



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD No. 4

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JOHN WEIS
Chair

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

PUBLIC MEETING

DATE: Wednesday, November 3, 2010
TIME: 6:30 p.m.
PLACE: Roosevelt Hospital, 1000 Tenth Avenue (58/59)

PUBLIC HEARINGS

FY 2012 Capital and Expense Budget Request: public comments and suggestions
Agenda was tabled until the December Full Board Meeting. Public hearing closed.

MEETING AGENDA

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

Public Session

Edina Munez Gorman- Mental health association. She spoke of their resources and the community outreach they are doing. They also offer workshops for the community at large. Rob Bookman-representing Pink Elephant Ball room spoke of the support of the BLP committee support. Not a new space, spoke of the immediate area having a 45% reduction in occupancy, spoke of the stipulations that the applicant agreed to at the committee meeting. John Blair - spoke in favor of the Pink Elephant application. John said that he has never spoken in favor of another nightlife operator due to not wanting to put his reputation at risk. He chose to speak in favor of Pink Elephant due to the operator's history of being good operators. Gene McBride - lives in Manhattan Plaza and is against the Yo-tel's outdoor operations for the space. He is afraid that his quality of life will be greatly affected.

1 David Sarnier-representing the Pink Elephant Applicant. Spoke of what transpired at the  
2 committee stating they would be willing to sit down with other businesses to discuss additional  
3 stipulations. They were never invited to the meeting that occurred amongst the other  
4 businesses in the area.

5 Barbara Kwon attorney for the Yo-tel, stated that they posted notices for the BLP north  
6 committee meeting stated that they agreed to all of the stipulations, supporting her clients as  
7 solid applicants.

8 Nigel Buchannan for Yo-tel, stated they had a lengthy meeting at BLP north, providing a large  
9 amounts of rooms for the public, stated that they wish to be active members of the committee.

10 Jeffery Mills managing director for Yo-tel, he is a part of the committee, long track record of hotel  
11 operations in and around Times Square. The license for their entertainment space is designed  
12 to cater to the residents and guests of the hotel. The terrace is an amenity to the local  
13 neighborhood and community.

14 Steven Honig-opposes Pink Elephant application, they own the Terminal Stores building  
15 believes that the applicant's facility should be transformed into "funky" gallery event space.  
16 Does not believe it is in the public interest to have a nightclub.

17

18 Gail Brewer spoke of the Windemere and Project Find permanent housing for seniors. High  
19 school of environmental studies has a brand new library. Draft of a bill for open data bases so  
20 citizens can use the information. Paid Sick leave bill is not done just on hold. Newark housing  
21 authority is 100% of their developments under a positive security program is very up to date,  
22 secure, and working. Crime is down 100% in these properties. Miguel Acevedo asked about  
23 what was going on in Harbor View-Gail has not heard anything on the development on the  
24 private side.

25

26 Naftali Deutsche- registered architect voicing his support for the Pink Elephant application. He  
27 believes the area has a number of restaurants and clubs and should remain that way. Familiar  
28 with Pink Elephant operators and fully supports their application

29 Marco Peruzzi supports Pink Elephant Application. He's a dj that has been working for Pink  
30 Elephant and believes they are the most responsible operators that he's working. It will bring  
31 jobs for a lot of people in the area. He believes that Pink elephant will be good for the  
32 community.

33 David Katz he opposes the Pink Elephant application.

34 Paul Pruell with the 27/28<sup>th</sup> street application opposes Pink Elephant application. He brings up  
35 the 500' rule and believes the burden is high to prove there is a need for this applicant. Does  
36 not believe that this applicant is good for the community. The LLC for the applicant has not  
37 been formed yet.

38 Eric Ekstein – developer of 548 West 21<sup>st</sup> Street, states they are not anti-nightlife, does not feel  
39 that Pink Elephant is a good fit for the operator.

40 Trevor Sumner representing Nearsay, created a website that helps bring an audience to  
41 community concerns, and allows visitors to voice their support or opposition for each issue they  
42 post.

43 Fabian Bereto supports Pink Elephant, runs a small PR firm that caters to high-end clientel.  
44 They have been working with Pink Elephant that represents the bulk of the revenues. They feel  
45 the operators are good and believe they represent their clientele's needs.

46 Anthony Bartolacci opposes the Pink Elephant Application. Believes that applicants are not  
47 worthy of running the venue due to the fact that they have back tax owed to NY State. Noted  
48 that Pink Elephant in the Hamptons filed for bankruptcy.

49 Lee Blummer spoke in favor of the Pink Elephant applicants. The space is good for large fund  
50 raising events such as the Robin Hood Foundation. She believes that the space is needed to  
51 hold those kind of large events.

1 Robert Montwaid supports his application. He is a resident of CB4, believes that developers  
2 don't have the community's best interest. Stated that he was available for meetings with  
3 concerned businesses. Explained that the tax issues were not true.

4 Eric Horowitz – representing 601 associates, which houses a lot of businesses. 601 Associates  
5 is concerned about the impact that Pink Elephant will have and is against it.

6 Mahmoud Abhoud is in favor of the application for the Pink Elephant.

7 Sigie Spence works at Nancy Hoffman galleries is concerned about the scale of the Pink  
8 Elephant application

9 Nancy Hoffman has a gallery in Chelsea is concerned about Pink Elephant and the patrons once  
10 they leave the venue. They are opposed to the scale of the club and the unruly people in the  
11 streets.

12 Rick Allen spoke in favor of Pink Elephant as he was hired to do their security. They do several  
13 venues in the area. He handles large clubs that hold large amounts of people. They've met with  
14 NYPD and the Tenth Precinct and are well aware of the quality of life issues that nightlife brings.  
15 He will be onsite to make sure the venue runs smoothly. He backs Bobby's and David's  
16 reputation. Has offered additional meetings as problems arise.

17 Matthew Forsyth from Bacardi USA for the reopening of Pink Elephant. Believes that PE will  
18 bring jobs including Union jobs for the liquor distributors, jobs that are behind the scenes.

19 Victoria Pestinsky, director of sales for MHUSA is in favor of the PE application. Believes their  
20 brands are well represented by venues such as PE.

21 Donna Langman small business owner and property owner on 27<sup>th</sup> Street attended the BLP  
22 south meeting not just the large developers who are opposed to the application but small  
23 businesses as well. Believes that the club is too big for the neighborhood. Believes the problem  
24 occur when the thousands of the patrons leave the venues. Concerned with the NYPD shutting  
25 down the street

26 Monica Saperstien representing the new hotel on 27<sup>th</sup> street speaking against Pink Elephant.  
27 Concerned about the scale and is worried that the NYPD will shut down the street.

28 Jim Pastrich partner in 547 west 28<sup>th</sup> street is opposed to Pink Elephant. Believes there is no  
29 reason to return to the old nightclub district that the area once was. Believes his tenants will be  
30 greatly inconvenienced. Believes they are in default of their sub lease obligations.

31 Marty Golkin works for a developer on 27<sup>th</sup> Street and is opposed to the PE application.  
32 Believes the police have better things to do than to police the clubs. Believes his tenants will  
33 also be inconvenienced if the applicant opens.

34 Ben Murphy public member of BLP North spoke in favor of the Yo-tel based on the  
35 conversations that occurred for their application. Outdoor music should not be part of the  
36 application. Went beyond normal hours of operation for the premise due to the existing noise on  
37 42<sup>nd</sup> street.

38 Ronin Cavanitz supports the PE application, believes the operators are good.

39 Susan Long Hudson Hotel stated FDNY shut down the parties that were at the Hudson and still  
40 believes nothing has changed.

41 Robert trentlyon regarding the storm surge barriers and that our cb's resolution is helping the  
42 passing of legislation

43 George Fontas speaking in favor of 346 West 17<sup>th</sup> Street, the Dream Hotel, speaking in favor of  
44 his client's application. Spoke of all of the features the designers of the property have done to  
45 help mitigate sound issues that may arise.

46 Iran project manager for the Dream Hotel he spoke of tthe amount of money they put into the  
47 project 5 star hotel 316 rooms. Stated the work they've done with the community and the  
48 amount of work they will continue to do with the community

49 Utica Mock from the Hudson Guild, they have flu shots on Wednesday and food for seniors.

50 Lauren Danzinger Greenwich Village Chelsea Chamber of Commerce, spoke of their police  
51 officer of the year award, luncheon in December.

1 Will Regan operator of the food and beverage at the Dream hotel spoke of their operational  
2 plans. Believes it will be a great addition to the community.

3 Lisa Wager director of community relations at FIT mentioned the public programming  
4 opportunities that FIT has for the community.

5 Marissa Perdante President of Manhattan Plaza believes their should be microphones at the blp  
6 north meetings. She is in favor of the Yotel but believes there are still issues that need to be  
7 worked out but thinks the developer is trying. Also noted that XL lounge is applying for a larger  
8 capacity.

9 Ken Fisher attorney for the 27<sup>th</sup> street block association and is opposed to the PE application.  
10 Believes that there should be a traffic study as well as hear from the NYPD regarding street  
11 closures. Noise impact study, also stated the landlord is in litigation with the applicant.

12 Jess Campoamer reports that there has been a steering committee regarding the closing of St.  
13 Vincents. Believes there is a huge vaccume in the community regarding emergency medical  
14 services. Looking for data to get another hospital in the community.

15  
16 John Weiss asked for a motion to approve the agenda. Motion was made and approved  
17 No minutes from last month's meeting or voting sheet.

### 18 19 **Elected Official's Reports**

20 **Sandy Meyers speaking for BP Scott Stringer.** Re-application forms for members and new  
21 applications have all gone out. BP released a study of bike lanes and stated they believe they  
22 are necessary for the city however motorists misuse them. Town Hall meeting on November  
23 15<sup>th</sup> for public housing issues including elevators.

24  
25 **Katie Smith representing Jerry Nadler,** Ground breaking for Moniyan station. Nadler sent  
26 two important letters to Helath and Human services 1, in regards to the LGBT suicides, 2,  
27 regarding in the loophole in the federal health care bill passed last year.

28  
29 **Sarah Myers Zimble for Tom Duane-** Responding to the concerns of LGBT violence.  
30 Uniformed officers have been deployed to problem areas. 34<sup>th</sup> street transit forum on November  
31 9<sup>th</sup>, DOT is soliciting input.

32  
33 **Jeffrey LeFrancois for Dick Gottfried** thanked the residents for their vote. Anti LGBT attacks  
34 spoke of the Speaker's initiative to try and see what has happening. Mentioned to the dignity  
35 for all students act regarding hate crimes in schools. Bike lane update for 8<sup>th</sup> avenue, DOT is  
36 holding education seminar, bollards will distinguish the difference for the bike and car lanes.  
37 PLaynyc initiative to improve environment and quality of life, updated that housing has a lot to do  
38 with the quality of life.

39  
40 **Rachel Stein representing Assembly member Rosenthal** joined the NY state assembly  
41 members for NYCHA issues, raised objections to NYCHA's practices for evictions of tenants  
42 who don't pay because their maintenance needs are not met.

43  
44 **Amanda Younger representing Christine Quinn** is still working on BRC, public hearing  
45 regarding contract services, 2<sup>nd</sup> hearing as a result of inadequate notification for community  
46 participation. Last week council voted on extension for tenant protections for many additional  
47 housing units. Paul Seres asked if there was any follow up to the LGBTQ hate crimes meeting  
48 held at the Anti Violence Project.

49  
50 **Edgar Yu representing DA Cy Vance** regarding statistics NYPD bureau chief on action will  
51 ASAP to Christine, Housing development security trespass affidavit program NYPD permitted to  
52 patrol building enrolled in program

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2  
3 **District Manager Report**

4 10<sup>th</sup> precinct community council meeting is at Fulton Center.  
5

6 **CB Chair Report**

7 CB Chair's report introduced Jim Jaspers to the Board  
8  
9

10 **COMMITTEE REPORTS – LETTERS & RESOLUTIONS**

11  
12 **Transportation Planning Committee (TRANS)**

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13 **No objection to bundling all of the items.**

14 Item 1: Letter to DOT re West 17<sup>th</sup> Street speed humps and truck noise

15 Item 2: Letter to DOT re West 58<sup>th</sup> Street shuttle bus loading

16 Item 3: Letter to DOT re High Pedestrian Crash Locations study

17 **JD commented after the vote about the information regarding the citations. Friendly amendment**  
18 **for parking spaces for bicycle parking instead of car parking.**

19 Item 4: Letter to DOT re High Pedestrian Crash Locations study – dangerous intersection

20 Item 5: Testimony presented before the NYC Council Transportation Committee re Regulation of ATMs  
21 (ratify)

22 **Christine spoke that the ATMS on the sidewalk are illegal Carmen counted 8 of them in her**  
23 **neighborhood.**

24  
25 **Business License and Permits Committee (BLP) - North**

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26 Item 6: Letter to SLA re 42nd and 10<sup>th</sup> Hotel LLC d/b/a Yotel New York – 570 Tenth Avenue (41/42)

27 This application is only for the fourth floor they agreed to the hours of the outdoor space will be reduced  
28 to 1230 and 130 weekdays and weekends respectively. The applicant may apply for an alteration for  
29 hours of operation after 6 months of operation. **Walter stated that if you are banning anything on the**

30 **outside it should be banned completely. The terrace should not be operating after 1230**

31 **weekdays and no later than 130 weekends. Also stated that music should not be permitted after**

32 **certain hours outside once the terrace is closed. Jay is concerned about the sound limitations**

33 **from equipment and should be included in the letter to the SLA, Jay is concerned about setting**

34 **precedent. DB's from the sound report will be included in the letter. Damyanti stated her concern**

35 **for residents in the area regarding the outdoor sound. Corey stated that the committee did great**

36 **work, and commented on the rooftop and rear yard policy and it should be followed for this**

37 **applicant. He asked if the policy was discussed at the committee. Raul commented on the**

38 **committee's discussion with Acustilog. Carmen was concerned if there was enough notice**

39 **posted regarding the applicant believes that the community will be affected. Christine stated that**

40 **cb4 has never approved an outdoor space. Christine was corrected by Lisa, who stated there**

41 **were two others that were approved. Believes that the hours are too late for too large of a**

42 **population and questioned the amount of standing space. Brett stated he has reservations,**

43 **thinks that it is in too high of a density within the cb 4 district, also believes neighborhood**

44 **historically doesn't show up to the meetings believes the board should do more advocating for**

45 **residents who don't show up. Believes that the occupancy is too high for the area, he also**

46 **questions the acoustical engineers methods. David asked about the community amenities. JD**

47 **said that it is 42<sup>nd</sup> Street, recommended that Item 9 be amended that the security personnel will be**

48 **in direct contact with someone from Manhattan Plaza. Martin who lives in Manhattan Plaza on the**

49 **34<sup>th</sup> floor and hears everything when his windows are open but is concerned about the families**

50 **living on the other side of the building regarding the terrace. Christine made an amendment to**

51 **have the terrace hours consistent with cb4's existing backyard/roof top policy that was seconded,**

52 **by Bob Trentlyon. Lisa suggested that the hours go a little later in each direction. 10 during the**

53 **week and 11 during the weekend.**

54 Item 7: Letter to SLA re The Manhattan Music Group – 610 W. 56th St. a/k/a 605 W. 55th Street

55 Item 8: Letter to SLA re Traffic – 701 Ninth Avenue

1 **Lee Compton asked about their occupancy, 72 occupancy not 90 seats 18 at the bar and 54**  
2 **seated.**  
3 Item 9: Letter to SLA re Eat Good Feel Good Inc. d/b/a City Sandwich – 649 Ninth Avenue (45/46)  
4 **Jay made a comment about the owners not putting out a bike rack but the applicant should come**  
5 **to the transportation committee for a bike rack.**  
6 Item 10: Letter to SLA re 508 9<sup>th</sup> Avenue LLC d/b/a Kovo Vote was taken at committee to deny due to the  
7 applicant because they didn't show, they then notified the cb office and asked to be put on the agenda for  
8 November.  
9 Item 11: Letter to SLA re Uncle Mario's Brick Oven Pizza – 739 Ninth Avenue (48) Applicant is open and  
10 there is an issue for the gate removal. Jay asked that a statement be made in the letter regarding the  
11 owner's removal of the gate.  
12 Item 12: Letter to SLA re Briciola LLC. d/b/a Briciola - 370 W. 51<sup>st</sup> Street  
13 Item 13: Letter to SLA re Xai Xai Wine Bar LLC- 369 W. 51st Street  
14 **David stated that there were problems with the venue but since the applicant has worked with the**  
15 **community to mitigate those issues, they had support of the community.**  
16 Item 14: Letter to SLA re 12 East FF Corp. d/b/a Bread & Honey – 939 Eighth Avenue (55/56)  
17 **Lee commented on the number of seats vs. stand up. Question regarding the stipulation sheet.**  
18 **Capacity** to be determined but less than  
19 Item 15: Letter to DCA re 523 9<sup>th</sup> Avenue Inc. d/b/a Hell's Kitchen Café – 523 Ninth Avenue Letter to be  
20 rewritten for outright denial due to the applicant not submitting the plans for their sidewalk café.  
21 Item 16: Letter to DCA re La Scala Restaurant LLC. d/b/a Five Napkin Burger – 630 Ninth Avenue (45)  
22 Item 17: Letter to DCA re 44 & 9th Restaurant Inc. – 623 Ninth Avenue (44)  
23

#### 24 **Business License and Permits Committee (BLP) - South**

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25 Item 18: Letter to DCA re Viceroy Café Inc. – 160 Eighth Avenue (18) **Bundled**  
26 Item 19: Letter to DCA re Mestre Inc. d/b/a Le Zie 2000 – 172 Seventh Avenue (20) **Bundled**  
27 Item 20: Letter to SLA re NY 27 Entertainment Group LLC d/b/a Pink Elephant – 530 W. 28th Street  
28 **Morgan spoke in favor of the applicant speaking to the character and experience of the applicant.**  
29 **Bob has a point that residents should be a consideration, especially those who move into**  
30 **clubland. Christine is opposed the applicant. Brett thinks that the cb should keep residents in**  
31 **mind when they are too busy to show up for the meetings. Ed stated that this area was zoned for**  
32 **nightlife. Howard wants fair share for clubs. Larry supports the 500' hearing but we should deny**  
33 **to back up residents who don't live on the block. Jay agrees with Ed about nightlife placement.**  
34 **Amy thinks developers are to blame since they knew the area they were building in. Raul**  
35 **questions the legality of the operator. Corey noted nuisance abatement stipulations from**  
36 **previous operator.**  
37 Item 21: Letter to SLA re Son Cubano" Restaurant- 544 W. 27<sup>th</sup> Street  
38 **Martin asked if any residents showed up at the committee meeting in protest, Paul answered no**  
39 **residents live on the block.**  
40 Item 22: Letter to SLA re Peter Callahan or Entity to be formed d/b/a Callahan Catering – 137-139 W.  
41 25<sup>th</sup> Street **Bundled**  
42 Item 23: Letter to SLA re Terra Mia Enterprise Inc. d/b/a Eolo – 190 Seventh Avenue (21/22) Bundled  
43 Item 24: Letter to SLA re Chef Wang's House LLC d/b/a Legenda Bar & Restaurant – 88 Seventh  
44 Avenue (16/15) **Bundled**  
45 Item 25: Letter to SLA re Northquay Properties LLC & Avenue Restaurant LLC – 346 W. 17<sup>th</sup> Street  
46 Item 26: Letter to SLA Las Ramblas Restaurant LLC. 346 W. 17<sup>th</sup> Street (basement)  
47 Item 27: Letter to SLA 346 Lounge LLC - 346 W. 17<sup>th</sup> Street (second floor, roof)  
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#### 49 **New Business**

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