

1 **MANHATTAN COMMUNITY BOARD 4**

2 December 3, 2014

3 Roosevelt Hospital, 2nd Floor, 1000 Tenth Avenue (58/59)

5 **PUBLIC HEARING**

7 **BSA Application Cal. #: 231-14-BZ:** an application for a special permit for a physical Culture  
8 Establishment – Orangetheory Fitness – at 124 West 23rd Street

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

13 **MEETING AGENDA**

15 Public Session	Hugh Weinberg
16 Adoption of Agenda	
17 Adoption of Last Month’s Minutes	Christine Berthet
18 Manhattan Borough President	tba
19 Local Elected Officials	Various
20 District Manager Report	Jesse Bodine
21 Budget and Jobs Task Force Report	Burt Lazarin
22 Nominating Committee Report	Betty Mackintosh
23 Chair Report/Committee Reports	Christine Berthet

26 Chair Christine Berthet called the meeting to order at 6:33 p.m. She noted that HBO was working on a  
27 documentary about gentrification in Chelsea and would be filming portions of tonight’s meeting. She  
28 stated that CB4 has a policy about public access to and recording of its meetings and outlined the relevant  
29 provisions. She asked if there were any questions or objections regarding the filming, but none were  
30 raised.

33 **PUBLIC HEARING:**

35 **BSA Application Cal. #: 231-14-BZ:** an application for a special permit for a physical Culture  
36 Establishment – Orangetheory Fitness – at 124 West 23rd Street. Chair Berthet introduced Chelsea Land  
37 Use Committee Co-Chair Lee Compton, who presented this application and stated that the applicant was  
38 available for questions. No one spoke at this hearing, and the hearing was closed.

40 **BSA Application Cal. #: 174-04-BZ:** special order calendar application to reopen and amend variance  
41 granted by Board – 124 West 24th Street Condominium. Chair Berthet stated that this application was  
42 tabled until next month.

1  
2 **PUBLIC SESSION:**

3 First Vice Chair Hugh Weinberg called on the members of the public who signed up to speak. The public  
4 spoke on the following topics:  
5

- 6 1. A representative of Commune spoke about the mobile app they are developing, which seeks to  
7 compile information about civic organizations and events to improve awareness. He stated that  
8 the app was close to a public launch and solicited volunteer testers.
- 9 2. A representative from the Lennox Hill HealthPlex stated that they had been open about six  
10 months and had seen 10,000 patients to date, including quite serious cases.
- 11 3. A porter in a building on West 28th Street spoke of the efforts to organize and improve benefits  
12 for building workers in Chelsea and supported the proposed letter from CB4 on the subject.  
13 Chair Berthet noted that the relevant letter, Item 26, had been tabled until next month.
- 14 4. The regional director of the Department of Consumer Affairs spoke about that department's  
15 recent efforts, including the paid sick leave law, a small business reform package, and an  
16 upcoming phone-a-thon on January 31 for earned income tax credit awareness day -- tax credits  
17 not being claimed by many eligible for them.
- 18 5. Two individuals spoke in favor of the Meatpacking BID (Item 17), stating that such BIDs provide  
19 useful community services and thanking CB4 for working with the BID's steering committee.
- 20 6. One individual spoke on behalf of More Art, a not-for-profit seeking to promote public art for  
21 underserved communities.
- 22 7. A representative of Gutman Community College stated that she and her students in social work  
23 were on a field trip attending tonight's meeting.
- 24 8. A resident of West 22nd Street spoke of a traffic issue at the northeast corner of 11th Avenue and  
25 West 22nd Street, where a construction company, not presently doing any work, has closed off  
26 the street with no protective pedestrian walkway. Mr. Weinberg suggested that the resident  
27 speak to district manager Jesse Bodine about this issue.
- 28 9. A representative from 530 West 45th Street Development stated that a lottery had started today  
29 for two remaining affordable apartments. Chair Berthet stated that an e-blast had been sent to the  
30 CB4 e-mail list about the lottery.  
31  
32

33 **ADOPTION OF THE AGENDA AND THE MINUTES OF THE MAY 2014 FULL BOARD**

34 **MEETING:**

35 Chair Berthet stated that items 20, 24, 26, 27, and 28 were being tabled. Being added as new business are  
36 Item 29, a letter to the DCP regarding ULURP applications and Special West Chelsea expansion, and  
37 Item 30, on SantaCon. JD Noland requested that CB4 send a letter regarding recent efforts to de-calendar  
38 hundreds of buildings from the docket of the Landmarks Preservation Committee; that issue was added as  
39 Item 31. With those changes, the agenda was approved.  
40

41 The Minutes of the November 2014 Full Board Meeting were adopted without amendment.  
42  
43

44 **REPORTS OF ELECTED OFFICIALS:**

45  
46 **Diana Howard, for Borough President Gale Brewer**, stated that 2015 community board applications  
47 are now available on line and that current CB4 members up for re-appointment will be sent emails about  
48 reapplying. The deadline for applications is January 30. She noted that the Borough President also is  
49 concerned about the landmarks de-calendar.

1 **Brad Hoylman, State Senator**, spoke about today's announcement regarding the grand jury in Staten  
2 Island, stating that he hoped for calm and that his thoughts are with the victim's family. Senator  
3 Hoylman is introducing legislation regarding terminally ill individuals who wish to end their own lives;  
4 five states currently allow such choice. Noting the United States Postal Service's attempt to transfer air  
5 rights above a local post office, he expressed his concern that the postal service attempted to do this  
6 without community outreach. Senator Hoylman noted that there is talk in Albany about a special session  
7 to raise the pay of legislators and expressed his belief that a commission of experts should look at this  
8 issue. He also described a recent positive court decision from the New York Court of Appeals regarding  
9 the status of rent-stabilized leases in bankruptcy proceedings.

10  
11 **Eli Szenes-Strauss, for Assemblymember Richard Gottfried**, also spoke about the Staten Island grand  
12 jury, stating their thoughts were with the victim's family. He echoed the expressed concerns about the  
13 baffling landmarks de-calendar proposal. There will be state-wide hearings this month on universal  
14 health care in New York; the Manhattan hearing will be on January 16.

15  
16 **Erica Overton, for Assemblymember Linda Rosenthal**, stated that the Assemblymember is deeply  
17 disappointed with the grand jury decision. She noted that the SLA was requiring the recent applicant Rise  
18 Bar to close at 2 a.m. nightly.

19  
20 **Matthew Green, for Councilmember Corey Johnson**, stated that Councilmember Johnson is outraged  
21 by the grand jury decision and sends his condolences to the victim's family. The city council passed its  
22 first bill to protect victims of domestic violence in the shelter system. Councilmember Johnson has  
23 introduced a bill seeking to modernize the birth certificate process for transgender individuals.

24  
25 **Shelby Garner, for Congresswoman Carolyn Maloney**, reported on the congresswoman's efforts to  
26 establish a women's history museum, including a new social media campaign in support.

27  
28 **Ed Sullivan, for Public Advocate Letitia James**, stated that the public advocate is as angry as everyone  
29 else about the result in Staten Island. The public advocate is seeking to use the merger of Comcast and  
30 Time Warner as an opportunity to get interest access into NYCHA Housing.

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

34 Jesse Bodine stated that he was two weeks into his job as the new district manager for CB4. He is in the  
35 process of meeting with the chairs of each committee to understand how the office can best support the  
36 committees. He is also meeting with the police, local agencies, and block associations in the community.  
37 He thanked CB4 staffers Nelly Gonzalez and Erica Baptiste for their support during the transition process.

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40 **BUDGET AND JOBS TASK FORCE REPORT:**

41 On behalf of the Budget and Jobs Task Force, Burt Lazarin reported that CB4 has just finished its budget  
42 priorities. In February 2015, we will receive the preliminary budget for 2016 and will need to come up  
43 with our response. He noted that the task force is always looking for new members.

44  
45 **NOMINATING COMMITTEE REPORT:**

46 On behalf of the Nominating Committee, Betty Mackintosh presented the unopposed slate for CB4  
47 officers for 2015 and asked board members to fill out their voting sheets. She thanked the Nominating  
48 Committee for their efforts and Frank Holozubiec for serving as Co-Secretary.

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

2 Chair Berthet stated that she and other representatives of CB4 had attended a recent meeting with the  
3 Commissioner and staff of the Department of Consumer Affairs, at which a number of issues regarding  
4 sidewalk cafés were raised. We continue to follow-up on issues raised by the plan to replace public  
5 phone booths.  
6  
7

8 **COMMITTEE LETTERS AND RESOLUTIONS:**

9  
10 **Quality of Life: ACES Committee (QoL)**

11 The following items were bundled: 1-3 (**APPROVED AS AMENDED**)

12 Item 01: Letter to DAS re Relocation of FDNY EMS Station # 7

13 Item 02: Letter to SLA re Pierre Loti - 258 W 15th Street

14 Item 03: Letter to SLA re The Ainsworth – 122 West 26th Street

15 *QoL Co-Chair Tina DiFelicianantonio stated that Betty Mackintosh had suggested some friendly*  
16 *amendments to Item 1, which were accepted.*

17  
18 *Maarten DeKadt stated that there was a general issue of infrastructure growth, which should be*  
19 *mentioned in the Item 1 letter.*

20  
21 *Brett Firfer stated that the Item 1 letter needed clarity about growth versus quality of life. No vehicles*  
22 *are supposed to be dispatched from that site.*

23  
24 *Betty Mackintosh applauded whoever researched and wrote the Item 3 letter (Ms. DiFelicianantonio).*

25  
26 *Martin Treat suggested that we copy the fire department on the Item 1 letter.*

27  
28 *With respect to Item 3, Ms. DiFelicianantonio stated that the letter would need to be updated to reflect The*  
29 *Ainsworth's current plans regarding New Year's Eve. Paul Sears noted that the SLA should notify CB4 if*  
30 *a venue sought to stay open later on New Year's Eve than permitted by the venue's designated hours of*  
31 *operation.*  
32  
33

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

35 The following items were bundled: 4-11 (**APPROVED**)

36 Item 04: Letter to DCA re Clarification and modification of sidewalk café rules

37 Item 05: Letter to SLA re Sergimmo Trattoria - 456 9th Avenue (35/36)

38 Item 06: Letter to SLA re Takumi – 75 9th Avenue (15/16)

39 Item 07: Letter to SLA re Current – Pier 59 Chelsea Piers

40 Item 08: Letter to SLA re Blue – 856 9th Avenue (55/56)

41 Item 09: Letter to SLA re Tick Tock Diner – 481 8th Avenue (34/35)

42 Item 10: Letter to SLA re 757 Song Grace Corp - 519 8th Avenue (35/36)

43 Item 11: Letter to SLA re Time Out NY Lounge & New World Stages & The Green Room – 340 West  
44 50th Street (8/9)

1 *BLP Committee Co-Chair Paul Seres asked the applicant on Item 5 if they would agree to remove a storm*  
2 *enclosure not in compliance with city regulations, which the applicant had installed after their*  
3 *appearance at the BLP meeting. The applicant agreed to remove the non-conforming storm enclosure.*  
4  
5

6 **Clinton/Hell’s Kitchen Land Use Committee (C/HKLU)**  
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8 Item 12: Letter to DCP re Special Permit and Zoning Text Amendment/505-513 West 43rd Street.  
9 **(APPROVED AS AMENDED)**

10 *C/HKLU Chair JD Noland stated that typos in the letter have been corrected and thanked Betty*  
11 *Mackintosh for her good suggestions.*

12 *Ernest Modarelli expressed concern that we are giving up affordable condo units in exchange for a small*  
13 *height reduction.*

14 *Joe Restuccia stated that the letter needed to explain CB4’s thinking more fully. This block was rezoned*  
15 *several years ago to provide a transition zone between West 42nd Street and the Special Clinton District.*  
16 *The committee did not want to completely disregard the maximum height of 135 feet set just five years*  
17 *ago in the rezoning.*

18 *Maarten DeKadt stated that the timeline was not clear regarding when the affordable housing had to be*  
19 *created. Mr. Restuccia stated that the letter will be clarified on that point.*  
20

21 *By roll call vote, the letter was approved by 35 yes votes to 3 no votes.*  
22

23 At this point, the consideration of Committee Letters and Resolutions was interrupted to hear from  
24 Borough President Gale Brewer.

25 **Borough President Gale Brewer** thanked CB4 for all its work, especially in the area of affordable  
26 housing. She stated that she was at city hall today when the Staten Island non-indictment was announced.  
27 All bill signings were cancelled. On other topics, she noted that there has been much discussion about  
28 the new phone booths. She also wanted to make people aware that You Tube studios are located in this  
29 district, on Ninth Avenue, which anyone can use free of charge to make videos.  
30  
31

32 Item 13: Letter to DCP re “Sliver Law” Text Amendment – 441 West 37th Street **(APPROVED)**  
33

34 *To allow board members time to review the draft letter, this item was considered following Item 28 on the*  
35 *agenda. By roll call vote, the letter was approved by 37 yes votes, with one present-not-eligible vote.*  
36  
37

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

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

40 Item 14: Letter to CM Johnson re Request for high end baskets in CB4

41 Item 15: Letter to DOS re DOS presentation thank you

1 *Maarten DeKadt suggesting adding the phrase “larger basket with cover” to explain the term “High End*  
2 *Basket.”*

3  
4 *Betty Mackintosh suggested including the corners of 9th Avenue between 34th and 42nd Streets at line*  
5 *30-31, which was accepted.*

6  
7 *Ken Stewart pointed out that trash cans often end up blocking pedestrian crossings. Ernest Modarelli*  
8 *suggested that calls be placed to 311 about such issues.*

9  
10 *Burt Lazarin stated that the issue is not the number and size of trash baskets, but one of reevaluating*  
11 *routes and having adequate staff for garbage pick-up.*

12  
13 *Delores Rubin stated that the Sanitation Department benefits from 311 calls and urged people to call 311*  
14 *with sanitation issues. She suggested putting together a protocol for dealing with trash complaints.*

15  
16 *Chair Berthet wondered if bigger baskets might have the side effect of alleviating the pressure for more*  
17 *frequent pick-ups.*

18  
19 *Ambur Nicosia asked if bins with built-in compactors could be installed.*

20  
21 *Mr. Lazarin noted that, from the budget perspective, Councilmember Johnson, as well as other*  
22 *councilmembers, are given funds for additional bins, with the option to give those funds to the Sanitation*  
23 *Department or to BIDs. Councilmember Johnson provided his funds to the Sanitation Department for*  
24 *bins on certain avenues.*

25  
26 *Yoni Bokser asked if we have a current list of bin sites, noting that many have been removed for*  
27 *construction and other reasons. Ms. Rubin will provide the data received from the Sanitation*  
28 *Department.*

29  
30  
31 **Chelsea Land Use Committee (CLU)**

32 The following items were bundled: 16-19 (**APPROVED**)

33 Item 16: Letter to LPC re High Line Hotel

34 Item 17: Letter to CPC re N150156BDM - District Plan for Meatpacking BID

35 Item 18: Letter to LPC re 239-241 Eleventh Avenue - window replacement, louver addition, platform  
36 addition and canopy reintroduction

37 Item 19: Letter to BSA re physical culture establishment (PCE) Orangetheory Fitness - at 124 West  
38 23rd Street

39  
40 Item 20: Letter to BSA re 124 West 24th Street - special order calendar application (**TABLED**)

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43 **Transportation Committee (TRANS)**

44 The following items were bundled: 21-23, 25 (**APPROVED AS AMENDED**)

45 Item 21: Letter to NYPD re Enforcement of Jitney Bus Operations

46 Item 22: Letter to CBs re 7th Avenue Complete Streets meeting

47 Item 23: Letter to AM Rosenthal re M11 bus congestion

48 Item 25: Letter to FCRC re Public Links

1  
2 Item 24: Letter to PANYNJ re PANYNJ bus terminal operational improvements (**TABLED**)

3  
4 *With respect to Item 25, JD Noland asked about the choice of example at lines 44-45. Chair Berthet*  
5 *stated that the location could be changed to Eighth Avenue at Penn Station.*

6  
7

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

9 The following items were **TABLED**: 26-28

10 Item 26: Letter to Various Condo Boards re SEIU 32BJ worker conditions

11 Item 27: Letter to Avalon Bay re SEIUBJ worker conditions

12 Item 28: Letter to HPD re Lantern building - 330-322 W. 51st Street

13

14 **New Business**

15

16 Item 29: ULURP Applications and Special West Chelsea Expansion (**APPROVED**)

17

18 Item 30: SantaCon (**APPROVED AS AMENDED**)

19 *Chair Berthet suggested that the letter stress our objection to SantaCon returning to CB4.*

20 *Paul Seres noted that the CB3 had sent an email to businesses with anti-SantaCon signs for them to*  
21 *display.*

22

23 Item 31: New letter re landmarks de-calendarng (**APPROVED**)

24 *JD Noland noted that there are two sites in CB4 that we want to remain on the list for landmark*  
25 *consideration and proposed sending a letter protesting the de-calendarng of potential landmarks.*

26 *Burt Lazarin stated that our letter should object to the lack of public process with respect to the de-*  
27 *calendarng.*

28

29 **The meeting was adjourned at 8:20 p.m.** Scribed by Frank Holozubiec.