

Manhattan Community Board 4
April 1, 2015
Roosevelt Hospital, 2nd floor, Conference Room B, 1000 10th Ave

PUBLIC HEARING\PRESENTATION

BSA Application Cal. # 183-04-BZ: Application to extend variance of
PCE - 206 W. 23rd Street – H2O Spa

Mayor's Preliminary Budget for Fiscal Year 2016: As mandated by the City Charter, the Board will review and comment upon the Preliminary Budget. Members of the public are encouraged to comment on the Budget and the Board's response as well.

MEETING AGENDA

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| Public Session | Delores Rubin |
| Adoption of Agenda | Christine Berthet |
| Adoption of Last Month's Minutes | |
| Manhattan Borough President | Diana Howard |
| Local Elected Officials | Various |
| District Manager Report | Jesse Bodine |
| Chair Report/Committee Reports | Christine Berthet |

Public Hearing:

BSA Application Cal. #: 340-05 BZ: Betty Mackintosh chaired the public hearing to extend the previously-granted variance for a physical culture establishment at 206 W. 23rd Street – H2O Spa. With nobody signed up to speak, the hearing was closed.

REPORTS FROM EELCTED OFFICIALS:

Assemblywomen Linda Rosenthal just returned from Albany where the budget was passed at 3am. Some would say it was complete by midnight, but she would not. She described the challenges of bringing the Senate, Assembly, and Governor together on the budget and how difficult it is for them all to agree on items. Part of the problem is a lot of policy issues were tied to the budget, for example the Dream Act was tied to a tax credit for parochial schools. Nevertheless there were several good things in the budget, including \$1.6 billion in school funding and funding for UPK statewide, \$100 million for NYCHA, \$440 million for homeless services, \$15 million for a new pilot to prevent evictions, and additional support for homeless youth and rape crisis programs.

Public Hearing:

Mayor's Preliminary Budget for Fiscal Year 2016: Delores Rubin chaired the public hearing to review and comment upon the Preliminary Budget. With nobody signed up to speak, the hearing was closed.

PUBLIC SESSION:

Delores Rubin called on the members of the public who signed up to speak. The public spoke on the following topics:

1. Dianne Nichols expressed her opposition to the Ichiran restaurant locating on 20th Street.
2. Uriel Rubinoff expressed his opinion that there were factual inaccuracies in the application and that a previous application was approved by the CB and denied by the SLA.
3. Sydney Price operates a pediatrician practice on west 20th street and spoke in opposition to the Ichiran restaurant.
4. Bill Borroch, president of the council of Chelsea block associations spoke in opposition to Ichiran, they should be on an avenue. We know the full board usually supports the committee vote but ask them not to here.
5. Betty Mackintosh spoke representing the Hell's Kitchen Farm Project and no the Community Board. She invited the public to join for the Farm's awesome Spring Kickoff event on the rooftop farm.
6. Lisa Wager, representing FIT, described their upcoming public programs, including three that are closing in April.
7. Michael Walsh spoke in opposition to item 1, Ichiran. He supports what has already said and emphasized he lives next door.
8. Eric Friedman spoke against Ichiran. He emphasized he loved ramen but thought the location was not appropriate.
9. Sam Glassman expressed his concerns Ichiran. He has concerns with they way they negotiated, their hours of operation, garbage collection, crowds of people, and smoking.
10. Wayne Kawadler, representing the Lenox Hill Healthplex, promoted their new blood draw center open Monday-Saturday. He also mentioned that they have 3 new CPR classes but they people should register in advance. Lastly, he mentioned that since the renovation is complete their facility is now LEED certified.
11. Mary Ellen, spoke against the application for a liquor license for Wine Group Manhattan, item 2. She mentioned there were some violations with Barchetta. Chair Berthet encouraged her to send any issues with Barchetta to the board office.

ADDITIONAL REPORTS FROM ELECTED OFFICIALS:

Congressman Jerrold Nadler spoke extensively about the question of Iran. He emphasized that there is a consensus in the US, Europe, and Israel that we need to prevent Iran from getting a Nuclear Weapons. He explained that they are working on a deal whereby Iran will submit to monitoring or something and we will remove sanctions. The discussion has been flawed. Netanyahu, Republicans and some Democrats have said this is a bad agreement and no agreement is better than a bad one. However, this relies on the unstated assumption that without an agreement war can be prevented. He continued explaining that in fact if there is no agreement, inspections end and Iran can race to the Bomb. We could impose stronger sanctions, but Russia, China and Europe may not join

us. And without them the sanctions wouldn't be effective. Lastly, he emphasized that he would oppose further sanctions until the June when the interim agreement expires.

State Senator Brad Hoylman explained some of the pluses from the budget. After a month-long campaign we got an additional \$2.1 million for homeless youth. He explained that this may not seem like a lot, but it is up to 1000 new beds across the whole state. He explained that his office is having an open house on earth day. As the ranking member of the environmental committee he is very disappointed that the legislature took \$40 million from the Regional Greenhouse Gas initiative and moved it to the general fund. He is also still fighting for ethics reform. He feels that the package passed in Albany is not enough. The LLC loophole must be closed and outside income must be addressed. He believes being a state legislator should be a full time job.

Patricia Ceccarelli, representing Manhattan Borough President Gale Brewer, explained that board reappointments are almost done but people should keep attending until they hear otherwise. In addition, the borough president just released a report on small businesses, regarding lease renewals and street vending policies.

Matt Green, representing Councilmember Corey Johnson, reported that the Councilman had introduced five pieces of legislation. This includes 1 piece of legislation regarding rent stabilization that the Mayor recently signed. He also explained that the voting period for participatory budgeting was upon us and everyone should vote! He also encouraged the public to read through the monthly report for specifics on all the legislation.

Dan Campanelli, representing Comptroller Scott Stringer, reported on two main priorities from the Comptroller's office. First is their ClaimStat initiative has released a report on injuries from playgrounds. Please check out the full report in the back of the room, only five claims are from Community Board 4. Lastly, the Comptroller published a guide for immigrants that all are encouraged to check out.

Eli Strauss, representing Assemblyman Richard Gottfried, reported several health committee updates. First, we passed legislation codifying the protections of Roe v. Wade in NY state law. Second, we are hoping to require all hospitals to community advisory boards. Third, we would like to give collective bargaining rights to healthcare providers. Lastly, we are supporting legislation that would prevent insurance companies from changing prescriptions for a patient without provider consent.

ADOPTION OF THE AGENDA AND THE MINUTES OF THE MARCH 2015 FULL BOARD MEETING:

Item 16 was de-tabled. Both items were adopted.

REPORT OF DISTRICT MANAGER JESSE BODINE:

He attended several meetings, including a roundtable with the parks commissioner where he advocated for additional comfort stations and transparency in capital projects. He attended a meeting/tour of 311 system. This was with all the DM's citywide. There was

agreement about making it easier to add new problems to the category list. Different agencies and 311 all have different software systems, which make it challenging. We also want more 311 staff at district service cabinet.

He spoke at the City Council meeting about the preliminary budget. In representing all of the Manhattan DM's, one thing he emphasized is operating expenses for district offices (not salary) hasn't changed in years. Every district does it differently. In addition, the OMB staff that helps CB's used to be 7 staff and is now 2. He explained that the board has a new policy regarding SLA. If there are issues with an establishment bring them to the board immediately, rather than waiting for renewal. This will help us create a history and Quality of Life will address the concerns. At district services cabinet, DOT explained that they will begin presenting vision zero to the transportation committee this month.

REPORT OF MCB4 CHAIR CHRISTINE BERTHET:

There were several small meetings this month. We met with NYCEDC on affordable housing at the slaughter house site. We met with DCP regarding the citywide zoning text amendment. We met with DOT regarding transportation projects in CB4. We met with Assemblywoman Linda Rosenthal and DOT regarding the dangerous intersection at West 57th St. & 8th Ave. I attended the board meeting of the Port Authority where the proposals to replace the Bus Terminal were discussed. We met with Avenue school about their expansion plans. We met with Councilman Ydanis Rodríguez, chair of the transportation committee, about extension of the Number 7 line to New Jersey. We had a meeting with the Borough President about the transfer of rights regarding the Hudson River Park Trust.

Chair Berthet explained that with new appointments to our board there are some vacant officer positions. Per our bylaws, Delores Rubin, Second Vice Chair, has automatically assumed the vacant position of First Vice Chair. Per our bylaws, the chair has appointed Yoni Bokser to the vacant position of Secretary. Per our bylaws, we will hold a special election for Second Vice Chair. Chair Berthet opened the floor for nominations. Ernest Moderelli and Burt Lazarin were both nominated. Burt is sick and not present but has submitted testimony.

Deloras Rubin read Burt Lazarin's written statement. Lazarin explained his leadership with the Budget Working group and skills he would bring to the position. He also explained his unique perspective as a Chelsea resident whereas residents of Clinton dominate the executive board. Ernest Moderelli explained his experience as a CB4 member taking leadership roles in social media and on the Transportation Committee. CB4 is one of the best boards in the city and he wants to take on new challenges and find new ways to improve the board.

Board Members completed ballots for the election.

COMMITTEE LETTERS AND RESOLUTIONS:

Business Licenses and Permits Committee (BLP)

The following items were bundled: 3-5. (APPROVED)

Item 03 Letter to SLA re Sushi Star, LLC – 462 9th Ave (35/36)

Item 04 Letter to SLA re Ushiwakamaru Corp – 362 W. 23rd St
Street

Item 05 Letter to SLA re BB 57 LLC d/b/a Bareburger – 313 W. 57 St.

Item 01 Letter to SLA re Ichiran U.S.A Inc. d/b/a Ichiran – 123 W. 20 Street
(APPROVED)

Paul Seres explained that this is the second time the applicant has come and there is significant community opposition. This is a large international corporation that has already signed a lease. So there will be a restaurant here regardless the question we have to address is their liquor license. This situation is trickier because it is just a Beer & Wine License and the 500 foot rule does not apply. To clarify, the applicant has agreed to a 10:30 close. Again, if we vote to deny, the restaurant will open without liquor. Or the restaurant may still get a beer & wine license without any of the agreed upon stipulations.

Frank Holozubiec elaborated on the challenges of this application. The BLP urged the applicant to find a new location, but we do not have the authority to prevent a restaurant from opening. The community seems to object to the restaurant and not the beer and wine but unfortunately that is a zoning issue. All of this said, the applicant originally applied for a full liquor license and 4am close. We negotiated and the applicant agreed to a 10:30pm close. We raised issues about costumers waiting on the street and garbage and the applicant modified their plans to address both of these. Unfortunately, the tools we have to fight this are limited and we can emphasize in the letter we don't want this going in here.

David Warren commented that he voted for this applicant not because he thought it was a good location but because without a liquor license or our stipulations the establishment could be open 24 hours a day. The issue the community has is with the zoning of the location, and unfortunately we can't change that.

James Wallace asked for clarification about whether the beer and wine license includes Sake and Sochu.

Seres clarified that Sake and Sochu are considered part of the SLA beer and wine license.

Modarelli asked if there were hours of operation that were acceptable to the community.

Seres explained that initially some members of the community were ok with a closing of 10pm however the community wasn't organized at first. Some individuals were ok with a 9pm closing. The big jump from the applicant was from a 4am close to a 1030pm close. There were some members of the community that were o.k. with some hours of operation but there was no consensus.

Jon Sharp implored people to consider that despite the fact that the restaurant is coming we should say no to a liquor license. This is the wrong location.

Walter Mankoff asked what was in the space previously, and it was announced it was a print shop.

Martin Treat expressed his opinion that the establishment would not open without the liquor license.

Holozubiec accepted friendly amendments that recommended the applicant search for a new location and that the SLA consider granting the license without Sake and Sochu.

Item 02 Letter to SLA re Wine Group Manhattan Inc. d/b/a LE PIF Chelsea – 465 W. 23rd street (**APPROVED**)

Holozubiec explained that since this is another beer and wine license our powers are limited. The applicant is a wine bar, we were able to get the applicant to agree to close at 11:30pm and midnight instead of 1am. The original application also included a sidewalk café, which had been a problem at neighboring Barchetta. The applicant agreed not to have a sidewalk café. One of the reasons I supported this was the owner's other establishment. As James Wallace mentioned, the applicant applied for a beer and wine license and the board voted to deny. The SLA approved it anyway and the applicant has been operating for three years on a side street near my apartment. Despite the licensing disagreement, the establishment has been a great member of the community and never applied for a full licenses, as many feared. This was a tough situation and the vast community was opposed, however the London Terrace had multiple representatives at the committee meeting, some of which were supportive.

Katherine Consuelo-Johnson added that the applicant's lease has additional restrictions on the establishment, limiting the types of food preparation allowed.

Item 06 Letter to SLA re At the Bar LLC d/b/a Esquire NYC – 622 W. 47 Street (**APPROVED**)

Seres mentioned that this was pulled because of the comments during the public session and some concerns regarding the ownership. He continued explaining that the owner has been very cooperative with the community board and he is a very responsive owner.

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

Item 08: Letter to LPC re process recommendations for backlogged 95 Calendared items: IRT Power House (West 59 Street and 11 Ave) and Mission of the Immaculate Virgin (448 West 56th Street) (**APPROVED**)

Chelsea Land Use Committee (CLU)

Item 09: Letter to DCP re 520 W. 28 Street – 150147 ZSM, Special permit for 29 space off-street parking garage (**APPROVED**)

Brad Pascarella commented that the applicant did all that they are required to do by law, however the committee was not happy with their application. This is the robo-garage. We don't agree with the policy, but we shouldn't hold it against the applicant.

Jay Marcus questioned whether we ask accessory garages to agree to remain accessory even though the law changed and no longer requires them to be.

Lee Compton explained that the applicant has stated they intend it to remain accessible, but we can't know for sure. We can add language to the letter mentioning this.

A roll call vote was taken. The motion passed with 32 votes in favor and 3 votes against.

Item 10: Letter to BSA re 206 West 23 PCE for H2O Spa Street - # 183-04-BZ, application to extend variance of PCE for H2O Spa **(APPROVED)**

Transportation Planning Committee (TRANS)

The following items were bundled: 12-15. **(APPROVED)**

Item 12: Letter to USPS re USPS trucks blocking Pedestrian Crosswalk at W. 41 St. and 9th Ave

Item 13: Letter to NYPD re NYPD parking blocking MTA bus stop at W. 35 Street and 9th Ave.

Item 14: Letter to PANYNJ re request for "No Turn on Red" signs at Lincoln Tunnel access Points

Item 15: Letter to CM Johnson re Pedestrian Safety Improvements at Intersections identified in the Vision Zero Pedestrian Safety Action Plan for the Borough of Manhattan

Mackintosh asked what the term "complete streets" refers to.

Modarelli clarified that it is a street that is designed for multiple users, pedestrians, cyclists, and drivers. Whereas regular streets are designed for drivers.

Item 16: Letter to MTA re Addition of subway stop at W. 41 St. and Dyer Ave. to MTA capital Budget **(APPROVED)**

Lisa Daglian mentioned that she has to vote PNE but she strongly supports it. She does not believe the shell was ever built.

Mackintosh questioned whether the Hudson Yards development was supposed to fund this project?

Chair Berthet explained that the funding from the HY development was a fixed amount of revenue. The MTA used all of that revenue on one station.

Marcus mentioned one of the problems here is the MTA hasn't taken full ownership over the project.

Joe Restuccia mentioned that we should emphasize the history that this project was part of the initial scope but it was not completed because of cost overruns.

Item 17: Letter to DOT re Changes in Parking Regulations on the south side of W. 18 ~~(APPROVED)~~ and 7th Avenue

Budget Working Group

Item 18: Letter to OMB re Response to preliminary budget for FY 2016 **(APPROVED)**

Restuccia and Pete Diaz highlighted minor wording changes in the letter.

Brett Firfer expressed his objection to the inclusion of a tax on Soft drinks. This is a regressive tax and should not be included.

Rubin explained the independent budget process and why certain items were included. The soft drink tax was included because it had the potential to raise significant revenue.

Modarelli suggested replacing the section supporting sugary drinks with a section suggesting a revocation of the tax abatement on sporting venues such as Madison Square Garden.

Mackintosh was confused by the section describing a database of shared community space and asked that it be explained fully.

Rubin explained that this database is a big ticket item that has been requested for a while. Yes it is a huge project.

Daglian asked that we include the recommendation for city planners and fellows for each community board.

Marcus asked that we highlight lower AMI's in our affordable housing plan.

Chair Berthet thanked the board members for their suggestions but emphasized that these comments should've been sent over email.

Restuccia addressed Marcus's concerns about affordable housing and said we should discuss it further in the boards review of the affordable housing plan.

The inclusion of the sugar tax drink was discussed.

Compton spoke in favor of including the tax, because similar to tobacco and alcohol sugar is a health hazard.

Firfer again expressed his opposition.

A motion was made to have the sugar tax remain in the document. The motion passed.

A motion was made to include a section asking for the tax abatement on Madison Square Garden to be removed. The motion passed.

A roll call vote was taken. The motion passed with 35 votes in favor and 1 abstention.

New Business

Item 19: Response to DCP scoping comment period for Quality and Affordability Zoning (APPROVED)

Compton explained that the city has undertaken a massive citywide zoning text amendment. The community boards have been asked to comment on the scope for the EIS. He continued to explained we have received very short notice on this. Betty and I will work on it and circulate copies via email. If people have comments send them to us and we will include them.

Chair Berthet added that usually we are given actual text to comment on but that DCP only presented a powerpoint and some of the impact is unclear.

JD Noland emphasized how important this was and moved that we pass this letter.

Marcus asked if DCP was willing to extend the deadline for comment.

Compton commented that we tried and DCP was not interested in a delay.

Restuccia added that the last time there was a citywide text amendment in the 1990's DCP did a year and a half of outreach. It seems like DCP is rushing the process here.

Chair Berthet mentioned that at borough board all of the chairs expressed their outrage about the lack of community involvement in the process.

The results of the special election were announced. 34 ballots were cast, 23 for Modarelli and 11 for Lazarin