

**BURT LAZARIN** Chair

**JESSE R. BODINE**District Manager

# CITY OF NEW YORK MANHATTAN COMMUNITY BOARD No. 4

330 West 42nd Street, 26th floor New York, NY 10036 tel: 212-736-4536 fax: 212-947-9512

www.nyc.gov/mcb4

Meeting Date	October 2, 2019
Meeting Time	6:30 PM
Meeting Location	Hudson Guild Elliott Center
_	441 West 26th Street 9/10 Dan Carpenter Room

# **October 2019 Full Board Meeting Minutes**

**Public Session** 

	PRESENTATIONS / PUBLIC HEARINGS	The meeting began with hearings this month.
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The meeting began with the public session, as there were no presentations or public hearings this month.

Tyrone Anthony	Mr. Anthony is the president of the 300 West 46th Street Tenants Association. Following up on the comments that he made at last month's board meeting, he complained that the management staff of his building has not engaged the senior and disabled residents to discuss the impact of ongoing renovations.
Doreen DeMusis	Ms. DeMusis is also a tenant of 300 West 46th Street who is being re-located during renovations. She stated that the new building manager called to ask that she meet to discuss her re-location plan and that she refused because she did not believe she would be offered anything satisfactory. She had requested earlier that she be given a studio apartment on the first floor because of a proposed elevator shut down but was not given a reply.
William Beer	Mr. Beer lives on West 16th Street between 9th and 10th Avenues. He complained of deteriorating conditions in his neighborhood due to traffic, construction and noise. He presented a list of seven items of concern that he wishes to distribute to businesses in the neighborhood and asked the Board members for help in doing so.
Linda Ocasio	Ms. Ocasio, a resident of 419 West 17th Street, spoke in opposition to proposed demolition at the Fulton Houses and the RAD program. She mentioned the NYCHA-sponsored tour of a RAD development at Ocean Bay that she attended with other residents. In her opinion, the conditions there are oppressive for the stringent security measures that have been adopted, among other things. She wants the City to find the money to do repairs at Fulton Houses rather than go through with its RAD proposal.
Daniel Ramirez	Mr. Ramirez gave a speech in Spanish denouncing the plans for Fulton Houses.
Jennifer Mallicote	Ms. Mallicote, who lives at 300 West 21st Street, reiterated the concerns she voiced last month about the public safety issues in her neighborhood. She pointed to an increased homeless presence, aggressive panhandling, drug dealing and prostitution. She also stated that the amount of theft and violence that occurs can be directly correlated to the number of sex-related businesses nearby. She wants the support of CB4 in her effort to get the City to enforce existing regulations that restrict the number of such businesses within 500 feet of schools and religious institutions.

Pamela Wolff	Ms. Wolff, a public member of the Board's Chelsea Land Use Committee, spoke on her own behalf with respect to the same issues raised by the previous public speaker. She focused on the stretch of Eighth Avenue between 20th and 22nd Streets where the existence of too many wi-fi kiosks appears to enable bad behavior. Ms. Wolff also spoke in favor of Agenda Items 5, 6 and 7 which she voted for in committee but would not be authorized to vote on at this meeting.
Bobby Robaina	Mr. Robaina works in the Office of Government Relations at the Fashion Institute of Technology. He made the following announcements:
	<ul> <li>FIT received a grant from the National Science Foundation in the amount of nearly \$187,000 to help further the college's goal of developing innovative ideas at the intersection of design, technology, and science. The funds will be used to purchase an electron microscope to aid on-campus research and improve undergraduate science, technology, engineering, art, and mathematics education.</li> <li>Fourth-year Fashion Design student Hannah Myers won the <i>Paraiso UpCycle Challenge</i> this summer. The competition asked students to raise awareness of sustainability by upcycling deadstock fabric from international swimwear designers and using it to create their own swimwear designs. Upcycling, also known as creative reuse, transforms by-products and waste materials into products of better quality and environmental value. Ms. Myers chose to demonstrate the impact of pollution through her two swimwear designs, which incorporated fishing net imagery and its negative effect on sea creatures.</li> </ul>
Dierdre Carson	Ms. Carson, from the law firm Greenberg Traurig, spoke on behalf of her client David Lesser who owns 418 West 20th Street, which is the subject of Agenda Item 6 – the letter to the LPC that came out of the CLU Committee. She objected to portions of the letter in the belief that they are factually erroneous or misrepresentations of the intentions of the presenter at the CLU meeting. After her legal argument in favor of the LPC application, she asked the Board to disregard the recommendation contained in the letter.
Peter Nezey	Mr. Nezey also spoke on behalf of the owner of 418 West 20th Street, focusing on what he believes is the CLU Committee's misapplication of a "restoration" standard instead of an "appropriateness" standard in evaluating his LPC application and thus arriving at an incorrect conclusion.
Bob Liff	Mr. Liff is a neighbor of Mr. Lesser on West 20th Street who, along with another neighbor at 412 West 20th Street whose letter he read from, supports the LPC application under discussion. They believe that denying changes sought in the application would be of harm to the long-term protection and preservation of their buildings.
Marni Halasa	Ms. Halasa is a member of the advocacy group Fight for NYCHA that is working to find ways to fully fund NYCHA developments. She wants the Board to oppose any plans for the privatization of NYCHA, including demolition, RAD programs, rezoning, air rights sales, and NYCHA infill development.
Timothy Harrell	Mr. Harrell is the Outreach Coordinator for the NYC Civilian Complaint Review Board. He urged people to call the CCRB if they are aware of police misconduct. He announced a town hall that will be held at the Grand Street Settlement located at 80 Pitt Street on November 13th from 6:30 to 8 pm.

# **Remarks from Elected Officials and Representatives**

### Borough President Gale Brewer

Ms. Brewer presented recent updates on her activities:

- Now that the Mayor's Office has agreed to pause its plans for Fulton Houses and join the Fulton Houses Working Group, it is understood that no further actions will be taken until all options have been considered in formulating strategies for generating funds for needed repairs.
- The office has been hard at work on preparations for the 2020 Census and the BP is especially thankful that Google has taken an interest by making its facilities available for census worker recruitment events three so far that have resulted in a significant number of applications.
- Staff member Brian Lewis has been working with CB4 on the quality of life issues that have recently plagued Chelsea.
- The BP thanked CB4 again for its work on the Port Authority Bus Terminal replacement.
- The Manhattan Paper Challenge has been underway for three months and has been increasing awareness of the importance of recycling in homes and businesses.
- To address the challenges facing religious institutions in the Borough when they are approached by real estate developers, the BP convened a Religious Facilities Task Force to help these organizations' leaders learn how to repurpose, preserve, or redevelop their properties for maximum community benefit. The first public meeting where affected communities can express their views will be held at the Borough Office on Monday, November 25 from 6 to 8 pm.
- The BP has a new initiative to make the borough more age-friendly. The kickoff event will take place at John Jay College on Sunday, October 27 from 12 to 3 pm.
- The BP is co-sponsoring the Reduce, Reuse, Repair, Recycle Fair hosted by the Manhattan Solid Waste Advisory Board. Sunday, October 6, 1:00 4:00 pm at the Mathews-Palmer Playground, 445 W. 45th Street.
- The retail vacancy bill that the BP co-sponsored in the City Council has passed, making it necessary for retail property owners to have their properties listed in a database for tracking purposes.
- Ms. Brewer briefly reviewed the five ballot proposals to change the City Charter that will be voted on in November. Flyers were made available.

#### Assembly: Linda B. Rosenthal

**Assemblymember** Ms. Rosenthal made the following comments:

- She passed most of the legislation regarding electronic cigarettes and, even though the City has its own legislation banning the flavored variety, she believes there is a need for state law as well. Most recently, she introduced a bill fashioned on the one passed in San Francisco that bans the sale of all e-cigarettes until such time as the F.D.A. declares them safe tobacco cessation devices.
- She noted that a federal judge in Philadelphia had just ruled that so-called safe injection sites do not violate federal law. These are places where people bring their own pre-obtained drugs to a safe, sterile environment that is overseen by medical staff. This clears the path for the same thing in New York. The City Council determined in a past study that it should be allowed. She has had a bill in New York for several years and is hoping the State Department of Health will review it.
- There was a public hearing on campaign finance reform where Ms. Rosenthal
  testified in favor of reform and the need for a robust law that also allows for
  everyone to participate.
- Annual flu shot day will be held at her district office at 230 West 72nd Street on October 7 from 10 am − 1 pm. Those who are interested should call for an appointment.

# Matt Tighe for Assemblymember Dick Gottfried

Mr. Tighe gave the following updates:

• The Fulton Houses Working Group will be meeting on a weekly basis and to inform their work there will be bi-weekly public engagement sessions. All work on the

- Fulton Houses project in the Mayor's office has come to a halt and all RFP dates have been stricken from the calendar.
- On September 5, Mr. Gottfried testified on his own behalf and for other elected officials at a scoping session for the new Port Authority Bus Terminal. He recommended that the new terminal be built in-place on the existing site, adding new levels to the bus terminal, making room for commuter and tourist buses, and holding the Port Authority to its promise not to use eminent domain on other properties in Hell's Kitchen.
- Mr. Gottfried introduced a bill in the Assembly to make all two- and four-year SUNY and CUNY institutions and public community colleges free of tuition and fees for New York residents who agree to reside in the state for five years subsequent to graduation.
- On October 28, Mr. Gottfried will hold a public information session on the newly enacted rent laws at which lawyers from the Legal Aid Society will discuss the new laws and answer questions. It will be held at Hartley House at 413 West 46th Street at 6 pm.
- The Governor just signed legislation that was passed last year to extend the date to register to vote in the November primary from October 11 to February 14.

# Congressman Jerry Nadler

Mr. Nadler noted the formation of the Fulton Houses Working Group and that it now includes the Mayor's office. The Mayor has agreed to begin the planning process all over again. Mr. Nadler reaffirmed his opposition to demolition in any circumstances.

He went on to mention that half the bills that have been passed in the House this session have come out of the Judiciary Committee which he chairs. One bill that was recently reported out of the Committee is the FAIR Act, which ends forced arbitration between merchants and consumers. If enacted, it will level the playing field in consumer transactions for the first time in decades. It would restore the rights of employees and consumers to the court system, while still enabling the voluntary use of private arbitration.

Another bill that was reported out of the Judiciary Committee with bipartisan support is the Copyright Alternative in Small-Claims Enforcement Act of 2019. It is expected to be passed in the House and would establish a voluntary small claims court within the Copyright Office to hear copyright suits seeking \$30,000 or less in total damages. Its purpose is to provide a forum wherein it is economically feasible for independent creators such as songwriters or visual artists to protect their rights against copyright infringement and have damages assessed without having to pay for legal representation.

Mr. Nadler provided a summary of the most important issues facing Congress *vis-à-vis* the Trump Administration's refusal to comply with subpoenas, the President's actions in seeking help from Ukraine for political purposes, and the hearings related to the impeachment inquiry.

## Kevin Jean Baptiste for D.A. Cyrus Vance

Mr. Jean Baptiste made two brief announcements:

- The Manhattan District Attorney's Office expanded its Saturday Night Lights program out of Manhattan into 20 gyms across the City. The program is the D.A.'s signature youth-development and violence prevention program.
- The Office has stopped prosecuting all 16- and 17-year-old defendants as adults. Their cases are now handled in Family Court with the D.A.'s Office continuing to assist with resources such as programming.

# Taylor Abbruzzese for Congresswoman Carolyn Maloney

Ms. Abbruzzese gave the following updates:

• The Congresswoman spoke at a press conference alongside Rep. Nydia Velazquez and other members of congress on the Public Housing Emergency Response Act that was introduced by Rep. Velazquez the previous week. The legislation would provide \$70 billion public housing nationally, with \$32 billion going to NYCHA.

•	This summer, the final version of the 911 Victims Compensation Act became law.
•	In late August, Ms. Maloney hosted a gun safety town hall to discuss legislation she
	is working on to address the Country's growing gun violence epidemic. She called
	on the Senate to take up the House bills H8 and H1112 that would require universal
	background checks and close the gun show loophole.
•	Through her work on the Financials Services Committee she introduced the
	Financial Services Transparency Act. She has also introduced two bills that would
	relieve tax burdens on American citizens living overseas.
•	As a longtime defender of women, Ms. Maloney authored the Debbie Smith Act in
	20004 to end the backlog of unanalyzed DNA evidence taken from rape kits. She is
	now working on having the Act reauthorized. She also introduced legislation to
	create a Women's History Museum on the National Mall; the bill now has 292
	bipartisan co-sponsors.
•	The Congresswoman is excited to learn that the impeachment inquiry of the
	President that she called for in June is now open.
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	Board Reports & Business								
Adoption of Agenda and Minutes	The Agenda, as amended, and the September minutes were unanimously approved.								
Nominating Committee	Wendy Gonzalez, Chair of the Nominating Committee, announced the following members who have expressed their interest to run for a board office:  1. Lowell Kern – Chair 2. Jeffrey LeFrancois – 1st Vice Chair 3. Jessica Chait – 2nd Vice Chair 4. Michael Noble – Secretary 5. Maria Ortiz – Secretary								
	Interviews of nominees will be held at the Board office on October 3rd and the Committee will present a slate of recommended nominees at the November general meeting.								
District Manager Report	Highlights of events the District Manager or Staff attended on behalf of the board and upcoming events:								
	<ul> <li>The DM attended a meeting of the Garment District Association Special Programming Committee</li> <li>The DM attended a site visit to PS 111 on West 53rd Street for scoping on making school entrance ADA accessible</li> <li>CB4 co-sponsored a second 2020 Census Employment Event where over 100 people attended and applied for employment</li> </ul>								
	<ul> <li>October Committee Updates and Board Reminders:</li> <li>The Clinton/Hell's Kitchen Land Use Committee will be rescheduled to Tuesday, October 15th at 475 West 57th Street, 2nd Floor</li> <li>The Waterfronts, Parks, and Environment Committee will be meeting in a new location at the Grow with Google space at 111 Eighth Avenue (15/16 Streets)</li> <li>The Business License &amp; Permits Committee will be rescheduled to Octobe 17th at the Hotel Trades Council at 305 West 44th Street, 2nd Floor</li> </ul>								

	• The CB4 Budget Task Force will be meeting on Thursday, October 24th at 5 pm at the CB4 Offices at 330 West 42 <sup>nd</sup> Street, 26 <sup>th</sup> Floor
Board Chair Report	There was a meeting with the Port Authority that members of the Bus Terminal Working Group attended on September 9th. This informational meeting did not meet our expectations because of a lack of interest on the part of the Port Authority in creating additional park space near the terminal. Their reasoning was based on cost numbers that did not comport with reality. The next meeting will include representatives of our elected officials as well as members of CB5.

Action Items	Motions, Amendments, & Comments	Result
Clinton/Hell's Kitchen Land Use C	ommittee (CHKLU)	
Item 1: Letter to DOB re 440 West 36 <sup>th</sup> Street Project (9/10)		Passed Unanimously
Item 2: Letter to EDC and Radson Development re Slaughterhouse – 495 11th Avenue		Passed with 34 in Favor and 1 PNE
Item 3: Letter to LPC re Hell's Kitchen Historic District Report	Friendly amendments accepted	Passed Unanimously
Item 4: Letter to Covenant House re Support for Program Expansion		Passed Unanimously
Chelsea Land Use Commi	ittee (CLU)	
Item 5: Letter to LPC re 547 West 26th Street		Passed Unanimously
Item 6: Letter to LPC re 418 West 20th Street	Friendly amendment accepted	Passed with 26 in Favor and 9 Opposed
Item 7: Letter to LPC re 261 Eleventh Avenue\Terminal Stores Building		Passed with 34 in Favor and 1 PNE
Transportation Planning Comm	mittee (TRANS)	
Item 8: Letter to DOT and DDC re Complex Pedestrian Ramp Upgrades	Items 8 (as amended) through 10 were bundled	Passed Unanimously
Item 9: Letter to DCA and DOT re Newsstand Application IFO 10 Hudson Yards – NWC 30 <sup>th</sup> Street and 10th Avenue		Passed Unanimously
Item 10: Letter to DOT re Revocable consent to Construct, Maintain, and Use Pipes and conduits for Irrigation at 401 9th Avenue (31/33)		Passed Unanimously

Business License and Permits Committee (BLP)										
Item 11: Letter to SLA re 75 9th Avenue – JBSA LLC	Items 11 – 14 were bundled	Passed with 34 in Favor and 1 PNE								
Item 12: Letter to SLA re 311 W 57th Street - Variety 57th St. Holdings, LLC		Passed Unanimously								
Item 13: Letter to SLA re 420 W 49th Street - Ponche Taqueria Corp		Passed Unanimously								
Item 14: Letter to SLA re 813 9th Avenue - Yuqui's Thai Cuisine		Passed Unanimously								
Housing, Health and Human Services Committee (HHHS)										
Item 15: <del>Updates to MCB4 Affordable Housing Plan</del> – <b>Tabled</b>										

Meeting Resolution									
Adjournment	8:45 PM Meeting Adjourned								
Next Meeting Date and Location	6:30 PM November 6, 2019 Mount Sinai West 1000 Tenth Avenue								
	2nd Floor Conference Room B								

As recorded by M. Noble

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