



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

PUBLIC HEARINGS

None scheduled.

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 Report | Mille Glaberman |
| Committee Reports | Jean-Daniel Noland |
| Committee Letters & Resolutions (letters and resolutions, see reverse) | Jean-Daniel Noland |
| Old Business | Jean-Daniel Noland |
| New Business | |
| Adjournment | |

The meeting was called to order by the Chair of Community Board 4, J.D. Nolan at 6:45PM. He announces the work of the Chelsea Preservation and Planning Committee and Chair Lee Compton presents Item 6: Letter to ESDC re Jacob Javits GPP. Lee explained that the letter is through the Executive Committee for lack of a quorum during the month's regular CPPC meeting. Lee gave a brief update on the future of the Javits Center, which is being reevaluated. He introduced Barbara Lanton, a Javit's Center spokesperson, and she spoke on the 100,000 square feet of expanse from 39th to 40th Streets and its feasibility as a pedestrian corridor on the 39th Street bed, a major concern of the committee. She explained that on an optional substitution of space would not work: Hall #1D is for special events; Hall #1E is for meetings – both spaces are integral to exhibits and could not be used as substitutions for expansion. The Galleria/River Pavilion will occasionally be taken out of use. Its T shape is not suitable for expansion. She said that "The Friends of Javits" strongly support the need for exhibition space during construction and don't want to move shows even temporarily out of the city. The agreement was that

shows would not be compromised during expansion – which has been significantly reduced already. The hotel industry is unhappy but will support expansion. 39th Street – a pedestrian promenade on the road bed from 11th Avenue to the Hudson River was proposed – NOT during construction. Unfeasible certainly during construction for security and safety reasons and also this proposed space is the Javits’ truck marshalling yard. However, 40th Street may be a pedestrian corridor to the Hudson interacting with the new expansion’s building.

Public Session

JD then opened the public session inviting everyone to sign up to speak. He introduced John Weis, First Vice Chair, who commented on the Javit’s expansion presentation: there was a general demonstration of need without sufficient space and we shouldn’t force sellers to move shows; business once lost can’t be retrieved. The project is reduced considerably and the users and hotel industry lose business. Pedestrian needs are considered and the road-bed has open doors to link to Javits and a promenade to river. Then, John invited the first speaker up to the microphone, suggesting brevity:

Nathan John – an employee of Transportation Alternatives, supports West 17th Street as a play street this summer, as does Friends of the High Line. Play streets are normally under the auspices of P.A.L. (Police Athletic League) but not in this instance. This is a Fulton Houses street. He said that such a dense population needs more green space than it has. Seventeenth Street would be closed to cars for two weeks in July and August so kids can safely ride bikes and play.

Donna Sherman – from Friends of the High Line – announced its opening in early June – no definite date as yet. She thanked CB4 for its support also thanking our elected officials. Volunteers are needed – application is on the High Line website – there are also a few paid jobs available. They are partnering with the Hudson Guild for local youth employment.

Anne Friedman – resident of Chelsea – complaining AGAIN about this out of control night club, One Oak. Thousands of residents are disturbed by this business 24/7. “Drugs are everywhere – club patrons urinating in the streets.”

At this juncture Corey Johnson, member of CB4’s Business Licensing Committee, said that Paul could respond viz One Oak’s cabaret license. Ms. Friedman said that she was not pleased with letter to SLA . What’s more important, community or business? She walked away very disappointed at CB4’s non-response.

Martin Treat (member of CB4 and CB4 Transportation and Business Licensing Committees) Mr. Treat announced the annual Welcome Spring event sponsored by HKNA and CHDC – on West 35th Street May 9th 10 am .

Scott Moy - resident of 46th Street between 9th and 10th Avenues – showed photos and a video of his infant son symbolizing new families moving in to Clinton . The Forest 2 restaurant, approved by CB4, is across the street from St. Clement’s church on 46th Street . It has a beer and wine only license. It has opened a hookah bar and the owner completely ignores neighbors’ complaints about noise after midnight . The owner of Forest 2 told Scott Moy that CB4 gave him their ok and that he is no longer welcome on the premises. Mr. Moy then showed a petition neighbors had signed against this establishment.

Chuck Spence (co-chair of CB4’s Business Licensing committee) interjected here that zoning did not permit a bar at the 46th Street location and that CB4 should consider that.

Christopher Rustin – staff of John Jay College – introduced John Jay’s educational talent search program, which is funded by the federal government. It offers SAT prep, summer enrichment for 6th and 7th graders (low income and first generation college-bound), English courses, dance, swimming and commuter classes. Free.

(Ms.) Leacey Johnson – spoke on behalf of fellow residents at 458 West 17th Street . “On Monday, May 4th at 3:30 am everyone was awakened by noise of One Oak club’s patrons leaving.” She spoke with the owner – Scott – who has not done anything to improve this situation. She said that the cabaret license for One Oak was approved without public discussion/disclosure and that the situation has gotten worse. She requested that CB4 begin process to revoke One Oak’s cabaret license if not its liquor license.

(Ms.) Purdue Dwella-Diwali, representing “Legal information for Families Today” – aka “LIFT”, which educates folks in family court who wish to advocate for themselves.

Glenn Johnson - Leacey’s husband, resident of 458 West 17th Street . Mr. Johnson thought that a two-week summer play street was not a good idea for 2009, coupled with the issues emanating from the One Oak nightclub. There is no crowd control of patrons. There was no neighborhood outreach prior to the granting of this license. Residents had no idea that such an establishment would move in let alone gain approval by CB4.

Ron Hine – representing “NYH20”, a new not for profit organization that supports Item #18 on the agenda, and they support the letter to both the Governor and Pete Grannis. On April 30, 2009 the Shreveport Times reported cattle deaths from a natural gas drilling site. Pro Publica published a series of essays on the same subject. Ohio and Pennsylvania are in the Marcellus shale region (NYC/Catskills watershed). Gas escaped in drinking water. Reuters reported gas drillers have tried to allay fears but did not regarding chemicals used in the drilling process. We must prevent this drilling in watersheds.

Ann Arlen, also from “NYH20”, explained that the group is dedicated to the prevention of natural gas drilling primarily because of the ‘fracturing fluid’ toxic chemicals used. People must not be subjected to this. Dick Cheney disabled environmental acts such as the Clean Air Act. Ann strongly recommends CB4’s letter and adds a request that the draft EIS have an extension of comment period from 3 to 6 months. She noted that Senator Tom Duane is in their corner.

Ms. Moorehead - also of “NYH20” - Reiterated that NYC will be endangered by the hydraulic fracturing process – wherein permanent injection wells keep 70% of fracturing fluid 8-10,000 feet underground, but there are no guarantees that it won’t ‘migrate’. Air contamination and water contamination result.

Jenny Zarney – Columbus branch librarian. She thanked CB4 for its support and now the libraries need help again. They are slated to lose 21% of their operating funds. She asked that everyone e-mail Mayor Bloomberg to restore funds.

Courtney Dunne – an intern at Hudson Guild, announced a salsa dance on May 17th and other calendar items.

Jessica Schineful – Founder of “Root for Trees”, sponsors art campaigns in Chelsea and street tree signage (with Partnership for Parks). Signs identify a tree’s genus.

Robert Ferrain (Agenda Item #4) Mr. Ferrain is the lawyer for Jean-Claude Baker’s theatre Row restaurant, Chez Josephine. He spoke about the unenclosed sidewalk café there. Since 1998 Jean Claude had had tables there 8 feet to the street tree but now CB4 says 8 feet should be to the border. He would have to give up two tables and four seats. (Having said earlier that these tables do not make money.)

Jean-Claude Baker – owner – said that Chez Josephine has been on 42nd Street for 23 years. He is proud to be a part of this neighborhood and proud of his part in its regeneration. He has always been a very good neighbor. His lawyer forgot to send in the re-application on time.

JD Noland: CB 4 has already approved the sidewalk café but with fewer tables.

Jean-Claude said again that he does not make money on this café – but that it is a marketing tool, a “welcome” to his restaurant. He thinks it’s unfair to take away tables.

LUXE BAR:

Stuart Klein – the lawyer representing co-op owners at the Piano Factory. These neighbors are against the backyard bar application proposed by LUXE’s owners. The noise levels will be too high for peaceful coexistence. No CofO – 1954 got a 90-day CofO – DOB has not seen plans for this backyard space. SLA application dated April 10, 2009 – 500 foot hearing is scheduled for May 12th. Owners did not submit a diagram of the backyard, which is fifteen feet deep. He asked that CB4 please review the application based on misstatements made earlier by owners.

Bonnie Burkout – Piano Factory resident/owner. The LUXE bar backyard is adjacent to the Piano Factory’s courtyard. The Piano Factory is a cornerstone of the revitalized neighborhood. It became a co-op in 1981. A rear yard bar will clearly echo up to apartments and balconies. The courtyard is used by residents into the early evening as a peaceful haven; their acoustic expert says that noise abatement there is impossible. She asked that CB4 please deny this backyard application to LUXE.

Amenia Fries – She is proud of the gains made by the Clinton Special District and it is her understanding that this is for RESIDENTIAL use and she expressed strong objections to a backyard bar.

Theodore Paranis - co-owner of the Barzini Lounge and LUXE. He said that Barzini is a gay martini bar on Tenth Avenue with a 200 square foot patio in the back .CB4 approved this bar with stipulations to include: Closing the patio at 8:00 pm / 9:30 pm on weekends

No glasses or silverware to be used. No smoking or loud noise Minimal impact on neighbors He stated that an 18' brick wall separates neighbors from the patio. His sound engineer backs this up. Mr. Paranis asked that the board please support their application for a LUXE backyard liquor license. Tony Guiliano said the committee was not notified until after this meeting of the backyard. The owners had reassured CB4 that they would wait before foiling but apparently did not. Applicants' lawyer said backyard was permitted under statute – 500' hearing with the SLA .

Miguel What is a gay martini bar?

Owner – a bar that welcomes gay New Yorkers.

Al Fierstein, President of Acoustalog, Inc, (hired by residents of Piano Factor) spoke of the 18 foot brick wall, saying that it is only 12 feet high so anyone living above the second floor will be disturbed. He questioned the applicants' sound expert's methodology. He said the test was misleading and he fears that CB4 will be misled. Canvas will not stop outside noise. Decibel levels in the courtyard are quiet now except for the building's fan. They must call the DEP (Dept of Environmental Protection. He then demonstrated the difference between white noise and pink noise.

Frank Shanbacker – for 26 years a resident of the Piano Factory – one of the original shareholders. He is definitely against the granting of a liquor license to LUXE...especially for a backyard patio. The 44th Street and 46th Street Block associations have supported the Piano Factory residents in being against approval. There are rigid house rules for residents on use of their courtyard. No radios, etc. With a DJ in the bar loud music will seep out – it's inevitable. He read CB4's web site on patio dining and quoted: "CB4 will rarely recommend approval" and he hopes that will be the case with LUXE.

(Mr.) Chris Stokes – is a Piano Factory resident – married with three kids. He is strongly against the application.

Ed Schultz – is the sound/audio engineer hired by LUXE applicants to do a test for the proposed backyard bar/Piano Factory courtyard. Blasted pink noise – (even frequency at all volumes) – 85 decibels...louder than 12 people speaking at the patio. A 6 decibel rise on the Piano Factory's side without acoustic treatment. 77-80 decibels on 9th Avenue and 45th Street on Sunday afternoons. Noise absorption panels = 3" thick to significantly reduce noise to 50sdecibel level (as he says it is now).

Martha – CB 4 member: There is a noisy fan there now. To applicants: Won't people have to speak louder over the fan?

Theodore Paranis responded that the fan is not the responsibility of LUXE.

Adoption of Agenda

JD announces a busy agenda and welcomes Vicky and Arland from CB5. Do not forget board member voting sheets, add your name and give to Bob Benfatto at meetings end. Approval agenda with adding Item #32 at the end of the voting sheet. No minutes available.

Elected Reports

Angelica Crane (Borough Prez Scott Stringer) said that she will present Scott's parent/school report at CB4's upcoming Quality of Life committee. NYCHA Elevators: Against the law to have consistently broken elevators. CB 4's letter to DOT re: two fatalities in last six months. Food Stamp Proposal: Check out Scott's website: FOOD DESERTS – no fresh produce

Julianne Youngblood (Jerry Nadler's office) introduced by JD. She announced Congressperson Nadler's hosting of the 8th statewide transportation conference this year. The House has passed legislation on both gender identity and hate crimes.

Seth Berliner (Senator Tom Duane): Good news! Congratulations to CB4 on its hard work viz the 1,2,3 Burger Shop on 10th Avenue. They have fixed their noise problems.

NRI – Quality of Life – NYPD POASIS – New York State Substance Abuse office. Senator Duane and Assembly Member Gottfried have proposed legalization of marijuana for medical purposes. Tom backed Governor Paterson’s bill in the Senate to legalize gay marriage.

Medina Nathan – (Assembly member Dick Gottfried) She is standing in for Corey Green tonight. Dick supports the denial of LUXE patio bar. The rent guidelines board will soon set rents. Go to housingnyc.com web site. Write to them with your thoughts and questions.

Greg Monte (Assembly Member Linda Rosenthal) – Linda hosted a Town Hall forum with Betsy Gotbaum about NYC schools under Mayoral control. She also hosted an event of the Attorney General (Andrew Cuomo) office for victims of identity theft. She is supporting a bill against job discrimination and equal pay for equal work.

Tommy Lynn from Betsy Gotbaum’s office (Public Advocate): Betsy’s new community liaison. The City high school discharge data will be made public. Also mentioned were programs for new immigrants.

The District Manager’s Report:

Bob Benfatto reported that Committee assignments are now set and new board members are expected to be there; note the changes of committee meeting dates. He announced the Hudson Yards public forum, affordable housing issue, will meet at the Red Cross public on 6/10. Bob stated that John Greco – the owner of the 1,2, 3 Hamburger Shot, said that he has reached out to neighbors and to the nuns at the neighboring convent. DCA: Sidewalk Cafes - Hearing dates must be kept unless the applicant requests an extension.

JD: Spoke directly to neighbors of the club One Oak, saying that CB4 is doing all it can. Paul Sayres and Christine Berthet have been working with these residents. Traffic: the 10th Precinct shut down the block at 10th Avenue. Present residents of the Caledonia Apartments say the security at One Oak is not good enough. They and many others are still upset.

Christine Berthet – Paul Sayres has given good advice but the owners of One Oak are not interested in making changes for the neighborhood.

Gale Brewer, NYC Council Member, arrived and announced a Town Hal from 6-8:00 pm at John Jay on the Budget of the City. Council needs to discuss large issuers such as CUNY and will do so following not for profit issues. Helicopters = she and Jerry Nadler convened: “You cannot fly over Manhattan .” FAA said that they had no authorization. We want to be a “no Fly” zone for helicopters. Next meeting will be held at JFK airport. Gale said that summonses from ECB for illegal posters/flyers are ignored.

Federal Stimulus: Gale said it’s grand that CB4 sent a list of needs. Budget work is challenging and she appreciates CB4’s work.

JD: Announced a party for Anna Levin, the entertainment portion titled “Anna, the Musical”, May 27th at 7:00 at 500 West 52ndStreet. He then asked new CB4 board members to introduce themselves:

Gwen Billig – West 16th Street resident. On Waterfront and Landmarks committee and the Environmental Task Force. She is a long time activist for environmental issues.

Megan Beauchot – of West 56th Street – so far on Land Use Committee

Barbara Davis – She is the deputy director of the Actors Fund and spoke of the Aurora residence on 10th Avenue and 57th Street and health clinic there for performing artists.

Larry Roberts – is manager of the Actors Temple . Has a wife and two sons; the six year old at Midtown West public school and the two year old at 43rd Street Kids nursery at Manhattan Plaza. Larry is on the Business Licensing and Transportation Committees. He is a member of the 47th/48yth Street block association and president of the Midtown North Precinct Community Counsel.

Gretchen _____: lives at 49th and Tenth Ave and works for Port Authority as an urban planner. She is a member of the Housing and Hell’s Kitchen Land Use committees.

Dana Turner – West 41st Street at the Lincoln tunnel (Dyer Avenue) resident. She spoke of continuing pedestrian fatalities there. Formerly a board member of HKNA, she fought Jets stadium. She’s on Housing and Land Use committees.

Cristos Detractis – 10th Avenue and (?) – A lawyer, 26 year resident. BLP and Transportation committees.

Nominating Comm Report

In Millie Glaberman's absence Walter Mankoff gave the nominating committee's report.

Procedure: the nominating committee will make final recommendations of candidates. Members can nominate themselves or other candidates. Tonight is the last time to add nominations. New officers take office July first. The law mandates an open (not secret) vote. The committee's nominations are:

Chair – John Weis (currently first vice chair)

First Vice Chair – two candidates – both skilled. The committee of seven members nominated one, Chuck Spence. Corey Johnson is the other candidate.

JD – Any nominations from the floor?

John Weis nominates Corey Johnson for First Vice Chair; thus, there are still two candidates for this position.

Second Vice Chair – Christine Berthet; none others.

Two Co-Secretaries: Bert Lazarin and Tony Giuliano nominated Anthony and Bert.

JD: Any more nominations? No response. Nominations closed.

CB4 will vote in June.

COMMITTEE REPORTS – LETTERS & RESOLUTIONS

JD – Business Session: The first nine items were all passed in Executive Committee. Reasons in EXEC were time constraints on applicants to late for committee or applicant complaint.

Paul Seres questioned the DCA (NYC Department of Consumer Affairs) asking about sidewalk café renewals. Is the Community Board getting good reports?

Bob Benfatto responded that the CB gets DCA's applications for cafes.

Walter Mankoff: The City got higher fees in return for helping sidewalk cafes. This makes it very tough for CBs that wish to deny applications. Working at cross-purposes. There are only 45 days to respond from an application (unless the applicant extends). No more courtesy at DCA.

Mary: Café boundarteis on the sidewalks include the number of tables and chairs. The applicant must post in window a sign when its public hearing is scheduled - this sign must be visible from the sidewalk. Letters from applicants must let CB4 know if they want a liquor license at the sidewalk café. This is to be discussed in the next Busines Licensing committee.

Executive Committee (EXEC)

Joe Restuccia – include occupancy. Adopt all three of the first items with this amendment.

JD – Let us vote on the first three items.

#3 – Martin Treat – The “Hallo Berlin ” restaurant's sidewalk café ignores café boundaries: #2 – corners of barriers are less than 8 feet.

Lisa Daglian– Does Hallo Berlin have a liquor licenses for outdoor café?

Joe – There's no tree grate there.

Christine Berthet - 8 feet is the DCA ruling. Boundaries must be 8 feet from a tree.

Tony Giuliano – Grandfathered. He suggests renewal as is.

Christine – There are 3 sidewalk cafes within this one block on Tenth Avenue . Just as Dunkin' Donuts ignores the rule, so does Hallo Berlin. We should note in the renewal application that there is not 8 feet to the tree. DCA should be made aware.

Joe – The executive committee is always under the pressure of time. We should request an owner comply with basic requirements.

Howard Smith – there are no boundary markers at Hallo Berlin; Bob Benfatto might ask them for an 8 foot drawing.

JD – Suggests adding language on boundaries to meet DCA regs. He suggests the amendments be adopted? None opposed and the voting on Items #1 through #3 proceeds:

Item 1: Letter to DCA re 176 8th Avenue Corp. d/b/a Niso Restaurant –176 Eighth Avenue **Passed**

Item 2: Letter to DCA re Ponente LLC d/b/a Nizza – 628 Ninth Avenue **Passed**

Item 3: Letter to DCA re Kiwi’s Historical Building Inc. d/b/a Hallo Berlin – 626 Tenth Avenue **Passed**

Lisa Daglian explained that applicants for Items #4 and #5 are for liquor licenses at their sidewalk cafes.

Item #4 – (Chez Josephine) – Jay Marcus – this is a longtime local institution with no complaints against it; it is a good business and a good neighbor. They have 8 feet to the street tree but not to its cobblestone pit. He recommends keeping the sidewalk café (8 tables/16 chairs) open but #2 new drawing with tree pits. JD suggests complying with DCA without reduction of tables and chairs is possible; just reconfigure to allow wider pedestrian passage.

Jean-Claude Baker (owner of Chez Josephine) speaks up and explains that there is not enough room for pedestrians. He suggested that a new configuration is not good for pedestrian traffic flow for his business.

Frank Eady: But Jean-Claude said the outside tables don’t make him any money – that they are a welcoming/marketing tool.

JD asked Jean Claude to reconfigure the exterior but not delete tables.

Howard: Theatre Row tree pits - less than 8 feet does not decrease walking space.

Joe: The tree pit is in the middle of the sidewalk. Could we recommend a tree grate in this one instance?

None opposed.

Item 4: Letter to DCA re Chez Josephine – 414 W. 42nd Street **Passed**

Item #5 – Howard Smith, Co-Chair QOL, explained that The High Line restaurant’s architect came to the last Quality of Life committee meeting. There is no change in the number of tables and chairs requested for their sidewalk café.

Item 5: Letter to DCA re Striped Marlin at 85 Tenth LLC d/b/a The John Dory – 85 Tenth Avenue (15th/16th) **Passed**

Item 6: Letter to ESDC re Jacob Javits GPP: Lee Compton – Between CB4’s letter and Barbara’s comments, the committee needed to have more credible arguments for “our” requested changes. Include the desire for access to the Hudson River on 39th and 40th Streets as long as Javits exists. Re-establish our Hudson River view corridor.

Martha: What about exterior landscaping?

Lee – that will come later. This letter is about maintenance. **Passed**

Item 7: Letter to Census Bureau re recognize LGBT marriages: Tony – The 2010 census should include all unions – LGBT et al. ALL relationships should be counted. JD explained that the # of population equals government services. Brett: He is against the letter for policy reasons, saying the letter was purely political. Checking a box doesn’t improve the system. Joe calls a question. Lisa – Everyone should be counted in the census. JD – The letter has already been sent. Not a unanimous vote on calling a question.

Passed, Two opposed.

Item 8: MCB4 Sidewalk Policy. Sidewalk policy suggestions from Eric Muise, Christine and Jay Marcus: Reaffirm that sidewalks (8 feet minimum clearance) are for PEDESTRIANS. Trees, wastebaskets, bus stops and shelters get priority, according the community survey, rather than sidewalk cafes, newsstands and other commercial obstacles.

Lee – West Chelsea rezoning... (?)

JD – The CB4 letter is still a work in progress.

Larry Roberts - Lines 14 and 15 – where did numbers come from?

Christine – 77% is from the 2000 Census.

Lisa – Line 72 – strike as they do not provide “essential services.

Martin: - Line 31 on the first page: Maximum number of pedestrians should read “according to level of service”.

JD: The letter needs more input and clarification. We’ve had wonderful policy suggestions but it needs work.

Christine pointed out that three committees reviewed the policy with suggestions for changes – including the Executive Committee. She thinks the policy is clear and ready to go. Tony and Joe agree to adopt a policy tonight with editing changes as suggested. **Passed**

Item 9: Letter to DCA re Hibernia - 401 West 50th Street [Ratification]: Hibernia Bar (50th Street) sidewalk café ratification of DCA hearing. **Passed**, one opposed.

Transportation Planning Committee (TRANS)

Item 10: Letter to DCA re tree grates: Eric Muise explains the letter to DCA to reaffirm their rules about a clear path for pedestrian passage on sidewalks – 8 feet to tree and to include all other obstructions.

Passed

Item 11: Letter to DOS and DOT re Street Cleaning West 26th Street: Jay Marcus – 26th Street between Seventh and Eighth Avenues. Alternate side parking. Dept. of Sanitation has agreed. **Passed**

Item 12: Letter to DOT re Parking Regulation West 40th Street between Ninth Avenue & Dyer Avenue: Jay explains that a change to “No Standing” instead of hours because trucks park during the day, backing up traffic 7:00 a.m. to 10:00 p.m. Joe – And cars are parking in bus lanes. **Passed**

Item 13: Letter to DOT re parking regulations W. 53rd Street between Eighth & Ninth Avenues: Jay explains change to alternate side parking because MTA vans are parking there and it will keep them to north side and off the south side of the street. **Passed**

Item 14: Letter to DOT re Request West 46th Street lighting: Jay recounted the testimony in committee of neighbors on this block needing street lights. Lee–Is there a standard for adequate lighting? Jay said that he would research this. **Passed**

Item 15: Letter to DOT re Taxi Stand Tenth Avenue @ 17th Street: A taxi stand on Tenth Avenue between 17th and 18th Streets is needed because of four active bars and a large venue club (1 Oak). The Taxi stand is requested by Chelsea BID for patrons of these bars and clubs to alleviate late night disruption and answer somewhat residential neighborhood complaints. Bert – What is the Chelsea Improvement Company? JD – An informal BID managed by Dan Biderman. Lee–One Oak, earth, Park (all bars/clubs) include the John Dory and Proto. **Passed**

Item 16: Letter to DOT re W. 17th Street Play Street: Proposal for a Play Street (ala Police Athletic League’s model) on four Sundays this summer for seven hours. Just for kids to play safely – no businesses or noise. A child was killed at this site. It’s a pilot program being sponsored by Fulton Youth of the Future and by Transportation Alternatives..

Tony – is opposed to a play street which would exacerbate traffic problems. “Not at this time.” Paul – Had Transportation Alternative’s application started earlier it would have been better. A play street presents an additional layer of trouble to residents of the Caledonia and other buildings. This is the wrong time for a play street on 17th Street. “Let’s fix the problems there first.” Lisa – the High Line will be open then and auto free. Are activities planned for the play street or would the High Line take that responsibility? Miguel – The High Line is a big supporter of the Play Street , too. Eric – Maybe more residents on 17th Street walk than drive. Mary said that she is pro a Play Street .

Brett said so, too. Martin – Play streets are grand. Give city kids a chance to enjoy summer safely. Walter - is also in favor of the Play Street. Joe – is also in favor. “Kids will come.” Frank Eady – is also in favor of the Play Street . He sees no business conflict there. JD – there will be no amplified sound on the Play Street . That’s confirmed. All in favor of calling the question: **Passed, 3 opposed.**

Item 17: Letter to PANYNJ re Greenlight for Midtown: Christine - Letter to DOT about the closing of Broadway midtown and its implications for Ninth Avenue. Suggestions to Port Authority: Help us now even more than you have in the past. Pressure them to put this new, extra traffic elsewhere – not on Ninth Avenue. Joe had editing suggestions for this letter for clarification. Martin–We’re trying AGAIN to get the Port Authority and NYC DOT to talk to each other. Jay – this letter restates CB4’s standing. **Passed**

Waterfront and Parks Committee (WATER)

Item 18: Letter to Gov. Patterson & DEC re threat of hydraulic gas drilling: Hydraulic Fracturing, John Doswell, chair of committee, is what it is; a mining method to get natural gas. The letter is calling for

DEC (New York City Dept. of Environmental Conservation) to have NYC hearings regarding our precious drinking water. Studies need to be done asap on waste water contamination. Chemical use should be made public, not kept secret. Better transparency required. Call for a ban on drilling now until these issues are resolved. Martha – This drilling caused horrendous problems in Latin America – e.g. Chile – by the very same company! Frank Eady – Line 43, first page – “...this creates a” There is no question about the contamination of water. Take out the word “potentially”. The question is not that there will be problems, but when. Clarify what we want the State to do: Exclude drilling in our watershed for the long term? JD says letter states that we want a public review to hear from all sides before making a judgment. John D – If there are NYC hearings on the EIS, extend the comment period. Chuck – Strengthen the last part – “We oppose....” John D agrees to delete the word “potential” and more strongly oppose the mining project at the end. JD: All in favor of Item #18? **Passed**

Landmarks Committee (LAND)

Item 19: Letter to LPC re 56 Ninth Avenue: Landmarks Committee Chair Ed Kirkland described the Old Homestead restaurant and says it needs a new storefront. The entire row of row houses should be consistent facades. All in favor? **Passed**

Item 20: Letter to LPC re 469 West 21st Street: Fixing up façade of row house but the back faces a park and the owner want a ‘cutting edge’ back wall. Ed says that would prefer to say no to this request. **Passed**

Item 21: Letter to LPC re 547 West 27th Street: A difficult situation. The owners of the building did not show detailed drawings of storefronts and banners. Ed stated that owner had already done changes and now wants them legalized. Banners are all wrong – not following the master plan. **Passed**

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

Howard Smith, Chair, suggested to bundle Items #22 and #23 as the letters are explanatory.

Item 22: Letter to DCA re Lasagna Ristorante - 196 Eighth Avenue (@ 20th): **Passed**

Item 23: Letter to DCA re Room Service - 690 9th Avenue (47th/48th) **Passed**

Item 24: Letter to SAPO re Asociacion Tepeyac: Is self-explanatory...a renewal of street fair for 14th Street. Corey Johnson: the cross-town bus on 14th Street needs to be re-routed. Please have NYC Transit copies on the letter. Howard agreed to dot hat. **Passed**

Business License and Permit Committee (BLP)

Chuck Spence, Co-Chair of the Business Licensing Committee, asks the board bundle renewal Items #25,26,27,29,30 and 31, which were all considered and approved in committee:

Item 25: Letter to SLA re 360 W. 42nd Rest. Inc. d/b/a Bagel Bar – 360 W. 42nd Street **Passed**

Item 26: Letter to SLA re Sounds of Cuba Inc. d/b/a El Son Cubano – 405 W. 14th Street **Passed**

Item 27: Letter to SLA re Asian Food Village 37 Inc. d/b/a Sushi Osaka – 535 Eighth Avenue (36th/37th) **Passed**

Martha – Are we looking at the big picture regarding liquor license applications/bars?

JD – Please take it to the committee, Martha

Item 28: Letter to SLA re Luxbar & Lounge LLC d/b/a Bartini Lounge – 642 Tenth Avenue (45th/46th): Chuck suggest improving the LUXE bar letter by adding “9:30 p.m. closing and a maximum of sixteen guests re: backyard use abutting the Piano Factory apartments.” Lisa – The committee recommends denial of the LUXE backyard unless stipulations are followed; however, the SLA must be informed because owners misrepresented the truth regarding the license application.

Paul – A lot of community presence on this issue OK’d LUXE WITHOUT the backyard. He votes for denying the backyard application. Corey wants an answer on why the owner filed ahead of time. Tony – said that he believes the early filing was an honest mistake. The community came out in force against the patio use but ok’d LUXE for an interior bar. He goes with denial of liquor license for the patio. Larry – remembers the 500 foot rule. LUXE adds to the number of license already there.

John W reminded the members about SLA approving backyards even when CB4 denies these applications. Lisa – explain the stipulations IF the SLA approves the patio.

Chuck – May 5th was the 500 foot hearing - it came up unexpectedly. Martha – Emphasize that neighbors DO NOT WANT the PATIO! Christine makes a motion to clearly deny the entire LUXE LIQUOR LICENSE APPLICATION of patio. Replace the present text to say stipulations if SLA approves the application. The motion was seconded.

Christine then cited the eight bars now within the 500 foot rule. Also, LUXE has no Certificate of Occupancy, as demanded by the SLA. LUXE operators are too new at the business to be trusted to run a bar-patio responsibly. Tony – The LUXE space was a bar for many years previous without a patio....He recalled that the Piano Factory residents said ok to a bar but not the patio.

Joe then directly addressed the owners of the LUXE bar – May we suggest that you withdraw your application for a backyard café?

John – CB4 has an inconsistent policy regarding backyard cafes/patios.

Morgan – Time to clarify the 500 foot hearing, please.

Lisa – SLA will deny the license if the community wants it denied – based on premature submission of the application. This is a new SLA policy.

Bob Benfatto – Denying liquor on a patio doesn't mean nobody will use it.

Corey – Remember that the residents of the Piano Factory support the license WITHOUT the backyard use. He suggested voting for a motion against backyard use ONLY.

Sandy – How can we be guaranteed that the owners will not serve liquor on their patio?

JD – The “Burger Bar 1,2,3” caused so much trouble on Tenth Avenue . (This is an example of stipulations not being adhered to.)

Chuck called the question: Substitute motion: “Outright denial of any liquor license” – Three members agreed but the majority did not.

Joe – Let's ask the applicants and not their attorney if they will agree not to use the outdoor space.

The Owner(s), present in the public section during the above discussion, agreed to no outdoor use. **Passed** an approval for a liquor license with no backyard use.

Item 29: Letter to SLA re Zanzibar LLC – 643-645 Ninth Avenue (45th/46th) **Passed**

Item 30: Letter to SLA re Mr. Biggs Bar & Grille Inc. – 596 Tenth Avenue (43rd/44th) **Passed**

Item 31: Letter to SLA re 765 9th Ave Rest. LLC – 765 Ninth Avenue (51st/52nd) **Passed**

Item 32: Letter to SLA re 621 Events, 621 W 46 St. (11th & 12th Avenues) : Chuck explained that this high venue catering license is prone to incidents. The latest example if gunfire inside the club. The SLA has granted them a permanent license. Our letter to SLA asks them to postpone the license until after an investigation. Larry – NYPD corroborates the gunfire. The Certificate of Occupancy is for 425 guests at 621 Events, yet they advertise space for 700 guests. 621 has no metal detectors and said they would not use them at weddings and parties if they did have them. **Passed**

Chelsea Preservation and Planning Committee (CPP)/Clinton/Hell's Kitchen Land Use Committee (C/HKLU)/ Small Business Task Force (SBTF)/ Housing Health, Human Services Committee (HH&HS)

No items to report

New Business (NewBus)

No items to report

JD adjourned the meeting at 10:40 p.m.