



CITY OF NEW YORK
FAN COMMUNITY BOARD No. 4

JEAN-DANIEL NOLAND
Chair

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

PUBLIC MEETING

DATE: Wednesday, March 4, 2009
TIME: Public hearings begin at 6:30 p.m., meeting to follow
PLACE: Roosevelt Hospital, 1000 Tenth Avenue (58th/59th)

PUBLIC HEARINGS

Access to the Region's Core ULURPs

Zoning text amendment, special permits for fan plants at 281 Eleventh Avenue and 431 West 33rd Street, and employee ADA entrance at 323 West 34th Street - N 090262 ZRM & N 090263 ZSM

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
Nominating Committee Appointments	Jean-Daniel Noland
Committee Reports	
Committee Letters & Resolutions	Jean-Daniel Noland
(letters and resolutions, see reverse)	
Old Business	Jean-Daniel Noland
New Business	
Adjournment	

JD Noland opens the meeting at 6:45PM.

Anna Hayes Levin Chairs Public Hearing.

Chris Ward, Executive Director of Port Authority of NY/NJ makes a presentation on ARC Tunnels and Station in New York; says this is the most important regional project as far as transformation; says 1960s regulation does not describe the present situation. Applicant has submitted a letter that addresses community concerns regarding massing of fan plants. Construction would hopefully begin in late 2009 and opening day for train system is 2017. The commitment is to keep community informed. Members of the audience ask questions:

Q: When will fan be in operational and how long?

A: depends on incident and what has happened in the tunnel. These are high speed intensive fans in order to preserve life and safety inside the tunnel. Fans get tested once a month for about 15 minutes.

Q: Why not build a tunnel that goes directly to Penn Station?

A: That link was the intent. But there were many issues: engineering, land use, environment and practical issues. This is what can get built.

John Schooner, Director of Government Affairs for Partnership for NYC, says partnership strongly supports plans for the ARC project. ARC will insure continued economic growth. Also project is estimated to decrease 35,000 vehicles in NYC. There is an estimated 44,000 permanent new jobs when tunnel is completed.

Tom Sapp, Director of Legislative/Governmental Affairs for Herald Square/Bloomingtons, rose to support the ARC project, says having a backup tunnel system is critical, and says boring impact has been minimal.

Lindsay Boylan, Operations Manager of 34th St partnership BID comes to support ARC project, says location will help support development. Transit is the future of NYC and as a community this is exactly the kind of project we should all be supporting.

Kyle Wiswall, General Counsel, Tristate Transportation Campaign, urges CB4 to support this project.

Adam Gindi, Owner of Diamonds and Dials Jewelry, urges the board to include recommendations regarding businesses affected by eminent domain. He represents 3 generations of jewelers on 34th St and his family has been there for 50 years, sincerely urges board to recommend that Port Authority deal with business owners upfront. He understands that Port Authority deals with business owners and tenants and not just with land owners.

David Lawrence of 440 W34th says the back of his building overlooks Port Authority site. He wants to know why a hotel was turned down on this site and asks why this fan needs to be there.

Tom Wright, Executive Director of Regional Plan Association, spoke in support of ARC. Traffic volume studies suggest 9/10th of new commuters come from west of the Hudson. A comprehensive plan should be developed to mitigate construction impact on community.

Elaine Buffer (sp?) of 430 W34st is concerned about the exhaust fan. How long will test last? She is concerned about exhaust and environmental impact. Anna Hayes Levin says test will be conducted once per month and last for 15 minutes. Thanks many residents for coming to meeting.

Frank Hermany(?) 430 w34th concerned about fan exhaust.

Howard Sackel, Engineer from Port Authority, says electric trains are going in tunnel. There are virtually no diesel fumes. It goes out to 33rd Street; says they are designed to dissipate into the air. Top of building is 150 feet, says ARC will have two tracks under Hudson and they spread out into 4 tracks. New tracks

will be quieter because new track construction design will use continuous welds and are smoother than 100-year old tracks, which are based on old designs, are not continuous and are subject to “knock-knock” sounds as train passes. Also fan plants need to have certain spacing to property vent station. They are limited in how far they can move fan plants.

Anna declares Public Hearing closed.

John Chairs PUBLIC SESSION meeting

Elizabeth Cooke, Director, Chelsea, I Have a Dream Foundation, is here to thank CB4 for letter supporting middle school for Chelsea; goal is to break generational cycle of poverty that exists in public housing. She would like to work in development of a middle school, says letter/resolution helps to provide system of support.

Ann Friedlin spoke on response to Letter regarding 17th St letter. Says letter says there were no complaints, but says there have been many complaints against club. Shows 911 call sheet. RE: Fulton housing projects, Caledonia units 458 W17st.

Marjery Permuter, JD, represents Rockrose Construction Corp, which owns Fed Ex building on 11/12av and 48/49st. Says in 2001, location was subject of rezoning M15 to M12. They can't utilize full FAR. Purpose of rezoning is to stimulate development. But on their site it would freeze development. They need another alternative.

Courtney Dunn, social work student at Hudson Guild announced March 15 salsa dance.

Robert Trentlyon, announced 3 meetings 1) Next Wed., 7pm Hudson Guild, Scott Stringer town hall meeting. 2) Chelsea German Church, 315 W32st, Josh Davis will talk about High Line. 3) 2 day conference “Against the Deluge” against storm surge.

Soo Park complains about problem with downstairs bar at 532 9av, Holland Bar, says it's noisy at 1am to 3 am. Management is rude.

David Lorenz – asks how fan exhaust is being dissipated.

NYC Council Member Gayle Brewer speaks. Issue is budget: trying to figure out what is and isn't in Stimulus Package; announces a meeting: 11am Stimulus oversight hearing at City Hall. Mark Page will answer questions about Stimulus, will be webcast on City Council site. We don't know if we'll have money for extra projects. All capital requests are due by April 24th. Brewer is also working on quality of life issue: “are you moving” signs on lamppost. It's very hard to find the people who are doing this. Issue: working on bed bugs - got legislation introduced and passed in one day: all agencies must meet on this huge problem, see editorial in Times. Biggest issue is what to do if you get them. Also working on MTA issues; some housing issues. Windemere.

Carmen Matias, here to share that 2010 is a census year, is on loan from Mayor's office for census; reminds us that everyone needs to fill it out a form. It's an important as part of redistricting. We need to be counted; has information on census jobs. BE COUNTED.

Allison Klerfeld, Community Relations for Ryan Chelsea Center, announced that Mar 10 is free HIV testing day; March 24 is uninsured day/Family planning day.

L. Lee Johnson (together with Robert Citron), rose to complain about One Oak. She is baffled by comments about no complaints about One Oak. There is constant noise from midnight to am. To suggest that there are no complaints is absurd. They vomit, urinate in garden. Says CB's backing up request for cabaret license will only make things worse. They have a half page of signatures.

Philip Jack, 450 W17 St, rose to discuss noise issues caused by late night congestion, seeks update on crane on 17th street. Joe Restuccia addressed concerns about crane, said it may move on June. Miguel says he spoke with cops, who will do more foot patrols on that block.

Mayor's FY 2010 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.

ELECTEDS REPORT

Angelica Crane, representing Borough President Scott Stringer, reports on BP and coalition of food activists plans for making healthy food available to residents. Recommendations include: food enterprise zones; ways to get healthy foods in areas; see report on mbpo.org. Over 300 parents came out to a Schools Forum CC meeting.

Colin Casey, representing Sen. Tom Duane, says we had a victory on landlord/tenant issue: 308 W22, landlord served all tenants with eviction notices. All elected got together asking landlord to reconsider. Hence he is not going through with his plans. Regarding gas drilling upstate with water shed. Board 2 is considering resolution to ban it; Colin is now deputy Chief of Staff. As a part of that there will be a new CB4 liaison. Seth Berliner starts on Monday.

Corey Green, Assemblymember Richard Gottfried office, reports on issue regarding the "20K stove." Gottfried signed bill to reduce amount of rent increase due to renovation from 1/40th to 1/84th of cost of renovation.

Assemblymember Linda Rosenthal's representative reports on plans to pursue tolls to fund MTA, Rosenthal was recently appointed to arts and tourism commission; released findings of undercover association exposing Bergdorf Goodman for not labeling fur.

Melanie Larocca, Speaker Christine Quinn office, reports on victory re: 565 W23, office has been working for just over 2 years, where a strip club was proposed. It was declared illegal use. Next victory is to get office of special enforcement to help explore options. DOB made ruling and now OFE job is to enforce.

Sandra Duque from Comptroller Thompson's Office, says see community update in back. 1) Comptroller has put up a map to see how proposed service cuts will affect you. 2) Proposed weight vehicle fee; 3) seeks to revise commuter tax.

DISTRICT MANAGER REPORT

Bob Benffato announced calendar changes. Moved water park committee meeting to Holland House; transportation on 18th will meet at Broadway ballroom. Thanks Melanie

JD CHAIRS REPORT

JD regrets that Gene and Ana, outstanding CB members, are not returning but thanks them for years of dedication.

Gene Glaberman, congratulated the board on their work, is not applying for reappointment reluctantly. Gene says it's been a great experience and he may be back. JD thanks Gene for his service.

Anna Hayes Levin says leaving is a bittersweet experience, having been on the board since April/May 2001. In that time, Anna has written and presented to this board for approval 186 letters. Those letters have involved 60 ULLRPS, 15 BSA applications, and 3 large state-sponsored general project plans (stadium & convention center, Moynihan Station and 42st redevelopment), and she would be amazed if another CB has seen those kinds of applications. Anna is proud to have been part of CB4's reputation for thoughtful planning and fierce but responsible advocacy. But we've earned it. Anna adds that the Clinton/Hell's Kitchen Land Use Committee will continue its work under the excellent leadership of Elisa Gerontianos. "And I'll be around to help."

Following Anna comments, the board stood up and applauded.

JD appoints nominating Committee: Chair Millie Glaberman; Members: Eric Muise, Joe Restuccia, and Wilma Velazquez and (TDB **ASK JD For nominating members)

Carmen Matias raises point of why 4 men/2 women on nominating committee. JD understands Carmen's concern, says Chair is a woman and committee reflects CB board makeup and would like to see balance of appointments on the board itself.

COMMITTEE REPORTS – LETTERS & RESOLUTIONS

Executive Committee (EXEC)

Item 1: Letter to Mayor re FY 2010 Preliminary Budget

Item 2: Testimony before DOB re proposed rules 105-03/105-04 related to public challenge of DOB decisions

Lee shall testify before DOB.

Item 3: Letter to MTA re request to move bus stop at Tenth Avenue and 37th Street one block north (ratify)

See letter

Business Licenses & Permits Committee (BLP)

Item 4: Letter to SLA re Mahaheng Group Corp. d/b/a Go Go Thai – 144 W. 19th Street (6/7)

Item 5: Letter to SLA re Commerara Rest. Corp. d/b/a Desmonds Restaurant – 818 Tenth Avenue (54/55)

Chuck presents. They are only extending hours.

Passes overwhelmingly

Item 6: Letter to SLA re Elsayed 4 LLC d/b/a Horus Too – 416 W. 46th Street (9/10)

Joe Restuccia points out that this is currently an illegal use, and has specific knowledge of harassment on this site.

Walter makes a motion to change letter to “deny” because we believe it is illegal use.

Letter approved with Walter's amendment. See letter

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

Item 7: Letter to DCP re Access to the Region's Core ULURPs (Roll Call)

Anna Hayes Levin presents letter. Letter says they have to look at massing of the building and how it impacts surrounding area around. 28th St site. Muise says: Last year we voted against this project because it was not connected to Penn station. Now we are voting for it? Lisa Daglian is voting PNE but says it behooved us to offer some solutions. Joe Restuccia says we can tweak this but the world is not perfect and that we should support this. Ed – says Fed may not fund the entire project. A member says this is not going to Penn Station, but the project to Penn is just not going to happen. We should vote and call the question. Christine – this is not the perfect project but it's the best compromise we can get. Bob does Roll Call. Passed

Item 8: Letter to DCP re Eleventh Avenue Rezoning a.k.a. West Clinton (43rd-53rd Streets)

Christine thinks we should mention 11th transportation-centric development. Anna accepts suggestion.

Passes as amended.

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

Item 9: Letter to SAPO re Holy Cross RC Church Flea Market @ West 43rd Street (8/9)
Millie Glaberman presents. Passes. See letter

Item 10: Letter to SAPO re West 44th St Better Block Association & Friends of Pier 84 @ West 44th Street (9/10)
Passes see letter

Item 11: Letter to DCA re 802 Restaurant Corp d/b/a Agua Dulce – 802 Ninth Avenue (53/54)
Passes see letter

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

Item 12: Letter to NYSDOH re disclosure of confidential HIV related information
Joe Restuccia – presents letter which expresses concern that State Department of Health is seeking private information. Passes as amended. See letter.

Waterfront and Parks Committee (WATER), Landmarks Committee (LAND)

No items to report

Transportation Planning Committee (TRANS)

Item 13: Letter to DOT re support for Playstreet Initiative on West 17th Street (9/10)
Jay Marcus – letter tabled to next month

Item 14: Letter to Ogilvy PR re opposition to Shuttle Bus on Eleventh Avenue

Jay presents – we are opposing bus stop. Amy Johannes says many people would otherwise take cabs. Martha Hauze says let them walk. Passes.

Small Business Task Force (SBTF)

Item 15: Letter to Gov. Paterson re: opposition to change in law allowing supermarkets to sell wine

Tony Juliano presents letter, which opposes supermarkets selling liquor because 1) half of liquor stores may shut; 2) increase in teen drinking.

Robert opposed letter because he doesn't wish to protect liquor owners and consumers get cheaper goods. Lisa Daglian says this proposal need further study. It seems unfair that everyone sells wine but liquor stores are still restricted from selling goods that supermarkets/grocers sell. Frank Eadie – lived in Texas and supports selling wine in supermarkets. Christine says she buys at stores even if more expensive at drug stores. Mike Mazier has lived in other states and supports supermarkets selling wine because it would be cheaper for consumers.

Joe Restuccia calls the question. Letter passes in a close vote.

Item 16: Letter in support of MBP Scott Stringer's Initiative re: small business

New Business (NewBus)

Item 17: Letter to DOB re 350 W. 37th Street