



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, March 5, 2008
TIME: Public hearings begin at 6:30 p.m., meeting to follow
PLACE: Fulton Center Auditorium, 119 Ninth Ave. (17/18)

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	

PUBLIC HEARINGS

Mayor's FY 2009 Preliminary Budget: As mandated by the City Charter, the Board will review and comment upon the Preliminary Budget. Members of the public are encouraged to comment on the Budget as well.

District Manager Bob Benfatto explains the Executive Committee's process for reviewing the Preliminary Budget. No comments from the Community Board or the public.

Public Session:

Christine Berthet (speaking on behalf of Lisa Daglian) announces the New York Metropolitan Transportation Council's public meeting scheduled for 3/13/08 and encourages all to attend starting 9:00 am.

Martha Mendez of The Family Institute announces free workshops.

Erin Armstrong, Women's Safety Group, announces free rides at 35 neighborhood locations to get elderly New Yorkers home safe - also they have late hours on weekends.

Deley Gazinelli, community resident, complains that CB4 has ignored residents about public housing issues and citizens must have proper notice of committee meeting items being cancelled. The public should not have to face wasted time. Members of the Board and Mr. Gazinelli discuss ways to mitigate. Robert Benfatto reminds all that the CB4 office stays open until 7pm and last minute changes can be checked by phone; check the web site also before coming.

Olga Statz spoke on behalf of St. Vincent De Paul Church and its coming Landmarks Committee letter (Item 26). A beloved parish from the 1840's: French priests mitigated the poor conditions of schooling during the USA's period of slavery and the church and school was fully integrated. Afro-American, French and West Indian heritage are still strong in current church services. A WWII War Memorial, dedicated by the French to the USA is a famous landmark. Ms. Statz recommends the committee's letter be sent and asks for the whole Board to vote in favor of it.

Lindsey Lusher, Director of NYC Streets Renaissance for Transportation Alternatives, has been working with community groups on bike parking proposals. Her group strongly supports street parking for bicycles. The need is very high and cyclist have made many requests for bike racks. Since the danger for pedestrians because of crowding and narrow sidewalks on 9th Ave is acute, the current proposal (TPC Item # 19) will increase space for pedestrians by parking bikes on streets. Bicycle parking facilities on the street, instead of the sidewalk, will mitigate traffic and create a better and safer walking environment. Ms Lusher showed pictures from CB1 in Bklyn of street parking for bicycles already in place. The idea fits the community vision for 9th Avenue and she hopes CB4 passes the bike street parking initiative. Chair JD Nolan points out that enforcement for bicycle delivery for sidewalk riding is very weak. Ms. Lusher responded that TA does outreach to riders to keep them from sidewalk riding. TA will continue to work on the enforcement component.

Mathew Keyhoe, a seven year resident, complains about the The Gaf, 401 w 48 St., the bar downstairs and how it is under new management. However, recent loud music and smokers yelling at the front of the bar has made being in his home "impossible." JD Nolan, Chair, recommends that he should also speak to his block association and his local police community counsel (Midtown North).

Louie Sloves, part of a Group of four individuals at West 23rd Street between 9 & 10th Avenues regarding the proposed Highline entrance and exit, speaks of the problem. The planned south and north side entrances to the highline will disrupt businesses and residents. Stairs are right next to windows and entrances and exits of residents and business. "Sixty feet clearance is not enough." On viewing the design of Smith and Thomson architects, he knows they can do a better job. Citizens must be kept in the loop of what the plans are for future building, especially regarding the plans for flow of pedestrian traffic, deliveries and bus stop. John Doswell, Waterfront and Parks Chair, has been looking at the highline designs and regards Mr. Sloves as the person who recently called him. John assures the complainants that their issues will be heard and new designs will reflect their concerns.

Kathleen Treat, Chair of The Hell's Kitchen Neighborhood Association speaks about Item #4 (BLC Thunderbird) and asks the Board to be mindful of another bar so near the New School and NYU and the need for a 500 foot rule hearing. She wondered if there had been CB4 outreach to the Deans of Students at these two institutions or to the neighborhood around the proposed Thunderbird and that perhaps people are not aware of the proposed location of the bar. Mrs. Treat urged the CB not to waiver and to continue to protect the community from more and more

bars. In addition, sidewalk cafes are still proliferating and she urged the CB to support TPC Item # 22: Letter to DCP re sidewalk café zoning in Clinton to stop any more midblock outdoor cafes. Kathleen supports CB4's Transportation Planning Committee item #14 regarding no bike parking in the streets as there are already too many obstructions on the sidewalk for placing bike racks on the sidewalk.

Russell King, Transportation Police Officer, speaks from the rank and file point of view about how officers on duty are being forced to be incorrectly productive. Arrests for simple things like people sitting on stairs or a suspicion of loitering. If officers do not meet the quota, they are given no days off. Mr. King testifies that, after 16 years in service, he has not seen it this bad. Passengers could be arrested for walking a dog in the subway. The arrest quota for officers is one a month. Replying to Mr. King, J. D. Nolan, Chair, reflects on the Board being sympathetic to law enforcement officers and that it has been historically an advocate for more man power as a means to a safer community.

Sebastian Junge, 505 W 23 St. at Tenth Avenue, complains that his bar restaurant (the Half King) may have to shut down because the High Line plans to locate its staircase access right in front of the Half King...that that will ruin his business. His outdoor café is his business's most productive venue. By being more flexible, the HL planners can still have access and promote good business. Lee Compton comments that some of us have a verbal description and to let CB4 know what your thoughts are after tomorrow's meeting.

Adoption of Agenda: J. D. Noland, Chair of Community Board 4, announces changes in the agenda: Items 22, 24, 12 are withdrawn. No other changes and no vote taken. Anna Levin proposes a correction to the last meetings minutes regarding correct names on ULURP and Glenwood. Minutes adopted.

Report from Local Elected Officials

U. S. Congressman Jerry Nadler, Micah representing, relates that things have been busy in Washington, D.C.: the anti-torture bill passed in the House; the House is trying to hold the Senate to not give retroactive immunity in wire tapping cases; and a law against voter suppression through purging voter rolls. The Senator is still pushing for a Moynihan Station process. Anna says it is great that the representative Jerry Nadler is staying in middle of the Moynihan process and thanks him for all past efforts.

State Assemblyman Richard Gottfried: Shannon Flaherty spoke and she announced recent health events at Hartley House, and to please contact the district office for any health issues. At Hudson Guild on April 3 there will be experts to help with long term life insurance for the aging. The Javits expansion has been changed and may lead to a sale of land to the Hudson River Park. There were questions from the Board about Hudson River Park funding process and Shannon will get back to the Board.

State Assemblywoman Linda Rosenthal: David tells the Board that Ms Rosenthal has accepted to be on the Assembly's Health Committee, chaired by Richard Gottfried. Current health issues include a bill to label cloned food. Gale Brewer is sponsoring a similar bill at the NYC Council. An elder abuse bill is being sponsored by Ms Rosenthal. What to do with City garbage export if there were no Gansvoort sanitation transfer station, so what other ideas are there? The Mayor Bloomberg administration's suggestions for senior center changes are not needed because consolidation of services will not work: "If it works, don't fix it."

Christine Quinn, NYC Council Speaker, Melanie LaRocca representing, spoke of a new tenant harassment bill at the NYC Council - phone banking and faxing are being conducted to notify the public. Speaker Quinn's State of the City address included: response to the affordable housing crises, a partnership with labor unions, a panel with the HPD commissioner to implement an affordable housing initiative, middle school reform and a healthy food initiative for food stamps through a state-wide super market project. CB4 member Carmen Matias comments on the stigma

of needing food stamps, eligibility questions and stores that don't accept the stamps. Sarah Desmond points out that the public is not informed of changes in the program. Melanie pointed out how much is more available, but applicants are less. Small business should also participate. J. D. Noland asks, Will the Healthy Food Initiative apply to purchases from produce food carts vendors? No, Melanie clarifies, but for the City's greenmarkets will now participate. Betsy Gotbaum, a representative from the Public Advocate's office, informs the Board that the Public Advocate has decided to focus on the most vulnerable New Yorkers, children's services, and their education and recommends that members should review the advocate's bulletin. Also, budget cuts to Dept of Education are of grave concern. In addition, standardize testing in schools should be scaled back in favor of a more robust curriculum including art and music. Finally, the Astroturf problem in public parks and playgrounds, made of recycled tires, is not properly tested for safety. It must be further tested, especially for heat retention in the hot weather.

The Public Advocate's office recommends following the lead of New Jersey and other states in no longer installing the asphalt covering material in parks and playgrounds. A meeting is planned for 3/19/08 at City Hall on the problem.

CB4 member Miguel Acevedo brings up how crowded the schools in the Community Boards are (2 and 4 especially); he points out how the formula for measuring capacity is flawed. He suggests that he will coordinate an effort to resolve this and to call him.

William Thompson, NYC Comptroller's Office, Sandra representing, reports on community updates. There will be foreclosure prevention forums scheduled. She reminds the community of the health hotline: 212- 669- 3916. Are you curious about the City's economy? See the Comptroller's web site for more on all the above and also note events for Women's History month.

Borough President Scott Stringer, Hunter Johansson, representing, announces that tomorrow night is the lunar new year 6-8:00 pm being celebrated. At PS 131 on March 26 BP will be hosting a celebration of Women's History Month and the President will be presenting the Elizabeth Holtzman award. On March 1 the BP's office will offer a free tax preparation day. Manhattan Construction Watch Group is chaired by Kathy Hughes - civil engineering. Francis Malloy spoke of mapping an inventory of affordable housing in CB4 for an early May completion.

District Manager's Report

Bob Benfatto explained that CB 4 notified Time Warner on August 9, 2007 of excavation problems in May of 2007. Work was stopped on the automated parking system until the problem was solved. The Preliminary Budget, being completed since October, 2007 is now 85% complete. He still must hear from two committee chairs and must be submitted to the Mayor's Budget Office before March 14th and there are still some changes to be made.

Chair Report

Chair J. D. Noland reports on committee changes: Bob Trentlyon asked to be assigned to the newly formed CB4 Environmental Committee. The Transportation Planning Committee sidewalk café applications have been transferred to the Quality of Life Committee. Problems in transportation are increasing and this is a better distribution of CB4's resources. This Monday the QOL Committee will have guests from the Dept. of Consumer Affairs, which licenses sidewalk cafes. Mr. Noland announces that New York University's rapacious growth has recently been confronted by a community task force headed by BP Stringer & NYU's President and it is a positive step forward. JD will send two members from our board: Burt Wiseman and Bret Firfer. Shaan Khan, of the BP's office, will be contacted. Member Millie Glaberman has been assigned to the School Overcrowding task force and Walter Mankoff will be a member of the Construction task force. J. D. thanks John Lamb and Ed Kirkland for their efforts on the Clinton Landmarks task force. Mr. Noland announced that it is time for a Nominating Committee for Board officers and please go to web site to see how it works. J. D. appointed Lee Compton to chair this committee. Wilma Velazquez, Morgan McLean, Burt Lazarin, Eric Muise, and Anthony Juliano are to serve on committee.

Special Report initiated by Chair

Mr. Nolan proposes a special discussion of policy about sidewalk cafes in the middle of residential blocks on the side streets of the Clinton/Hell's Kitchen neighborhood. The issue arose from an application for a mid block sidewalk café on West 44th Street during TPC committee. Residents protested that the sidewalk is their 'front yard'. Most Clinton residential blocks have a commercial overlay of 100 feet from the corner of the avenue. Frontage of restaurants are only a few feet from residential windows and now sidewalk cafes make the quality of life for residents worse. So, the complexion of the decision is now different. Aside from the permitted 100 foot wraparound there should be no more sidewalk cafes on side street s.

Discussion followed: A difference between Clinton/Chelsea is that Clinton has narrower sidewalks on both its avenues and side streets. The CB must find a balance between residential and commercial needs. The discussion will continue in committees. Some members thought that the Land Use committee should also be involved regarding sidewalk cafes as a zoning issue.

It was decided to keep sidewalk cafes as the responsibility of the Transportation Committee for one more month after transferring street fairs to the QOL committee.

COMMITTEE REPORTS – LETTERS & RESOLUTIONS

Executive Meeting

Item 1: Letter to the New York State Housing Finance Agency (HFA) re Glenwood Development Group. The letter was ratified at Executive Committee meeting because of time restraints regarding housing issues and the developer. Anna Levin: this CB4 letter came about because of Crain's article regarding federal and state funds for the 80/20 program being more restrictive. Projects are in the pipeline but are hung up for financing. Anna says that the Glenwood project is one that CB4 wants to encourage (310-328 West 38th Street, between 8th and 9th Avenues). This location will now be residential rather than another hotel; the HFA is making a decision in Glenwood's favor this week. HFA also wants community support. Vote of hands: unanimous.

Item 2: Preliminary Budget Response: unanimous

Item 3: Letter to United Cerebral Palsy re: site at 369 Eighth Avenue (ratification): unanimous

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

No items to report

Business Licenses & Permits Committee (BLP)

Item 4: Letter to SLA re Thunderbird, 137 West 14th Street. Anthony Juliano (Tony) describes Items 5, 6, 7, 8 & 9 as re-newels existing with some minor additions. He recommends taking 4 & 10 separate. Tony monitored the discussion on edits and corrections: spell out full legal names instead of acronyms; Item #9 add "on premises alteration to application" to the letter. It was asked if there are community objections.

Item 5: Letter to SLA re 34th St Pizza, 460 West 34th Street

Item 6: Letter to SLA re 668 Rest Corp., 668 Tenth Avenue

Item 7: Letter to SLA re Mamma Ristorante d/b/a Guantanamera, 939 Eighth Avenue

Item 8: Letter to SLA re Sehera Enterprise, 625 Eighth Avenue

Item 9: Letter to SLA re Thompson Rest. Inc d/b/a Don Giovanni, 358 West 44th Street

All letters pass unanimously.

Item #4: Tony looks at this applicant's tradition in the neighborhood; the longtime Spanish bookstore flavor and fear of closing without a license. The conditional denial wording in the letter

to NY State Liquor Authority has strong stipulations that can be monitored. Anna Levin notes that the community neighbors, New School and NYU for example, were not active in opposition, perhaps because there was no particular notice. Lee Compton amends the letter that a methods of operation phrase be incorporated with language that it must be adhered to. Chair accepts the ammendment. The letter passes with a majority vote.

Item 10: Letter to SLA re Go West d/b/a Scores, 533 West 27th Street The Board had extensive discussion. Is this letter of recommendation a denial? Or, is it an acceptance of the board as long as the violations are adjudicated? Tony explains that the Business Licensing Committee's intent of the letter is conditional on whether or not violations are proven guilty. A different process entirely and not a CB matter. Morgan speaks out about precedent in language that gives owner no choice. Why weren't continual violations reviewed at past renewal times? What does the record show? The Board could be in danger of miss interpretation. JD points out that a review of the status of this case (SAPA and SLA stipulations) is in order and moves to send it back to committee for more consideration (not necessarily approve). Tabled.

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

No items to report

Waterfront and Parks (WATER)

Item 11: Letter to EDC re Passenger Ship Terminal (Pier 88-90) John Boswell presents a brief summary of a presentation before the Waterfront and Parks committee on Upgrades to the West Side Passenger Ship Terminal. Most of the plan looks pretty good, be John explains that 15 years ago there were no barriers. Now, after 9/11, a chain link fence separates the water from the viewer. The Board asks the NYC Economic Development Corp. to rethink their plans and come up with a better design. We could sit down with designers and engineers. Glass? Some transparent metal mesh? Perforated wall would be semi transparent, but nothing is worse than chain link. The docks are open, no security is necessary and the viewer must walk past the ugly fence. The intent of the letter is to urge a return to public use and a circular area with an open view. John suggests funds from docking ship fees would sustain a project. Comments: bike lane and pedestrian lane should be unobstructed and conflicts with street traffic mitigated. Unanimous

Item 12: Letter to HRPT re Pier 57 - withdrawn

Chelsea Preservation & Planning Committee (ChP&P)

No items to report

Housing, Health and Human Services (HH&HS)

No items to report

Transportation Planning Committee (TRANS)

Christine Berther, Co-Chair, describes Items 13-15 as fairly routine and discussion follows:

Item 13: Letter to SWC re Don Giovanni, 214 Tenth Avenue, 10th Avenue sidewalk very broad.

Item 14: Letter to SWC re Mercury Bar West, 659 Ninth Avenue, a bus stop right in front should allow 15 feet, but rules on renewals do not apply. Note that the letter stipulates marking the sidewalk clearly at sidewalk café border. Applicant agrees to put sign for standing and smoking.

Item 15: Letter to SWC re Rogue Bar and Lounge, 757 Sixth Avenue, edit to add full 8' pedestrian path between tree. Items 13-15 all passed by a unanimous vote.

Item 16: Letter to SAPO re West 44th Street Block Association Garage Sale

Item 17: Letter to SAPO re Tenth Precinct Community Council

Comments by the Board: A two day advance set up is not necessary and the street should not be closed so early; rides can be set up the night before. Letter amended to read 8P Wed. night or Thurs morning to be confirmed with ride operators. Majority vote passes Items 16 and 17.

Item 18: Letter to DOT re Distinctive Street Lighting Project, 42nd Street-53rd Street
The letter stipulates that light will not be in residential windows and the quality of bulbs should not be made for the highway. The Board is concerned about the West side of 8th Avenue, the section of the project in our CB, and Joe R. suggests that our choice of light works better and the letter should find a way to express that. Amendments and edits for brevity accepted. Unanimous.

Item 19: Letter to DOT re approved bike racks: Christine explains the evolution of the letter. CB4 offices received a very long list of NYC Department of Transportation bike rack placements on the sidewalks throughout the community. Members of committee reviewed the sites and concluded that there was no space for racks and still maintain a clear 8' pedestrian pathway. However, there are an enormous number of bikes - mostly used for delivery. Due to that survey of bike rack placement sites, the letter recommends to replace double racks with single ones and measure pedestrian space from the bike and not just the limits of the bike rack itself and that NYCDOT work according to our own revised spread sheet. PS proposal step on to a program that DOT city has take parking spot and swapl. All along 9th in selected spots (8th) location at corners of side streets. Increase bike parking and win win. 4 weeks notification for Dot go to res and business. Questions: making the idea clear. Eric like in Brooklyn extended side walk, be like a bulb out for pedestrian safety. Lee: change of law extension of sidewalk explicit line 30 protocol for building it. Anna: line 21 2 parking per selected side streets "to be selected" what if not used? Need of future. Rack go first in letter then swap. Time Warner center stone sidewalk prohibits. JD take out deliver not using these racks. Required to use and have enforcement. Locals do outreach. Unanimous.

Item 20: Letter to Council Speaker Quinn, CM Brewer et al. re Intro. 639 – illegal curb cuts Chair Liu. Quinn's office parking can't happen with cuts. Leg is before installed is it legit? 45 day notice or compromise. "application"

** Item 21: Letter to MTA re #7 Line extension (The Project)

Jay presents over all digging. 2 places surfacing are 24/25 ; 34/36 otherwise underground Jan 15 came to committee MTA largest project still like committee Joe R back to exec comm.. over due since Jan. sent out before next CB motion second, Tony assembled site vehicles cranes special meet. Majority to refer to exec to send out as soon as possible. Emergency meeting weeks notice to members. Unanimous

** Item 22: Letter to DCP re sidewalk café zoning withdrawal.

Item 23: Letter to DOT re snow melt conduits. CB already sent through executive. An electrical wire in sidewalk raised questions: trees? Bike racks. Other furniture. All have been addressed and DOT is happy that we're happy. Follow up with DOT about underground disturbance. Some members were outraged by the geothermal mining construction which some surmise contributes to global warming. Plan nyc recommends alternatives such as solar reflection as cooling rather than electricity Bret Firfer volunteered to write a report

** Item 24: Letter to DCP, DOT, DCA, DPR re sidewalk obstructions withdrawn

Landmarks Task Force (LAND)

Item 25: Letter to NYC LPC re: 451 West 24th Street application for changes to rear facade.

Ed Kirkland introduces the background of this application for CB comment in a letter to the NYC Landmarks Preservation Commission. Ed said that the applicant wishes to remove the historic rear façade of the house and replace it with a historically inappropriate design; a 21st century design that would be inconsistent with historic additions on similar row houses. Ed recommends that the LPC deny the application.

Comments: John adds that the denial should be in the front of the letter to show clearly CB4's "opposition to application". Ed will amend. Unanimous.

Item 26: Letter to LPC regarding CB4's urging of preservation of Saint Vincent de Paul Church on 23rd Street. Ed: the letter's last paragraph considers landmarking of church's transfer of its development rights to the north side of its lot...which would be used for residential development under Chelsea 197-A plan... 30% affordable housing. Unanimous

Item 27: Letter to LPC re designation of 304 West 47th Street . Ed K: This was a firehouse, former home of fire engine company 54. March 18th might be the date of hearing, suggests we write letter now. Anna comments that this is now a performance space, owned by the City. It is used now by the Puerto Rican Traveling Theatre Company and others. Unanimous

Item 28: Letter to NYS Historic Preservation Office re: proposed that the Garment Center be on the list of the National and State Registers of Historic Districts. Ed says it's an interesting proposal for the garment district, running from 34-41 Streets. The Glenwood site is in the district too and will obscure some of the historical buildings. Anna: important pressure area is under Hudson Yards rezoning and the Moynihan Station – which are at crossroads of change and therefore important to preserve. Development pressures abound in the area. Unanimous vote to send the letter.

Adjournment at 10:30 p.m.