

CB4
DRAFT OF FULL BOARD MINUTES
September 5, 2012
ROOSEVELT HOSPITAL

Vice Chairwoman Christine Berthet called the meeting to order at 6:30p.m.

The meeting began with a public hearing on an application on 625 W. 57th Street made by Durst W57 to the Department of City Planning for special permits pursuant to ZR 74-743(a), General Large Scale Development, Special provisions for bulk modifications, and to ZR 13-561 accessory off-street parking spaces, and a zoning map change from an M1-5 to a C6-2 at 625 W. 57th Street.

Helena Durst, fourth-generation owner, manager, developer, of Durst Organization thanked the board of CB4 for the opportunity to speak and introduced other members of the organization: Beat Schenk, Carol Rosenthal, Esq. of Fried Frank and Jonathan Drescher of Durst. Helena stated Durst acquired a 99 year lease from Appleby in 1999 and that in 2001 the site was rezoned from entirely manufacturing to largely commercial and housing and fit for 60 units on the end of the block. The representative added CB4 supported the 2001 rezoning. Other statements by the representative included:

- The 1st idea was to build a Data Center on the site, but plans changed post-9/11
- Spoke with representatives of universities, car dealerships, medical facilities, private club, hotel and sports club operators in order to attract them to the site
- Durst wanted to propose a more desirable project, something better than a parking lot in the neighborhood
- Introduced new project that will transform property surrounded by Con Edison, Department of Sanitation and a highway into an cutting edge apartment building of up to 750 apartments, with approximately 150 affordable housing units, affordable for 35 years or until tenant chooses to vacate, with an expected turnover rate of 2-3%, nearly 100 units would be affordable by 2065.

Beat Schenk discussed the proposed architectural plan, and provided a presentation of images, dimensions, photos, close up of terraces, proposed tenant lobby entrance, street level elevation including landscape enhancement and day and night views encompassing the corner of W. 57th Street.

Carol Rosenthal a member of Fried Frank, and land use attorney for the project, spoke of the zoning change and described the approvals Durst was seeking as:

- (1) a rezoning of 58th Street from a M1-5 to C6-2 district

(2) special bulk permits for general large scale development to allow for a unique building shape

(3) a special permit for an accessory garage (reduction of 350 spaces)

(4) Modification of prior general large scale development site plan

Beat Schenk of Durst (Durst) brought out the issues raised at the CB4 Land Use Meeting where Durst last appeared. The issues included a desire for more public space and a desire to increase public art in the project.

Immediately following the presentation by Durst, CB4 member J.D. Nolan opened up the session to questions by CB4 members. Members asked:

What were the sustainable uses of the building? Would there be any green uses? Would the project be LEED certified? Would building amenities be made affordable to all residents? Another member asked why the developer was refusing to commit to providing permanent affordable housing. What happens during the 35th year if tenants do not want to leave?

Jonathan responded the tenants of affordable housing units will remain in the property as long as they want, and will not be kicked out.

In response to the question presented by CB4 member Damyanti Radeshwar, Jonathan Drescher responded Durst will use local recycled materials, maximize energy use and savings through high performance glass and energy saving devices; provide hybrid water source for apartments, demand-control ventilation systems in all public areas; low-flow fixtures throughout the building; transportation shuttles from the building to Columbus Circle; plant trees in the Courtyard of the Building. He added Durst had been developing green buildings since the 1990's and this would be nothing less.

Seth Wright, of Philip Habib and Associates, who conducted the environmental analysis, stated the current market rate is .35 FAR demand.

PUBLIC SESSION

Durst W57

During the Public Session, members of the public spoke for and against the project. Members of the West Side Neighborhood Alliance stated they could not support the project unless it included a permanent affordable housing component.

A representative of 32 BJ SEIU, Property Services Local

- stated the project will create middle class jobs and Durst will provide benefits to workers on the job.
- the quality of jobs Durst will create by building this project will not only benefit workers, by providing them with healthcare benefits, etc. but also the community

Danny Coranza & Vincent Ditore (non-union Cornerstone, 37th St.)

- asked CB4 to keep in mind the differences between Cornerstone and Durst.
- Cornerstone gave employees a handbook indicating it could fire employees at any time for any reason. Cornerstone did not provide speaker and other employees training or advancement opportunities, unlike Durst.

COUNCILWOMAN GALE BREWER

- Issue of rats, seminar at John Jay College on 9/25/12 from 2-4pm, putting Big Belly Garbage Cans (solar powered) on 72nd Street and working with Riverside Park
- Commercial Bike Training for restaurants with USDOT to encourage compliance with the law on 9/17/12 at Library on 82nd Street above
- 9/15/12 Voter Registration drive
- discussed bill to allow people to text contributions of \$100.00 or less
- over 100 backpacks given to students in NYC
- What do you want in pay phone booths? Speak to Community Boards, have until end of October to submit input
- Greenmarkets is providing fresh food (fruits and vegetables) to seniors living on 54th through 96th Street. Seniors can sign up to get fresh food delivered for \$8.00 month.
- Feels positively about Durst and agrees with CB4 that we all care about long term permanent affordable housing and should all work on it, Durst is a good organization, and support 32 BJ SEIU because is it a union that care about its employees

Vincent Berisha (London Terrace)

- spoke about the union benefits 32 BJ SEIU provided to him and continued support such as free classes
- in his opinion, Durst project will benefit workers and entire community

Jessica Walker (Partnership for NYC)

- Durst project will transform derelict property into a desperately needed residential space
- Far west side needs this development, consider benefits project will provide entire NYC and Hudson Yards, etc.
- NYC needs more housing & urge CB\$ to support Durst application

Eddie Young (32 BJ SEIU retired employee)

- union provided his support post-retirement

L. Nicholas Rondemos (Regional Plan Assoc.)

- project would benefit future residents
- consider Durst's track record and ability to transform far west side

GENERAL PUBLIC SESSION

Melissa Pianko of Gotham

- W. 45th Lottery
- 682 units of affordable housing available

Francine Haselkorn (resident & President of Coop on W. 38th Street)

- W. 38th Street has undergone a lot of changes and is now a residential street
- spoke out against Project X's On Premises Caterer's Permit application, stating it was not a catering establishment and opposes nightclubs on the street
- couldn't understand what type of catering establishment of a 150 people capacity establishment, would leave people standing around
- applicant's location once housed an establishment known for "quickies" and an after-hours bar

Steve Belida (Belida Construction and resident)

- spoke about BLP Item 9 Letter to Boxers
- would welcome them in downstairs space (9th and 50th), would not welcome them on the rooftop, believes 79 people on the rooftop not in compliance with CB4 rooftop policy; should only be operate until 8pm, if no complaints form neighbors, then can be operate until 10pm, this puts onus on business owners to hire their own security people
- encouraged CB4 to look into this proposal

Paul Ames

- agrees with Belida, draft letter is good
- Boxers proposal doesn't comply with CB4 policy on rooftops
- T.V. positioning is problematic & letter should return to BLP
- Curious if Boxers has experience running a roof-top, thinks BLP should find out

Erika Montoya (Friends of Highline)

- gave a summary of upcoming programs for September
- Highline Movies, beginning Sept. 6 with “Muppets Take Manhattan” and ending the month with “Working Girl”; new art installations
- Encouraged everyone to take a newsletter detailing upcoming events

Jeff Robins

- many bars in the neighborhood and would like it if CB4 hired its own sound expert who will inform applicant’s of what they need to accomplish, which will go into the stipulations of each license application. The sound expert will serve as the enforcer and will monitor compliance with the stipulations, this will, in the long run, eliminate neighborhood complaints

Sydney Tegeler (President of 506-508 Tenants Association)

- asked CB4 to deal with the issue of noise before approving Molly Mallone’s liquor license application

Tanya Gibbs (resides and manages 510 9th Avenue)

- consistent noise on Saturday & Sunday mornings
- played recording of HVAC sound created by applicant Molly Malloy’s to CB4 board
- cannot rent apartment above restaurant because of sound
- owner reneged on promise to fix problem; told Gibbs it was not a priority

Marilyn Holstein (HIBO magazine)

- new publication for Hells Kitchen & Chelsea, called HIBO, parent company is the Yellow Pages; SOHO magazine launched this month
- encourages everyone to contribute, it is a community forum
- Chelsea/HK magazine set to be released in December 2012
- Submission or inquiries can be sent to Chelsea@hibo.com or hellskitchen@hibo.com

Lilly Pollack (resident)

- lots of idle taxis and cars creating quality of life issues
- has mobilized groups of people to knock on windows and remind them of laws
- has spoken with police officers, they appear complacent and do not enforce the laws to prevent the idling
- 11th Avenue, lots of honking by trucks and cars after midnight and dog owners not acting responsibly

- Can CB4 talk to the traffic police and inform them to do their job?

(she was referred to the QOL and Transportation Committees)

Bob Fluet (Boxers)

- doesn't have official ownership because property is on bankruptcy
- we would like a liquor license to present at the bankruptcy court
- location is not viable without a roof deck; proposed space is not a bar just a service station
- same amount of people per public assembly regs

Martin Treat (CB4 member)

- circulating a petition for bike lanes on 5th and 6th Avenues
- bike lanes are important for pedestrian safety
- please return to circulator after reviewing and/or signing

Leigh Harvey (Fashion Center BID)

- voiced opposition to Project X's On Premises Catering Permit application because location is primarily residential and fear that space may become a nightclub
- no coherent business plan presented and applicant has no experience operating an event space

Joseph Levy (attorney for BLP applicant Project X)

- spoke on behalf of Project X application
- Tom Lee, sole owner, is a licensed physician, very intelligent and responsible, Individual with plenty of experience and has surrounded himself with an experienced team of business people in NYC, has a security team and traffic plan, making best efforts to show good faith and bring something positive to the community.

Lisa Daglian (Public Information Officer for NYMTC)

- NYMTC is hosting a series of open houses for people interested in learning more about bike lanes and participate in transportation planning now through 2040
- referred to NYMTC interactive website

James Lombardo (resident)

- opposes Project X's application for a liquor license on a residential street
- is married with 2 children and knows many families with 2 children who live across the street of applicant's proposed location who "want community" and "do not want noise"
- wants neighborhood to continue forward not go backward

The Agenda and Minutes of the last CB4 Full Board meeting were adopted.

BOROUGH PRESIDENT SCOTT STRINGER'S REPORT (David Czyzyk)

- audit report from Borough President regarding refinancing of NYCHA is available to the public, the report was designed to increase transparency
- City Planning Commission unanimously voted in favor of Chelsea Market expansion; however, it disapproved heightened bulk and the ground floor level has not been codified

LOCAL ELECTED OFFICIALS REPORT

SENATOR TOM K. DUANE (Jerrod Chausow)

- planning & protection of tree pit gardens
- Senator Duane will appear on MMB on 9/10/12 at 6:30pm

ASSEMBLYMAN DICK GODFRIED (Jeffrey LaFrancois)

- supported new law, signed by Governor Cuomo at the end of August 2012, to fight prescription drug abuse and prevent doctor shopping

ASSEMBLYWOMAN LINDA ROSENTHAL (Paul Swere)

- introduced bill to penalize owners of wild, exotic animals who intentionally release them
- Governor Cuomo signed her bill to ban the sale of electronic cigarettes to minors
- had a town hall meeting in July 2012

COUNCIL SPEAKER CHRISTINE QUINN (Michaela Miller)

- * confidential Legal Immigration Services Oct. 1st on a weekly basis at CUNY

DISTRICT ATTORNEY'S OFFICE (Edgar Yu)

- * plans for the Construction of Cyber Crime Labs
- * Deferred Action Fraud Prevention seminar, which addresses the ways in which immigrants seeking legal help are being targeted; provided hotline numbers to report scams

DISTRICT MANAGER REPORT

- Department of City planning voted unanimously for the Chelsea Market Expansion ; First 80,000 square feet will go the Affordable Housing Council of Chelsea and the remainder to the Highline Improvement Fund
- Introduced new interns Grace Kim and Autumn Reeves

CHAIR'S REPORT (Christine Berthet, Vice Chair)

- Bus Companies need permits to stop on streets

COMMITTEE REPORTS

Chelsea Land Use Committee (CLU), Quality of Life: ACES Committee (QOL); Housing, Health and Human Services Committee (HH&HS); Transportation Planning Committee (TRANS); Landmark Committee (LAND); Waterfront, Parks and Environment Committee (WATER)

(No reports)

Clinton Hell's Kitchen Land Use Committee (C/HKLU)

Item 2: Letter to DCP re Mercedes House Text Amendment, 770 Eleventh Avenue, Approved.

Item 1: Approved.

- CB4 member & Chair of the Hell's Kitchen Land Use Committee Jean Daniel Nolan (JD) stated people want the Durst W57th Project to go forward but there is was a need to respect the community. He said there were issues regarding the affordable housing for 35 years requirement (v. permanent affordability,) distribution, and reduced rates for on-site amenities.
- CB4 member Yasmine Mahdavi asked what impact the project would have on local public schools, and if there was a study conducted to address the impact. JD sated these matters would be discussed at the next HK Land Use Committee meeting.

- The letter was amended to include a request for more clarification on the parking projections, green space and the option of a community space. A motion was made to amend the letter. The motion was subject to a vote and approved.

Business Licenses and Permits Committee (BLP)

Items #5,6,7 were approved.

Item #3 was sent back to the BLP Committee to deal with the issue of noise.

Item #8 was denied.

- * The applicant's operators did not appear at last BLP meeting.

Item #9 was approved; applicant agreed to return to the BLP Committee.

Item #4 was denied.

- Co-Chair of BLP Lisa Daglian informed Board the vote for this application, at the last BLP meeting, was very close and the BLP committee received letters and heard from residents and other parties at the meeting.
- CB4 member Evangeline Gomez asked the Board to consider the concerns and statements made by residents and the residential nature of the applicant's proposed location together with past efforts to clean-up and transform the neighborhood.
- A motion was made to deny the application.

No New Business.

Meeting adjourned at 9:40p.m.

Respectfully submitted, Evangeline Gomez Co-Secretary