

MANHATTAN COMMUNITY BOARD 4
March 7, 2012
FULTON AUDITORIUM, 119 9th AVENUE

Margaret Forgione
Manhattan Borough Commissioner
New York City Department of Transportation
55 Water Street, 9th Floor
New York, New York 10041

Re: Eighth and Ninth Avenue Curbside Protected Bicycle lane extensions

Dear Commissioner Forgione:

AGENDA

Public Session: Christine Berthet
Adoption of Agenda: Corey Johnson
Adoption of Last Month's Minutes: Corey Johnson
Report of the Manhattan Borough President: Jennifer Ashley
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 SESSION:

Community Board Chair Corey Johnson called the meeting to order at 6:35 pm and introduced First Vice Chair Christine Berthet to conduct the public session.

Christian DiPalermo, represented a coalition of Trailways, Greyhound and Peter Pan, carriers that are in the Port Authority Terminal. He spoke about Megabus and the DOT decision to permit them to operate on 41st St.. DiPalermo pointed out that Megabus is operating on the street for free, while the companies he previously mentioned paid about \$5 million annually for their right to use the Port Authority facility. It is an unfair advantage for Megabus, DiPalermo added, and Megabus may violate weight limitations as well. There is a fear that this temporary permit may become permanent.

Carl Bevelhymer, from the West 55th St. BA, announced a "Blocks for Blocks" symposium, which will take place on Sunday, April 1 from 9 am-1 pm. The purpose of the symposium will be to exchange ideas and to work more effectively in our neighborhoods.

CB4 member Carmen Matias spoke about the Community Fatherhood Academy, which helps young first time fathers with raising a child, obtaining a GED, etc. It is free for NYC Housing Authority residents and anyone else in Chelsea/Hell's Kitchen.

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Next to speak was Amir Talai, the director of marketing for NTD Television Chinese television network. He wanted to inform those in attendance that Shen Yun had performed at Lincoln Center in January before sold out crowds and will be returning from April 18-22. Talai noted that it's not just another theatrical performance, but rather an experience.

Adam Steiner, the smoke free project counselor at the LGBT Community Center on 13th St., stated that their mission was to promote a smoke free city for all NYC residents. Steiner claimed that NYC youth was being targeted by tobacco companies through convenience stores. Also, Steiner said that there are no safe levels of second hand smoke and pushed for NYC buildings to become smoke free.

Representing the Friends of the High Line, Joshua David asked for the full board's support of Item 8 on the agenda, a letter of support from CHKLU regarding the High Line Text Amendment. The amendment requires that the High Line on the Eastern Rail Yards, including the 10th Ave. spur be preserved as public open space, thereby guaranteeing its preservation. By approving the resolution, David added, CB4 would once again be playing a historic role in the evolution of this neighborhood. A public input forum will be held on Monday, March 12 at PS 11 to share the initial design concepts.

Also from the High Line, Danya Sherman announced that Spring Comeback was underway at Sections 1 and 2, which is the largest horticultural initiative to date. Sherman also announced that the High Line was hiring and that anyone interested in working on the High Line should pick up a flyer in the back.

Christopher Flagg, one of the owners of 220 12th Avenue thanked the CB4 Landmarks Committee for reviewing their application for window replacement in the building. He would like an additional line in Item 10 that would reflect the Landmarks Committee vote on the application.

Father Luis Gomez from the Church of the Holy Apostles on 27th St came simply to introduce himself and the church to the community.

CB4 member Betty MacKintosh spoke in support of the Food Drive taking place at the Metro Baptist Church at 410 West 40th St until April 8. In addition, the CSA (Community Supported Agriculture) program was also getting off the ground at Metro Baptist Church and there were flyers in the back for those interested.

Delay Gazinelli, the founder and executive director of Chelsea Sculpture Park, spoke in opposition to Item 12, a letter from the WPE Committee to Hudson River Park Trust. Gazinelli is very concerned that a commercial entity is using a public park as its own public space to show works it intends to sell. Furthermore, Gazinelli stated that Marlborough Gallery has no intention of sharing any profits from these sales with the HRPT.

Tom Conner also spoke about Item 12, claiming that everything seems to have changed in mid-stream. He wonders how Marlborough Gallery can be allowed to make money out of a public project without a huge contribution being made to HRPT. There's something very wrong with this, Conner asserted.

The last public speaker, Carol Deuech, related that she was excited to learn last year that there was a proposal for a sculpture garden along the Hudson River in Chelsea. Deuech continued that the project would be self-sustaining and would feature the works of local artists on a rotating basis. She said she was stunned to learn of the deal with Marlborough Gallery, who she claims was thrown out of the Art Dealers Association of America because of immoral and illegal business practices. Deuech urged CB4 to reject the letter from WPE to HRPT.

PUBLIC HEARING:

Johnson introduced CB4 member Raul Larios, who is co-chair of the CB4 Budget Task Force, to lead the public hearing. Johnson noted that CB4 is mandated by City Charter to hold a public hearing on the Mayor's fiscal year 2013 preliminary budget. Larios commented that if he recalled correctly no one signed up to speak or ask a question at the last budget hearing. Larios introduced the rest of the budget task force and then asked those in attendance if they had read the preliminary budget document. One person responded in the affirmative. Larios then gave an overview of the document. The task force specifically looked to make up for a \$3 billion shortfall in 2014 by coming up with \$1.5 billion in cost cutting and another \$1.5 billion in revenues. Larios concluded by saying that he hoped he had sparked a little interest in the subject and that at least one person would have a question or comment. No one had a question or comment and the hearing was declared closed.

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ADOPTION OF THE AGENDA AND THE MINUTES OF THE JULY, 2011 FULL BOARD MEETING:

Chair Johnson declared the public session closed. The agenda was adopted as submitted.

The board adopted the February 1, 2012 minutes as submitted by Burt Lazarin.

REPORT OF MANHATTAN BOROUGH PRESIDENT SCOTT STRINGER:

Jennifer Ashley, representing Stringer tonight, expressed the Speaker's thanks for those that attended the "Stop and Frisk" rally on February 26. Stringer, according to Ashley is outraged by the current policy. On Thursday, March 22, Stringer will be co-sponsoring the Women's History Month Awards Ceremony and Discussion at the Baruch Performing Arts Center from 9-11 am.

REPORTS OF OTHER ELECTEDS:

Katie Smith, representing Congressman Jerold Nadler, noted that the transportation bill currently before Congress has been pulled and that she would have an update at the April CB4 full board meeting. Also, Nadler is in support of the Obama administration's initiative to provide free universal birth control through health insurance companies.

Sarah Meier-Zimblar, representing State Senator Tom Duane, said the office became aware of a study that indicated that Megabus may very well not be in compliance with city, state and federal weight limits. Sen. Duane is spearheading a joint letter to NYS Transportation Commissioner Joan McDonald to call on the agency for more stringent monitoring. Meier-Zimblar also invited the community to a meeting to discuss the redesigning of 39th Street Park, to take place on Tuesday, March 13 at 6 p.m.

State Assembly Member Dick Gottfried's representative, Jeffrey LeFrancois, announced the opening of an LGBT Senior Center, the first of its kind in the US. It is located at 305 Seventh Ave.. The Javits Community Advisory Committee, chaired by CB4 member Lee Compton, met last week to talk about what to do going forward. One of the committee's objectives is that it be a public process from the get go. Assembly Member Gottfried is opposed to the Chelsea Market expansion as presently constituted and that it needs to be significantly reduced.

Paul Sawyer, from State Assembly Member Linda Rosenthal's office, announced that tomorrow, Thursday March 8 from 3-7 p.m. at Assembly Member Rosenthal's office (230 West 72nd St.), will be the first regular clinic for the Senior Citizen Rent Increase Exemption (SCRIE) program. Rosenthal, Sawyer stated, is currently working on legislation that would outlaw the sale of electronic cigarettes to minors. Also, another of Rosenthal's bills would require that hotel employees be notified in the event of a bed bug infestation.

Representing Council Member Gale Brewer's office, Jeffrey Boudine alerted the community to the recycling event taking place on April 21 at West 77th St. and Amsterdam Ave. Boudine also related that the results of the West Manhattan Traffic Study will be released by DOT on April 25. There will be a public hearing regarding the study on that date at John Jay College. Finally, Boudine said that Brewer's office is working on the public phone booth issue.

Council Speaker Christine Quinn's representative Michaela Miller thanked everyone who went before her because all her announcements were already made.

REPORT OF DISTRICT MANAGER ROBERT J. BENFATTO:

CB4 District Manager Bob Benfatto announced that the Chelsea Market expansion is scheduled to be certified on Monday, March 26. That means CB4 would hear it on April 16 and vote on it May 7. The 48th St. water tunnel project is running behind schedule. The Con Ed work will be completed by April 1 or May 1 at the latest. Benfatto said that the second community forum would probably be sometime in April. The Parks Dept. is hiring playground associates and applications are available in the CB4 office. Benfatto commended the work of Quality of Life (QOL) Committee and Co-Chair David Pincus regarding the Mercedes Benz exhaust system noise issue. Mercedes has agreed to spend upwards of \$1 million to mitigate the noise, which will take up to six months to accomplish. Finally, Benfatto stressed that there are no actual cuts in the preliminary budget response, even though cuts are mentioned in the discussions of the various agencies.

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REPORT OF MCB 4 CHAIR COREY JOHNSON:

Chair Johnson reiterated that QOL Co-Chair Pincus has been a pit bull in the Mercedes issue and that there have been at least 200 emails regarding it. Mercedes would not have agreed to put \$1 million in mediation efforts if it were not for Pincus and his committee, said Johnson. Regarding Chelsea Market, Johnson said there was a public forum last month and that an extensive power point presentation was put together by Betty Mackintosh and is on the CB4 web site. Johnson publicly thanked Mackintosh and the others for their extraordinary work.

Johnson also touched on the Javits Community Advisory Committee, which had been addressed early by Jeffrey LeFrancois. He stated that the committee will be meeting as needed and that both he and Lee Compton will report back with any developments. Johnson also thanked JD Noland, who has agreed to take over as chair of the Hudson Yards Community Advisory Committee (HYCAC). Johnson announced that per CB4 by laws, he has appointed a nominating committee for the upcoming election in June. Betty Mackintosh will chair the committee and other members will be Pete Diaz, Jesse Camp, Pamela Wolf, Miguel Acevedo, Lisa Daglian and Morgan McClean. The CB4 web site is being improved and will lead to greater transparency. Regarding the BLP letters, Johnson noted that it probably isn't necessary to print out all the papers for a particular item unless a member has issues with it. Finally, Johnson thanked CB4 members who are leaving the board: Gretchen Minneman, Elisa Gerontianos, Nicole Goodwin, Howard Smith, Jim Jasper and John Weis. Weis said that in the very near future he looked forward to coming and yelling at CB4 for two minutes during the public session.

COMMITTEE LETTERS AND RESOLUTIONS:

Business Licenses and Permits Committee

Presented by Co-Chair Lisa Daglian:

- Item 1: Letter to SLA re Lana Restaurant LLC d/b/a Amarone – 686 Ninth Avenue
- Item 2: Letter to SLA re 7 Washington Lane Corp – 329 W. 51st Street
- Item 3: Letter to SLA re 117 Perry Corp. – 365 W. 51st Street
- Item 4: Letter to SLA re Ageha Japanese Fusion Inc. – 767 Ninth Avenue
- Item 5: Letter to SLA re Pinyin Kitchen Inc. d/b/a Pinyin – 254 Tenth Avenue
- Item 6: Letter to SLA re 99 Noodle Corp. 472 Ninth Avenue
- Item 7: Letter to SLA re 647 Ninth Ave Corp. d/b/a Ember Room – 647 Ninth Avenue

Daglian proposed bundling Items 1 thru 7. JD Noland had a question regarding applicants checking the "No" box when they were indeed located within Clinton Special District. Noland also called out wording that was almost identical in three separate applications regarding the 500 foot rule. Daglian responded that they were most likely composed by the same attorney. Martin Treat had a question about sidewalk cafes on a couple of the applications. Daglian noted that these are existing sidewalk cafes that were transfers. According to Daglian, there's also some confusion regarding the marking of sidewalk cafes. DCA wants the establishments to mark the sidewalks for the cafes, while DOT instructs them not to.

APPROVED

Clinton/Hell's Kitchen Land Use Committee

Presented by Co-Chair JD Noland

Item 8: Letter to DCP re High Line Amendment – N 120171 ZRM. Noland said that everyone on the committees of CPP and CKLU was on board with the amendment. Treat asked that an elevator be proposed for the High Line extension and Johnson responded that an elevator was planned for 30th Street. Walter Mankoff proposed that city agency names be spelled out rather than using acronyms to avoid public confusion when reading these letters. APPROVED

Item 9: Letter to DCP re Eastern Rail Yards Amendment – N 120176 ZRM. Noland explained the process which was used to get to this point. Noland pointed out that one significant sticking point with Related, the developer, was the use of curb cuts. The committees were totally opposed to this. As Noland related, the majority of committee members did not to lose that feeling of openness to the Hudson River. Jay Marcus offered a couple friendly amendments regarding language in the letter which were accepted by Noland. APPROVED

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Landmarks Committee

Presented by Co-Chair Damyanti Radheshwar:

Item 10: Letter to LPC re 224 Twelfth Ave. There are many windows in this building. Although the committee is in favor, it will still include the research on the windows that Co-Chair Ed Kirkland did and the suggestions made to Landmarks Preservation Committee (LPC). Marcus asks whether the owner has agreed to make the changes asked for by CB4. Lisa asks that clarifying language regarding this issue be added to the letter. APPROVED

Transportation Planning

Presented by CB4 Chair Corey Johnson:

Item 11: Letter to DOT re Bike Corrals. Walter Mankoff offered that the language in Line 14 needed to be clarified so that it refers to stores and restaurants. Mackintosh asked whether it was a requirement for stores and restaurants to use these corrals. Daglian stated that there needed to be further outreach before this letter was voted on. Co-Chair Berthet insisted that the restaurants had agreed to these bike corrals. Burt Lazarin wanted to know if this was an experiment and if so, would there be an evaluation done at the proper time. APPROVED

Waterfront & Parks

Presented by Co-Chair John Doswell:

Item 12: Letter to HRPT re Sculpture Installation in Chelsea Waterside Park. Doswell reminded CB4 that HRPT can have these sculptures installed as of right. Doswell added that HRPT did not ask for a letter, but one was generated by Waterfront & Parks. Lazarin offered a friendly amendment to remove the sentence in line 33 regarding concerns. Lazarin also asked for language regarding contributions that should be made in the future by Marlborough Gallery. Acevedo asked what happened to the previous artist and Doswell responded that nothing was ever formally presented in that instance. Pamela Wolff agreed with Lazarin's suggestion and wondered whether there was a plan for how long these sculptures, whether they would be rotated, etc. Wolff asked whether such a limit could be asked for in CB4's letter. Noland is concerned with private art being placed in public space. Doswell noted that there is private art in public parks throughout the city. Sarah Desmond also spoke to the contribution component. John Weis asked whether it was appropriate for Doswell to represent the CB4 position since he was also on the board of the HRPT. Johnson suggested that perhaps Co-Chair Jim Jasper should lead the rest of this particular discussion in light of this possible conflict. An amendment adding language to the letter urging contributions by Marlborough passed. Berthet expressed reservations about Marlborough perhaps not being in good standing in the art world and Johnson responded that it was up to HRPT to vet their history. APPROVED

Executive Committee

Presented by CB4 Chair Johnson:

Item 13: Letter to DCA re Southern Hospitality-645 Ninth Avenue. Mankoff suggested that the language be in the second paragraph be cleaned up. This suggestion was accepted. APPROVED

Budget Task Force

Presented by CB4 Chair Johnson:

Item 14: FY2013 Preliminary Budget Response. Maarten de Kadt would like the section removed that deals with wasted energy plants. His suggestion was accepted. Mankoff pointed out that the table of contents and the contents don't exactly match. Sarah Desmond and Daglian both offered language changes that were accepted. APPROVED

New Business

Presented by CB4 Chair Johnson:

Item 15: Letter to SAPO-Penn South Street Fair (50th Anniversary) May 19, 2012. APPROVED

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Item 16: Letter to SAPO-Penn South Street Fair (50th Anniversary)-September 15, 2012. APPROVED

Items 15 & 16 were bundled. Daglian wondered why there were two different street fair dates for the same organization. Carmen Matias answered that these were onetime events to celebrate the 50th Anniversary of Penn South, the first being a street fair and the second being a barbeque. Marcus & Daglian both asked that the purpose of these special events be clearly stated in the letter so that a precedent is not set.

Item 17: Letter to Speaker Quinn re Paid Sick Leave Act. Johnson noted that this item was coming to the full board as new business because a quorum was not reached at the HH&HS committee meeting in February. HH&HS Co-Chair stated that the committee did support this letter for the record. Wolff noted that the letter's salutation was to Council Member Brewer when in fact it should have been Council Speaker Quinn. APPROVED

Item 18: Letter to DOT re 34th Street SBS Project-Project Analysis Report. APPROVED

By-Laws Task Force

Presented by Co-Chair John Weis

Item 19: Final By-Laws Report. Weis said the task force looked at 12 items that were passed to it for review and that five were selected for further exploration. It was then decided that two of the five did not need to be addressed at the present time. The first of the by-laws that was recommended for change was that there be a renewable term limit of one year for public members. Lazarin wondered whether the term should be consistent with that of regular members rather than with that of the chair. Weis responded that it made more sense for the latter rather than the former. Noland asked about whether a cap can be placed on the number of public members on any given committee. Mankoff believes the public members should have a limited role and safeguards be in place to ensure they can never outnumber full members on any committee in terms of a quorum. Johnson said that any limitation would have to be in percentages and not in numbers of public members. Weis then outlined the proposed change in term dates and the date of election of officers. He explained that the current June date provides little time for new members to become familiar with candidates for officer positions. Betty Mackintosh introduced the third proposed item for change, which dealt with the confidentiality of members' votes for officers. Mackintosh related that there are conflicting legal opinions from the NYC Corporation Counsel and the Manhattan Borough President's legal counsel regarding this change. Weis offered that there were no reasons to move this forward at the present time, especially since doing so would fly in the face of the BP legal counsel's advice. Hugh Weinberg, as counsel for the Queens borough president, was well aware of this issue and was trying to set up a three way call with the Manhattan BP's legal counsel and the Corporation Counsel to find some resolution. Chair Johnson said that the issue is that people don't want to be put on the spot by having their vote known at the meeting, but the reality is that their vote must be known and it must be public in the next 24-48 hours after the election. It would be done by written ballot rather than a show of hands, Johnson added. Daglian made a motion to postpone this vote until we have received clarification from the legal experts and this motion was ultimately voted on and sent back to the Task Force.

Item 19 was broken down into three separate votes, with 19C being sent back to the task force.

19A: Re: Public Members, APPROVED

19B: Date of Election of Officers. APPROVED

19C: Confidentiality of Board Members' Votes for Officers. REFERRED BACK TO TASK FORCE

The meeting was adjourned at 9:28 pm.

Respectfully Submitted by Larry Roberts