

MANHATTAN COMMUNITY BOARD NO 4
NOVEMBER 4, 2009
FULTON CENTER AUDITORIUM, 119 NINTH AVENUE

PUBLIC HEARINGS

John Weis announced the three items for which CB4 had scheduled a public hearing. No one had signed-up to speak.

Sombrero, 303 West 46th Street: application for a special permit for an enclosed sidewalk café.

New Location Postings for Long-Distance Buses.

Fiscal Year 2011 Capital and Expense Budget requests.

MEETING AGENDA

Public Session

Adoption of the agenda

Adoption of last month's minutes

Corey Johnson

John Weis

Report from Manhattan Borough President

Reports from local elected officials

Report of the District Manager

Report of the Chair

Committee Reports

Sandy Myers

Various

Robert J. Benfatto, Jr.

John Weis

John Weis

Committee Letters & Resolutions

Old Business

New Business

Adjournment

John Weis

John Weis

PUBLIC SESSION

Five people signed-in.

Yehudit Moch from the Hudson Guild wanted the Board and the community to know that its senior center would be open on Thanksgiving and that there would be a Hudson Guild sponsored flea market on Sunday December 6.

Lauren Danzinger of the Greenwich Village-Chelsea Chamber of Commerce expressed the group's opposition to the proposed legislation in the City Council mandating paid sick leave days for the employees of many small businesses. The GV-C CC would like further study of the experiences in other cities that have implemented similar laws (San Francisco and Washington, DC). It believes that the costs of providing this benefit would drive many firms out of business or force them to relocate from the city.

Nancy Rankin of A Better Balance spoke in favor of the proposed Council intro stating that it needed to be seen as a health measure and a preventive of the spread of infectious diseases.

Lee MacCullough, the owner of the Chelsea Theaters on West 23rd Street and identifying himself as representing the National Association of Theater Owners (NATO), continued the arguments against the paid leave legislation.

Lisa Wagner informed the Board and the community about the latest activities at the FIT museum.

ADOPTION OF THE AGENDA AND THE MINUTES OF THE OCTOBER BOARD MEETING

After the Public Session the agenda for the night's meeting was adopted without changes.

The Board accepted the October minutes as submitted.

REPORT OF MANHATTAN BOROUGH PRESIDENT SCOTT STRINGER represented by Sandy Myers

Myers led with the BP's efforts to "Kill the Drill" (opposition to exploration and drilling for natural gas in the city's watershed in the Catskill Mountains). A petition is circulating on the issue and a rally is scheduled for November 10th. The Borough President will testify against drilling at the state hearing. Also the BP's office is continuing the campaign against illegal ATMs with inspections, 30 day orders of removal, and reinspections a month after the issuing of the order. Myers reviewed

the recent court decision on rent increases at Stuyvesant Town and the use of planning fellows, and focused on the upcoming 2010 national census.

REPORTS OF OTHER ELECTEDS

State Senator Tom Duane is happy about the court decision on Stuyvesant Town exclaimed his representative Seth Berliner. The Senator has arranged a meeting to further discuss the 80/20 program for Priscilla Almodovar and CB4.

Assemblymember Dick Gottfried received an award from the organization Doctors Against Torture. The Assemblymember has introduced a bill on the subject. Jeffery Lafrancois of his office reported that the Assemblymember looks on the Stuyvesant Town decision as a great victory. He also is pushing to have Lieutenant Choy, expelled from the armed forces for being openly gay, reinstated.

Melanie LaRoca of Councilmember Christine Quinn's office announced there would be a hearing on the Western Yards at 9:30 am on November 23. It will be the only opportunity we will have to submit written testimony. The Councilmember is sponsoring along with other electeds a town hall meeting on November 12 on charter buses idling and parking in Midtown. LaMartine Place (West 29th Street between Ninth and Tenth Avenue) is now landmarked.

Councilmember Gale Brewer (chronologically later on in the meeting but for purposes of notation placed here in the minutes) spoke about the location of a proposed MetroNorth station on a new West Side commuter route. Originally intended to be sited to the north, it now appears that for technical reasons it can only be placed near to West 57th Street. She also is entertaining ideas for better local access to the rerouted Thanksgiving Day Parade. A third item touched on by Councilmember Brewer was bike sharing and its possible application to New York.

REPORT OF THE DISTRICT MANAGER ROBERT J. BENFATTO

Jointly with CB 7, Bob is focusing on the issue of illegally positioned bicycle concessionaires aimed at tourists nearing Central Park. For CB 4 he is also concerned about trucks in the northern end of the district and is looking into the problem and possible solutions.

REPORT OF CB 4 CHAIR JOHN WEIS

John related to the Board his consternation and annoyance when he presented at the Borough Board meeting CB 4's letter about the alleged bias attack on Ninth

Avenue and the possible lack of a police response. It appeared that the NYPD Commander of Manhattan North had scanty knowledge of the event and seemed to be unaware of the Departmental investigation.

The Board was reminded that only seven members of the 25 whose term on CB 4 ends this December 31 have applied for reappointment.

At this point Lee Compton stated that he would be co-ordinating the testimony on the Western Yards for the November 23 City Council hearing.

COMMITTEE LETTERS AND RESOLUTIONS

Executive

Item 1: Fiscal Year 2011 Capital and Expense Budget Request.
With minor language changes and updates, approved.

Business Licenses & Permits North

Chuck Spence, committee co-chair, suggested that items 5 through 9 and 11 through 14 be considered as a group.

Item 5: Letter to SLA re Chez Noodle Inc. – 366 W52nd St (btwn 8th & 9th Ave)

Item 6: Letter to SLA re Nahm Inc. d/b/a Room Service – 690 Ninth Ave (btwn W47 & W48 Streets)

Item 7: Letter to SLA re BGHO LLC. d/b/a On the Rocks – 696 Tenth Ave (btwn W48 & W49 Streets)

Item 8: Letter to SLA re Sweet Concessions Inc. d/b/a Signature Theater – 555 W42nd Street (btwn 10th & 11th Ave)

All items passed.

While considering these new requests for licenses, the issue arose about the Board's ability to add operating stipulations as conditions of our acceptance of an application. It is the Board's policy to deny a request lacking the applicant's agreement to our requirements. Some Board members expressed a feeling that this is a form of coercion. Others held that it is the duty of the Board as a funnel for community wishes to insist on certain methods of operation.

Particularly relevant to liquor license applications is the stipulation often added that there is no current application for a cabaret license. A number of Board members thought the phrase "at this time" should be added. Board Chair John

Weis informed members that we are trying to get a meeting with the new leadership of the SLA to go over these matters.

Sidewalk Café Renewal Applications

Item 9: Letter to DCA re Horseshoes NY, Inc. d/b/a Dalton's Bar & Grill – 611 Ninth Ave (btwn W43 & W44 Streets)

Item 11: Letter to DCA re Scenic Route 66 Café – 858 Ninth Ave (btwn W55 & W56 Streets)

Item 12: Letter to DCA re Midwest Tomato Inc. d/b/a Puttanesca – 859 Ninth Ave (corner of W56 Street)

Item 13: Letter to DCA re 772 Ninth Restaurant Corp – 772 Ninth Ave (corner of W51 Street)

Item 14: Letter to DCA re 599 Tenth Avenue Corp. d/b/a Lansdowne Road – 599 Tenth Ave (btwn W43 & W44 Streets)

All items passed.

Item 4: Letter to SLA re Inter-Continental New York Times Square Hotel – 300 West 44 Street (corner of Eighth Avenue)

Chuck wanted to discuss this item separately to highlight the applicant's plans for their kitchen exhaust system. Though it won't reach or vent to the roof they will put scrubbers on the exhaust. They also have agreed to work with the community on the issue if it's a problem in the future.

Passed.

Item 10: Letter to DCA re Pam Real Thai II Inc. – 402 W47 Street (at Ninth Ave)
Application for sidewalk café renewal denied because of many community complaints, failure to abide by stipulations established by Speaker Christine Quinn, and no appearance by the owners before the committee.

Business Licenses & Permits South [Chelsea]

Hugh Weinberg committee co-chair presented the letters.

Item 15: Letter to DCA re Robert Fluet or Corp. to be formed – 205 Eighth Ave (btwn W20 & W21 Streets)

Item 16: Letter to DCA re AA Ichiban Inc. – 232 Seventh Ave (btwn W23 & W24 Streets)

All items passed.

Sidewalk Café Renewal/Modification Applications

Item 17: Letter to DCA re NF Trading LLC. d/b/a Café 202 – 75 Ninth Ave (btwn W15 and W16 Streets)

Item 18: Letter to DCA re Regional Thai Ltd. d/b/a Regional Thai – 208 Seventh Ave (corner of W22 Street)

Item 19: Letter to DCA re Eisen & Son Inc. d/b/a Lasagna Restaurant – 196 Eighth Ave (corner of W20 Street)

All items passed.

Housing, Health, and Human Services

Item 20: Letter to HPD re Lower Income Housing Plan Application by Avalon West Chelsea, LLC, 517-525 West 28th Street (btwn Tenth and Eleventh Avenue)

Committee co-chair Joe Restuccia spoke for the letter. He mentioned how the developer had finessed the issue of differing finishes for market rate and designated publicly assisted apartments by saying it was mixing many types of finishes throughout the two buildings.

Passed.

Item 21: Letter to Councilmember Gail Brewer re Intro 1059 which would require employers to provide employees with paid sick days.

This letter raised many issues and engendered a heated discussion. Speaking for the letter was David Hanzel of the HH&HS committee.

Joe Walsh questioned the committee's qualifications to write a letter on a topic far from their competencies. A number of Board members such as Paul Seres and John Lamb thought that this local bill might not be needed if federal health care reform legislation were to pass so CB 4 should wait to see what happens. Ed Kirkland held that the Intro tried to tackle different issues in one package and that each type of small business had different problems. Tony Juliano stated that the committee in its deliberations did not have any input from the business community and did not take into account the economic impact of implementation. He said he recognized the problem but believed that the Intro did not address it. Arguments for the bill based on the DC experience are specious Tony stated since there home health care providers and workers dependent on tip income as well as proven hardship cases are exempt from the law's provisions unlike in the proposed New York legislation. Walter Mankoff had problems with the details, inquired when the study called for would be done, and wondered about the definitions. He said he would be willing to support a more general statement. John Weis responded that our letter would include citations for the included facts. Corey Johnson expressed his belief in a paid

sick leave benefit but felt that this bill was not the way to go about getting it for the people involved and so would have to abstain on any vote to approve.

Ed introduced a resolution to send the letter back to committee and it passed by a vote of 25 - 16.

Clinton/Hell's Kitchen Land Use

These items in spite of their numbering were discussed towards the meeting's end in deference to committee chair Elisa Gerontianos who was delayed.

Item 2: Letter to DCP re enclosed sidewalk café for C.A.P. Restaurant Corp. d/b/a Sombrero Café, 303 W48th Street

Elisa insisted that the letter include the stipulations on the operation of the business that we would like if the application were approved even though we are opposed to the enclosed sidewalk café.

Passed on a roll-call vote since this letter refers to a ULURP application.

Item 3: Letter to HPD re the Windemere 400-406 West 57th Street, Zoning Compliance with Harassment and Cure in the Special Clinton District.

Passed.

Landmarks

Item 22: Letter to LPC re BF Goodrich Buildings at 1780 Broadway and 225 West 57th Street (outside CB 4 boundaries but of concern to us).

Passed.

None of the other standing committees had items to report out to the full Board.

New business from the Executive Committee presented as

Item 23: Recommendation to the Borough President to Remove a Member [Dana Turner] from Community Board 4 because of lack of attendance.

Knowing that this is an unusually extreme move, the Executive Committee nevertheless passed this resolution and it now needs approval by the whole Board. Dana Turner has participated in few committee or full Board meetings since her appointment last April. She has been contacted a number of times by both the CB 4 Chair and First Vice-Chair and has in no case responded to the outreach. The Borough President wants the Board to understand the importance of the process and we have a responsibility to make it transparent. If the Board passes the resolution Dana will be asked to appear at the November Executive Board

meeting. Corey stated he would like our by-laws to be amended to reflect the process. JD questioned the Board's need to act because he felt that it might have been more judicious for the Borough President to take the initiative.
Passed.

The meeting was adjourned.

Respectfully submitted by Burt Lazarin