real jobs"

would be created by the expansion. Elena Solow of W23rd Street wondered about the traffic that would be generated by the project and its impact on the neighborhood. Kate Bini, a Chelsea resident since the 1970s, loves the mix of Chelsea and felt that would be eroded by the expansion. Larry Littman of W24th Street and the Chelsea Coalition on Housing felt that Chelsea is currently built to "human needs" and wants to keep it that way. The project would destroy that and the Board should say no to "greedy developers."

Rosemary Garcia spoke in favor of the CM expansion.

Ed Kirkland, a former member of MCB 4, argued against the expansion describing it as "jamming it up" and as a "gentrifier" by creating neighborhood pressures. It will be bad for landmarking. If the expansion was confined to Ninth Avenue that might be ok but having the CM compensate the community in some form is not the way to get affordable housing. Nicole Rodriguez of W17th Street was impressed with the number of people CM has directly and positively affected including herself and her family. The CM she noted created safety in its immediate surrounding by its street traffic.

A number of proprietors of stores and renters of office space in the CM spoke in favor of the expansion project. Allan Philips, a deli owner, related how the owners of the CM, Jamestown, helped him when his business was failing and now it is a success. Paul Brown was one of the first retail tenants in 1995 and has witnessed a complete turnaround and appreciates Jamestown's management as catalyst. Neal Grant and Jason Saba both urged the Board to approve the expansion.

Joshua David of Friends of the High Line believes that the development is contextual. Without the assistance the CM will provide the High Line, important needs would not be met. Capital funding is critical and we need resources he stated. Another CM store owner, Jacob Dickson who runs the butcher shop, spoke in favor of the expansion. He noted Jamestown's support of his business in its early stages and now he employees 15 people.

Lloyd Van Praagh of W23rd Street urged the Board to vote against the expansion because he believes it would put too much demand on community resources.

Gary Roth, an adjunct professor of urban planning and a resident of W23rd Street, introduced the concept of future benefactors of the CM expansion who, unlike many of those against the project here tonight, cannot be present. He stated that the development is needed to accommodate growth and to support the High Line. Without new jobs, he held, people would move to the less energy efficient suburbs. Pat Holding owns a bakery in CM and applauded the business incubation environment provided by Jamestown. Peter Mullins of Friends of the High Line detailed the back space needs of the park that would be met by the capital assistance provided by the expansion. He also addressed the shadow thrown by the proposed Tenth Avenue addition and described it as "incrementally minor" and it would have "no real impact on the plants."

Joel Horowitz runs a small seasonal business in CM and he, too, received support from Jamestown and felt that they are good for the community in creating jobs and should get approval for the expansion. Ian MacGregor started his store in CM with only 15 employees and today has over 100. He stated that he changed and prospered in the environment created by Jamestown in CM. Ralph Locascio and Brendan Hayes work along side of Ian and concurred in his assessment of Jamestown and the need for the expansion of CM and new jobs. VB, living in the Robert Fulton Houses, fully supported the expansion saying the economic impact would be completely positive.

Steven Shore of W21st Street said the community fought against and then negotiated the new West Chelsea zoning. The CM expansion is simply an issue about a developer trying to buy an exemption. It should not happen and create a precedent. Frampton Tolbert of the Victorian Society urged the Board to reject the proposal. He said the CM is one of the few remaining 19th century structures in the neighborhood and it has been successfully reused. The expansion would ruin it. Simeon Bankoff of the Historic Districts Council stated that the project would have a negative architectural impact on a "shining example of adaptive reuse" and it is not needed. Andrew Berman of the Greenwich Village Society for Historical Preservation urged the Board to vote no. He argued that if you deny with conditions the project would go forward so just vote no and list all the objections. Hilda Rejier, a former MCB 4 member, also asked the Board to vote no. She held that the proposal was spot zoning, the request of one company, and it was not in the public interest.

Tony Juliano, another former MCB 4 member and now Executive Director of the Greenwich Village Chelsea Chamber of Commerce, said his group supports the expansion. It will help small businesses and it has been modified to accommodate community concerns. Tom Antenen and David Porat, both working in the CM, spoke for the expansion while Andra Gabrielle of W22nd Street and the Chelsea Coalition on Housing spoke against. Ken Nye, a CM proprietor of a coffee bar, praised Jamestown which nurtured his business as it grew from 6 to 25 employees.

Paul Gronki of the Chelsea Reform Democratic Club noted that "we are Chelsea, we cleaned it up, and we live here" and the community is against the project.

Micky Brady who owns a construction company said he supports the expansion with all the jobs it will bring. Nick Fritsch, a 30 year resident of Chelsea and W20th Street related to the Board his belief that the City Planning Commission is for the project so he feels we should work out a negotiating position. Leslie Doyel of W20th Street and Co-chair of Save Chelsea argued that the expansion is a private enrichment over the public good and MCB 4 should listen to the community voices and vote to reject. Frank Lowe, a 37 year resident of Chelsea, pleaded with the Board not to be seduced by promises of the developer and preserve low rise Chelsea. Michael Levine opposed the project and saw a "disconnect" when people argue that the expansion's Tenth Avenue shadows will have no impact on the High Line. He believes the \$17m contribution is creating this "disconnect." Michael McKee, a resident of Chelsea since 1966, stood opposed "unequivocally" to the proposal which he called a "monstrosity of design." He characterized the possibility of mitigation with an affordable housing fund partially financed by the developer as a "mirage." He held that there is no certainty that housing would be built or built in Chelsea. We need, he said, the Board to protect us from "predatory developers." Mary Swartz of W22nd Street commented that she believed affordable housing was important but even if Chelsea were to get some from this project, it wouldn't balance out the negatives.

Donna Kelsh of W21st Street demanded the Board listen to the voices of the community's residents and respect the "commonweal, not greed." Claudia Dreifus moved to Chelsea in 1967, she noted, and it was then a tough but not bad neighborhood. She declared that tonight's rhetoric was confusing and for her didn't add up. We don't want a Disneyland here in Chelsea she declared. Jim Jasper, a former Board member of W15th Street, announced his love for the CM as it is and didn't want it ruined, as he saw it, by the proposal. Also of W15th Street, Steve Jobs congratulated CM on the diversity of the merchants it has brought together and

opposes any further development. Bob Morsey of the Chelsea Coalition on Housing observed that the zoning changes asked for and the accompanying project is not a done deal and urged the Board not to negotiate. It must just say no. Bob Trentlyon, a former Board member, criticized what he perceived as the lack of transparency in the process that brought forth the proposal before the Board tonight. He thought that there had been "secret" meetings in which many of the decisions had been made. He urged the Board to write rules of transparency by which its committees would need to operate.

Karen Jacob of W22nd Street felt she was torn between two of her loves, the High Line and the block. But the project is just wrong.

Another W22nd Street resident, Jean Blair, 30 years on the street, held that the arguments are not between change and no change, lots of changes can be wonderful. But she believes that this proposed change would destroy what makes Chelsea special. Cedric Tolley told how he was horrified by the rendering of the project and questioned why zoning modifications should be granted when the community was so against it.

Lenny Rosado, of W17th Street and a Chelsea resident since 1966 said he was for the CM expansion and saw this proposed change as good. Donathan Sackaln, here in the neighborhood since 1979, sees Chelsea as in the middle of a giant game of monopoly. Caitlin Cahill of W24th Street, a professor of environmental psychology and a Chelsea resident since 1984, spoke against the proposal. Maeve Richmond of W23rd Street, a 16 year neighborhood resident, urged the Board to listen to community members and vote no.

The public session ended with Lisa Wager of FIT mentioning that FIT's pre-college program is beginning. The school's museum which currently has an exhibit on the Triangle Fire and the second half of Fashion A-Z is open during the summer.

After the public session finished, MCB 4 Chair Corey Johnson commended the speakers on their ability to remain respectful and civil while commenting on such a contentious proposal.

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

Agenda adopted with additions of new business Items 27 and 28.
May's minutes accepted.

REPORTS OF LOCAL ELECTEDS

Because of the expected heated discussion on Item #1, the reports of the electeds were either abbreviated or deferred.

State Assemblymember Dick Gottfried, Jeffery Lafrancois let the Board know, was opposed to the CM expansion. He holds that any positive results of the project would be outweighed by the negatives.

State Assemblymember Deborah Glick also opposed the zoning changes said Sara Malloy Goode. The development would be out of context with the surrounding landmarked structures.

Jessica Silver of Borough President Scott Stringer's office introduced his new liaison to the Board, David Czyzyk.

State Assemblymember Linda Rosenthal's representative Paul Swere introduced her new legislative aide Jacob Newman.

REPORT OF DISTRICT MANAGER

Nothing to report.

ELECTIONS OF MANHATTAN COMMUNITY BOARD 4 OFFICERS

Betty Mackintosh, chair of the Elections Committee, facilitated the voting for the Board positions of Chair, First Vice-Chair, Second Vice-Chair, and the two Co-Secretaries. Since the By-Laws of the Board were recently changed, the terms of these positions will be 18 months to bring their endings consistent with the calendar year; and when needed voting is by ballot. The elections completed, the meeting moved on.

REPORT OF MCB 4 CHAIR COREY JOHNSON

Deferred to move meeting forward.

COMMITTEE LETTERS AND RESOLUTIONS

Chelsea Preservation and Planning

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

Item 1: Letter to CPC re ULURP Application nos. N 120142 ZRM and C 120143 ZMM, 75 Ninth Avenue (btwn W15th & W16th Streets), Chelsea Market expansion.

Before the Board members began their discussion of Item #1, Jamestown lawyer Melanie Myers presented the current plans for the Chelsea Market expansion if the requested zoning modifications were to be approved.

Yasmine Mahdavi question Myers about any discussion of a contribution from the developers to Public Schools 11 and 33. She said she was shocked that no support for schools was included as a possibility. Melanie responded that in the context of a land use decision this had not in the past been considered. She stated Jamestown was looking at recommendations from the community and this suggestion had not before been presented. At this point Corey interjected that this was not the time to have communication with the applicant. The CPP has worked hard, he continued, and we need to move on to the discussion.

Lee went over the committee's letter to the City Planning Commission point by point emphasizing the position that the critical issue was an affordable housing mitigation fund. If there was no agreement on this, the letter would be an outright denial. If

there was agreement, than the letter would be a denial unless the other conditions enumerated in the letter were accepted. The model for this type of letter is that which was developed in the BLP committee in relation to recommending a denial of licensing unless certain stipulations to the methods of operation are agreed to.

Betty began by reminding the Board that currently there is no landmark protection for the Chelsea Market complex; it could be torn down and a highrise could replace it. Lisa Daglian noted the passion on all sides and said she had questions: what happens if we vote no, what happens at the City Planning Commission? Corey answered Lisa. The Board's letter (Item #1) is advisory. It goes to the Manhattan Borough President, who issues his own opinion about the project, and the CPC. They can take into account the positions we take or ignore them. It is not possible to predict their actions. If we vote yes, he added, our concerns are heard. Any modifications made by the Planning Commission and the City Council to the application must be within the scope of the original certification.

Walter Mankoff related that in committee he thought as a matter of principle he would vote no because only Jamestown and the High Line would gain from approval of the application. It would lead to a loss of meaning in the zoning resolution but the committee did not accept my argument. I then agreed with the two step compromise. But I have been rethinking my position and will tonight vote straight no. I found, he said, the letter from the developer weak and unconvincing.

Pamela Wolff welcomed the opposition to the applicant. She felt the committee worked hard on crafting a position but even that cannot make the project good. Pamela introduced a substitute resolution with a letter proposing that the Board oppose the requested zoning modifications. It listed seven major reasons for a denial and concluded "that the negative impacts and lack of sound planning rationale of the proposed rezoning and development far outweigh any purported benefit..." Aldona McCarthy seconded the substitute resolution.

Brett Firfer said he appreciated the committee's work and the time spent on the letter. He added that he was on the fence longer than people thought. The committee went through a process that included much give and take. He noted that he is against anything that smells of spot zoning and this proposal is not. Ninth Avenue needs filling in but the new construction on Tenth Avenue no one wants. The committee's letter outlines the issues we are concerned with and has suggestions for remediation. An outright denial of the application would put the work of the committee to nothing and would not provide the community with protection.

Aldona stated she was more against than for the committee's letter.

Joe Restuccia felt that Jamestown's letter to the Board listing its efforts to mitigate the project's impact on the community needs more specificity. He believes that we would be abdicating our responsibility if it we voted as loud voices. There is a greater good. The developer has gone from nothing to giving the community a lot. Before this discussion began, for example, Jamestown was against landmarking and now it is saying yes. Joe ended by arguing that a vote for the substitute resolution would only make some people feel good but it wouldn't involve the Board in creating public policy. The substitute resolution was voted down.

Corey observed that the Board's process had been long and transparent. I thought, he said, that getting concessions from the developer would be enough to enable me to

vote yes but now my vote will be a no. Everyone, he continued, has been upfront and honest and he wanted to thank everyone for this including Jamestown.

David Warren noted that even if we vote no, the work of the committee will still be out there and available. Corey countered that it would not be the position of the Board so it would not matter to anyone making decisions further along in the process.

JD Noland stated that the way the Board works our positions are advisory but I have to be reasonable. The Borough President will make a deal, the City Council will make a deal. This is a terrific letter, one of the toughest letters I have read from the Board and I disagree, he said, with Corey.

Miguel Acevedo reported he voted yes in committee for the letter. He also referenced some comments made in the public session and said he thought "it's disgusting to question the motives of Lee Compton." Christine stated her opposition to development on Tenth Avenue and was ok with the project on Ninth Avenue.

Jay Marcus felt strongly that the committee did a great job. He would like, he mentioned, a reduction of construction on Tenth Avenue to diminish the shadow impact on the High Line and he criticized the traffic impact study. But he thought that the creation of jobs is an important benefit as well as the preservation of the food court. Jamestown, he added, contributes to the community and is a good neighbor.

Seth Weissman noted that he had changed his position from when he voted yes in committee. Though he is a developer, he will now be voting no he said.

Paul Seres stated that one of the major growth industries in New York City in the last two years is hospitality and tourism. Chelsea Market provides space for this growth.

John Doswell observed that he usually agreed with Joe, even negotiating with proposals he hates. But once in a while, he continued, you must say no and this is one of those times. Elizabeth Zechella inquired, how do we know we will get what we list in the committee's letter? Lee answered we don't know but we must develop the political will to push forward with what we want. Corey stated that there is no mechanism.

Yasmine introduced a friendly amendment to the letter's requests of the developer. It would ask for support for Public Schools 11 and 33. The amendment was accepted by Lee and Brett, committee Co-Chairs.

Raul Larios introduced another friendly amendment. It would suggest that the developer hold job fairs before any hiring of new employees and that they announce job openings with a link from any future MCB 4 job website. The amendment was also accepted by Lee and Brett.

Christine introduced an amendment which was seconded by Damyanti that would reduce the height of the street wall on Tenth Avenue from 170 feet to 130 feet. Lee did not consider this a friendly amendment. He argued that the 170 feet is equal to the height of existing buildings on Tenth Avenue and that the High Line is an urban park and part of its experience is that it is surrounded by built structures. Betty added that this reduction was "tricky" since any diminishment of the bulk of the new construction would reduce the amount of affordable housing.

Amendment voted down.

Jay wanted the letter to make clear that we are establishing for the first time in New York City a "nexus between affordable housing and commercial development" and this is important. His suggested addition was accepted.

Pamela concluded the discussion on Item #1 saying that she was inclined to vote no because it is important to send a message to the Borough President.

Item # 1 approved on a roll call vote with the friendly amendments and suggested changes incorporated.

Business Licenses and Permits Committee

Presented by Lisa Daglian and Paul Seres, Co-Chairs.

Item 2: Letter to SLA re Speak Integrated Corp. -- 167-169 Ninth Avenue (W20th St).

Item 3: Letter to SLA re Zoccola LLC. d/b/a Tavolata – 488 Ninth Avenue (btwn W37th & W38th Streets).

Item 4: Letter to SLA re La Buca Restaurant Corp. d/b/a Swing 46 Jazz & Supper Club True Blue – 349 West 46th Street (btwn Eighth and Ninth Avenues).

Item 5: Letter to SLA re Ramen Time Inc. – 464 West 51st Street (btwn Ninth and Tenth Avenues).

Item 6: Letter to SLA re 339 West 44 Food Corp. d/b/a Smokey Burger Organic/One Thai Chef – 339 West 44th Street (btwn Eighth and Ninth Avenues).

Item 7: Letter to SLA re Tabata Noodle Restaurant – 557 Eighth Avenue (btwn W37th & W38th Streets).

Item 8: Letter to SLA re Balkan Burek Inc. d/b/a Balkanika – 691 Ninth Avenue (btwn W47th & W48th Streets).

Item 9: Letter to DCA re ABA Turkish Restaurant Inc. – 325 West 57th Street

Item 10: Letter to DCA re Giovanni Rana Restaurant – 75 Ninth Avenue (btwn W15th & W16th Streets).

Item 11: Letter to DCA re Ventanas – 100 Tenth Avenue (corner of W16th Street).

Items 2, 3, 4, 5, 7, 8, 9, and 11 bundled and all approved.

In regards to Item 6, Lisa noted that the restaurant has now agreed to implement Step 2 (on an intensity scale up to a Step 4) noted in the findings of the residents' engineer.

Passed as amended.

Item 10 passed.

Landmarks Committee

Presented by Damyanti Radheshwar, Co-Chair.

Item 12: Letter to LPC re 400 West 22nd Street.

Tabled.

Item 13: Letter to LPC re 421-435 West 14th Street.

Passed.

Item 14: Letter to LPC re 333 West 20th Street.

Ratified.

Transportation Planning Committee

Presented by Christine Berthet, Co-Chair.

Item 15: Letter to CIC re Chelsea Plaza.

Item 16: Letter to SAPO re Chelsea Plaza.

Item 17A: Letter to NYCHA re West 27th Street Drive repaving.

Item 17B: Letter to DoE re West 27th Street Drive repaving.

Item 19: Letter to DoT re West 55th Street Loading/Unloading

Items 15 through 19 bundled and passed.

Executive Committee

Item 20: Letter to DoT re Megabus Permit renewal.

David W commended the letter. Passed.

Item 21: Letter to DPR re HL site removals.

Item 22: Letter to NYPD/Speaker Quinn re Police Precinct co-terminality.

Items 21 and 22 passed.

Housing, Health and Human Services Committee

Item 23: Letter to BRC/DHS re dedicated security team for West 25th Street.

Passed.

Quality of Life: ACES Committee

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

Item 24: Letter to DoE re Proposed Charter School location at P.S. 11.

Item 25: Letter to SAPO re New Street Activity Permit, And Utopia Played On.

Item 26: Letter to SAPO re New Street Activity Permit, Health Fair Sponsored by MSNY.

Items 24, 25, and 26 passed.

New Business

Item 27: Letter to DoT re Parking Regulations on the South Side of West 17th Street between Sixth and Seventh Avenues. Discussed among the other items of the Transportation Committee and passed.

Item 28: Letter to HRPT re Hudson River Park Strategic Planning Task Force recommendations. John Doswell, Co-Chair of the Waterfront, Parks, Environment Committee paraphrased the letter since no printed version was available.

Assemblymember Dick Gottfried spoke in favor. He said the letter made the case superbly and it was important for CB 4 to approve it. Raul mentioned that at a meeting last week there was some opposition to the recommendations. Dick rejoined that he felt this opposition was not reflective of the majority of the community. Ernest inquired as to the meaning of "use groups" as included in the letter. Betty felt that their definitions were too broad. Corey indicated that possible uses for Piers 40, 57, and 76 were discussed. Actual uses, Dick pointed out, will be determined by all appropriate legal processes. Corey added that the Board was not being asked to take a position on any specific use but endorsing the exploration of possibilities. Jay questioned that no height restrictions were included and wondered about the applicability of ULURP. Corey responded that any proposals would have to go through ULURP and there are height restrictions.

Passed.

The meeting was adjourned.

Respectfully submitted, for the last time, by Burt Lazarin

