

MANHATTAN COMMUNITY BOARD 4

May 2, 2012

FULTON AUDITORIUM, 119 9th AVENUE

PUBLIC HEARING

A Public Hearing on the proposed Chelsea Market expansion preceded the May 2, 2012 Community Board 4 Public Session. Twenty five people spoke on the subject, with a majority of those voicing their opposition to the project. The Public Hearing commenced at 6:08 pm and concluded at 8:05 pm.

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:

Tracy Kahley, a resident of West 49th St. requested CB4 to vote against Item 4, a new sidewalk café permit for Mickey Spillane's Kitchen at the corner of West 49th St. and Ninth Ave. Kahley noted that this is already an extremely congested corner, which is a corridor for students from two high schools and an emergency route regularly utilized by the FDNY 's firehouse at West 48th St. and Eighth Ave.

Ed Kirkland, a former member of CB4, spoke in support of Item 18, which is a letter to the Landmarks Preservation Commission asking for landmark status for the building located at 300 West 38th St. Kirkland explained that the design is a fabulous and rare example of Viennese Sezession architecture and urged CB4 to vote for this letter to LPC.

The next speaker, CB4 First Vice Chair Christine Berthet, related that there would be a press conference on Thursday, May 3, 2012 at 11 am with David Yassky, the Taxi & Limousine Commissioner that would address taxi honking.

Connie Alvarado asked CB4 to vote for Item 23, which is a letter to NYCHA asking that 27th St. Dr. (bet. 9th and 10th Aves) be repaved. It was reported by Alvarado that the street has not been paved in many years and it was a dangerous situation because of the many potholes currently on that street.

Also speaking in support of Item 23 was Lou Bertot, a resident of Chelsea. Bertot described an accident involving an elderly woman that he claimed was caused by the poor condition of the street surface at West 24th St. and Eighth Ave. and that same type of accident will happen on 27th Dr. if the street is not repaired.

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

Chair Johnson declared the public session closed.

The agenda was adopted with Item 25 withdrawn and Item 27, a letter to SLA regarding LDV at West 16th St. being added.

The board adopted the April 4, 2012 minutes as submitted by Burt Lazarin.

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REPORT OF MANHATTAN BOROUGH PRESIDENT SCOTT STRINGER:

Jessica Silver, representing Stringer tonight, said she was here tonight primarily to hear from everyone about the Chelsea Market expansion proposal since it will be going to the BP's office after it is voted on by CB4. Silver also announced that Stringer would be hosting a panel discussion on Wed., May 16 at 6:30 pm concerning possible alternatives to the NYPD's stop and frisk policy.

REPORTS OF OTHER ELECTEDS:

State Senator Tom Duane announced the departure of liason Sarah Meier-Zimbler, effective in two weeks. Duane expressed his feeling (shared by members of CB4) that she will be sorely missed. Also, Duane related that former CB4 member Ed Kirkland was going to be our Veteran of the Year in Albany and was quick to add that longtime CB4 member Martin Treat is also a veteran. Duane once again voiced his opposition to charter schools. In typical Tom Duane fashion, he also wondered rhetorically whether Chelsea Market was an issue here tonight. He then assured the board that his position will most likely track that of CB4 regarding the proposed expansion. Finally, Duane spoke passionately in support of pending legislation that would revoke the licenses to have of physicians, psychologists, etc. who were found to have "tortured" patients in the course of treatment

Meier-Zimbler then bid farewell to CB4, saying that it's been a true honor to work with each and every member, that she will still be in New York and that she hoped our paths would cross again. Chair Johnson re-enforced how valuable Meier-Zimbler has been to our community, calling her amazing and thanking her for her incredible service to CB4.

Katie Smith, representing Congressman Jerold Nadler, reported that the Senate and House are working on a transportation bill that will be get passed by both branches. The current bill before the House expires June 30 and Smith said that any reworking of the bill would have to happen by that date.

State Assembly Member Deborah Glick's representative, Sarah Malloy Good, informed CB4 that Glick has the same reservations as the community relating to the Chelsea Market expansion proposal. Specifically, the Assembly Member has concerns about the height of the proposed buildings and possible shadow issues.

Paul Sawyer, from State Assembly Member Linda Rosenthal's office, announced that a bill that was just passed by the Assembly Housing Committee would overhaul the current rent control system currently in place. The rate increase for rent controlled tenants would be similar to what rent stabilized tenants receive. Sawyer also announced that there would be a town hall meeting on the mosquito infestation currently plaguing the upper west side on Thursday, May 12 from 7-9at the Goddard Riverside Community Center.

Michaela Miller graciously conceded her time on behalf of City Council Speaker Christine Quinn.

REPORT OF DISTRICT MANAGER ROBERT J. BENFATTO:

CB4 District Manager Bob Benfatto announced that the CHKLU Committee meeting for May has been cancelled. The developer for the property at 39th St. and Ninth Ave. was originally set to present, but asked to postpone until the June 13 meeting of CHKLU at the Actors' Temple. The Housing Committee meeting scheduled for May 7 regarding Related's transfer of Section 8 housing from Manhattan Plaza to West 29th St. has been deferred to an undetermined date. The Housing Committee will meet at 353 West 30th St. at 6:30 pm on May 17 for a BRC update. Bob related that the city budget will be released tomorrow, May 3 and can be viewed at nyc.gov. Benfatto also said there is Con Ed work being done on 17th St. between Fifth and Seventh Aves. Finally, Benfatto reported that there is a street vendor operating illegally at 40th St. and Eighth Ave. that is creating problems for the Beer Authority, which occupies the building on that corner. The Garment Center BID actually put a planter at the location to thwart the vendor, but he went to court and the BID was forced to remove the planter, because it did not have a permit to place it at that location.

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REPORT OF NOMINATING COMMITTEE CO-CHAIR BETTY MACKINTOSH:

Mackintosh presented the Nominating Committee's slate, which were all uncontested positions:

Chair: Corey Johnson

First Vice Chair: Christine Berthet

Second Vice Chair: Burt Lazerin

Co-Secretary: Evangeline Gomez

Co-Secretary: Larry Roberts

Mackintosh then asked for nominations from the floor. There were none. She then stated that the election would be held at the Wednesday, June 6 meeting.

REPORT OF MCB 4 CHAIR COREY JOHNSON:

Chair Johnson thanked JD Noland, Joe Restuccia, Pamela Wolff and Barbara Davis for their work on the Chelsea Hotel situation, in the words of Johnson, on a near daily basis. There have been lengthy negotiations related to the numerous construction related issues and there will be an upcoming press conference regarding the ongoing problems. Johnson also noted that although the LPC has already voted in favor of a rooftop addition there, it was discovered by Restuccia and others that the hotel is presently overbuilt and there is no room for a rooftop addition. This will be pointed out to DOB.

COMMITTEE LETTERS AND RESOLUTIONS:

Business Licenses and Permits Committee

Presented by Co-Chair Paul Seres:

- Item 1: Letter to DCA re Artichoke Basille Pizza & Bar - 114 Tenth Avenue
- Item 2: Letter to DCA re Enologo - 857 Ninth Avenue
- Item 3: Letter to DCA re IL Baretto - 750 Eleventh Avenue
- Item 4: Letter to DCA re Mickey Spillanes Kitchen - 350 West 49th Street
- Item 5: Letter to DCA re West End Bar & Grill - 813 Eighth Avenue
- Item 6: Letter to SLA re Frames - 625 Eighth Avenue
- Item 7: Letter to SLA re Marriott Fairfield Inn & Suites - 325 West 33rd Street
- Item 8: Letter to SLA re Mayoub Murshed/Corp to be formed - 713 Eighth Avenue (Basement)
- Item 9: Letter to SLA re Mayoub Murshed/Corp to be formed - 713 Eighth Avenue (Grd. Flr.)
- Item 10: Letter to SLA re Noodle Thai Kitchen - 830 Ninth Avenue
- Item 11: Letter to SLA re Pinyin - 254 Tenth Avenue (rear yard)
- Item 12: Letter to SLA re Saffee Sandwich Bar & Grill - 330B West 58th Street
- Item 13: Letter to SLA re Sleep No More - 530 West 27th Street
- Item 14: Letter to SLA re Stokes & McGinley Inc. - 800 Ninth Avenue
- Item 15: Letter to SLA re Tao - 363 West 16th Street
- Item 16: Letter to SLA re The Chelsea Pub - 362 West 23rd Street
- Item 17: Letter to SLA re The Porch - 15th Street Porch - The High Line

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Items 1, 2, 3 and 5 (Bundled): Walter Mankoff pointed out, in regard to Item 5, that sidewalk cafes are not permitted on the west side of Eighth Ave. Based on this apparent conflict, the Item 5 letter will be changed to a denial if the tables are on Eighth Ave. and approval if on 49th. Benfatto will cite the appropriate zoning resolution and let DCA make the determination. APPROVED

Item 4: Seres outlined the contentiousness surrounding this sidewalk application that took place at the BLP meeting. Berthet pointed out that the applicant's drawing has eight tables and 20 seats while the letter (Item 4) has nine tables and 23 seats so that needed to be corrected. As noted by one of the public speakers, Berthet agreed that it is a very tight corner. Larry Roberts questioned whether it was an interpretation that serving can be done to the sidewalk café tables from inside the restaurant. Benfatto responded that it was indeed permitted by the DCA. Roberts continued that although on the surface this sidewalk café may be legal, the number of tables just doesn't make sense for that particular corner (49th and Ninth). Johnson noted that as long as the application and drawing properly conform, the DCA generally will approve the sidewalk café. Noland pointed out that there is a tree that was knocked down on the Ninth Ave. side and wonders if it will be replaced. Restuccia thought that with the moving of a table, a revised drawing must be submitted to CB4 and DCA. Jay Marcus wondered if it has been verified that serving can really be done from inside to all the outdoor tables. The original letter recommending approval did not pass. The vote was 24-13 against approval. A motion to DENY was subsequently made. DENIED

Item 6: Seres detailed problems at Frames including amplified music, velvet ropes, etc. and the situation has not improved. Seres made a motion to table the Item 6 letter approving an alteration so that stipulations can be agreed to with the applicant addressing these issues. Table-APPROVED

Items 7, 10, 12, 13, 14 & 16 (Bundled): APPROVED

Items 8 & 9 (Bundled): Seres pulled these two items out because they have two different certificate of occupancies. It has been explained to the operator and agreed to that any live music will be in the downstairs location. Lisa Daglian asked that it also be stipulated that no hookahs would be permitted. APPROVED

Item 11: Seres mentioned that this is a rear yard application and that Lee Compton and Restuccia have been in discussions with the operator. This has resulted in a reduction from nine tables and 18 seats to seven tables and 14 seats. APPROVED

Item 15: Seres explained that this is a corporate name change only. They will be coming back with alteration plans at a later date. APPROVED

Item 17: Seres said that the operator wanted to have limited table service and the BLP committee thought it would be fine. APPROVED

Item 27: This is a letter to the SLA that was added to the agenda tonight. This space on 16th St. was formerly operated by XL. The current applicant, who presented at BLP in December, portrayed that they would be operating a restaurant/gastro pub type establishment with a 4 am close. CB4 has recently learned that this same space has been mentioned in the New York Post as the new Bungalow 8 venue, which had a notorious history in its previous incarnation on West 27th St.. The operators were contacted and questioned by CB4 reps regarding this conflict in use. Johnson had a letter sent from the CB4 office asking that the license, which has been approved but is still pending, be held up until the operator met with BLP to discuss these issues. Specifically, Johnson is asking that the members of CB4 ratify this letter. Daglian said that if the committee would have had this information back in December, especially with a venue this size, BLP most likely would have denied the application. 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 CB4 Chair Johnson:

Item 18: Letter to LPC re 300 W. 18th Street: APPROVED

Transportation Planning

Presented by CB4 Chair Corey Johnson:

Item 19: Letter to DOT re Bike Share Locations

Item 20: Letter to DOT re 34th Street Select Bus Service- Follow-Up

Item 21: Letter to DOT re No Truck Signage W 20th bet. 8th & 9th

Item 22: Letter to DOT re Street resurfacing and Pedestrian ramps repairs

Item 23: Letter to NYCHA re West 27th (bet. 9th & 10th) Street Potholes

Items 19, 20, 21, 22 and 23 were bundled by Johnson: Noland had a question regarding placement of some of the bike share locations. Berthet agreed that the placements in those areas will be rechecked. APPROVED

Clinton/Hell's Kitchen Land Use Committee

Presented by JD Noland:

Item 24: Letter to BSA re 336 West 37th Street – variance seeking commercial office use. APPROVED

Executive Committee

Presented by Chair Johnson:

Item 26: Letter to DOB re Chelsea Hotel. Restuccia was commended for such a terrific letter by Noland and Johnson. Restuccia asserted that it was important that we just let the facts speak for themselves. Mackintosh recommended that the fact the Chelsea Hotel is beyond the permitted FAR should be moved to the front. APPROVED

The meeting was adjourned at 9:45 pm.

Respectfully Submitted by Larry Roberts