



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD No. 4

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JEAN-DANIEL NOLAND
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

PUBLIC MEETING

DATE: Wednesday, January 2, 2007
TIME: Public hearings begin at 6:30 p.m., meeting to follow
PLACE: Roosevelt Hospital

PUBLIC HEARINGS

BSA Cal.No. 271-07 EZ re 213-219 West 23rd Street – application to the Board of Standards and Appeals for a variance and special permit for a physical cultural establishment

MEETING AGENDA

Public Session	John Weis
Adoption of Agenda	Jean-Daniel Noland
Adoption of Last Month's Minutes	
Reports	
Manhattan Borough President	Hunter Johansson
Local Elected Officials	Various
District Manager	Robert J. Benfatto, Jr.
Chair	Jean-Daniel Noland
Committee Letters & Resolutions (letters and resolutions, see reverse)	Jean-Daniel Noland
Old Business	Jean-Daniel Noland
New Business	
Adjournment	

Quorum was established at 6:45PM and Vice Chair John Weis begins the meeting by announcing one public hearing on tonight's agenda and introduces Lee Compton to present the variance application for a physical cultural establishment. There were no questions.

Public Session

Carl Koster, resident at 1 Columbus Pl., spoke up regarding illegal parking on W58, 59, and 60th Streets around Roosevelt Hospital. Doctors who are not members of the hospital are parking for days at a time and are not being ticketed. Chair recommends taking the issue to the Transportation and Planning Committee. Linda Ashley, 44th St. Better Block Assoc., complained about Dalton's Bar keeping street furniture out long after November needlessly obstructing pedestrian traffic when cold weather forbids outside seating. She asks what legal standing do they have to do that and should the community stand for such poor neighborly behavior? Also, Ms Ashley agrees with the Business License Committee's recommendation to deny Circus a renewal of a liquor license, another bar that has been a poor neighbor.

Austin Chinn, Clinton resident, agrees with Ms Ashley on Circus denial and it's been an ongoing issue and if the owner does not appear at committee meetings as required, they should be denied. Dalton Bar's winter tables must abide by the six month rule. Regarding the restaurant Amarone and its application for outdoor café tables and chairs, he asks the Board to be careful if it is a variation from their former arrangement. Jay Marcus speaks up about the new variation of adding outside heating elements.

Scott Talbot announces the withdrawal of his application and will be back with another venue later.

Robert Trentlyon, resident W 21st St. and Board member, announces that green roofs have arrived. He explains the benefits of soil capture of water, reflectivity, a more even flow of water into the sewer system and an original high cost later changing to savings over time. In addition, there should be tax incentives for buildings that propose greening their roofs.

Co-Chair John Weis, noting a light public sign up, asks if any other member of the public wishes to speak: David Glasser, W 23/11th Ave Chelsea Apts. resident, warns of the increased size of a neighborhood strip club. Filing at DOB for a 300 person increase shows that the applicant has falsified information and permits have been accepted despite many faults.

Adoption of Minutes and Tonight's Agenda

Chair J. D. Nolan explains the agenda to be ratified beginning with the TV franchise resolution, item #15 not needing a ULURP vote and item #17 being withdrawn. Members point out that the voting tallies are only attached to the back and M. Treat, Secretary, explains that the recording computer had crashed and that's why discussion and tallies are missing this time. Agenda changes and minutes approved. J.D. then asks **Elected Officials'** representatives to speak:

Hunter Johansson, BP Stringer, announces the deadline for Community Board member applications as January 15 and encourages neighbors to take the available applications. Also, current board members seeking to remain on the Board should submit a one-page reapplication form, also due on January 15. Applications are available on the Borough President's website: www.mpbo.org. All community board applications pass through a screening panel, which meets AFTER Jan 15. Current strong issues on the BP's agenda are the Moynihan Station and the unfair MTA fair hike. On December 3, Borough President joined with Gov. Spitzer and Major Bloomberg at 7 train extension ground breaking ceremony.

State Assembly Linda Rosenthal's representative, David Weinberg, announces that Ms. Rosenthal will be back in Albany 1/14 Her Office supports the Reproductive Health Act, which shall codify Roe V. Wade in New York State. Also, mass transit should be funded through the budget process.

State Senator Tom Duane, represented by Colin Casey, congratulates the community vision for 11th Ave rezoning and speaks of the challenges ahead with affordable housing regarding the Hudson Yards project.

City Council Speaker Christine Quinn, represented by Melanie La Rocca, Melanie La Rocca - stressed two items:

1) Speaker's Office held first Aladdin Community Board advisory meeting on December 11. Aladdin is an SRO on W45th St, that has received community complaints; 2) The 11th Avenue rezoning public forum was held on Dec 18, and was attended by more than 150 people and speaks about the success of last month's Hudson Yards Advisory Board's open meeting. She especially pointed out the unique and innovative partnership on the 11th Ave rezoning co-application with City Planning.

District Manager Report

Robert J. Benfatto, Jr. thanks all for their help on community board business. He announces that the construction company responsible for pouring concrete down the street catch basin (SE corner 40/9th Ave) admits responsibility and will begin repair January 15.

Chair Report

J. D. welcomes all and announces a CB4 seminar about conflict of interest. Two examples: when lobbyists call to influence a vote or when street fairs are being promoted by community groups, what should be a board members response; especially, when it comes to voting? He has requested the conflict of interest experts of the City to come and explain, discuss and answer questions (date and time to be announced). Mr. Nolan further reflected that we are a conservative board by tradition as to conflict of interest, exemplifying members who volunteer for street fairs and excuse themselves from vote as CB4 members. Hugh Weinberg,

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board member, mentioned that he has 7 years experience working for Conflict of Interest Board, and is available as a resource to help answer conflict of interest questions.

Noticing many citizens have arrived late for public session, he re-opens public comments:

Architect Richard Daily explains and passes out a schematic on Ambarone Restaurant's revised plan for their sidewalk café. A half dozen neighbors speak on behalf of the restaurant's good qualities:

Bradley Office, Rick Tabor ("restaurant contributes to neighborhood"), Sylvia Bailey (favors more sidewalk cafes), T. J. Manix (makes the block safer), Chris Wall ("does not impede pedestrian traffic"), etc.

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Sasha Purit, from Borough President's office was invited to speak on Public Access TV and broadcasting CB4 meetings:

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This year city will enter into contracts with cable companies. Contracts go through franchise review committee. Borough President has a vote and feels that public access is very important. He wants civic TV channel to broadcast community board meetings, police precinct meetings on public access TV. This would also be a forum for local press discussions. Additionally, feed can be webcast. Anna Hayes Levin asked about MNN. Who are they? Sasha Purit replied that MNN is an independent nonprofit organization that has contract with the city to run these channels. Sasha spoke highly of MNN. Sasha explained that federal law requires that 5% of cable company gross income go to public access. A board member noted that almost all programming is done by amateurs. Sasha says the hope is that channel will be done by paid staff not by amateurs. Would BP consider funding for staffing? Sasha says there will be additional funding. MNN gets grants every year. MNN estimates this will cost \$1 to 1.5 million.

COMMITTEE REPORTS – LETTERS & RESOLUTIONS

Executive Meeting

Item 1: Letter to SLA re Sapphire, 565 West 23rd Street (ratify)

Passes unanimously. A hearing for item#1 is set for Feb. 7

Quality of Life/Education, Libraries, and Cultural Affairs (QoL)

No items to report

Business Licenses & Permits Committee (BLP)

Item 2: Letter to SLA re Greenwich Village Entertainment Group LLC. – 431 West 16th Street (2nd fl.)

Item 3: Letter to SLA re Manhattan Music Group Inc d/b/a Terminal 5 - 605 W. 55th St./610 W. 56th St. (@11Ave)

Lisa Daglian, Co-Chair, Business License & Permits Committee, applicants for Items 2 & 3 together, passed unanimously.

Item 4: Letter to SLA re Yulz Restaurant Inc. – 764 10th Avenue (51/52) - unanimous.

Item 5: Letter to SLA re Scott Talbot d/b/a Charity Lounge – 530 West 27th Street, 6th Floor - withdrawn

Item 6: Letter to SLA re Safran Inc. d/b/a Safran – 88 7th Avenue (15/16) - unanimous

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Item 7: Letter to SLA re LLC to be Formed – 169 8th Avenue (18/19)

Lisa incorporated into the letter the community comments in regard to the applicant's method of operation.

Gene Glaberman asked about standards for sound engineers. Morgan McLean said there is a noise code for the city that governs the advice that a professional sound engineer must follow. Tony Juliano is not sure if sound engineers are required, but that engineers must be certified. Morgan says they are licensed sound engineer. Passed unanimous.

Item 8: Letter to SLA re Anthony Piazza & Manny Kess or Corp to be formed – 297 10th Avenue (@27) – unanimous

Item 9: Letter to SLA re 615 9th Ave LLC d/b/a Circus Bar – 615 9th Avenue

Chuck Spence, Co-Chair, Business License & Permits Committee

The Circus Bar was not present at 2 committee meetings. However, the new owner is involved in the bar.

Approved unanimously.

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

Item 10: Letter to DCP re American Institute of Architects Zoning Text Amendment, ULURP # 080080 ZRY

(jointly with Chelsea Preservation and Planning Committee)

Lee Compton, CC/HKLU Committee, Explains that this item is a long, complex item regarding proposals to amend NYC Zoning resolutions. These proposals address small lot sizes in NYC. Lee exemplified

Proposal 5, which allows a developer to put heating equipment on roof, while not contributing to FAR.

Ed Kirkland expressed concerned that proposals do not state clearly who is the party that must approve roof-top greening. Ed feels any increase in bulk should be handled by the City Planning Commission. Ed wants to be sure someone knowledgeable approves such projects.

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Christine Berthet expressed concerned about noise on a roof if more equipment is placed on it. Lee said noise is less of a problem on tall buildings but more concern on less tall structure.

A board member would like an exception for solar panels, to allow for a taller structure, if such a structure is a solar panel.

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Proposal 4, allows 25% increment in street wall.

Frank Eadie would like to amend language from 5000 to 2500 sq. ft.

Franks amendment does not pass.

Anna Levin urged that the board should take an up or down vote on the proposals as is, because the same proposals are going to other community boards.

Item 10 approved with changes reflecting the Board's discussion.

Item 11: Sign-on to Sen. Schumer Letter to Deputy Mayor Doctoroff re funding for the second station on the #7 subway extension - unanimous

Waterfront and Parks (WATER)

Item 12: Letter re Highline Plaza - unanimous

Item 13: Letter re New Ballfield Dewitt Clinton Park - unanimous

Item 14: Letter re Support for Trees South Hell's Kitchen – unanimous, 2 PNE

Chelsea Preservation & Planning Committee (ChP&P)

Item 15: Letter to BSA re 213 West 23rd Street, BSA Cal.No. 271-07 EZ – unanimous, 1 present not eligible

The Board held a moment of silence for Adam Honnigman

Housing, Health and Human Services (HH&HS)

** Item 16: Letter to HPD re 303 Tenth Avenue re Lower Income Housing Plan

** Item 17: Letter to HPD re 421-a financing issues

These letters are in development by the committee and Bob Benfatto points out they are about equity in the low income housing plan especially in regard to the upcoming 303 Tenth Ave. development.

If we knew the details of the stacking plan, it would show how affordable units were dispersed, but committee wanted more details, which CB4 just got today. Letter says all amenities are same; however, the committee needs to get into the details – Tabled.

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Transportation Planning Committee (TRANS)

Item 18: Letter to DAC re Seta Restaurant Corp. d/b/a Amarone Restaurant, 686 Ninth Avenue sidewalk café renewal

Amarone's renewal of its sidewalk café is not clear because the presentation of a revised design was not seen by committee. A motion fails 15 -17 to consider revision at this time. Motion to send back to committee passed.

Street Fairs

JD suggests we take the popular street fairs in a group. Martin Treat agrees, but suggests Item 29 should be treated separately. Jay Marcus, Co-Chair, agrees and Items 19 – 30 passed unanimously.

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Cory Johnson spoke of concern of excessive street closings and disruption to the Chelsea community and businesses due to street fairs.

Item 19: Letter to SAPO re Chelsea Reform Democratic Club (September 6, 2008) Sixth Avenue (14th-23rd Street)

Item 20: Letter to SAPO re Chelsea Midtown Democrats (May 24, 2008) Sixth Avenue (14th Street-23rd Street)

Item 21: Letter to SAPO re 10th Precinct Community Council (July 12, 2007) 23rd Street (7th-8th Avenue)

- Item 22: Letter to SAPO re Saint Bernard Church (July 19, 2008) 14th Street (7th-8th Avenue)
- Item 23: Letter to SAPO re Congregation Emmath/Chelsea Jewish Center (April 6, 2008) 23rd Street (7th-8th Avenue)
- Item 24: Letter to SAPO re Chelsea Community Council (April 12, 2008) 23rd Street (8th-9th Avenue)
- Item 25: Letter to SAPO re Holy Apostles Soup Kitchen (August 9, 2008) 23rd Street (8th-9th Avenue)
- Item 26: Letter to SAPO re Chelsea Visiting Neighbors (April 26, 2008) Eight Avenue (14th-23rd Street)
- Item 27: Letter to SAPO re West 44th-48th Block Associations (September 21, 2008) Eight Avenue (42nd-57th Street)
- Item 28: Letter to SAPO re Midtown North Community Council (October 11, 2008) Eight Avenue (42nd-57th Street)
- Item 30: Letter to SAPO re Ass. Tepeyac de NY (July 27, 2008) West 14th Street (7th-8th Avenue)
- Item 29: Letter to SAPO re Ninth Avenue Association (May 17-18, 2008) Ninth Avenue (37th-57th Street)
- Ninth Ave Food Festival discussion of finances and community service theme of this long-lived street festival. Martin opines that the repeat outside vendors “own” the fair instead of community groups and the community donation portion seems proportionately low. Passes with 2 present not eligible and only 2 opposed
- Item 31: Letter to FDNY re ITMS safety device for fire department vehicles at West 38th Street and 9th Avenue – unanimous.
- Item 32: Letter to DOT re pedestrian crossings at West 41st Street and Ninth Avenue – unanimous.

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Landmarks Task Force (LAND)

No items to report