

1 Manhattan Community Board 4  
2 September 2, 2015  
3 Roosevelt Hospital, 2<sup>nd</sup> floor, Conference Room B, 1000 10<sup>th</sup> Ave  
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5 **PUBLIC HEARING\PRESENTATION**  
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7 **Mayor's Office of Operations – Presentation on [OneNYC Plan](#)**  
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9 **MEETING AGENDA**  
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11 Public Session	Delores Rubin
12 Adoption of Agenda	Christine Berthet
13 Adoption of Last Month's Minutes	
14 Manhattan Borough President	Andrew Lombardi
15 Local Elected Officials	Various
16 District Manager Report	Jesse Bodine
17 Chair Report/Committee Reports	Christine Berthet

18

19 **PUBLIC SESSION:**

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

- 22 1. Judy Richheimer & Tony Setteducate reminded the public about the upcoming  
23 election on Sept. 10<sup>th</sup>. There is an election for Judicial Delegates, which are  
24 responsible for nominating the NY Supreme Court Judges. Judy & Tony are both  
25 candidates on the ballot. Don't forget to vote!
- 26 2. Lily Pollad, from 52<sup>nd</sup> street, complained about constant idling. Quality of life  
27 issues are trash, idling, not just homelessness. The city is evading it's  
28 responsibility to clean the streets and enforce illegal idling and illegal tour buses. I  
29 would like individuals to help me enforce these rules. We will print out flyers and  
30 gently tell drivers to turn off their engines. We will also remind dog owners to  
31 clean up after their dogs. I love dogs, but our streets are a mess of dog poop. Our  
32 Community Board must pressure the Sanitation Department to improve their  
33 service!
- 34 3. Douglas Leland, President of the Manhattan Plaza Tenants Association, we had a  
35 fire yesterday in a disabled person's apartment. I want to thank our elected for  
36 checking in and being there. Every elected official had a staff member on site or  
37 called me to check in. This tragedy reminds us that buildings must make special  
38 fire plans for seniors and the disabled. The BLP committee is very hard working  
39 and I am a supporter. They do great work in getting commitments from local  
40 businesses however there is no enforcement. The authorities need to enforce the  
41 rules! Regarding Item 10, there have been no complaints about BEA but I still ask  
42 you to reject their application to extend their hours.
- 43 4. Donald Bernstien, spoke on behalf of BEA, they are applying to extend their  
44 hours by 1.5 hours during the week and 1 hour on the weekends. BEA, off the  
45 corner of 9<sup>th</sup> Ave, has been open for 2 years. In our initial application we had  
46 asked for a 3am close but we made a compromise with the Community Board for

- 1 earlier hours. Now we are asking for a 2am close. We have had no complaints.  
2 We are a neighborhood friendly restaurant.
- 3 5. Lisa Wager, spoke on behalf of SUNY FIT, explaining the public programing  
4 they have this fall. Flyers listing their programs were available and more  
5 information can be found [here](#).
- 6 6. Daphne McWilliams, from 43<sup>rd</sup> street, spoke in favor of BEA's application to  
7 extend their hours of operation. She is a single mother that uses BEA for work  
8 meetings and enjoys being able to grab a quick bite late at night.
- 9 7. Tom Purcell, representing Rudy's Bar, explained that they are having a problem  
10 with the Community Board. In 2003 it became apparent that Rudy's needed some  
11 alterations. In 2008 the alterations began and they were completed in 2012.  
12 Inadvertently nobody notified the SLA about the changes. In June of this year  
13 there was a noise complaint, which we addressed at the Quality of Life  
14 committee. The meeting ended with a suggestion that we compromise on closing  
15 hours of the backyard. Subsequently, we received a notification to ignore the QoL  
16 committee and the BLP committee would take over because there Original 1992.  
17 There was a confusion because some people claimed we were not licensed to  
18 operate in the backyard, but we were. Someone told the community board that we  
19 did not have a license, but the SLA has never taken that position. However, the  
20 licensing committee has sent a letter to the SLA.
- 21 *Vice Chair Rubin indicated that Purcell exceeded his time limit. Purcell was frustrated*  
22 *that a letter had already been sent to the SLA regarding the applicant. Vice Chair Rubin*  
23 *indicated that the full board would discuss the letter later. Chair Berthet offered to*  
24 *address any additional confusion offline with Purcell.*  
25
- 26 8. James Wallace spoke about family loss and cancer research. Brain cancer which  
27 is significantly more fatal than Breast or Prostate cancer gets significantly less  
28 research money. I also implore all of you to get a will together and have a  
29 conversation with your loved ones about end of life issues.
- 30 9. Delores Rubin promoted Revolutions 55, a new cycling studio on 55th street. First  
31 classes are free.  
32

### **THE MEETING AGENDA WAS ADOPTED.**

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35 Items 7, 14, 15, & 17 were tabled.

36  
37 The previous meeting's vote sheet was adopted as the minutes from the previous meeting.  
38

### **REPORTS FROM ELECTED OFFICIALS:**

- 39  
40  
41  
42 1. **Drew Lombardi, representing Manhattan Borough President Gale Brewer.**  
43 Andrew is the new liaison from the Borough President's office. The office has a  
44 small grants program and is hosting a Traffic Public Hearing. They are working  
45 with local advocates to address the issues surrounding the Chelsea STD clinic.  
46 Our office has a storefront packet for Small Businesses. As discussed, 497 9<sup>th</sup> Ave  
47 is scheduled for demolition. We are working with other elected to fight this  
48 landlord and CB4 has been on record for years regarding the decrease in living

1 conditions here. We are working with the 44<sup>th</sup> street block association about  
2 quality of life issues on the street. The NYCEDC has published a Request for  
3 Proposals on the Slaughterhouse Development Site RFP. The first LinkNYC  
4 Kiosks replacing the Payphones will go up this month and we should have a better  
5 timeline all of them next week. More information on these programs is available  
6 in the back of the room or online.

7 *Chair Berthet added that she has been working to remove the payphones and it is a long*  
8 *process. She will work with Lombardi offline.*  
9

- 10 2. **Robert Atterbury, representing Congressman Jerry Nadler.** The  
11 Congressman has recently come out in support of the P5+1 Joint Comprehensive  
12 Plan of Action (JCPOA). The Congressman articulated in a 10-page statement his  
13 reasoning for supporting the deal. The full statement is available [here](#). While the  
14 deal is not perfect it does the best job in preventing Iran from gaining Nuclear  
15 Weapons in the near future. In addition, the Congressmen received [specific](#)  
16 [assurances](#) from the President regarding many of his concerns. I also have  
17 information about the \$10.3 million in FEMA funding for spent on Intrepid  
18 repairs.
- 19 3. **Gaby Dann-Allel, representing Assemblymember Dick Gottfried.** This past  
20 month Assembly Gottfried was asked to join a Times Square task force, which  
21 will address panhandling, and quality of life issues in the pedestrian plaza.  
22 Gottfried is opposed to removing the pedestrian plaza as that will not solve the  
23 current problems. There is a pop-up enrollment site for the NYCID at GMHC.  
24 Walk-ins and appointments are both welcome.
- 25 4. **Erica Overton, representing Assemblymember Linda Rosenthal.** Our office  
26 will hold a SCRIE clinic in the end of September. Contact us for more info. About  
27 a week ago there was a pedestrian hit by a bus near West 57<sup>th</sup> and 8<sup>th</sup> Ave. We  
28 called on NYC DOT to make safety changes to that intersection again.
- 29 5. **Matt Green, representing Councilmember Corey Johnson.** Later this month  
30 our office will be kicking off round two of participatory budgeting. Our office is  
31 happy that the RFP for the Slaughterhouse development site has gone out. The  
32 RFP is the culmination of months of hard work by the Community Board and  
33 elected officials and we are happy it will be 100% affordable. From the legislative  
34 side, the Mayor just signed one of Councilmember Johnson's bills, which requires  
35 pet stores to have sprinkler systems. Regarding questions on Intro 775,  
36 establishing deadlines for the Landmarks Commission. Johnson opposes this  
37 legislation, it will threaten historic preservation because if the Landmarks  
38 committee misses a deadline those sites will be ineligible for landmark status for  
39 several years. Our food bag program is ongoing so stop by our office. Every 2<sup>nd</sup>  
40 Tuesday of the month we host a free housing clinic in our office. It starts at 5:30  
41 but come early it is first come first serve and gets crowded.
- 42 6. **Dan Campanelli, representing Comptroller Scott Stringer.** Three updates from  
43 our office. We released an audit of NYCHA over the summer. There are 55,000  
44 backlogged repairs and 50,000 repairs that NYCHA hasn't accounted for. If a  
45 tenant wasn't home, NYCHA would just mark a repair as complete and many of  
46 the mold repairs were done by untrained staff. We have a four-point plan for  
47 reform. Second, many workers are owed wages from prevailing wage jobs and we

- 1 are working to get them their wages. Third, we produced a Claimstat report on  
2 potholes. The city has spent a lot of money on these claims.
- 3 7. **Ed Sullivan, representing Public Advocate Tish James.** James called upon  
4 NYC pension plans to disinvest in Walmart because of their gun sales. James sued  
5 the DOE of inadequate air conditioning on school buses during the summer.
- 6 8. **Matt Rubin, representing Governor Andrew Cuomo.** Rubin is the new  
7 Manhattan regional representative and wanted to introduce himself.

8

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

10 I attended various meetings on behalf of the board over the past month. I attended the  
11 Aladdin family shelter community meeting, a meeting with DCA about their new  
12 mapping tool for sidewalk cafes and the restaurant row planning meeting. I met with  
13 several BIDs about public plazas and homeless issues, the emergency West 44<sup>th</sup> St block  
14 association meeting and the midtown north Police Precinct National Night Out Again  
15 Crime. We attended a meeting with the Port Authority about homeless issues around the  
16 bus terminal. The board submitted it's draft statement of district needs and budget  
17 priorities. The final version is due Oct. 30<sup>th</sup>. All committees will review them in  
18 September. We are continuing to work with the Borough President's office and the new  
19 Beacon school around pedestrian safety issues and the Chelsea Hotel Renovation  
20 meetings. We are working with DOT and Manhattan ministorage to improve conditions  
21 on West 29<sup>th</sup> St. Lastly, I want to thank Nelly Gonzalez and Patty Goris for their amazing  
22 work and commitment as part of the district office staff.

23

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

25 On Sept. 13<sup>th</sup> there will be an opening for the new Hudson Yards park and Subway  
26 station! This is huge news and is almost two years overdue. These are both great benefits  
27 for our community. As you have heard, the NYCEDC has issued an RFP for the  
28 Slaughterhouse development site. There was great teamwork from the various  
29 committees to get the work done, but we made it! The specific directions in the RFP are  
30 because of our community, thank you JD and Joe. In advance of our December elections  
31 I am appointing a nominating committee that will present a slate of officers to the board.  
32 On the committee are, Andrea Bernard, Betty Mackintosh, Brad Pascarella, Inge  
33 Ivchenko, Jay Marcus, Gwen Billig, Lee Compton, Maarten de Kadt, and Chaired by  
34 Ambur Nicosia. Let me know if any of you have a problem being on this committee. If  
35 anyone wants to run for an officer position please send an email to Ambur, Jesse, or  
36 Myself letting us know. Based on the high volume of Homeless issue complaints we have  
37 asked Councilmember Johnson to host a comprehensive forum. It seems to be  
38 significantly worse than previous years. Jesse and I toured 9<sup>th</sup> Ave with Sanitation  
39 regarding illegal sandwich boards. We emphasized that their enforcement was not  
40 consistent and each officer had their own rules. We are looking to have a meeting with  
41 them where they will explain consistent enforcement moving forward. We had two  
42 conference calls regarding the loss of affordable housing and the demolition that was  
43 already referenced.

44

45 **COMMITTEE LETTERS AND RESOLUTIONS:**

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

The following items were bundled: 1-6, 8, 11, & 13 (**APPROVED**)

Item 01: Letter to SLA re 360 9th Avenue (30/31) – Stage Door Delicatessen

Item 02: Letter to SLA re 601 6th Avenue (17/18) – Taqueria Diana

Item 03: Letter to SLA re 198 9th Avenue (22) – HARBS

Item 04: Letter to SLA re 365 W. 20th Street (8/9) – Milk and Hops 2 LLC

Item 05: Letter to SLA re 334 W. 37th Street (8/9) – Deepchhaya Inc.

Item 06: Letter to SLA re 859 9th Avenue (56/57) –Haru

Item 07: Letter to SLA re 333 W. 33rd Street (33/9) – Shipping & Receiving TABLED

Item 08: Letter to SLA re 85 10th Avenue (15/16) – An Entity to be formed by Josh Berkowitz

Item 11: Letter to SLA re 138 W. 25th Street (6/7) – Smithfield Hall

Item 13: Letter to DCA re 189 9th Avenue (21/22) – Fonda Chelsea

Item 14: Letter to DCA re 787 8th Avenue (47/48 ) – Brazil Grill – For Ratification TABLED

Item 15: Letter to SLA re 787 8th Avenue (47/48) – Brazil Grill Waterfront, Parks & Environment (WPE) TABLED

*Regarding Item 2, a board member had a concern regarding the instillation of a new air conditioner. The community had requested this but it was not in the letter. The board will reach out to make sure the operator knows we want a new system, but we understand that the operator may be limited by the landlord. Regarding Item 6, clarification was made to ensure the occupancy would not exceed the CofO.*

Item 09: Letter to SLA re 741 8th Avenue (46/47) – Riu Hotel Plaza New York Times Square

*Board members raised concerns about the backyard use on a side street. We understand that this is a hotel but are worried about the block association concerns and nearby residents. Committee chair Lazarin explained that the operator agreed to limit music outside. He added that if we did not give a liquor license the hotel would still be able to use the space fully, but would have none of the agreed upon limitations on music and hours.*

Item 10: Letter to SLA re 403 W. 43rd Street (9/10) – BEA (**FAILED**) 22-10

*A Board member asked for clarification as to whether Manhattan Plaza was in support or opposition to this letter. Chair Lazarin clarified that residents had spoken both in favor and against. Chair Berthet clarified that the tenant association is against the application. Board members asked how the committee had voted. It was a split vote. It was explained that there was some hesitation because this is on a side street, however some residents supported it as the only place for a late night snack and there were no complaints on file. Several board members voiced opposition in supporting the extended hours. There was a concern that this would set a precedent for other restaurants/bars on mid-blocks and that this approval would open the flood gates to others. Lazarin clarified that this is not mid-block, it is adjacent to a theatre and deli which are adjacent to the avenue.*

Item 10a: Motion to deny BEA 403 W. 43rd Street (9/10) (**APPROVED**) 19-8

Item 12: Letter to SLA re 627 9th Avenue (44/45) – Rudy's Bar and Grill – For Ratification (**APPROVED**)

*Chair Berthet explained that this is a ratification letter because we were informed that the applicant had already filed with the SLA for an expedited alteration approval. Chair Lazarin clarified the application is an alteration for use of the backyard space. The applicant has an existing license to 4am but would like a larger capacity. The original license came from 1992, and there was some confusion as to the continuity of the license because some renewal forms were missing. We are not discussing this confusion in the paperwork. We tried to make a compromise with the applicant, but there was no give-and-take from the applicant. The committee was in a difficult position, as Rudy's is an institution and part of the community that we want to support, but we also have the concerns of neighbors we need to take into account. Vice-Chair Moderelli asked for clarification in terms of the current operation. Lazarin clarified that the current*



backyard license allows for 8 tables. The applicant is asking for an alteration to increase tables and is currently operating with 11 tables. Chair Berthet elaborated on the confusion by explaining that the board office has 3 renewal documents, of which 2 do not indicate outdoor use. One board member asked the applicant if they would consider returning to the licensed 8 outdoor tables. Purcell, representing the applicant, explained that at the committee they were open to a 2am closing time but were not open to 8 tables in the rear. The Quality of Life committee added that they had been trying to engage the operator in making a compromise but there did not seem to be an interest in reaching a deal. The committee suggested a sound engineer but the applicant was not interested and there was an onslaught of neighboring noise complaints. Purcell and Berthet agreed that the main issue here is that when Rudy's made renovations several years ago, it did not apply to the SLA to modify the liquor license governing backyard use.

## **Waterfront, Parks, and Environment (WPE)**

Item 16: Letter to Highline re Community Engagement Clinton/Hell's Kitchen Land Use (C/HKLU)

**(APPROVED)**

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

Item 17: Letter to DCP re Thank you for Quality and Affordability Rezoning Presentation TABLED

## **New Business**

Item 18: Letter to City Council re Intro 775 – Establishing deadlines for the Landmarks Preservation

**(APPROVED)**

Board members raised some confusion regarding whether the letter accurately describes the existing legislation. Chair Berthet suggested individuals concerned be raised with Mackintosh who wrote the latter. Mackintosh clarified that the legislation created deadlines for the LPC but that if the LPC missed deadlines applicants would not be able to reapply for several years. Board members clarified that the legislation has several parts, one about new items and one about existing calendared items. It was believed that the prohibition against reapplying only applying to items already on the calendar. Mackintosh deemed that the board concerns were friendly and will be incorporated into the letter.

**Chelsea Land Use Committee (CLU), Executive Committee (EXEC), Housing, Health & Human Services (HH&HS), Quality of Life (QoL), Transportation Planning Committee (TRANS) No Items to report**

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