



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD No. 4

330 West 42nd Street, 26th floor New York, NY 10036
tel: 212-736-4536 fax: 212-947-9512
www.ManhattanCB4.org

JEAN-DANIEL NOLAND

Chair

ROBERT J. BENFATTO, JR., ESQ.

District Manager

PUBLIC MEETING

DATE: Wednesday, November 5, 2008

TIME: Public hearings begin at 6:30 p.m., meeting to follow

PLACE: Fulton Center Auditorium, 119 Ninth Avenue (17/18)

PUBLIC HEARINGS

304 W. 47th St. (Puerto Rican Traveling Theater building) - Application by Department of Citywide Administrative Services to facilitate transfer of unused development rights to 303 W. 46th Street, LLC for mixed-use hotel project at 46th Street & Eighth Ave. (the Tribeach project). ULURP No. C090072PPM.

Capital and Expense Budget Priorities, Fiscal Year 2009: Annual identification of the Community Board's priorities for capital and expense funding based on district needs.

MEETING AGENDA

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

PUBLIC HEARING - 304 W. 47th St. (Puerto Rican Traveling Theater building)). ULURP No. C090072PPM.

Anna Hayes Levin Chairs the public hearing on Tribeach project. Presenting are representatives from the City and the Developer.

City official says the City is seeking to sell 14,250 sf of development rights. The Tribeach project is allowed as of right. This sale presents the only opportunity for the City to sell its assets. The City granted to Puerto Rican Traveling Theater a low annual rent of \$2250. The City is seeking to recoup money. Various unions support the project. Tribeach is working to address a tenant harassment case.

Next presenter is Peter Dice, attorney representing Tribeach. He says the project has \$80 million of financing in place; project would create 275 union construction jobs plus permanent union jobs; developer is in the process, with DHCR, to vacate 1 remaining tenant; nonprofit use on W47th St is not impacted.

No one signed up to speak.

No one speaks who didn't sign up

Anna closes the hearing

NYPD 10th Precinct Report

Deputy Inspector Steven Hughes, commanding officer, 10th precinct provides remarks and answers questions. NYPD has been working with SLA (State Liquor Authority) to address: 1) underage drinking; 2) Narcotics; 3) violence. The 10th has developed a plan to address nightclub related issues; club related crime is down 30%; Chelsea is a fairly safe neighborhood. Second area of concern: Traffic. In 2007, 4 were pedestrians killed on 9th Ave. Generally, pedestrians are killed at crosswalks. Regarding bike lane on 9th, if any questions/concerns, please bring to his attention.

Floor opens for Q&A:

Q: any plans to enforce bicycle riders going wrong direction?

Answer: Bicycle riders must obey traffic regulations. Hughes says they do concentrate along 9th Ave; they do issue summonses to bikes going wrong way, but if you have other areas of concern please let him or the Precinct know.

Q: What about nightclub horn honking?

A: trying to address this problem. They get extra 24 cops 4 nights a week; police has been concentrating on 27 St, but will look at 14-15 St area.

Also, bicycles on the sidewalk are illegal – they give exception to children. But delivery areas are required to have name on bikes.

Q: what explains lower crime?

Answer:

1) ID swipes at club entrances store ID information for 14 days. ID information is an effective tool in case of crime outside of club. i.e. a murder case was solved via ID and video cameras.

2) Big clubs are fading out. It is difficult for club management to control 3000 people. And clubs have moved to 300 people.

Q: Address why large clubs are closing, and raids on gay pride weekend.

Answer: Part 1 higher standards of smaller clubs.

Part 2: We get complains from the community. When we close down a club, we have 30 days to close club; then go to court for an order. Process works its way through the system. Says there was no intent to close club on gay pride weekend.

Regarding other questions from audience: The 4th murder was a student from Pace on 15th Street. Detectives did a nice job. Gridlock on 9th 10th ave. seems like a multi-agency problem.

Last Wednesday of the month is police community council meeting

Assembly Member Dick Gottfried.

Gottfried says we had a good night last night (election night); and is happy to report he was reelected. Thanks; he has a republican opponent about half the time. We will have 32 democrats elected to state senate, which constitutes a Democratic majority of 1. But, 4 democrats boycotted today's Senate Democratic caucus. Assuming the democratic

majority holds, that will be enormously important to this community. i.e. regulation to strengthen rent laws; protect transgender rights (passed assembly but not Senate). He takes questions:

JD asks/comments that there is not much health care for Westsiders between Roosevelt Hospital and St. Vincent Hospital. Gottfried says on southern end, St Vincent's is working to build a major new building, which is tied up on landmarks issues (whether to demolish old Maritime building); The state closed old St Claire. Most felt it was a wrong decision. But the state closed it. He thinks major health care need is not hospital care but rather ordinary non-hospital care. One aspect is how the state pays for care through Medicaid program. With state revenues crashing, Gov. Patterson will be pressing us to do some major cuts in state budget; 80% of the budget is health or education. He thinks a large part of the answer has to come down to taxes. Unless we do enormous cuts to health/education, we need to rollback tax cuts on the wealthiest

John Lamb: asks about same-sex bill. Gottfried says the future of same-sex bill depends on finding a couple Republican votes for support; it is close to being able to pass now.

Public Session

Michal Ponce, District Sales Manager, Health First, reports that Dec. 20, is a major event for seniors to bring their grandchildren, help seniors understand Medicare. Open enrollment; has some information in the back.

Erica - Chelsea piers went green; is buying 100% wind power effective Oct 1. Chelsea Piers became the 6th largest purchaser of wind in NY, top 30 in the country. They installed hydration station signs and more bike racks; use green menus; marketing materials are on 30% recycle paper.

Lydia Thalay – is from Russia, but living in the neighborhood 4 years, is practicing Falug Gong, an ancient meditation practice. Some concerned people are hosting daily appearances at the China Consulate. The Chinese Communist Party has been persecuting Falug Gong practitioners. 100 million have been tortured. Chinese Consulate at 42st has been involved inciting hatred in Flushing NY. An incident occurred on May 17. We've been attacked by up to 200 people;

Mike Carter from Boston, works at a Chinese language TV station; has experienced seeing about 100 people surrounding a Chinese woman with a baby; says thousands of people were attacking Falug Gong practitioners; says biggest barrier is language and that victims don't know about democracy. He is speaking on their behalf.

Courtney Dunn, Hudson Guild, social worker, reminds everyone of Nov. 20 flu shots; dance on Sunday Nov. 16; Flea market on Dec. 7; they are serving Thanksgiving lunch.

Genual Wa, DAs office, announces program for kids 14-17. See info in back.

Bob Trentlyon, board member, speaking as member of the public, says when people go abroad and they see something very clever and applicable, they should bring it back and announce it. He will start: he was in Victoria. The last parking spot was reserved for small cars; a way to encourage people to have small cars.

Dania Sherman – new programming and community outreach for Friends of the Highline, will be updating us on progress of Hi Line.

Owner of MIL LLC, in Worldwide Plaza, asks board to approve license.

Lisa - plugs a museum, exhibit about sleepy hollow; talking tour; talk about gothic dark glamour. For more info see: www.fitnyc.edu/museum

Robert Henderson, property owner 154 9th Ave; private residence. The building has an antique dealer on the ground floor. Building next door has been sold and the store at street level is being converted to a restaurant. He is concerned about noise (item 16); says it will be open to 1; understands there will be music. Lisa Daglian comments that we have strong language in letter to SLA to mitigate issues (item #16)

Public session closes

Board Meeting

Board Chair JD Noland opens the floor for comments on the minutes. JD accepts minutes subject to a few changes. Talk to Martin about changes.

Electeds Report:

Borough President Scott Stringer

Angelica , Stringers representative reports: 1) Applications are due on January 15 for board members up for reappointment; 2) Department for the Aging had a hearing, supported by JD, which addressed issue of RFP for senior centers. We want to be sure core services are provided; 3) invitation on “politics of food” conference, which deals with food and issues like cost of gas etc. Wednesday, Nov. 19, 830-230pm.

State Senator Tom Duane

Colin Casey – from Tom Duane’s office reports: Railyards – concerned about preservation of highline and inadequate affordable housing; we need to figure out where to put parking before we build the Railyards then we need a bus garage. The garage has 2 potential locations: 1) adjacent to bus terminal; 2) FURTER WEST; Duane wrote letter that it should be as big as possible and have a direct like to the terminal. It appears that the location closest to terminal is best.

Assebmymember Linda Rosenthal

Reina, legislative director reports: State senate is now under Democratic control; Rosenthal continues to fight vacancy decontrol; Oct 3, testified and concerned about school overcrowding; submitted officially for the record;

Council Speak Christine Quinn

Melanie Larocca reports: 1) Council passed West Chelsea Historic District congratulations to Ed Kirkland; 2) voted to preserve Penn South.

NYC Comptroller Bill Thompson

Sandra Duque reports that Thompson has been working on the financial crisis; was at Crain’s breakfast forum; see newsletter; 650 audits identified \$258 million in savings; issued review on workforce development system; says City has not had excellent development; Nov. 17 annual Veterans Recognition Ceremony; Nov 19 disability

District Manager Report

Bob Benfatto, CB4 District Manager reports:

- Port Authority is lighting up triple bridges on Nov 14 in a semipublic ceremony 6-645pm.
- Nov 17, Harborview hearing, City Council, 1pm 2nd floor City Hall.
- DLP Committee moved to Nov 18
- Nov 19, Pubic hearing on 8th Ave bike lane at Hudson guild
- Nov 20 , Small Business forums. See flyers in the back.
- Nov 25 change to Theater task Force. Time is now 630, the place is TBD
- Item 1 WIP need to go into city system

Board Announcements

Board Chair JD Noland announced unhappy news about Mike Davis, who died of a stroke. He was founder of “floating the apple” Row boats; Doug Thomas went back to Ohio, leaves the board

Assistant District Manager Rene Schoonbeek introduces new community planning fellow, Cardina Hall, student at Columbia; will work on Landmarks subcommittee. Also introduces Municipal Arts Society (MAS) interns, who are trained in the use of digital mapping.

Jay Marcus thanks MAS because visual aids are very helpful.

Anna Hayes Levin announces public hearing on Railyards on Monday Dec 1;

Eric Muise is working on a sidewalk policy for board; urges members to take online survey; has received 17 responses so far; goal is to send survey to community at large.

Velma Murphy-Hill questions whether there is an update on Harborview;

Sarah Desmond, responds that Nov 17 at 1pm is the Harborview hearing at city council; approved DCP. Velma is concerned about Harborview; board should have a list of organizations that are in support of community board's position. Anna says we need to get as many people as possible to show up at city council.

COMMITTEE REPORTS – LETTERS & RESOLUTIONS

Executive Meeting

Item 1: Letter to OMB re Capital and Expense Budget Priority Requests for FY 2010

Passes overwhelmingly

Item 2: Letter to SLA re Letter to SLA re Terraza Toscana, 742 Ninth Avenue (50th) – ratification

Chuck Spence summarized administrative letter

Passes

Item 3: Letter to DOB re 565 West 23rd Street – ratification

Lee says attorney believes they have a legitimate preexisting use. They are operating as a strip club. See letter.

Item 4: Letter to DFTA re Annual Plan Summary for 2009-2010 – ratification

JD: Borough President asked us to testify about cuts. Sara Desmond drafted talking points. JD thanks Sarah for outstanding taking points, which JD used in his testimony. item 4 is JD's testimony.

Landmarks Task Force (LAND)

Item 5: Letter to LPC re 515-519 West 26th Street (rooftop addition / façade)

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

Item 6: Letter to DCA re Diner 4 – 102 Eighth Avenue

Item 7: Letter to DCA re La Belle Vie – 184 Eighth Avenue

Item 8: Letter to DCA re Viceroy – 160 Eighth Avenue

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

Item 9: Clinton District Theater Bonus Items

A. Letter to DCP re: text amendments - N080184(B) ZRM

B. Letter to DCP re: Related's application for floor area bonus for Signature Theater Plan

C. Letter to DCP re: Related's application for floor area bonus for Related Backup Plan

Anna added new paragraph 4. See letter

Wilma Velasquez raises point about segregated housing on plan. Anna says the building is like 2 buildings, one on top of the other, the top is condos, and the bottom is rentals. The 80/20 portion is on bottom.

Item 10: Letter to DCP re: ULURP C090072PPM - transfer of development rights from 304 W. 47th St. (Puerto Rican Traveling Theater building)

Anna changed the letter from "disapprove" to "deny unless." Sarah offers friendly amendments; PR Traveling Theater is scheduled to be a landmark anyway. Carmen Matias offers amendment to strength language that proceeds must be used at the PR theater building.

Passes 38-1

Business Licenses & Permits Committee (BLP)

Item 11: Letter to SLA re MIL LLC d/b/a Motherburger – 329 West 49th Street

items 11, 12,13,14,15,18,19,21 pass together

Item 12: Letter to SLA re ReneBruno Inc. d/b/a Pepe Color, 346 West 52nd Street

Item 13: Letter to SLA re Culinart Inc./Rubin Museum of Art – 150 west 17th Street

Item 14: Letter to SLA re Stage West Corp d/b/a Zipper – 336 west 37th Street

Item 15: Letter to SLA re Stanislas Inc. d/b/a Bergamole – 515 west 52nd Street

Item 16: Letter to SLA re Tasty Bisquit LLC d/b/a Topsy Parson – 156 West 9th Avenue (19/20)

Item 17: Letter to SLA re 17th Street Entertainment Corp. d/b/a 1 Oak – 453 West 17th Street

Lisa Daglian presents overview. Cabaret license for 1 Oak, Pass overwhelmingly

Item 18: Letter to SLA re 763 Wines and Liquors Inc. – 763 Sixth Avenue (25/26)
Item 19: Letter to SLA re Banjong Operations Inc. d/b/a Rin Thai Cuisine – 265 West 23rd Street
Item 20: Letter to SLA re Chelsea Events Group d/b/a Event Space NYC – 122 W. 26th Street

Corey Johnson comments that this location has history as a prior establishment, and he does not feel comfortable approving this without community members having an opportunity to comment. Anna moves to amend letter to include Corey's comments. That is, we can't recommend because 1) surrounding community needs to be heard; application has not done what they said they say they were going to do. Anna says operation sounds not so problematic, but we haven't properly notified the neighbors. Christine Berthet comments that this is a good approach; as a procedural matter if we want to have any effect, we need to go to hearing or have someone from the community heard. Amended letter passes

Item 21: Letter to SLA re Yota Restaurant d/b/a City Lights Diner – 764 Tenth Avenue
Item 22: Letter to SLA re Maritime F&B LLC and Hudson River Inn LLC – 88 Ninth Avenue (16/17)

Lisa Daglian presents item. Establishment is operating a dance club without a cabaret license. We are denying but noting that they are scheduled to come back for an alteration. Corey says he enjoys location, says he heard they didn't apply for license because the building is built with a sprinkler system in a way that would pass the requirements necessary as a cabaret license.

Item 22, with changes, passes overwhelmingly

Transportation Planning Committee (TRANS)

Item 23: Letter to DOT re Request change overnight parking regulations W 19th St bet 6th & 7th Ave

Jay Marcus presents item: proposal to add "no standing" regulation
Item 23 passes overwhelmingly. See letter

~~Item 24: Letter to DOT re Construction issues Ninth Avenue enclosed bike lane bet 23rd & 31st St~~

Item 25: Letter to DOT re Request change parking regulations Westside Ninth Avenue bet 16th & 23rd St
Item 26: Letter to DOT re Request to reconsider decision to not change parking regulations on W 24th St (6th/7th Ave)
Item 27: Letter to DOT re Request to install No Truck signs at Penn South

Chelsea Preservation & Planning Committee (ChP&P)

No items to report

Housing, Health and Human Services (HH&HS)

No items to support

Waterfront and Parks Committee (WATER)

No items to report

New Business

Item 28: Letter to HPD re 464 West 25th Street

Lee Compton presents item: HPD letter is in regards to conversion of a small building to inclusionary housing, which needs a variance. We like the project. This is a letter to Joe Restuccia saying that the board supports this. Cory Johnson asks if we do letters like this? This has been done in the past.
Passes

Item 29: Letter to DOB/DCP re 453 West 37th Street

Item 29 withdrawn

Note: Minutes taken by Michael Mazier. Please address comments/omissions/corrections to Mazier or CB4 staff.