

1 **MANHATTAN COMMUNITY BOARD 4**

2 February 5, 2014

3 Hudson Guild, 441 West 26th Street (Ninth/Tenth Avenues)

4
5 **PUBLIC HEARING**

6 **Presentation: BSA Application Cal. #: 271-07-BZ** – an application for a special permit for a physical
7 Culture Establishment - Crunch Gym – at 215 West 23rd Street.
8

9 **Presentation: Manhattan West – 4 million square feet of commercial and residential floor area on**
10 **the Ninth Avenue Rail Yards (between West 33rd and West 31st Street)** – an application for text
11 amendments to the Special Hudson Yards District and two chair certifications to modify the requirements
12 of the public access area and phasing plan of 450 West 33rd Street and Ninth Avenue Rail Yard; and
13 parking certification of the Ninth Avenue Rail Yard – **N140191ZRM, N140192ZCM.**
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15 Public Session	Hugh Weinberg
16 Adoption of Agenda	Christine Berthet
17 Adoption of Last Month’s Minutes	Christine Berthet
18 Manhattan Borough President	Rosalba Rodriquez
19 Local Elected Officials	Various
20 District Manager Report	Robert J. Benfatto, Jr.
21 Chair Report/Committee Reports	Christine Berthet

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26 **Chair Christine Berthet called the meeting to order at 6:54 p.m.**
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28 **PUBLIC HEARING:**

29 Chair Berthet introduced Chelsea Land Use Co-Chair Betty Mackintosh, to present: **Special Permit**
30 **application for a PCE (gym) for Crunch Gym at 215 West 23rd St.**

31 Ms. Mackintosh stated that Crunch Gym is taking over the former David Barton Gym space on West 23rd
32 Street. She and Lee Compton toured the facility and confirmed that the gym would not be offering the
33 Olympic-style weightlifting that has caused noise problems at other gyms.

34 Ms. Mackintosh invited comments from the Board and from the public. No one spoke. Ms. Mackintosh
35 closed this public hearing.
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38 **PUBLIC HEARING:**

39 Chair Berthet introduced Clinton/Hell’s Kitchen Land Use Chair JD Noland to present: **an application**
40 **by BOP West 31st Street LLC and Brookfield Properties West 33rd Co., L.P. to amend the Special**
41 **Hudson Yards District of the New York City Zoning Resolution in order to facilitate development**
42 **of 450 West 33rd Street in Subarea B1 and Ninth Avenue Rail Yard in Subarea B2.**
43

44 Mr. Noland noted that this application was not subject to the Uniform Land Use Review Procedure
45 (ULURP) and that a public hearing was not required. Nonetheless, Brookfield was willing previously to
46 present the application to the Clinton/Hell’s Kitchen Land Use Committee and, at the Board’s request, to
47 the full Board and public tonight, for which Mr. Noland thanked Brookfield.

1 Sabrina Kanner, Senior Vice President at Brookfield, spoke next and noted that Brookfield had met
2 several times with the C/HK Land Use Committee, most recently last month in connection with the
3 present proposed text amendments. She described Brookfield’s philosophy as great “place making,” not
4 just developing buildings. The present application with respect public outdoor space at the site involves
5 world class design consultants, a considered approach to retail, and time and focus on arts and events
6 programming.

7
8 Ms. Kanner introduced Keith O’Connor, architect on the project. Mr. O’Connor stated that the proposed
9 actions all related to public access space and parking issues, not to the buildings themselves on the site.
10 He showed slides of the site, what existing zoning required, and what Brookfield contemplated pursuant
11 to the proposed zoning text amendments.

12
13 Mr. O’Connor outlined, and showed slides of, the several elements of the public access space, including:

14 A. Entry Plaza, at the corner of Ninth Avenue and 33rd Street, intended as a welcoming public space
15 with fixed seating, trees, robust plantings, and moveable tables and chairs.

16 B. Art Plaza, at the corner of Ninth Avenue and West 31st Street, intended as a more open area with
17 space for a monumental work of art.

18 C. Central Plaza, a strip with a minimum width of 80 to 100 feet, extending down the middle of the
19 site from Ninth Avenue to Dyer Avenue. The proposal allows for two different configurations of the
20 Central Plaza: a 100-foot-wide plaza with a retail pavilion on the eastern part of the plaza or an 80-foot-
21 wide plaza with an event space proposed for the western part of the plaza.

22 D. Dyer Platform, a 53-foot-wide platform covering the full width of Dyer Avenue from West 31st
23 Street to West 33rd Street, with a passageway through the building at 450 West 33rd Street connecting the
24 Dyer Platform to Tenth Avenue.

25
26 Mr. O’Connor then showed a slide comparing the amenities required under the existing zoning with those
27 that would be required pursuant to the proposed amendments.

28
29 Kenneth Lowenstein, Brookfield’s land use lawyer, spoke next and stressed that the application sought no
30 increase in the scope of the buildings permitted on the site. Rather, the application related to the outdoor
31 public access space. Mr. Lowenstein then outlined the series of text amendments and the two
32 certifications sought in the application. He noted that, at the City’s request, the application would make
33 clear that, by building the Dyer Platform, there was no intent to transfer floor area and that, as to parking,
34 the application did not seek to increase the cap on the number of parking spaces allowed under the Special
35 Hudson Yards Zoning. Mr. Lowenstein stated that 20% of the units in the residential building were
36 planned as affordable housing.

37
38 Welcoming comments and questions from the Board, Mr. Noland first thanked Brookfield for the 20%
39 affordable units and then repeated CB4’s request that Brookfield agree that the fixtures and finishes be the
40 same in the affordable and the market-rate units. Mr. Lowenstein responded that Brookfield understood
41 the Board’s position, but that, because the building was still being designed, Brookfield could not make
42 any commitments about design elements.

43
44 Brett Firfer asked whether the event space would be closed to the general public on a regular basis. Ms.
45 Kanner stated that, under the proposal, the event space could be closed for up to twelve times a year.

46
47 Chair Berthet asked whether Brookfield would forego sidewalk café space if restaurants occupied the
48 central plaza because private cafes would reduce the public space, and she also inquired about the hours
49 of events. Ms. Kanner responded that all seating in the Central Plaza would be public. As to ending

1 hours, she stated that none were specified in the application, but that events in Brookfield's downtown
2 building ended by 10:00 p.m.

3
4 Walter Mankoff noted that there appeared to be a significant number of stairs in the proposed plans and
5 stated it was important to have railings on the stairs. Mr. O'Connor stated that the design employed
6 ramps, rather than stairs, wherever possible. Stairs will be limited and will have railings.

7
8 Betty Mackintosh stated that the plan to have benches facing Ninth Avenue may not be the best idea,
9 given the trucks and noise on Ninth Avenue.

10
11 James Wallace echoed the thanks for the affordable housing and the request for identical fixtures and
12 finishes. He asked how arts events would be selected for the public art space. Ms. Kanner responded that
13 Brookfield has a department that works exclusively on arts and events and that the community could have
14 a representative involved in those decisions.

15
16 Eric Latzky asked about accessibility of the amenities to everyone including the disabled and about water
17 retention for the parks. Mr. O'Connor responded that there would be a robust undertaking to gather and
18 recycle water and to capture rain water for irrigation.

19
20 Ambur Nicosia asked whether the affordable units would have the same distribution through the building
21 as the market units. Mr. Lowenstein responded that zoning required that the affordable units be on at
22 least 60% of the floors.

23
24 Mr. Noland observed that the construction task force appeared to be working well and expressed hope
25 that would continue.

26
27 Mr. Noland then called on members of the public for comments.

28
29 Steven Bibb, representing the Fashion Institute of Technology, read a letter from FIT to CB4. The letter
30 noted that over 1,100 FIT students resided directly across from this site and that Brookfield has been
31 responsive to FIT's concerns. With respect to the application, FIT continues to have concerns regarding
32 design elements and their effect on safety, the environment, and accessibility and thus cannot give full
33 support to the application at this time, although FIT hopes to have continued productive discussions with
34 Brookfield on these issues.

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36 Mr. Noland then closed this public hearing.

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40 Chair Berthet then recognized **Councilmember Corey Johnson**. Councilmember Johnson thanked CB4
41 for its activism with respect to the relocation of Stiles Market, noting that he and three other local elected
42 officials had just sent a letter to Port Authority to discuss possible relocation of Stiles to a Port Authority
43 property on Ninth Avenue. He stated that he was elected Chair of the City Council's Committee on
44 Health, which would have a committee hearing on February 24. With respect to other items on the CB4
45 agenda, Councilmember Johnson stated that he was involved in discussions with residents and the Fire
46 Department about the possible re-location of the EMS Facility on West 23rd Street and that he fully
47 supported CB4's recommendations with respect to the Far West Side bus route.

48
49 Chair Berthet then invited **State Senator Brad Hoylman** to speak. Together with a group of other
50 elected officials, Senator Hoylman is hosting a town hall on the mayor's Vision Zero program to

1 eliminate traffic fatalities on February 25 from 6:00 to 8:00 p.m. He has recently written to Governor
2 Cuomo to support CB4's request for the allocation of \$2 million for a feasibility study of the extension of
3 the No. 7 train. Senator Hoylman has also written in support of co-terminality for CB4/CB5 and police
4 precinct lines and discussed his and Assemblymember Deborah Glick's sponsor of legislation to require
5 the State Liquor Authority to make information about the terms of liquor licenses available on its website.
6

7 **Jenny Gersten, new Executive Director of the High Line**, spoke next to introduce herself and state that
8 she would look to community member for guidance, to make sure the High Line felt like part of the
9 neighborhood. She urged community members to reach out to her and said she in the High Line's offices
10 every day.
11

12 GENERAL PUBLIC SESSION:

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15 1st Vice Chair Hugh Weinberg called on the members of the public who signed up to speak.

- 16 1. **Diana Lawrence**, of West 43rd St., spoke regarding the overabundance of bars open until 4:00
17 a.m. in the neighborhood and the decreasing retail establishments such as butchers and fish stores.
18 She urged the Board to try to curb the intrusion of bars into mid-block locations on side streets.
- 19 2. **Jennifer Wallace and Michael Glass** spoke about a CHDC-supported arts exhibition that took
20 place last year and would be repeated this year. They have applied for a street fair permit (Item
21 7) in connection with the exhibition and offered to answer any questions about it.
- 22 3. **Cathy Chambers**, from GrowNYC, spoke about the possible farmer's market on West 23rd
23 Street. She stated that GrowNYC does not open a market unless someone calls them to look at a
24 site, which is what happened here. She asked that the vote on the farmer's market (Item 6) be
25 tabled until GrowNYC could present to the Quality of Life Committee.
- 26 4. **Bill Borock**, president of the Council of Chelsea Block Associations, spoke in support of
27 recommending a denial of the Splosh liquor license application (Item 12). With respect to the
28 farmer's market (Item 6), he stated that Down to Earth Markets had presented their proposal for
29 the market to the council, but that the council had never heard from GrowNYC. In an informal
30 poll on the farmer's market issue, six block associations in the council do not want the vote
31 delayed and support Down to Earth.
- 32 5. **Darlene Waters and Miguelina Inoa**, from Hudson Guild, spoke about the Early Learn, Head
33 Start, and Universal Pre-K programs, with sites in Chelsea, Clinton, and Lincoln Square. Flyers
34 were available, and they urge more children to participate. Head Start is free or low cost for
35 qualifying families, and the cost of Early Learn is also based on family income.
- 36 6. **Patrick Hughes and Dan McLaughlin**, of Kiabacca Pizza & Beer (Item 14) and other
37 establishments, stated they were available to address any concerns about the proposed liquor
38 license for Kiabacca. They stated that they had no problems at their present establishments and
39 had good relationships with the block associations. They presently operate Pony Bar next to the
40 proposed Kiabacca space and do not want a bad operator going into that space. Mr. McLaughlin
41 noted that their businesses create jobs and pay taxes, adding to the local economy.
- 42 7. **Tom Cayler**, of West 45th Street, spoke with respect to the OP license application of Kiabacca
43 Pizza and Beer (Item 14). He agreed that Mr. Hughes and Mr. McLaughlin were great operators,
44 but stated that the issue was not these operators but one of oversaturation. This would be the
45 eleventh liquor license within 500 feet.
- 46 8. **Pamela Wolff**, Board member, asked that we think for a moment in memory of Pete Seeger, who
47 died last week. She then read a letter that she submitted to the Board (relevant to Item 6),
48 supporting Down to Earth over GrowNYC and stating that Down to Earth had had extensive
49 discussions with the community, which GrowNYC had not done.

- 1 9. **Richard Breuder**, of West 51st Street, spoke in favor of the relocation of Stiles Market (Item 4),
2 noting that Stiles helps preserve the diversity of retail in the neighborhood.
- 3 10. **Steve Schoepke**, of West 19th Street, urged the Board to reject the liquor license application of
4 Splosh (Item 12), which he stated would encourage a noxious land use.
- 5 11. **Jon Zeltsman**, president of Down to Earth Markets, stated that they had begun the process
6 relating to a possible West 23rd Street farmer's market (Item 6) back in September and had
7 extensive discussions with residents and the community. He stated that Down to Earth has 23
8 years of experience managing farmer's markets and that the Church of the Holy Apostles had
9 submitted a letter in support of Down to Earth.
- 10 12. **Scott Isebrand**, COO of Metropolitan Pavilion, spoke with respect to the liquor license
11 application of Metropolitan West (Item 11). He stated that Metropolitan Pavilion was seeking to
12 expand beyond their Chelsea location and to open a special events facility in the old H&H Bagel
13 space on West 46th Street. They are applying for a catering license and are not in the nightlife
14 industry. They will close at midnight at the latest and contemplate that half their events will be
15 during the day with no alcohol served.
- 16 13. **Abby Murray**, from the Meatpacking District Improvement Association, stated that they were
17 moving forward with exploring a BID for the area and were doing community outreach. Their
18 website is www.meatpackingbid.org.
- 19 14. **Cheryl Kupper**, of West 15th Street, thanked the BLP Committee for its proposed letter
20 regarding the Splosh liquor license application and urged the Board to support item 12.
- 21 15. **Steve Ginsberg**, of West 19th Street, spoke in opposition to the Splosh application (Item 12),
22 stating that he hated what was happening in neighborhood with respect to this type of
23 establishment and the prostitution problem. In response to his request for a show of hands of
24 those opposing Splosh, over a dozen community members in the audience raised their hands.
- 25 16. **Brian Hammerstein**, of West 28th Street, stated he has lived in Penn South for ten years and
26 urged the Board to table Item 6 regarding the West 23rd Street farmer's market. He stated that he
27 had invited GrowNYC to apply to operate this farmer's market because he loves their operation at
28 Union Square. He created and circulated the petition in support of them. He stated that organic
29 farmers have relationships with particular operators and that they prefer GrowNYC.
- 30 17. **Marisa Redanty**, of Manhattan Plaza, stated that Manhattan Plaza has 3,500 residents, of which
31 1,200 are senior citizens. Nutrition is important for seniors, and they need Stiles Market. She
32 also urged a moratorium on liquor licenses on side streets.
- 33 18. **Keith Rodan**, of Manhattan Plaza, echoed Ms. Redanty's comments and supported Stiles Market.
- 34 19. **Frank Lowe**, of West 19th Street, spoke with respect to Splosh (Item 12) and stated his concern
35 about so many sex-oriented businesses in the neighborhood. He stated there were major safety
36 hazards in the Splosh building. He asked the Board to investigate how such businesses can be
37 terminated. Mr. Lowe also observed that too many independent businesses were being forced out
38 by bars and restaurants.
- 39 20. **Bill Murawski**, of West 50th Street, stated he was born and raised in Hell's Kitchen and
40 published the DeWitt Clinton Express, a new neighborhood newspaper (with copies available at
41 the meeting). His paper contains an article on the electric horse carriage, an issue which he stated
42 will go before the Transportation Committee.
- 43 21. **Kalliopi Giannatos** spoke in opposition to Splosh (Item 12) and stated that that stretch of Eighth
44 Avenue was becoming the new 42nd Street.
- 45 22. **Linda Ashley**, of West 45th Street, stated that she is a member of West 44th Street Better Block
46 Association. She has known the operators of Kiabacca (Item 14) and their other establishments
47 for seven years, believes them to be great merchants, and is aware of no problems with them. She
48 stated she agreed that there are too many bars, but noted that we also want good operators.

1 **23. Delores Rubin**, Board member, spoke about a program she is involved with at Columbus Library
2 on Tenth Avenue (50/51) that seeks to teach students in grades 8-12 about financial issues. She
3 urged interested students to participate. The sessions are on Tuesdays from 4:00 to 5:30 p.m.
4

5 In response to the comments about Splosh, Chair Berthet noted that she had met with Tenth Precinct, who
6 stated they were aware that the sex-oriented establishments had a prostitution problem. She urged
7 residents to attend their community council meetings with the police and present their concerns.
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11 **ADOPTION OF THE AGENDA AND THE MINUTES OF THE JANUARY 2014 FULL BOARD**
12 **MEETING:**

13 The Agenda was adopted without amendment.

14 The Minutes of the January 2014 Full Board Meeting were adopted without amendment.
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17 **REPORTS OF ELECTED OFFICIALS:**

18 Chair Berthet noted that, because of concerns about the increasing length of Board meetings, there would
19 be a new procedure regarding the reports from representatives of elected officials. They will be divided
20 into two groups, with each group speaking at alternating Board meetings. Any elected officials in
21 attendance of course would be welcome to speak at any meeting. The newsletters from the elected
22 officials distributed at the Board meetings will be put on line, with a link sent to the CB4 e-mail list the
23 day after each Board meeting.
24

25 **Rosalba Rodriguez, for Borough President Gale Brewer**, stated that applications for community board
26 membership were being reviewed. She stated that the Borough President wanted to work with the
27 community on traffic concerns.
28

29 **Jackie Blank, for US Representative Jerrold Nadler**, stated that Representative Nadler had been
30 selected as ranking Democrat on the Courts, Intellectual Property, and Internet Subcommittee of the
31 House Judiciary Committee. She also described a congressional art competition for high school artists,
32 which they can enter by submitting art to the Representative's office by April 21.
33

34 **Erica Overton, for Assemblymember Linda Rosenthal**, stated that the Assemblymember had a few
35 reservations about the T.F. Cornerstone proposal for a mixed-use development at 606 West 57th Street
36 and believed that the total floor area of the building (including the commercial space) should be taken into
37 account in determining the number of affordable housing units. The Assemblymember also believes that
38 the size of the proposed parking facility would lead to additional traffic congestion. She supports the Far
39 West Side bus route and wants it be as accessible and and useful as possible. Finally, Ms. Overton noted
40 that helicopters over the area around the period of the Super Bowl were chiefly involved in security
41 patrolling, as this was restricted air space in that time period.
42

43 With respect to the Super Bowl, Chair Berthet stated that all elected officials had provided phone contacts
44 to deal with any Super Bowl issues and that District Manager Bob Benfatto had been available until 1:00
45 a.m. on the day of the Super Bowl to deal with any issues and concerns.
46

47 **Dan Campanelli, for Comptroller Scott Stringer**, stated that the Comptroller will soon be appointing a
48 liaison for CB4. The Comptroller has initiated several audits since taking office.

1 **REPORT OF DISTRICT MANAGER ROBERT J. BENFATTO:**

2 District manager Bob Benfatto thanked the Hudson Guild for providing the space for tonight's meeting on
3 short notice, when the scheduled meeting space was unexpectedly closed today because of the bad
4 weather.

5 He reported that the Hudson River Park Trust met with us regarding pier development rights and soft sites
6 to which development rights could be transferred.

7 Manhattan Community Board 5 is holding a town hall meeting about development challenges on West
8 57th Street and Central Park South and threatened shadows over Central Park.

9 A hearing was held on the T.F. Cornerstone application on West 57th Street, at which Board member Joe
10 Restuccia spoke.

11 We are hopeful that the Special West Chelsea District expansion will be certified by City Planning in
12 March.

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

17 Prior to her report, Chair Berthet requested that Burt Lazarin, co-chair of the Budget Task Force, provide
18 an update on budget issues. Mr. Lazarin stated that normally at this time we would be reacting to a
19 preliminary budget, but that things were behind schedule this year. The new mayor has been given time
20 to get up to speed, and the preliminary budget is not due until February 12. Mr. Lazarin also stated that
21 the Board needed to develop its budget priorities for 2016 and urged the public to review the relevant
22 materials on the CB4 website and provide their views at upcoming meetings.

23 Chair Berthet stated that there was a new Board rule regarding the dissemination of full Board and
24 committee agendas. All agendas must be finalized by five days before the meeting date and will be
25 announced by e-blast at that time. This timetable was important in order to keep the public informed in a
26 timely fashion.

27 Chair Berthet noted that there were a few changes with respect to committees. Ambur Nicosia will not be
28 the chair of the Quality of Life Committee and will be leaving that committee to join the Housing Health
29 and Human Services Committee, bringing the education portfolio with her. John Sharp will be the new
30 co-chair (with David Pincus) of the Quality of Life Committee.

31 Pamela Wolff has resigned from the Board because of work and family commitments; she will remain a
32 public member of the Waterfront, Parks and Environment Committee. In conjunction with her departure
33 as co-chair of the Landmarks Committee, that committee will be merged with the Land Use Committees
34 of Chelsea and Clinton/Hell's Kitchen. Chair Berthet stressed that landmark issues remain a top priority
35 of the Board.

36 Chair Berthet stated that a new working group, the Balanced Business Working Group, has been formed
37 to consider community concerns about the loss of community services and retail diversity and the
38 concentration of liquor licenses. Frank Holozubiec will head this working group, with members drawn
39 from the Business Licenses and Permits, Land Use, and Quality of Life Committees. Chair Berthet
40 stressed that this was uncharted territory with no guarantee of short term results or improvements, but that
41 it was important for the Board to make an effort here because of repeatedly expressed community
42 concerns.

43
44 Chair Berthet concluded by thanking the Board and the office staff for all their hard work.

1 **COMMITTEE LETTERS AND RESOLUTIONS:**
2

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

4 Item 1: Letter to BSA re special permit for a PCE (gym) for Crunch Gym at 215 W. 23rd Street
5 **(APPROVED WITH AMENDMENTS)**

6 *A proposal was made to include in the final letter the bracketed alternative language in the draft letter.*
7 *James Wallace asked what the the phrase “demonstrate conclusively” that operations will not disturb*
8 *building residents meant and how that would be established.*

9 *Joe Restuccia suggested the phrase be modified to read “demonstrate conclusively with acoustical*
10 *engineering reports.”*

11 *Hugh Weinberg asked whether the Board will impose these requirements on all gyms. Chair Berthet*
12 *responded that, because of past experience, the Board will impose these requirements on all gyms doing*
13 *Olympic-style weight lifting.*

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16 **Chelsea Land Use Committee & Housing Health and Human Services Committees**

17 Item 2: Letter to NYSEDC re former Bayview Correctional Facility RFP **(RATIFICATION --**
18 **APPROVED)**

19 *This was a ratification because the letter had to be sent out to meet the timetables of the elected officials.*
20
21

22 **Clinton/Hell’s Kitchen Land Use Committee (C/HKLU)**

23 Item 3: Letter to CPC re Manhattan West Development Project **(APPROVED WITH**
24 **AMENDMENTS)**

25 *Sarah Desmond suggested a friendly amendment with respect to the discussion of affordable units.*

26 *Maarten de Kadt proposed that, at line 239, the letter read “to assure that AT LEAST 20% of the units be*
27 *permanently affordable.”*

28 *Hugh Weinberg suggested including language specifying that the public space should remain open 24/7*
29 *and that CB4 would participate in the selection of events for the space. Mr. Noland responded that these*
30 *issues were addressed in the draft letter.*

31 *James Wallace asked whether the letter could request that emerging artists be considered for the event*
32 *space. Mr. Noland proposed referring to the inclusion of “artists from our community.”*

33 *Eric Latzky asked whether minority businesses could get discounts on leases in the commercial spaces*
34 *(something akin to affordable housing). Chair Berthet responded that this was a good idea, but should be*
35 *taken up with the Land Use Committees.*
36
37

38 **Clinton/Hell’s Kitchen Land Use & Housing Health and Human Services Committees**

39 Item 4: Letter of Support re Stiles Market at West 41st Street and Ninth Avenue **(APPROVED WITH**
40 **AMENDMENTS)**

41 *Bruce MacAffer stated that the letter should stress the Board’s preference for a package deal with Stiles*
42 *Market and Big Apple Meat Market and accordingly suggested moving lines 119-123 to the first*
43 *paragraph.*

44 *JD Noland suggested that this should be joint letter with the Clinton/Hell’s Kitchen Land Use Committee.*

45 *Joe Restuccia proposed mentioning the large number of senior citizens in the vicinity that are dependent*
46 *on a place like Stiles Market and also suggested that the letter request that the rent paid by Stiles be in*

1 *line with other food market uses.*
2

3 **Item 5: Letter to Big Apple Management re illegal Transit Occupancy (APPROVED)**
4 *Chair Berthet thanked the Housing Health & Human Services Committee for taking on this issue.*
5
6

7 **Quality of Life: ACES Committee (QoL)**

8 **Item 6: Letter of SAPO re Farmer's Market at West 23rd Street and Ninth Avenue (APPROVED)**
9 *Chair Berthet pointed out that the latest draft of this letter (on yellow paper) contained an amendment*
10 *regarding the hours of operation.*

11 *Betty Mackintosh noted that the last bullet, about arranging with local stores for restroom facilities, may*
12 *be unrealistic. Maarten De Kadt responded that the restroom facilities mentioned here were only for*
13 *vendors and that the letter would be clarified to make that clear.*

14
15 **Item 7: Letter to SAPO re (Un)Fair Fair at West 52nd Street (Tenth and Eleventh Avenues)**
16 **(APPROVED)**

17 *In response to concerns about live music and noise, Chair Berthet suggested that the hours for amplified*
18 *sound and live music be limited. She also encouraged the Quality of Life Committee to develop a general*
19 *policy regarding amplified sound and street fairs.*

20 *Ernest Modarelli suggested a friendly amendment stating there would be no amplified music. The*
21 *amendment was not accepted by QoL co-chair David Pincus.*
22

23 **Item 8: Letter to Council Member Johnson re EMS Station at 512 West 23rd Street (APPROVED)**

24 *Maarten de Kadt suggested that the last paragraph be modified to state that, if EMS stays, they will work*
25 *to control noise and exhaust vapors. QoL co-chair David Pincus responded that he did not want to water*
26 *down the letter's primary request that the station be moved. He stated he would be happy to work with*
27 *Mr. de Kadt on language, but the topic might be better covered in a second letter.*

28 *Ambur Nicosia similarly noted that we don't want to give EMS the option not to move, and Chair Berthet*
29 *observed that the Board had already sent an abatement letter about the noise and exhaust vapors. Walter*
30 *Mankoff suggested including a copy of the Board's first letter with this letter.*

31 *Chair Berthet noted that our councilmember will need to be involved to make any meaningful progress*
32 *here.*
33
34

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

36 *Presented by BLP Co-Chair Paul Seres*
37

38 **The following items were bundled: Items 10 & 15 (APPROVED)**

39 **Item 10: Letter to SLA re Corkbuzz Chelsea Market -- 75 Ninth Avenue (16)**

40 **Item 15: Letter to SLA re Espace – 635 West 42nd Street**
41

42 **Item 9: Letter to SLA re Son Cubano – 544 West 27th Street (APPROVED)**

43 *Mr. Seres reported that this application was for a cabaret license, that the applicant already had a liquor*
44 *license, and that there had been no complaints about the establishment.*
45

46 **Item 11: Letter to SLA re Metropolitan West – 639 West 46th Street (APPROVED)**

47 *Mr. Seres stated that the applicant also operated the Metropolitan Pavilion on West 18th Street and*
48 *sought to open a similar venue on West 46th Street in the former H&H Bagel space, on an already-busy*

1 *block. He noted that the vote of the BLP Committee on this application was split, in part because of the*
2 *presence of other large clubs already on this block and that there was some controversy because of the*
3 *size of the venue. He added that this would be a catering operation run by an applicant who has been*
4 *operating in this district without complaints.*

5 *Maarten de Kadt asked why the Board was approving this application if the 500-foot rule applied. Chair*
6 *Berthet responded that the 500-foot rule allows the community to provide input on additional licenses,*
7 *but does provide that more than three licenses within 500 feet are illegal.*

8 *Brett Firfer asked why people were opposed to a catering license. Mr. Seres responded that he believed*
9 *the opposition was based on the fact that this establishment would bring even more people to this block,*
10 *which was already crowded with patrons of several large clubs.*

11 *Jay Marcus asked if the Board had received the security plan as set out in the applicant's stipulations,*
12 *and Mr. Seres responded that it had been submitted.*

13 *Mr. Marcus asked if we could limit the nights the venue operated, and Mr. Seres stated that the Board has*
14 *not historically sought such limitations. Chair Berthet suggested that we should look into that issue for*
15 *the future.*

16 *Eric Latzky asked about the use of outdoor space, and Mr. Seres noted that the application stated that*
17 *outdoor space would not be used.*

18
19 **Item 12: Letter to SLA re Splosh – 155 Eighth Avenue (16/17) (APPROVED)**

20 *Mr. Seres reported that the BLP Committee had voted unanimously to deny this application and that the*
21 *applicant did not address the concerns raised by the committee.*

22
23 **Item 13: Letter to SLA re Clubhouse BBQ – 362 West 53rd Street (APPROVED)**

24 *Mr. Seres noted that this was a kosher restaurant, hence the odd weekend hours. He stated that there was*
25 *community concern about the use of outdoor space and that the applicant accordingly had agreed to*
26 *remove the outdoor use from its application.*

27 *Bruce MacAffer stated that he opposed this application at the BLP Committee because it was a mid-block*
28 *license. Mr. Seres noted in response that the premises had previously been a restaurant with an OP*
29 *license.*

30 *Walter Mankoff stated that the reference to outdoor tables should be removed from the draft letter.*

31
32 **Item 14: Letter to SLA re Kiabacca Pizza & Beer – 639 Tenth Avenue (45/46) (APPROVED)**

33 *George Santana stated that he would support this application given the community's comments that this*
34 *was a good operator.*

35 *JD Noland asked if the 46th Street block association took a position and was told that only the 44th Street*
36 *block association submitted a letter (in support of the applicant).*

37
38 **Item 16: Letter to DCA re Meemo Tapas Sport – 735 Tenth Avenue (49/50) (RATIFICATION --**
39 **APPROVED)**

40 *Tanya Odom noted that there has been significant growth of licensed premises in this area, which is*
41 *getting noisy and crowded.*

42 *Mr. Seres stated that there is an additional necessary step and that the applicant will need to apply to*
43 *alter its liquor license to extend it to the sidewalk café that is the subject of this application. The Board*
44 *will have the opportunity to be heard in connection with that liquor license alteration application.*

45 *Joe Restuccia stated that he had heard complaints from local residents about noise from people leaving*
46 *the bars in this area at 3:00 and 4:00 a.m.*

1 **Transportation Committee (TRANS)**

2 *Presented by TRANS Co-Chair Ernest Modarelli*

3

4 The following items were bundled: 17 & 18 (**APPROVED**)

5 Item 17: Letter to MTA re proposed Far West Side bus route

6 Item 18: Letter to DOT re request to study for speed bump at W. 53rd Street (9th and 10th Aves.)

7

8 **The meeting was adjourned at 9:50 p.m.** Scribed by Frank Holozubiec.

DRAFT