

1 **MANHATTAN COMMUNITY BOARD 4**

2 February 4, 2105  
3 Roosevelt Hospital, Conference Room 2B, 1000 10<sup>th</sup> Avenue  
4

5 **PRESENTATION**

6 **Intrepid Museum** – Upcoming activities and educational programs at the Intrepid museum.  
7

8 **PUBLIC HEARING**

9 **City-wide Zoning Text Amendment** – N150167ZRY, stairwell text amendment on non- residential  
10 buildings

11 **MEETING AGENDA**

13 Public Session	Hugh Weinberg
14 Adoption of Agenda	
15 Adoption of Last Month’s Minutes	Christine Berthet
16 Manhattan Borough President	Diana Howard
17 Local Elected Officials	Various
18 District Manager Report	Jesse R. Bodine
19 Chair Report/Committee Reports	Christine Berthet

20  
21 **Meeting called to order at 645 by Chair Christine Berthet**

22  
23 **PRESENTATION:**

24  
25 Chair Christine Berthet introduced Susan Marenoff-Zausner, President of the Intrepid Sea, Air & Space  
26 Museum. Ms. Marenoff-Zausner wa joined by Lynda Kennedy, the Museum’s Vice President of  
27 Education and Luke Sacks, the Museum’s Assistant Vice President, Public Relations & Corporate  
28 Communications.  
29

30 Ms. Marenoff-Zausner reported that the Museum is a not-for-profit educational institution and is not just  
31 the aircraft carrier. She stated that the Museum wants to produce programming for the community.  
32 Revenue from the addition of the Space Shuttle Enterprise has allowed the Museum to increase its  
33 programming budget. They are currently working with 5 schools to develop new programs.  
34

35 Attendance at the Museum was reported to be over 1 million people for the third year in a row. 200,000  
36 of the visitors are children, of which, about 30,000 were K-12 students who participated in formal science  
37 programs. For schools that are Title I eligible, about 60% of the 800 programs are fully funded.  
38

39 The Museum has tried to provide access for as many people as possible. It provides sensory-sensitive  
40 programs for families with children on the autism spectrum. Accommodations are also made for visitors  
41 with hearing and vision issues, as well as families and caregivers of people with dementia. They have  
42 found that visiting the Museum sometimes triggers memories from WWII for visitors with memory  
43 issues. They also provide targeted programs for senior citizens.  
44

45 Ms. Kennedy reported that the Museum has partnered with P.S. 33 to provide after school activities and  
46 that the Museum is actively looking for more school partners. Many of the school programs are free  
47 although advance registration is required. There are also targeted programs for rising 9<sup>th</sup> and 10<sup>th</sup> graders,

1 girls interested in STEM subjects, and programs about civics and college readiness. The museum also  
2 provides professional development activities for educators.

3  
4 Mr. Sacks stated that there were special programs over February school recess for children. There are  
5 many activities that available with a paid admission to the Museum. The entire schedule is available  
6 online at Interpidmuseum.org. Another activity is an astronomy night, which is available to two different  
7 groups. Local clubs, astronomers and scientists have one event, and families have another event. There  
8 is an ongoing event celebrating the anniversary of the Hubbell telescope. Additional programs are offered  
9 over the summer, including movies, and a special Memorial Day ceremony is held, with a 100 foot  
10 American flag on display.

11  
12 In response to a question from a Board member, the Museum team clarified that the pier is always open to  
13 the community when the Museum is open and that there is no charge for accessing the pier. The  
14 Museum team also reported that the addition to the Museum slated for the parking lot was on an indefinite  
15 hold. The Space Shuttle was delivered to the carrier before the scheduled date and the temporary  
16 structure that was build to house the Shuttle was destroyed by Hurricane Sandy. A new, steel pavilion  
17 was constructed for the Shuttle. Between the extra funding and the tremendous response to the new  
18 pavilion, other plans for expansion were put on hold.

19  
20 Chair Berthet reported that she had a private tour of the Museum and that is a great resource for the  
21 community. The Museum staff would continue to provide updates to the Board.

22  
23 **PUBLIC HEARING:**

24  
25 **Citywide Zoning Text Amendment N150167ZRY.**

26  
27 Betty Mackintosh ran a public hearing on a proposed zoning text amendment that requires additional  
28 safety measures for non-residential buildings. Ezra Moser from the Department of City Planning  
29 participated in the discussion to explain the amendment.

30  
31 Based on a report from the National Institute of Standards and Technology about the destruction of the  
32 World Trade Center, the New York City Construction Code was updated to incorporate new safety  
33 measures for high-rise, non-residential buildings (Local Law 141 of 2013, Building Code Section  
34 403.5.2). These safety measures are intended to enhance public safety in new high-rise buildings by  
35 providing additional exiting capacity for building occupants during emergency situations that require full  
36 building evacuation. However, the law stipulates that these safety provisions will only become effective  
37 once a text amendment is approved to exempt the space occupied by these features from counting towards  
38 zoning floor area. Thus, the Department of City Planning, along with the NYC Department of Buildings  
39 and the Fire Department of the City of New York are requesting that the zoning text amendments be made  
40 to give effect to the changes to the Construction Code.

41  
42 The law only applies to buildings that are over 420 feet high that are non-residential or predominantly  
43 non-residential, because egress requirements are more stringent for non-residential buildings due to the  
44 density of occupants on each floor.

45  
46 The 2008 Building Code was modified in a similar way, to increase the width of stairwells by 8 inches. A  
47 zoning text amendment was passed to make that change effective, similar to the process being used now.

48  
49 Mr. Moser explained that the 420 foot rule was based on the International Building Code, which serves as  
50 a guideline worldwide. The new rules apply only to new construction.

1  
2 Based on research that was performed, in the Community Board 4 area, a total of 29 new buildings that  
3 were erected between 1997 and 2014 would have been affected by this zoning amendment, or about 2  
4 buildings per year.

5  
6 The affected areas are those that are zoned for a FAR of 10 or greater, so the affected areas are Hudson  
7 Yards, West Midtown and one M1-6 district in Chelsea.

8  
9 The law requires that one of the following be adopted in all subject new construction:

- 10  
11 1. Construct all passenger elevators in the building as “occupant self-evacuation” type,  
12 including the safety requirements of such elevators, such as connection to emergency  
13 standby power capable of running all elevators simultaneously, emergency  
14 communications, and special lobby dimensions to accommodate floor occupants,  
15 including wheelchairs;
- 16  
17 2. Increase the required width of all “emergency” exit stairways by 25 percent above what is  
18 otherwise required and construct all passenger elevators as “occupant self-evacuation”  
19 type but the standby power generating-equipment need only be sized to accommodate a  
20 limited number of the elevators (defined by an approved timed egress analysis); or
- 21  
22 3. Construct one additional “emergency” exit stairway than is normally required based on  
23 the number of building occupants.

24  
25 The result of these zoning changes is that affected buildings would increase approximately ½ to ¾ of a  
26 story to make up for the lost floor area..

27  
28 Ms. Mackintosh opened up the floor for questions. There were no questions from the public. A Board  
29 member expressed a concern that, if these buildings are exempted from FAR limitations, the buildings  
30 will be excessively tall, and thus, the buildings should meet both the new safety requirements and the FAR  
31 requirements. Mr. Moser explained that the floor area needed to implement the safety changes had to be  
32 exempted from FAR calculations to offset the high cost of implementing the new safety rules.

33  
34 A Board member thanked Mr. Moser for the requirement of wider stairwells, as she was in the World  
35 Trade Center in 1993 and during evacuation, it was impossible for two people to go down the stairs side  
36 by side.

37  
38 A Board member asked when the new rules would go into effect. The implementation would begin a  
39 couple of months after the zoning text amendments go to the Department of City Planning and would  
40 affect any new buildings going forward from that point.

41  
42 A Board member asked about the possibilities of other means of egress, such as windows and fire ladders.  
43 Mr. Moser said he did not know if those were considered.

44  
45 With no further discussion, Ms. Mackintosh declared the hearing closed.

46  
47 **PUBLIC SESSION:**

1 Second Vice Chair Delores Ruben called on the members of the public who signed up to speak. The  
2 public spoke on the following topics:  
3  
4

- 5 1. The Graduate Center on 36<sup>th</sup> Street is being demolished to build a hotel. The speaker was  
6 shocked by this and asked if the new developers were going to keep the façade? This is a 104  
7 year old building and the speaker did not understand how this could happen. The sister  
8 building to this building has landmark status. Chair Berthet explained that landmark status  
9 must be obtained before the process of demolition and new construction starts, or nothing can  
10 be done. She urged the public to identify buildings that merit landmark status to the proper  
11 Land Use Committee. District Manager Bodine added any person can put a building up for  
12 nomination with the City's Landmarks Preservation Commission.
- 13 2. A community member spoke in favor of business diversity and supporting small businesses.  
14 This community member did not object to the application of Mr. Biggs, pending before the  
15 Board.
- 16 3. A community member spoke in favor of the application of Mr. Biggs. They visited the  
17 proposed location on 8<sup>th</sup> Avenue and every business surrounding business is either open 9 to  
18 5 or is a bar. The speaker stated that the apartment building on the corner is slated for  
19 demolition. The speaker feels that Mr. Biggs will be a good addition to the community,  
20 better than 3 story adult bookstore.
- 21 4. A community member spoke about the SAGEworks, which is a national employment support  
22 program for lesbian, gay, bisexual and transgender people age 40 and older that expands  
23 participants' job hunting skills and career options. Funding for SAGEworks is provided by  
24 the Walmart Foundation. SAGEworks holds 2-4 workshops every month on topics such as  
25 creating a resume, interview skills and how to do a job search using social media.  
26 SAGEWORKS also runs a professionally developed, 2 week boot camp to teach job search  
27 skills.
- 28 5. A community member, a resident of 458 West 52<sup>nd</sup> Street since 2004, asked the Board to  
29 reconsider its position supporting a permit for an expansion of Crispins. The speaker stated  
30 that his bedroom window is just 2 feet from the proposed entrance to the addition. The  
31 current permit allowed minimal changes with no change in egress or occupancy, but that is  
32 not what is happening. The expansion was supposed to have fixed windows, but French  
33 windows have been installed. Masonry work has been expanded. This location is also  
34 directly across the street from the playground of PS 111
- 35 6. The Chelsea 200 West Block Association is concerned about the surge in the number of sex  
36 shops in the neighborhood and will be mobilizing against these stores.
- 37 7. A community member spoke about a construction issue at 559 West 22<sup>nd</sup> Street. She had  
38 raised the issue to the Board previously. District Manager Bodine has been in contact with  
39 the Department of Buildings (DOB) and the Department of Transportation (DOT) but nothing  
40 has changed and the speaker was concerned there would be a DOA at the location. District  
41 Manager Bodine explained that the project has been stalled due to a change in ownership.  
42 DOT has brought the issues to the new owner's attention. The new owner originally agreed  
43 to bring the construction wall back to the edge of the property line, but has not done so and  
44 the DOT has repeatedly issued fines.
- 45 8. A community member spoke in favor of Mr. Biggs. She stated that the existing location was  
46 somewhere she felt safe as a woman. She stated that it is the best managed bar she has been  
47 to, and that an owner was always on site. She commended the size of the staff. She also  
48 stated that the existing location provided a free Thanksgiving dinner for 500 members of the  
49 community. She urged the Board to support the project.

- 1 9. A community member spoke in favor of Mr. Biggs. The speaker has visual and mobility  
2 issues but never had a problem at the existing location. The speaker stated that venue  
3 management and staff are all great.
- 4 10. A community member asked for volunteers to assist the Homeless Outreach Population  
5 Estimate (HOPE). This is a count of the homeless population in Manhattan. The count is  
6 being conducted on Monday, February 9 starting at 10:30 pm and continuing until 4:00 the  
7 next morning. Approximately 3,000 volunteers are needed. Second Vice Chair Rubin  
8 commented that she is a HOPE volunteer and its fun.
- 9 11. A representative of the Lenox Hill Heathplex at the old St. Vincent's site spoke to  
10 commemorate the facility's 6 month anniversary. Since opening, the facility has treated  
11 13,000 patients, which is double what was expected. Less than 10% of patients have been  
12 transferred to area hospitals, and this process is going smoothly. The facility will be offering  
13 free CPR classes in next few months, although the dates are confirmed. 15 people will be  
14 able to attend each session. The facility will forward the information to District Manager  
15 Bodine once it is set.
- 16 12. A community member spoke in favor of Mr. Biggs. The speaker said they know how to run a  
17 business and give back to the community. During Sandy, they were open and serving meals.
- 18 13. A community member spoke in favor of Mr. Biggs. The speaker met with the NYPD, which  
19 gave the existing a great review. However, this speaker did not want the new location to have  
20 a cabaret license.
- 21 14. A community member spoke in favor of Mr. Biggs. The speaker said that the management at  
22 the existing location was as good as management can be. However, the speaker requested  
23 that the new location be limited to a 2:00 am closing time.
- 24 15. A community member spoke against a 4:00 am closing time for Mr. Biggs new location. She  
25 stated that she was against a 4:00 am closing time for another bar on the same block. She has  
26 issues with a nightclub on her block.
- 27 16. A community member spoke against Mr. Biggs new location. The speaker asked why the  
28 Board doesn't follow its own rules in enforcing the 500 foot rule. The speaker was concerned  
29 about residents on the block and asked if another bar was necessary.
- 30 17. A representative of the Fashion Institute of Technology spoke about the Museum at FIT, the  
31 only museum in New York City devoted to fashion. The Museum is open Tuesdays through  
32 Saturdays. The current exhibit features Yves St. Laurent and Halston as well as counterfeit  
33 clothing. FIT also has a summer program for high school students.
- 34 18. A community member spoke in favor of Mr. Biggs, saying that when he opens a bar, he'll run  
35 it as well as Mr. Biggs current location.
- 36 19. A community member spoke against Mr. Biggs new location saying that weekends were  
37 crazier than during the week.  
38

39 With no additional speakers, Second Vice Chair Rubin declared the public session closed.  
40

41 **ADOPTION OF THE AGENDA AND THE MINUTES OF THE JANUARY 2014 FULL BOARD**  
42 **MEETING.**

43  
44 Adopted.  
45

46 **REPORTS OF ELECTED OFFICIALS:**  
47

48 **Councilmember Corey Johnson** said his first year was a busy year, as he passed 8 pieces of legislation,  
49 more than any other Council member. Among these bills were protection for pets and animals, a ban on

1 puppy mills, a bill to allow transgender individuals to amend their birth certificates and a bill that  
2 regulated social adult day care centers to protect people with Alzheimer's and dementia. Council  
3 Member Johnson recently introduced a bill to reform the Rent Guidelines Board, to regulate how the  
4 RGB collects data about landlords' expenses and to better protect rent regulated tenants. As Chair of the  
5 Health Committee, Council Member Johnson held a hearing on youth sports safety (an issue familiar to  
6 the Council Member as a former high school football player) to have trainers and EMTs at all youth  
7 sporting events.

8  
9 The Council Member spoke about the Participatory Budgeting initiative in Council District 3 and  
10 introduced Matt Green from his office who was overseeing this. The Participatory Budgeting Expo will  
11 be held on Thursday, March 19 at 5:30 pm at the Haskell Library, 40 West 20<sup>th</sup> Street. The public vote on  
12 the Participatory Budgeting initiatives will be held in April. Anyone who lives, works or goes to school  
13 in the District over the age of 14 is eligible to vote.

14  
15 The Council Member commended the Department of Environmental Protection in responding to a water  
16 main break at 48<sup>th</sup> Street and 11<sup>th</sup> Avenue. The DEP repaired a 26" main in a matter of hours. .

17  
18 The Council Member reminded everyone that registration under the Affordable Care Act closes on  
19 February 15.

20  
21 The Council Member spoke about registration for universal Pre-K for next year. Any child born in 2010  
22 is eligible. There is one form that needs to be filled out, which is due on February 13. The form is  
23 available in 10 different languages

24  
25 The Council Member then took questions from the audience. A Board member asked for clarification on  
26 the voting rules for Participatory Budgeting. Mr. Johnson explained that it is a simple majority rule vote,  
27 no matter how many or how few votes are cast.

28  
29 A member of the Board thanked the Council Member for his efforts in securing the prompt repair of the  
30 water main break. The same member confirmed that the next Participatory Budgeting cycle will begin  
31 next October because the current proposals are set. The Council Member confirmed this, but added that  
32 projects showcased at the Expo can be modified slightly after they are voted on by the public.

33  
34 A member of the public alerted the Council Member about an increase in day time break-ins. This seems  
35 to occurring in Hell's Kitchen and in certain blocks in Chelsea, with the primary means of entry being  
36 unlocked windows, although there was also a report of a break-in at Manhattan Plaza. The Council  
37 Member responded that the police precincts monitor crime statistics and that Midtown North and the 10<sup>th</sup>  
38 Precinct will mobilize their forces when they see an uptick in crime. The Council Member was unaware  
39 of what actions, if any, the police have taken in response to crime statistics from December and January.  
40 A representative of the Council Member's office attends community hearings at all 7 precincts in his  
41 district each month.

42  
43 A Board member spoke about the increase in commercial buildings in the District and asked if there was a  
44 way to get small businesses into these big towers. He suggested something like a 70/30 split for

1 commercial being built, similar to what we do for affordable housing. The Council Member  
2 acknowledged the difficulty in maintaining small businesses, as the landlord can increase rents (shuttering  
3 some businesses) but still retains the tax breaks associated with the buildings. The Board member asked  
4 if rezonings or special zonings can protect small businesses or help get them in place. The Council  
5 Member said that this was all done piecemeal now and needs to be looked at on a citywide basis.

6  
7 **Diana Howard, for Borough President Gale Brewer,** reported that the deadline for new and renewal  
8 Community Board applications had passed. 700 people applied/reapplied and everyone will be invited in  
9 for an interview.

10  
11 Ms. Howard invited non-profit organizations to contact the Borough President's office about possible  
12 grants.

13  
14 Ms. Howard invited everyone to attend the Borough President's State of the Borough address on February  
15 8. Board Member Austin Ochoa will be introducing the Borough President.

16  
17 **Robert Atterbury for State Senator Brad Hoylman,** reported that the Senator has introduced a dozen  
18 different bills addressing ethical issues around state government, including ones which create a crime of  
19 undisclosed self-dealing, prohibiting the use of campaign funds for legal fees, and the loss of pension  
20 upon conviction of an ethical violation.

21  
22 The Senator is making a big push to increase funding for runaway homeless youth. The budget to service  
23 this community has been reduced from \$6.3 million to \$2million. There has been a 10-fold increase  
24 statewide in turning kids away from shelters.

25  
26 The Senator testified at a City Council hearing on illegal hotels as major hotspots for these  
27 establishments are in the Senator's district: the East Village and Chelsea/Hell's Kitchen. This is both a  
28 quality of life and a safety issue.

29  
30 **Erica Overton for Assembly Member Linda Rosenthal** introduced a new community liaison, Max  
31 Weiss, who will be the liaison to Community Board 7. The Assembly Member is now the Chair of the  
32 Committee on Alcoholism and Substance Abuse.

33  
34 **Eli Szenes-Strauss for Assembly Member Richard Gottfried** provided updates on pending legislation  
35 from the Assembly's Health Committee: 1) nursing home residents in New York State can sue if they are  
36 abused or injured. This bill clarifies that a resident's legal representative or estate can also sue; 2)  
37 midwife led birth centers may be licensed under Article 28 of the Public Health Law, subject to  
38 appropriate regulations from the Department of Health; 3) All changes in control of a hospital (including  
39 acquisition, merger and affiliations) must be reviewed and are subject to approval by the State Public  
40 Health and Health Planning Council and the Health Department.

41  
42 **Jesse Campoamor, for Comptroller Scott Stringer's office,** introduced himself, as he has been serving  
43 as the Comptroller's Director of Community Affairs since August, 2014. Mr. Campoamor announced the

1 following upcoming events: February 10, from 6-8pm, a Trailblazers event in honor of Black History  
2 Month. On February 11, a tax workshop for clergy and faith based organizations. The Comptroller is  
3 providing this service since these are 501(c)(3) organizations that provide social services to the  
4 community. A Lunar New Year event on February 24.

5  
6 The Comptroller has announced his support for a bill providing all citizens a right to counsel in eviction  
7 actions. The Comptroller issued a report late last year on business diversity, showing how much city  
8 agencies spend with women/minority owned business (less than 4%). The Comptroller's office got a C  
9 on this report, while some agencies failed entirely. The Comptroller's office is preparing a road map to  
10 help small businesses do business with the City.

11  
12 **REPORT OF DISTRICT MANAGER JESSE BODINE:**

13  
14 The District Manager attended the District Services cabinet meeting. Over 13 agencies and elected  
15 officials attended as well.

16  
17 The Department of Sanitation has been working 12 hour shifts since January 20 to deal with snow  
18 removal. The Board office received no complaints from residents about snow plowing/removal.

19  
20 The Department of Transportation will be reestablishing parts of 11<sup>th</sup> Avenue as a two way street by 2016.  
21 New pedestrian ramps will be provided in locations to be provided in our district.

22  
23 FDNY will provide fire detectors for vulnerable populations in the district.

24  
25 The Business Integrity Committee and the Department of Environmental Protection are addressing late  
26 night carting issues. Best practices were discussed at the cabinet meeting.

27  
28 At the Borough President's meeting, database tracking of constituent services was introduced.

29  
30 Storm enclosures are a complicated mess that the city is continuing to work on. Storm enclosures and  
31 ADA enclosures can't both be satisfied.

32  
33 New editions to the Board website re 311 data were added. The website now also shows the Top 10  
34 complaints in the district and contains more maps.

35  
36  
37 **REPORT OF MCB4 CHAIR CHRISTINE BERTHET:**

38  
39 The Chair discussed the number of BIDS in the Board's jurisdiction and the fact that we need to send  
40 representatives to each of these entities. Betty Mackintosh represented the Board in helping to establish  
41 the Meatpacking BID and is now turning over that organization to Brad Pascarella. There are also boards

1 for the impact zones north and south of the Meatpacking Bid and Angel Cortes and Elizabeth Zechella  
2 will represent the Board to that group. The Chair acknowledged the number of meetings people have to  
3 attend and thanked all those who represent the Board to outside groups. A list of all of the groups and the  
4 identity of CB4's representative to each is on the CB4 website.

5  
6 Dates for meetings for all of the Board's working groups have been set. The Balanced Business Working  
7 Group meetings are open to the public and anyone can attend and participate. This Working Group  
8 addresses issues relating to empty storefronts and diversity.

9  
10 The City has signed a new contract to replace old phone booths and to add free public wifi. The Board  
11 has negotiated with the Borough President as to the sites of the phone booths to be removed and where  
12 wifi should be installed. We are providing the City with a list of phone booths to be relocated.

13  
14 The Chair thanked Tina DiFelicantonio and Barbara Davis for their efforts to help resolve the situation  
15 on West 26<sup>th</sup> Street relating to the BRC facility.

16  
17 The Chair attended a meeting of the Gateway Project with Representative Nadler regarding the addition  
18 of a new tunnel for rail traffic to Penn Station. Existing tunnels were affected by Hurricane Sandy and  
19 repair work would unacceptably affect the flow of trains into and out of the station. Once a new tunnel,  
20 with one track going in each direction, is built, repairs can be made to the other tunnels. The Project  
21 group was invited to make a presentation to the Transportation Committee in March.

22  
23 **COMMITTEE LETTERS AND RESOLUTIONS:**

24  
25 **Waterfronts, Parks and Environment Committee (WPE)**

26 Item 01: Letter to HRPT re Pier 96 Missing Dock  
27 **(APPROVED)**

28  
29 *Ms. Rubin reported that funding to replace the dock may be forthcoming from Council Member Helen*  
30 *Rosenthal's budget, but this has not yet been confirmed. Maarten De Kadt stated that the Hudson River*  
31 *Park Trust still needs to be involved in security for the new dock.. Mr. Bokser inquired if the operators*  
32 *pursued an insurance claim for the dock. Ms. Rubin advised that she had been advised that existing*  
33 *insurance didn't cover the old dock but that insurance would be secured for the new dock.*

34  
35 **Business License and Permits Committee (BLP)**

36 Item 02: Letter to SLA re Bar 9 - 807 9th Avenue

37 Item 03: Letter to SLA re Crispins Hell's Kitchen - 764 10th Ave-462 W 52nd Street

38 Item 04: Letter to SLA re Dim Sum Palace Inc. - 334 W 46th Street

1 Item 05: Letter to SLA re Lackawanna Barge - 205-207 12th Avenue  
2 Item 06: Letter to SLA re Mr. Biggs on Eighth - 797 8th Avenue  
3 Item 07: Letter to SLA re Red Spoon - 201W 14th Street  
4 Item 08: Letter to SLA re Tres Carnes - 391 8th Avenue

5  
6 Items 2, 4, 5, 7 and 8 were bundled. **(Approved)**  
7

8 *Mr. Holozubiec indicated that Bar 9, item 2, had agreed to a 2:00 am closing time. Mr. Treat indicated*  
9 *that Bar 9 has good acoustic plan but the issue was noise outside. The applicant met with the local Block*  
10 *Association and agreed to improvement: windows will not open and a double lobby will be established.*

11  
12 *For Item 3, Mr. Holozubiec explained that there is an existing establishment with a Beer and Wine license*  
13 *at 10<sup>th</sup> Avenue and 52<sup>nd</sup> Street, with the entrance on 10<sup>th</sup> Avenue. The portion of the establishment on 52<sup>nd</sup>*  
14 *Street was the back room for bar. Now the operator wants to turn the back room into a smaller bar. The*  
15 *Committee asked if the two parts of the establishment could be linked, so there would only be the one*  
16 *entrance on 10<sup>th</sup> Avenue. SLA insisted that the entrance for the back room must be on the side street. This*  
17 *greatly inconveniences a community member who lives above the door to the back room. Applicant*  
18 *agreed to the following stipulations: close at midnight, windows permanently shut, 3 tables, 18 seats, beer*  
19 *and wine only. The establishment will provide security to move smokers from outside the door to the back*  
20 *room onto 10<sup>th</sup> Avenue. The Committee felt this was the best deal we could get as the 500 foot rule did*  
21 *not come in to play. The applicant appeared before the Committee on 2 occasions and ultimately, with*  
22 *these stipulations, the Committee unanimously approved the application.*

23 *Mr. Noland said that this location was in the Special Clinton District and that the entrance on the side*  
24 *street is egregious and will destroy quality of life on the street and he cannot support this application. Mr.*  
25 *Noland did not believe that the establishment would do a good job of moving smokers onto the Avenue.*

26 *Mr. Holozubiec replied that any establishment with customers will cause problems for resident upstairs.*  
27 *The applicant presented a petition form other local residents in support of his application. Frank: SLA*  
28 *hands tied on beer and wine.*

29  
30 *Mr. Noland asked to amend the letter to SLA stating that this establishment is in the Special Clinton*  
31 *District and that the establishment should be given an exception to connect its two room and use a single*  
32 *entrance/exit on 10<sup>th</sup> Avenue.*

33  
34 *Mr. Firfer inquired if, since the establishment was technically two addresses, what would happen if the*  
35 *locations were sold separately. Mr. Holozubiec stated that any new applicant would have to come back*  
36 *to the Committee. Mr. Firfer asked how the presumption in favor of a prior establishment would work.*  
37 *Ms. Daglian stated that it would have to come back to the Committee as an alteration, so the issue could*  
38 *be addressed anew.*

39 *Mr. Marcus pointed out that although the stipulation was for 18 seats, the application lists capacity as 30*  
40 *people, and he wondered if there would be a lot of standing. Ms. Daglian asked for clarification if the*  
41 *stipulation was 18 patrons and Mr. Holozubiec indicated that it was for 18 seats and 30 people total*  
42 *capacity.*

1 *Mr. Bokser asked about access between the two parts of the establishment and it was explained that one*  
2 *had to travel through the kitchen to get from the front of the house to the back room.*

3

4 *The applicant was asked if there will be soundproofing? The applicant seemed to give contradictory*  
5 *answers, so Mr. Cortes acted as translator, to speak to the applicant in Spanish. The applicant confirmed*  
6 *in discussion with Mr. Cortes that windows and doors will remain closed, and the ceiling and all walls*  
7 *will be insulated. It was also confirmed that the midnight closing time would be for the establishment, not*  
8 *just the kitchen.*

9

10 *Modifications agreed to for letter in accordance with the foregoing.*

11

12 **(PASSED, 18-11)**

13

14 *Mr. Holozubiec presented item # 6 – Mr. Biggs. The location is currently a sex store. The applicant*  
15 *operates two other establishments. For this location, there will be a DJ and the applicant is seeking a*  
16 *cabaret license. The applicant has appeared before the Committee on three separate occasions. There*  
17 *has been extensive community input. The application was approved 7-5 by the Committee. This is a*  
18 *highly commercialized area on 8<sup>th</sup> Avenue with a current noxious use. The applicants are known entities*  
19 *as bar owners. They check IDs, they install soundproofing. Mr. Holozubiec indicated that he voted “no”*  
20 *in Committee because this is the “wrong place in the wrong location.” The site has not previously been*  
21 *licensed for alcohol. There are 34 fully licensed establishments within 500 feet of this location. The bar*  
22 *located next door, “Social”, has been a plague on the community since they opened. Applicant made no*  
23 *meaningful concessions – won't agree to an early closing time and insists on 4:00 AM. Some residents*  
24 *testified at Committee that they preferred the sex store.*

25

26 *Mr. Marcus asked why Mr. Holozubiec was presenting this matter to the full Board if he was against it.*  
27 *He believed Mr. Seres should have presented the matter to the full Board.*

28

29 *Mr. Sharp indicated that he was against all midblock bars on side streets, but that on avenues, this was*  
30 *OK, as there is no expectation of quiet on an avenue. There is an overabundance of bars in the*  
31 *neighborhood. This is the applicant's 3<sup>rd</sup> establishment. The Manhattan Plaza Tenant's Association*  
32 *president gave very strong support to the applicant, although he previously opposed 6 other bars. The*  
33 *NYPD reported that they had no problems with the applicant at their other locations. Bottom line, if it's*  
34 *not this applicant, it's going to be someone else.*

35

36 *Mr. Noland indicated that the West 47-48<sup>th</sup> Street Block Association met with the applicant a number of*  
37 *times and they have worked productively with him before. Although the Block Association took no formal*  
38 *position on the application, they said they “hope the applicant does well.”*

1 *Mr. Diaz indicated he has lived near the proposed site for 30-35 years. The applicant's current location*  
2 *is fine, but they don't belong on 48<sup>th</sup> Street, which is more residential than commercial. The existing bar*  
3 *(Social) has caused lots of problems, as Mr. Diaz reports hearing fights, people screaming in the*  
4 *middle of the night. He is never sure whether to call NYPD. Tenants can't sleep. This is not the right*  
5 *place for Mr. Biggs.*

6

7 *Ms. Daglian said that she likes these applicants but that this application is not for the existing bar. This*  
8 *application is for a two story establishment with a capacity of 240 people. She claimed that if the*  
9 *proposed location was on 9<sup>th</sup> Avenue instead of 8<sup>th</sup>, nobody would support this application. There is a lot*  
10 *of opposition to this application and something different, such as a family friendly restaurant, is what the*  
11 *neighborhood needs. She cannot support this application.*

12

13 *Mr. Treat asked if there was an acoustics plan and the Chair indicated that the applicant has agreed to*  
14 *soundproofing.*

15 *Mr. De Kadt asked about the effect of the 500 foot rule. The Chair indicated that the 500 foot rule is not*  
16 *dispositive, it simply gives the community more input into the final decision. Mr. De Kadt indicated that*  
17 *he was opposed to the application.*

18

19 *Mr. Marcus inquired about the capacity of the establishment. The floor plan was not attached but the*  
20 *application says 136 seats. The 220 capacity includes employees. Mr. Marcus was not clear if this*  
21 *establishment would be a restaurant or a dance bar. If the marketplace says this location should be a*  
22 *bar, the Board can exercise some control by supporting good operators.*

23

24 *Mr. Noland asked for a modification to the letter requiring the applicant to be in contact with Mr. Diaz's*  
25 *building and buildings across 8<sup>th</sup> Avenue to address and resolve problems.*

26

27 *Mr. Diaz replied that the Block Association and the operator of another establishment said this applicant*  
28 *would not keep their word.*

29

30 *The applicant interjected that they installed soundproofing to protect a neighbor, before being cautioned*  
31 *by the Chair that he could not participate.*

32

33 **(DENIED 19-15)**

34

35 *The Chair suggested to the applicant that they could resubmit their application with different stipulations.*

36

37

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

2 Item 09: Letter to SAPO re Hell's Kitchen Flea Market – West 39th Street (8/9)

3 Item 10: Letter to NYPD re Ride-Along Request

4

5

6 Item 9 (**APPROVED**)

7 Item 10 (**APPROVED WITH CORRECTIONS**)

8

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

10 Item 11: Letter to HPD re 330-322 W. 51st Street moderate renovation

11 Item 12: Letter to Avalon Bay re SEIUBJ worker conditions

12

13 Items 11 and 12 bundled

14 (**APPROVED WITH MODIFICATIONS**)

15

16 *Ms. Mackintosh had previously submitted comments that Ms. Davis said she had accepted.*

17

18 *Mr. Lazarin asked about next steps if the addressee doesn't comply with the Board's request. Ms. Davis*  
19 *indicated that the addressee has not heard from the Board yet, so there is no way to predict what action*  
20 *we should take next. It would have to be discussed by the Committee. Ms. Davis also indicated that the*  
21 *Board had confirmed that the addressee fell within the legal definition of not paying a living wage. Mr.*  
22 *Lazarin said the letter should indicate the source of that information.*

23

24 *Copies of the letter should be sent to all Federal, State and City Departments of Labor, as well as the*  
25 *Mayor's office, the Comptroller's office and all elected officials*

26 *Mr. Marcus congratulated the Committee for its work on this issue.*

27

28 **Transportation Committee (TRANS)**

29 Item 13: Letter to DCA re Newsstand Application 288-2015-ANWS s/w/c W. 34th Street and 10th  
30 Avenue

31 Item 14: Letter to Megabus re Sidewalk obstruction **TABLED**

32 Item 15: Letter to DCA re Food Vendor saturation at West 34th and 11th Avenue **TABLED**

33 Item 16: Letter to DOT re expedite repairs on damaged access ramps in Hell's Kitchen

34

35 Items 13 and 16 bundled.

36 (**APPROVED WITH CORRECTIONS**)

37

38 **New Business (NewBus)**

39 Item 17: Letter to DCP re 150110ZSM – 551 W. 21st Street – Special permit for 53-space  
40 public parking garage and additional spaces for residential growth

41 Item 18: Letter to DCP re N150167ZRY, City-wide Zoning Stair Text Amendment

1 Item 17.

2 Technical amendment proposed to revise application, as the 30 day requirement and signage requirements  
3 are land use requirements for public parking and this garage will be marketed to tenants.

4 The Chair indicated that south of 60<sup>th</sup> Street, the target ratio is that 20% of apartments in a building with a  
5 garage get parking. This is a cap and anything above 20% needs a special permit. So this . Above 20%  
6 needs special permit. So this is offering is below the cap.

7

8 The approach of the Department of City Planning is that less public parking spots would result in less cars  
9 would enter congested neighborhoods.

10

11 Mr. Marcus indicated that there were 2600 new licensed parking spots in district.

12

13 Mr. Pascarella indicated that the spaces have already been built, so he was unclear why the applicant was  
14 asking for approval. The applicant could build 12 parking spaces as of right.

15

16 Mr. Bokser asked what the applicant would do if we recommend a denial of their application.

17

18 Mr. Compton indicated that without a permit, the applicant will build the maximum they are allowed as of  
19 right.

20

21 **(Passed 18-15).**

22

23 Item 18

24 **(PASSED ON ROLL CALL VOTE 34-0)**

25 Passed 34-0

26

27 Meeting was adjourned at 9:30 pm by the Chair.

28 Minutes prepared by Lowell Kern

29

30

31

32

1  
2

DRAFT