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MANHATTAN COMMUNITY BOARD NO 4

APRIL 7, 2010

ROOSEVELT HOSPITAL, 1000 TENTH AVENUE

PUBLIC HEARINGS

None scheduled.

MEETING AGENDA

Public Session	Corey Johnson
Adoption of Agenda	John Weis
Adoption of Last Month's Minutes	
Report from Manhattan Borough President	Sandy Myers
Reports from Local Elected Officials	Various
Report of the District Manager	Robert J. Benfatto, Jr.
Report of the Chair	John Weis
Report of the Nominating Committee	John Owens
Committee Letters & Resolutions	John Weis
Old Business	John Weis
New Business	
Adjournment	

PUBLIC SESSION

Thirty-three people signed-in. Their statements as recorded here only approximate chronological order because they are grouped by subject.

Inspector Dennis DeQuatro, the Community Officer of the NYPD Midtown South Precinct, appeared before the Board to offer a perspective on the crowd events that occurred on Easter weekend in the Times Square neighborhood. In anticipation of just this kind of activity, the Department stationed about 200 police officers, some in uniform, some undercover,

1 some performing traffic duty, in the area from W40th to W47th Streets
2 between Seventh and Eighth Avenues.

3 After 11:30 pm on Saturday night, the Inspector related, there was an
4 increase in what seemed to be organized group movement bounding
5 through the Times Square district. A number of incidents took place
6 including a shooting on W41st Street and another to the south at the
7 intersection of W34th Street and Seventh Avenue. Sixty people were
8 arrested including 10 juveniles; at least 2 were "gang affiliated." Of those
9 arrested, 16 were released and 34 were processed and charged with
10 anything from disorderly conduct to gang assault. Though the police had
11 planned for this activity, Inspector DeQuatro said the volume of people
12 involved was larger than they had imagined and that the pedestrianized
13 areas of Times Square were a "challenge" to their policing efforts.

14 Board member JD Noland suggested to Inspector DeQuatro that in the
15 future the area around Times Square to receive special policing in response
16 to these circumstances be expanded to include those residential blocks to
17 the west of Eighth Avenue.

18
19 Evan of Artimus Construction shared the excitement he and his partners
20 have about their planned development on the edge of the Elliot-Chelsea
21 Public Housing site and their ability to partner and bring new affordable
22 housing to the area.

23 Speaking about the same project, Jan Halsey, board chair of the adjacent
24 Haywood building, expressed disappointment with the Housing Authority's
25 plan for relocating its current garbage collection and disposal site and its
26 unimaginative lack of any alternate spaces.

27
28 Lauren Danziger of the Greenwich Village/Chelsea Chamber of Commerce
29 reminded MCB 4 members that her organization was sponsoring a get-to-
30 know-each-other social on April 20 at Las Chicas Locas on W25th Street.

31
32 Ray Galas of W44th Street spoke in favor of the XL Lounge stating that it
33 would promote diversity in the neighborhood.

34 Alan Klein of W46th Street and Dave Ness of the Strand on W43rd Street
35 both spoke of their approval of the proposed XL Lounge on W42nd Street.
36 John Blair, a former member of MCB 4 and a managing partner of the XL
37 lounge, described his establishment. It will be surrounded on three sides
38 by a hotel and on the fourth side will be adjacent to a police station. The
39 sound generated by the dance floor will be contained and there will be
40 sufficient interior space to accommodate a line-up for entry so that there
41 will be little need for use of the public street. Blair promised to visit

1 MCB 4's Quality of Life Committee regularly.
2 Mike Dvorchek lives in the Strand and, he too, supports the construction
3 of the XL Lounge.

4 The attorney for XL Lounge, Donald Bernstein, offered site tours of the
5 project to people from the community and assured the Board that the
6 applicant had agreed to all the license stipulations to their method of
7 operations being proposed by the BLP North Committee tonight.

8 Bruce Robert Harris who lives a block away told the Board he believes
9 that the XL Lounge will serve the community.

10 Will Rogers of Chelsea spoke in favor of the XL Lounge.

11 Brent Edward Stout raised another voice supporting the XL Lounge.

12 Don Bruhnke is a resident of the immediate area around the proposed
13 development and is in favor of the XL Lounge.

14 Karen Brownstein of W42nd right near the XL Lounge supports its
15 construction.

16

17 Danya Sherman of Friends of the Highline outlined for the Board the
18 park's art projects for the coming season and noted the beginning of
19 summer hours. Upon questioning from Board member Burt Lazarin she
20 informed the MCB 4 that Phase II of the Highline will be opening later
21 than originally planned, in the spring of 2011 rather than the fall of 2010,
22 and that they had not yet reached their funding goals.

23

24 Even though as pointed out by MCB 4 Chair John Weis the Hudson Hotel's
25 application for a cabaret license originally on the agenda for tonight's
26 meeting was postponed and will be on the agenda of the BLP North
27 Committee next Tuesday, many people had turned out to speak about it.
28 Remaining on tonight's agenda is a proposal to change parking
29 regulations in front of the hotel on W58th Street.

30 Susan Lahn of the W58th Street Block Association vehemently spoke
31 against the cabaret application and suggested it be held-up until a
32 dialogue between the hotel and its neighbors was reestablished.

33 Polly Bookhout, also of W58th Street, said the taxi traffic was intense and
34 she was unsure if the hotel was ready for a cabaret license.

35 Lucille Falcone agreed with Polly.

36 Michael Perlman of the Columbus Park Apts Cooperative is still receiving
37 complaints about the Hudson Hotel and believes the nature of events
38 there with a cabaret license will exacerbate the situation.

39 Ray Tillman is professionally a traffic engineer and watches what he calls
40 the "zoo" and suggests that to alleviate conditions on W58th Street the
41 hotel create another entrance on W57th Street.

1 Alicia Feuer of W57th Street says she can hear everything; the traffic
2 generated by the Hudson Hotel and the crowds.

3 Peter Harsham also of W57th Street is against the cabaret license.

4 Jacqueline Kuh lives across from the Hudson Hotel on W58th Street and
5 is another neighbor against their application.

6 Murray Kirsch opposes any unrestricted access to the Hudson Hotel from
7 W57th Street.

8 Miriam Davidson wants the Hudson Hotel to be a responsible neighbor.

9

10 Amy Short, the founding president of the NY Social Sports Club, spoke of
11 the need for better lighting on the playing fields of Chelsea Park at night
12 and asked for MCB 4's approval of her group's goal to provide an
13 improved lighting system.

14

15 Jesse Campoamor announced he is starting a committee to assure that
16 there will be a level I trauma center on the site of St. Vincent's once the
17 hospital closes at the end of April. He is asking for assistance.

18 Miguel Acevedo spoke also about the importance of saving, if not the
19 whole hospital, important and unique services to the community provided
20 by St. Vincent's.

21

22 Lucas Shapiro described himself as a housing activist and wanted the
23 Board to be aware of the programs of the Center for Urban Pedagogy
24 such as their monthly urban movie nights.

25

26 Yehudit Moch of the Hudson Guild stated that St. Vincent's was dead but
27 the needs it fulfilled must still be met. NYState budget cuts she insisted
28 should not be made on the backs of those who need these services such
29 as seniors. She also announced that the Guild was going to have a flea
30 market this coming Sunday.

31

32 At this point NYC Advocate Bill DeBlasio appeared at the meeting and was
33 given the floor to speak. He said his office would work closely with the
34 Board. Going further he promised that he would use his seat on the City
35 Planning Commission to help advance the development goals of MCB 4.

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2 **ADOPTION OF THE AGENDA AND**
3 **THE MINUTES OF THE MARCH BOARD MEETING**

4
5 After the Public Session the agenda for the night's meeting was
6 adopted without changes.

7 The Board accepted the March minutes as submitted by Co-Secretary of
8 MCB 4, Paul Seres.

9
10 **REPORT OF MANHATTAN BOROUGH PRESIDENT SCOTT**
11 **STRINGER**

12 represented by Sandy Myers

13
14 Myers welcomed to the Board the seven new appointments made by
15 Borough President Stringer. She proudly announced that to date
16 Manhattan had the best census response of the five boroughs.

17
18 **REPORTS OF OTHER ELECTEDS**

19
20 Congressman Jerold Nadler, reported Katherine Smith, has been
21 working closely with other electeds in securing an urgent care center to
22 be sited at or near St. Vincent's Hospital. The House recently passed the
23 9/11 health bill.

24 State Senator Tom Duane's Seth Berliner announced that he was leaving
25 the Senator's employ to wander the Middle East (the neighborhood of his
26 ancestors Berliner said) for two months beginning in May. His work was
27 acknowledged by a round of applause. He spoke of the Senator's efforts
28 on behalf of St. Vincent's and the creation of an urgent care center. He
29 also mentioned that Manhattan's census response rate was to date 61%.
30 Assemblymember Richard Gottfried, Jeff Lafrancois said, is currently
31 pushing along with other electeds to find funding and start work on the
32 Moynihan Station; there will be a hearing on April 28 on phase I
33 construction plans. The Governor signed the Family Health bill which the
34 Assemblymember has been pushing for many years. Jeff thanked the
35 BLP North committee for all its work around the XL Lounge and he
36 reminded people that on April 10 there will be a special recycling of
37 electronic devices.

38
39 Assemblymember Linda Rosenthal, stated Jonathan Davis, is advancing a
40 study of PCBs in the public schools.

1 Councilmember Christine Quinn’s representative, Amanda Younger,
2 announced that the Speaker’s office in cooperation with AARP and the
3 NYC DoT would be doing a survey of street crossing conditions in
4 Chelsea. Particular focus would be paid to the corners of Eighth Avenue
5 and W23rd Street and Ninth Avenue and W23rd Street, two crossings
6 known for many pedestrian/automobile accidents.

7 New York County District Attorney Vance, it was reported, takes seriously
8 the Easter events in Times Square and his office is working on
9 prosecuting the cases.

10 City Councilmember Gale Brewer appeared later in the meeting and her
11 statements are reported here. She emphasized the need to consider the
12 long-range planning needs of John Jay College and its impact on the
13 neighborhood. The Councilmember is looking for ideas from the
14 community. She is also concerned about city budget cuts such as those
15 resulting in the loss of 600 positions at the New York Public Library.

16
17 **REPORT OF DISTRICT MANAGER ROBERT J. BENFATTO**

18
19 Bob announced that there will be a joint meeting of the Chelsea
20 Preservation and Planning and the Clinton/Hell’s Kitchen Land Use
21 committees on April 22 to hear a presentation about and discuss phase I
22 construction plans for Moynihan Station.

23
24 **REPORT OF MCB 4 CHAIR JOHN WEIS**

25
26 John greeted the seven new Board members, asking each to stand and
27 be welcomed by the current members.

28
29 **REPORT OF THE MCB 4 NOMINATING COMMITTEE**

30
31 Committee Chair John Owens described the process the committee will be
32 following. In April it will interview the incumbents who are all running
33 again and take suggestions about others who might be interested in the
34 Board’s five executive positions. It will report its nominations to the
35 Board at the May meeting. Additional nominations will also be taken from
36 the floor at that time. Elections will take place in June.

1 **COMMITTEE LETTERS AND RESOLUTIONS**

2
3 Executive Committee

4
5 Since there was no quorum at the Executive Committee meeting, all
6 items that would have come from the committee will be considered new
7 business.

8
9 Items # 4 and #13 were the first letters to be discussed because of the
10 presence of many concerned people from the community.

11
12 Transportation Planning Committee

13
14 Item 4: Letter to DoT re parking regulation changes on W58th Street
15 Christine Berthet, Transportation Planning Committee Co-Chair, said she
16 hoped the changes would make taxis move to the south side of the street
17 alleviating congestion and reduce noise created by horn honking. Paul
18 Seres suggested that the phrase "current set-up" used in the letter to
19 describe the existing parking arrangement be replaced with "status quo."
20 Lisa Daglian urged that the language be made clearer regarding the
21 removal of the taxi stand. Approved with changes by the Board.

22
23 Business Licenses and Permits Committee North

24
25 Item 13: Letter to SLA re West 42nd Street Nightlife Inc. d/b/a XL Lounge
26 – 510 W42nd Street
27 BLP North Co-Chair John Owens presented the letter and moderated the
28 discussion. Paul began by raising the issue of where smoking will be
29 permitted. John Owens said that originally the committee wanted it on
30 W41st Street but the owners and businesses nearby decided against that
31 location. John Weiss added that at this point in the planning for the
32 lounge there is no designated smoking area; we will let one emerge from
33 a lively give and take discussion. Without an accessible back door Martin
34 Treat expressed concern for what he perceived as a lack of emergency
35 exits since there would seem to be but one, the W42nd Street main
36 entrance. Walter Mankoff inquired what might be forthcoming after the
37 lounge and John Owen replied that eventually there will be a spa and a
38 hotel. Joe Restuccia said his organization owns a building adjacent to the
39 proposed lounge and he would be in favor of smoking on W42nd Street.
40 He would depend on the building's owners for a proper smoking area
41 designation. Miguel spoke in favor of the development reminding the

1 Board that John Blair had been a good neighbor when he managed clubs
2 in Chelsea. Brett Firfer expressed his concern that the lounge will
3 transform the neighborhood and we may end up with a "Caledonia"
4 referring to a situation where residents are agitated by the immediate
5 presence of a large nightlife complex and its attendant noise and traffic.
6 Martin wondered about the possibility of the police giving up some of
7 their parking spaces on W42nd Street to lessen the traffic impact of the
8 new lounge. JD asked if in the future there would be some kind of
9 internal loading dock. He also wanted to know until what time the lounge
10 would be open to (4 am). Finally Christine brought up the issue about a
11 cabaret license: would the lounge be asking for one? She was told no.

12
13 John Blair of the XL Lounge team answered some of the questions raised
14 in the discussion. He said that because on W41st Street there is a church
15 within 200 feet and if it qualifies (there is currently some unresolved
16 ambiguity since there is a performing group in the church serving alcohol)
17 there cannot be an exit there to provide patrons with an area to smoke.
18 We can only offer W42nd Street for this activity. Another exit is being
19 built to give additional fire egress. Blair stated he did not feel it was the
20 developer's place to ask the police to move their parking spaces. There is
21 a hotel across the street from the proposed lounge with a stopping area
22 that can be used for vehicles coming east along W42nd Street and the
23 development has an adjacent garage. There are no other parking areas.
24 Blair again said that he or other representatives of the lounge would go
25 to the Quality of Life Committee regularly to hear community complaints
26 and listen to any concerns about the lounge's operation. He underlined
27 the fact that the lounge was not an after hours club and would honor the
28 4 am closing time.

29
30 BLP North Co-Chair John Owens added that some language about closing
31 time would be amended to the letter to the SLA. MCB 4 Chair John Weis
32 considered that no motion was needed for this.

33 Approved by the Board.

34

35 New Business

36

37 Item 1: Letter to LPC re 336 W20th Street

38 Landmarks Committee Co-Chair Ed Kirkland asked that the letter be
39 withdrawn. There are additional issues that need to be addressed.

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Item 2: Letter to Manhattan Borough President in Support of Joint Community Boards Resolution on A10008/S6873 re Illegal Hotels Approved by the Board.

Item 3: Letter to SAPO re CHDC "Spring Event" street fair Approved by the Board.

Waterfront and Parks Committee

Item 5: Letter to NASA re support of Intrepid Museum Space Shuttle Though everyone approved of the museum's acquiring a space shuttle for its collection, there are continuing issues around the museum and its operations. Co-Chair Lisa Daglian reiterated concerns expressed before about public access to the piers near the Intrepid. They are not private and people should be made more aware of their ability to use them. JD applauded the on-going work of the committee with the Intrepid. Many community residents, JD said, have not been happy with the museum. Co-Chair John Doswell assured JD that the committee's work with the Intrepid would continue.

Approved by the Board.

Item 6: Letter to DPR re support of Chelsea Waterside Park Comfort Station/Snack Bar

This letter was misaddressed. It should go to the Hudson River Park Trust. As a regular sports user of the park, Corey Johnson felt that the money allocated by the Trust to redo the fields in the park this summer was not needed. It could be shifted to begin work on the proposed comfort station/snack bar.

Approved by the Board.

Item 7: Letter to DPR re support of NYC Social Sports Club to provide night lighting for Chelsea Park ballfields

Approved by the Board.

Business Licenses and Permits Committee North

Item 8: Letter to SLA re Dream Team Partners LLC – 362 W53rd Street Paul highlighted in the letter the phrase "applicant will do everything in their power..." referring to sound baffling. He believes it is vague and perhaps has no measurable meaning. Martin questioned the same paragraph and thought muffling would be a better word.

Approved by the Board.

1 Item 9: Letter to SLA re Renebruno Inc. d/b/a La Cucaracha –
2 346 W52nd Street
3 Approved by the Board.

4 Item 10: Letter to SLA re 440 Ninth Avenue Entertainment LLC –
5 440 Ninth Avenue
6 Approved by the Board.

7 Item 11: Letter to SLA re 3 M 783 Corp d/b/a Smith’s Bar –
8 710 Eighth Avenue
9 Approved by the Board.

10 John Doswell did not agree with the stipulation in Items 9, 10, and 11
11 stating “The applicant is not applying for a cabaret license with this
12 current application.” He did not think it was a stipulation on methods of
13 operation going forward and it did not have any binding power. Co-Chair
14 John Owens responded that his Co-Chair Chuck Spence, not present
15 tonight, was adamant about inserting this statement as a stipulation in
16 their committee’s letters to the SLA.

17 Item 12: Letter to SLA re Joseph Greco d/b/a Cheerleader –
18 622 W47th Street

19 Co-Chair John Owens stated that the letter reflects an agreement
20 between the operators and the neighboring residents. Walter felt that
21 somehow the last paragraph saying there was no change in the methods
22 of operation contradicted the listing of the many stipulations. Martin
23 thought that it would be helpful if the establishment had a “dispersal
24 plan” for its patrons. John Owens asked if that was necessary and John
25 Doswell answered that he did not think so. It should be included only if
26 the applicant offered it.

27 Approved by the Board.

28 Item 14: Letter to DCA re Hell’s Kitchen Cream and Sugar Inc –
29 626 Tenth Avenue

30 This item, a renewal of an unenclosed sidewalk café, was postponed.

31 Item 15: Letter to DCA re Mr. Biggs & Grill – 596 Tenth Avenue

32 Approved by the Board.

33

34 Business Licenses and Permits Committee South

35

36 Item 16: Letter to SLA re PQ Meatpacking District Inc. d/b/a Le Pain
37 Quotidien – 52-54 Ninth Avenue

38 Walter wanted clarification on the language about playing interior music
39 and its impact on the street.

40 Approved by the Board.

41 Item 17: Letter to SLA re Txoco Inc. d/b/a Txikito – 240 Ninth Avenue

1 Item 18: Letter to SLA re Sullivan Restaurant – 230 Ninth Avenue
2 Item 19: Letter to DCA re 757 Rest. LLC – 757 Sixth Avenue
3 Item 20: Letter to DCA re Safran – 88 Seventh Avenue
4 All approved by the Board.

5
6 Quality of Life/Education, Libraries, and Cultural Affairs Committee

7
8 Items 21 through 25: Letters to SAPO re street fairs in June, September,
9 and October.
10 All approved by the Board.

11
12 Chelsea Preservation & Planning Committee/Housing, Health, and Human
13 Services Committee

14
15 Items 26 & 27: Affordable Housing Site at NYCHA Elliott-Chelsea Houses
16 Proposed Zoning Text Amendments N 100262 ZRM and N 100263 ZAM
17 Joe explained that what was before the Board was a zoning text
18 amendment that would modify height and setback requirements and
19 permit a street wall that otherwise would not be allowed. The problem
20 the committees were confronted with, and now the Board, is that these
21 amendments were received only a week ago. They appear to be
22 illconsidered since they apply to all parts of MCB 4 including designated
23 preservation areas. The two committees in joint session voted on
24 Monday to deny. JD wanted to know City Planning's response and Joe
25 said they hadn't thought through the consequences. The DCP now wants
26 to meet early next week to discuss the zoning text problems raised by the
27 committees.

28 All the project issues previously raised have been settled satisfactorily
29 with the developers Artimus.

30 The only major concern of the committees expressed at their meeting
31 was the unresolved issue of where to locate and how to enclose the
32 garbage collection and disposal area now sited adjacent to the Haywood
33 building and a HA parking lot. The Authority appears to be inflexible in
34 its approach which was a disappointment to all the parties involved.

35
36 The text amendment needs to be changed before financing for the
37 project which must be done before the end of the fiscal year can be
38 nailed down. Thus timing is critical. Joe says there is some ability to
39 postpone a final decision without sabotaging the financing schedule.

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Walter suggested the Board vote on Items 26 and 27 in a manner so as to authorize the executive committee at its next meeting to vote approval if the zoning text changes we want are made. Joe said we need to ensure any text language is more restrictive than that currently proposed. The Board concurred and will support with conditions waiting for the changes needed in the text amendment before final approval. It will go before the Executive Committee at the end of the month. This approach was incorporated as Item 28.

The meeting was adjourned.

Respectfully submitted by Burt Lazarin