

1 **MANHATTAN COMMUNITY BOARD 4**

2 January 7, 2015

3 Fulton Center Auditorium, 119 Ninth Ave (17/18)

5 **PRESENTATION**

6 **Say Ah!** is a nonprofit organization that works with health professionals, community service
7 providers, teachers, consumers, organizations and communities to improve health literacy.

9 **PUBLIC HEARING**

10 **BSA Application Cal. #: 174-04-BZ:** special order calendar application to reopen and amend
11 variance granted by Board – 124 West 24th Street Condominium

13 **PUBLIC DISCUSSION**

14 **United States Postal Service** Sale of air rights – Old Chelsea Post Office, 217 W. 18th Street

16 **MEETING AGENDA**

18 Public Session	Hugh Weinberg
19 Adoption of Agenda	
20 Adoption of Last Month’s Minutes	Christine Berthet
21 Manhattan Borough President	Diana Howard
22 Local Elected Officials	Various
23 District Manager Report	Jesse Bodine
24 Chair Report/Committee Reports	Christine Berthet

26 **PRESENTATION:**

27
28 Say Ah! helps people manage health care in the face of our overwhelming system. They’re a Chelsea-
29 based organization, having done their first workshop with the seniors from Hudson Guild. They do
30 workshops for patients and providers and are the only consumer-led health care literacy program in the
31 nation. They’re starting a messaging and awareness-raising campaign in Chelsea, to be launched here and
32 then scaled to other neighborhoods and cities. They want to partner with organizations to get best
33 practices into their programming. They’re working with businesses, libraries, non-profits, schools, and
34 health centers. Their website is say-ah.org.

36 **PUBLIC HEARING:**

37
38 **BSA Application Cal. #: 174-04-BZ:** Lee Compton, Chelsea Land Use committee chair, ran the hearing.
39 It’s an application to renew a variance permitting residential uses in an M1-6 zone. The building was
40 capped at the then-existing FAR. The applicant would like to reopen the variance to take advantage of
41 new FAR.

- 43 1. Paul Stover, counsel to Kramer-Levin, attorneys for Extell, which is buying the air rights: The
44 existing building has an FAR of 4.8, leaving 5.2. The variance was granted in 2005 to the
45 previous owner of the property, allowing them to be residential. The property is now owned by a
46 condo association, which would like to transfer the air rights to Extell. Stover doesn’t believe the
47 variance divested the condominium of their unused development rights and not allowing them to
48 have the variance would put the condo on a different economic footing as its neighbors, the

1 opposite of what variances are supposed to do. Stover urges approval of the variance or that the
2 Board vote to defer while design issues are worked out.

3 2. The treasurer of the condo association thinks that having a development on the block would be
4 worthwhile; it's been an eye sore for a long time.

5 3. The president of the condo association thinks that something will eventually need to happen with
6 the building. She wants to improve the block and the neighborhood.

7
8 With no further discussion, Mr. Compton declared the hearing closed.
9

10 **PUBLIC DISCUSSION:**

11 Betty Mackintosh introduced Gregory Lackey, from USPS Real Estate. USPS intends to issue an RFP to
12 sell the unused air rights above the Old Chelsea post office. The air rights will be used to build a
13 residential tower and allow the post office to continue to operate. CB4 already has a resolution, but will
14 attach additional written testimony from this hearing.

15
16 Highlights of CB4's questions: will the RFP require the design of the new residential development to
17 respect the historic design of the building? Will the RFP require the developer to meet with CB4? Will the
18 developer include 30% affordable apartments? Are the air rights restricted to the area just above the post
19 office building? The site is in a C6-2A district; can the post office provide community board 4 with a
20 zoning analysis? How much space on the ground floor will go to residents vs. post office? Will the post
21 office remain open during construction of the residential portion? Will the postal service be responding to
22 elected official's request to extend the comment period for the proposal?
23

24 Presentation from Gregory Lackey of the USPS: He assures us he's a New Yorker, born and raised. USPS
25 is not required to be here; they are here voluntarily. He will extend the comment period and he welcomes
26 CB4's comments. USPS is a self-supporting agency that doesn't receive tax dollars. In order to address its
27 financial difficulties, it would like to sell air rights to raise revenues. It will convert fee ownership of the
28 property to condominium ownership comprised of a residential unit and a commercial unit. The
29 residential unit will consist of the air rights and other space on the first floor, such as a lobby and a gym.
30 USPS intends to distribute an RFP so that developers can purchase the air rights. It does not intend to
31 change any services. The post office is on the national register of historic places, and USPS will sign a
32 preservation covenant. USPS believes an 8-story building, or 83 feet high, can be developed. The
33 developer will be obligated to follow all state and local laws with regards to zoning and preservation. It
34 will take some time to select and award a bidder. USPS will have to go through a "106 process" to
35 evaluate the impact of air rights on a historical building, and then the developer will have to go through
36 another 106 process to assess what is being built. The tower will have to be set back so that there's a
37 difference between the post office and the tower.
38

39 The public spoke:

- 40 1. Eli Szenes-Strauss, from Assemblymember Richard Gottfried's office read his statement:
41 While we appreciate USPS sending a representative, this is not the first time development
42 plans have been announced for a post office prior to community consultation. Development
43 plans for neighborhood post offices should be discussed with neighborhood advocates and
44 electeds. The postal service shouldn't contribute to the erosion of the human scale of
45 development in Chelsea. Moynihan Station is able to follow a real process, why can't this?
46 The plan only mentions condos, what about affordable housing?
47 2. Will Rogers wanted to thank the Board for its work and Chelsea Now for its work.
48 3. Jackie Blank, for Congressman Nadler: The congressman has many concerns with the
49 development. USPS failed to give sufficient notice to the community and did not solicit
50 enough community input. I'm pleased to hear USPS's assurances that postal service will

1 remain on site, but I'm concerned about neighborhood character and access to the post office
2 during construction. USPS must do everything in its power to ensure that the community
3 plays a role in the development process.

- 4 4. Leslie Doyel, the President of Save Chelsea, a coalition of organizations and individuals
5 concerned with preserving our neighborhood's historic sites and structures, said that she
6 hoped that the USPS would be transparent in its process. USPS claims that they sent a letter
7 to Save Chelsea, but they didn't receive one. The lack of communication with community
8 groups or the Board is very concerning. This is a vital postal facility for Chelsea and the
9 surrounding neighborhoods.
- 10 5. Robert Atterbery for Senator Hoylman's office: The Senator is very concerned about the lack
11 of notice to the community. This is a historic resource; it's a well-preserved example of the
12 Colonial Revival style. The Senator is also concerned about the damage the development will
13 do to the low-rise character of the neighborhood. The community should be informed and
14 allowed input.
- 15 6. Matt Green, from Councilmember Corey Johnson's office: The community relies on the
16 Post Office and it's critically important that its facilities not be relocated during or after this
17 process.

18
19 **PUBLIC SESSION:**

20 Second Vice Chair Delores Ruben called on the members of the public who signed up to speak. The
21 public spoke on the following topics:

- 22
23 1. The Manhattan Community Boathouse, the free kayaking program, had its dock stolen in late
24 October. They need to raise \$30,000 by February to replace the dock. You can donate online
25 at manhattancommunityboathouse.org.
- 26 2. A community member updated us on their fight to preserve a church. They were successful in
27 getting heard by the Holy See and hope for good news in the future.
- 28 3. Another community member is very concerned about trash piled up in our community. The
29 West Village has a BID to clean up the trash. She wants her own BID.
30 Delores Ruben addressed her statement: DSNY recently told us to report any trash to 311 to
31 improve trash pickup in the district. We should also send the 311 report to CB4's office.
- 32 4. A resident of West 25th St is concerned about a construction fence at 119 W 25th St that takes
33 up the entire sidewalk. Apparently this structure will be in place until late 2015 or early 2016.
34 There is also construction beginning across the street, at 112 W 25th St. It will apparently be a
35 38-story building, which is totally out of scale. Is this appropriate and why? I'd also like the
36 Board to look into construction issues.
- 37 5. Chair Berthet spoke to say that she is devastated by the murder of 12 journalists in France
38 today. We should all do our part to promote free society by serving on the community board
39 or at least coming to speak at it.
- 40 6. The Ryan Chelsea Community Health Center is having an exhibition, along with a reception
41 on January 12th.
- 42 7. A student from the Columbia Journalism school is writing his master's thesis on New
43 Yorkers who are using the Affordable Care Act and is looking for people who have signed up
44 for it.
- 45 8. The new reporter, Rosa Goldensohn, for the area from DNAInfo introduced herself. Get in
46 touch with her for tips: 646-397-1795, rgoldensohn@dnainfo.com.

47
48 **ADOPTION OF THE AGENDA AND THE MINUTES OF THE DECEMBER 2014 FULL**
49 **BOARD MEETING:**

1 Adopted.
2

3 **REPORTS OF ELECTED OFFICIALS:**
4

5 **Councilmember Helen Rosenthal** came to thank the Board for its service and volunteer hours. She also
6 delivered updates. First, the City Council has actively sent condolences to the families of Officers Liu and
7 Ramos. The councilmember has been attending roll calls at police precincts and was warmly received
8 90% of the time. The councilmember is also very disappointed in the lack of indictment in the Eric
9 Garner case and has been marching with the protesters. She does not believe these two things should be
10 equated. The City Council will take up multiple police reform bills in the future. Second, the City Council
11 passed a technical modification to the City's budget, which included a raise for our District Manager.
12 Councilmember Rosenthal's background was in the city budget office, where she worked for 7 years. In
13 this particular year, the City's increase in revenue was acknowledged; it will be spent on additional
14 training for police officers, mental health services on Riker's Island, healthier trays for schoolchildren.
15 The councilmember does not believe there was enough discussion on our priorities, however. Third, the
16 councilmember is concerned that women are only 0.4% of fire fighters and is holding hearings on the
17 subject.

18 **State Senator Brad Hoylman** reports that the Senate voted on the rules today, which makes it official
19 that the Republicans control the Senate. There was a gesture towards the Independent Democratic
20 Conference but nobody believes that they'll have any say. There are important issues that we'll need
21 Republican support on this session, including extension of the rent laws. Senator Hoylman opposes
22 USPS's plan for the post office, which he believes is done without local consultation and will alter the
23 neighborhood. He will be reintroducing bills to tax luxury homes and to ban conversion therapy. He
24 wants to thank Governor Cuomo for extending the tax abatement for Penn South. He believes Governor
25 Mario Cuomo stood up for the downtrodden in this society and hopes that Governor Andrew Cuomo's
26 eulogy about that will ring true this next session. We have a budget surplus but we're going to have to
27 fight to make sure it goes towards the most vulnerable.

28
29 **Diana Howard, for Borough President Gale Brewer,** reports that the new 2015 community board
30 application is on the website. The office is interested in targeting 16-17-year-olds. The Borough President
31 opposes term limits for community board members.

32 **Jackie Black, for Congressman Jerrold Nadler,** reports that the Congressman introduced the Respect
33 for Marriage Act, which would repeal the discriminatory Defense of Marriage Act.

34 **Dan Campanelli, for Comptroller Scott Stringer's office,** wants to mention a recent audit of NYCHA.
35 Its latest report focuses on NYCHA's efforts to maximize funding and achieve cost savings. The report
36 found that in 2012-2013 they didn't take advantage of \$700 million that they could have. They also
37 audited Citibike.

38 **Ed Sullivan, for Public Advocate Letitia James,** said that the Public Advocate was very saddened by
39 the death of Governor Mario Cuomo. She respected that he vetoed the death penalty over and over, and
40 that he continually protected women's right to choose, even though he personally opposed abortion.

41

42 **REPORT OF DISTRICT MANAGER JESSE BODINE:**

43 December was light in meetings. He met with the Planning Officer of the Manhattan Traffic Division, and
44 continued to advocate for enforcement against unpermitted buses. He also met with the SLA to introduce
45 himself and review best practices on how the community board can work with the SLA. Planning interns
46 are starting in our office this week. Let Jesse know if you have ideas on how to use them.

1
2 **REPORT OF MCB4 CHAIR CHRISTINE BERTHET:**

3 Happy New Year and best wishes for 2015! Last year, we had 100 meetings and sent 278 resolutions. The
4 district got a new emergency treatment center, we got a new bus line, the M12, new safe crossings for
5 pedestrians, and a new BID, with our own Bob Benfatto at the helm. At the end of 2014, the new phone
6 booth contract was finally signed to provide free Wi-Fi across the city, as well as free phone calls all over
7 the U.S. A Memorandum of Understanding was signed with each of the Borough Presidents that says that
8 Community Boards will have a say in where booths will be positioned and how many will be removed
9 from our sidewalks.

10 This year, we're convening three working groups: 1. Burt Lazarin will work on part 2 of the Balanced
11 Business working group to focus on retaining affordable, neighborhood stores in our district. 2. Ambur
12 Nicosia has volunteered to lead a working group focused on education. 3. Joe Restuccia will head a
13 working group to complete the affordable housing plan.

14 The office is going to work on a better relationship with agencies to address quality of life issues.

15 We had a meeting with EDC concerning a potential large affordable housing project in the district. We'll
16 publish the details as soon as they are publicly available. We're making sure EDC includes the
17 community at every step in the process.

18 We're very saddened by the sudden passing of Captain John Doswell, the chair of the Parks and
19 Waterfront committee. He was instrumental in creating parks in NY.
20
21

22 **COMMITTEE LETTERS AND RESOLUTIONS:**

23 **Chelsea Land Use Committee (CLU)**

24 This item was moved up in the agenda to allow Mr. Compton to be able to leave.
25

26 Item 16: Letter to BSA re 124 West 24th Street - special order calendar application

27 *Mr. Compton announced that on page 2, Line 19, he will be deleting the sentence, "The owner is not*
28 *entitled." He then went on to explain that our goal with this is to get the BSA to think about the*
29 *application and what its original intents were. We believe that the owner already got a great benefit with*
30 *allowing residential use. We don't know why the FAR was initially capped, but the BSA might have had a*
31 *good reason. We don't want the pending transient hotel to be even bigger than it otherwise would be.*
32

33 **Business Licenses and Permits Committee (BLP)**

34 The following items were bundled: 1-11 (**APPROVED**)

35 Item 01: Letter to SLA re Fika – 155 7th Avenue (19/20)

36 Item 02: Letter to SLA re Fika – 555 6th Avenue (15/16)

37 Item 03: Letter to SLA re Fika – 189 9th Avenue (21/22)

38 Item 04: Letter to SLA re Asparagus Catering LLC – 347 W 34th Street (8/9)

39 Item 05: Letter to SLA re Prova – 184 8th Avenue a/k/a 263 W 19th Street

40 Item 06: Letter to SLA re BEC – 148 8th Avenue (17/18)

41 Item 07: Letter to SLA re Hell's Kitchen Thai Inc. – 750 9th Avenue (50/51)

42 Item 08: Letter to SLA re Casa Agave Mexican Bar & Grill – 693 9th Avenue (47/48)

43 Item 09: Letter to SLA re Juban – 207 10th Avenue (22/23)

44 Item 10: Letter to SLA re As is Beer and Bitters – 734 10th Avenue (50)

45 Item 11: Letter to SLA re Tony's DiNapoli – 409-411 W 14th Street (9/10)

1 *Frank Holozubiec announced that all licenses followed our new guidelines.*

2

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

4 Item 12: Letter to DCP re 332 West 44th Street - Modification to special permit parking garage
5 **(APPROVED with MODIFICATIONS, 36-1)**

6 *Jean-Daniel Noland said that he one change. On Line 17, he wanted to change the line to make clear that*
7 *the width would not be expanded but a new curb cut would be allowed. He also clarified that the*
8 *applicants submitted the requested letter and will put out a big giant planting box.*

9

10 Item 13: Letter to MBPO re Manhattan Borough Board resolution on State Legislature Bill
11 A5355/S3076 **(APPROVED with MODIFICATIONS)**

12 *Mr. Noland wants to add on line 22 that BSA special permits should be subject to an environmental*
13 *review as they are discretionary actions.*

14

15 **Waterfronts, Parks and Environment Committee (WPE)**

16 The following items were bundled: 14-15 **(APPROVED AS AMENDED)**

17 Item 14: Letter to Hudson River Park Trust re Design plans of Piers 54/55

18 Item 15: Letter to Electeds re Pier 54/55 letter to Hudson River Park Trust

19 *Delores Ruben wanted to add a change to this letter noting that local electeds, including the mayor, have*
20 *committed some money to local parks.*

21 *Burt Lazarin wanted to make sure we highlight the lack of community input.*

22 *Ms. Ruben explained that since it's not our district, we didn't want to speak louder than CB2 until the*
23 *time comes.*

24 *Mr. Lazarin thinks that the sister park idea is very important.*

25 *Ms. Ruben agreed to expand on it.*

26 *Jay Marcus doesn't understand why we have two letters; why can't we just CC electeds on item 14?*

27 *Chair Berthet suggests removing the redundancy in letter 15.*

28 *Mr. Noland wanted to be clear that the concern of the committee was that the big donors were going to*
29 *take over the funding of parks and civic funding to small parks was going to decrease. He wanted to make*
30 *sure that the philosophical problems were clear.*

31 *Mr. Marcus liked the idea of highlighting the philosophical problems upfront.*

32

33 **Chelsea Land Use Committee (CLU)**

34 The following items were bundled, Items 17-18: **(APPROVED)**

35 Item 17: Letter to LPC re 353 W. 20th Street, townhouse renovation

36 Item 18: Letter to LPC re 354 W. 20th Street, townhouse renovation

37

38 Item 19: Letter to USPS re Sale of air rights - Old Chelsea Post Office, 217 W. 18th Street

39 **(APPROVED)**

40

1

2 **Transportation Committee (TRANS)**

3 The following items were bundled: 20-24 (**APPROVED**)

4 Item 20: Letter to DOT re Frank Martz Company bus drop off request – 9th Avenue (35/36)

5 Item 21: Letter to DOT re Parking regulation request – W. 39th Street and 9th Avenue

6 Item 22: Letter to DOT re dangerous intersection report – W. 57th/8th Avenue

7 Item 23: Letter to DOT re Revocable consent – Chelsea Hotel access ramp, 216 W. 23rd Street

8 Item 24: Letter to PANYNJ re PANYNJ bus terminal operational improvements

9

10 *Ernest Modarelli had some minor clarifications to the letters, especially clarifying what was meant by*
11 *more cameras in NJ than NY in item 24.*

12

13

14 **Housing, Health & Human Services Committee (HH&HS)**

15 Item 25: Letter to Avalon Bay re SEIUBJ worker conditions (TABLED)

16 **The meeting was adjourned at 8:46 p.m.** Scribed by Miranda Nelson.

DRAFT