

MANHATTAN COMMUNITY BOARD NO 4

FEBRUARY 1, 2012

ROOSEVELT HOSPITAL, 1000 TENTH AVENUE

MEETING AGENDA

Public Session

Christine Berthet

Adoption of Agenda

Corey Johnson

Adoption of Last Month's Minutes

Report of the Manhattan Borough President

Reports of Local Elected Officials

Various

Report of the District Manager

Robert J. Benfatto, Jr.

Report of the Chair

Corey Johnson

Committee Reports -- Letters & Resolutions

Old Business

New Business

Adjournment

PUBLIC SESSION

The Public Session began with Melina DiPietro of Friends of the High Line describing activities scheduled for the next few weeks including the showing of silent films on the building wall adjoining the park at W 22nd Street.

Leonard Fogelman and Dilaver Kocak spoke about Item 6 and the agreement they had made with their wine bar's neighbors. Surprised, Jean-Daniel Noland asked what agreement? The applicants responded that they added stipulations to their proposed methods of operation. Included among these are changing the hours opened to 5 pm to midnight and the installation of security cameras. James Wallace added that the meeting had been cordial and that in total there now will be 11 stipulations.

Watty Strouss, a resident of W 46th Street, reported that a number of concerned people had met to discuss the restoration of the mural in the Matthew-Palmer playground. They are considering the feasibility of a portable basketball court while the work is going on. Ed Kirkland raised the question of how, once restored, can the mural be protected while the playground is in use.

Frank Romero thanked the Transportation Committee for moving ahead with the renaming of the corner of Ninth Avenue and W 19th Street. His cousin Maxwell Romero said that this action means the world to his family and friends and also thanked everyone involved in the street renaming.

The public session ended with MCB 4 Chair Corey Johnson declaring it the shortest in the history of the Board.

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2 **ADOPTION OF THE AGENDA AND**
3 **THE MINUTES OF THE NOVEMBER BOARD MEETING**
4

5 Agenda adopted with modifications; Item 13 moved to be considered first among the
6 committee letters.

7 January's minutes accepted.
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9 **REPORT OF MANHATTAN BOROUGH PRESIDENT SCOTT STRINGER**
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11 A new representative has yet to be appointed; there was no report.
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13 **REPORTS OF OTHER ELECTEDS**
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15 Congressman Jerold Nadler's representative Katie Smith reported that the new
16 transportation funding bill has been marked up. Christine Berthet commented that the bill
17 as currently written eliminated money for pedestrian safety and we should fight that.
18 Senator Tom Duane's representative Sara Myers Zimble thanked Corey and others for
19 attending the Senator's public forum on the proliferation of bars in the neighborhood.
20 Going forward the approved methods of operation of each establishment receiving a liquor
21 license will be posted online. Zimble also announced that there will be affordable units
22 available at the HPD development at 550 West 54th Street.

23 State Assemblymember Dick Gottfried, Jeffery Lafrancois informed the Board, is concerned
24 about the condition of the landmarked Hopper-Gibbons building on West 29th Street. The
25 new owner, the brother of the deceased previous owner, intends to appeal to the BSA the
26 decision barring the construction of additional floors. The Assemblymember led his
27 committee in approving, and the full Assembly followed, a resolution urging that
28 reproductive health care rights be respected and supported at all levels of government and
29 be included in publicly initiated or regulated insurance programs.

30 State Assemblymember Linda Rosenthal's representative Paul Swere announced that the
31 Assemblymember will be sponsoring a housing clinic for seniors around the issue of SCRIE.
32 Manhattan District Attorney Cyrus Vance's liaison to the Board, Edgar Hugh, announced
33 that the DA is supporting the "All Crimes DNA" bill which would expand the pool of
34 suspects from which DNA samples could be taken.
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36 **REPORT OF DISTRICT MANAGER ROBERT J. BENFATTO**
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38 The Chelsea Preservation and Planning Committee will be meeting two times this month
39 because of the upcoming certification and ensuing ULURP for the proposed additions to the
40 Chelsea Market. Bob outlined a possible schedule for this process. He also announced that
41 the reach of New York State's Open Meetings Law has been expanded to include Board
42 letters. These will now be posted online available to the public.
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REPORT OF MCB 4 CHAIR COREY JOHNSON

Corey reported that the Governance Special Committee, Co-Chaired by Betty Macintosh and John Weis, had made three final recommendations to the Board. These will be voted on at our March meeting. Betty enumerated them:

- 1) Terms of public members should be limited to one year.
- 2) Terms of Board officers should coincide with the calendar year and begin on January 1. This would mean that in the coming transition elections terms would be 18 months.
- 3) Voting for Board officers should be by paper ballot.

City Planning has yet to certify, Corey stated, the application for zoning changes covering the proposed development at the Chelsea Market. It will happen either in April or May. Corey hoped it would be May so the Board members to be appointed April 1 will have some time to get acquainted with the issues. When it does happen, the Board will have 60 days to act in accord with ULURP.

During the past month Corey told of attending Senator Duane's forum on liquor licensing and a meeting on the planned bike sharing program. He said there was good attendance at the later and it seemed to go well.

Corey also went to the Quality of Life Committee meeting on Avenues, The World School. He observed that there was a vigorous back and forth questioning and answering around the issue of financial aid, who gets it, how it is defined, what it includes. He found the discussion, though, a little disappointing but he took the longer perspective saying that the school will be in the community a long time so he had hopes that we could work together.

Corey thanked Ernest Moderelli for his hard work studying our website. He has done a great job concluding with a list of possible changes.

Finally, Corey announced that he was reconstituting the Javits Advisory Committee. He said he wants to make sure that MCB 4 is part of the conversation about the site and that the state clearly hears and listens to our desire to have any new development considered only in the context of the surrounding neighborhoods.

COMMITTEE LETTERS AND RESOLUTIONS

Transportation Planning Committee

Presented by Christine Berthet and Jay Marcus, Co-Chairs.

Item 13: Letter to Speaker Quinn re Honorary Supplemental Street Naming for Brandon Romero at the northwest corner of Ninth Avenue and West 19th Street.

Miguel Acevedo stated that both the Fulton Tenants Association and Fulton Youth of the Future supported this measure. Neither had been mentioned in the letter to the Speaker.

Corey added that the Board had received a letter endorsing the naming from the Chelsea Reform Democratic Club (CRDC). Christine thanked JD for his assistance in writing the letter. Approved.

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2 Business Licenses and Permits Committee

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4 Presented by Paul Seres, Co-Chair.

5 Item 1: Letter to SLA re Sushi Dream Corp. d/b/a Sushi Dream – 825 Eighth Avenue (btwn
6 W 49th and W 50th Streets).

7 Item 3: Letter to SLA re The Café Grind LLC – 483 Tenth Avenue (btwn W 36th and W 37th
8 Streets).

9 Item 4: Letter to SLA re Boxaurant Inc. d/b/a The Redwood Coffee Shop – 102 Eighth Avenue
10 (corner W 15th Street).

11 Item 5: Letter to SLA re Hot Chili Inc. – 601 Eighth Avenue (btwn W 39th and W W40th
12 Streets).

13 Above Items bundled and approved.

14 Item 6: Letter to SLA re Wine Group Manhattan Inc. d/b/a Wine Escape – 405 West 44th
15 Street.

16 Corey reiterated that the applicants had met with the block association and agreed to 11
17 stipulations to their proposed methods of operation. Paul wanted clarification on the new
18 hours, specifically were they intending to close at midnight? The applicant answered yes.
19 Maarten de Kadt asked where the stipulations were. Corey answered that they were located
20 on the application itself. Paul reminded the Board that we changed to the new format so as to
21 ensure conformity from one application to another. Walter Mankoff said he was fine with the
22 new system but that the language in the body of the letter needed some cleaning up. He felt
23 that it was incomplete though headed in the right direction. Maarten continued that he
24 appreciated the new way we were indicating our responses to liquor license applications and,
25 he too, believed we were moving in the right direction.

26 Joe Restuccia proposed an amendment to Item 6 to incorporate in the letter the 11
27 stipulations agreed to by the applicant with the block association. He also added that he had
28 did some research and found that the proposed use is permitted in the Special Clinton Zoning
29 District. The applicant has received a letter of no objection from the Department of Buildings.
30 Christine noted that sound board insulation had been constructed at the site and was
31 wondering how we were to judge the sufficiency of the installation. She would like noise
32 testing. Paul said that one of the stipulations covered this issue.

33 Amendment passes.

34 Christine specifically asked for another amendment calling for the testing of the sound board.

35 This amendment did not pass.

36 As amended, Item 6 approved.

37 Item 2: Letter to SLA re Etai Cinder or Corp to be formed – 160 Eighth Avenue (corner W 16th
38 Street). In introducing this application, Paul described existing sound issues. BLP had
39 requested a report from the applicant and had only received it tonight. Paul had read before
40 our Board meeting and concluded that further tests of the apartments above the restaurant
41 were necessary. He asked if the Etai was willing to talk with the tenants. The applicant said
42 yes. Approved.

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44 Executive Committee

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46 Item 7: Letter to SCA and DCP re reforming the City Environmental Quality Review and public
47 school planning and construction. Approved.

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4 Housing Health and Human Services Committee
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6 Presented by Joe Restuccia, Co-Chair

7 Item 8: Letter to HPD re Inclusionary Housing - LIHA – 500 West 30th Street.

8 Joe emphasized that the main issue was the location of low income units in the building. They
9 either faced north (to the proposed Coach Hdqtrs building) or east (to the entrance roadway
10 of the Lincoln Tunnel), neither desirable views. He described this as eco-segregation of the
11 low income occupants. Damyanti Radheshwar raised another point about the possibility of this
12 new construction undermining the foundation of the adjacent structure. Had there been a
13 meeting? She even suggested that the tenants of the existing building should hire a lawyer.
14 Joe requested that she send him an e-mail on the subject. Approved.
15

16 Chelsea Preservation and Planning and Clinton/Hell's Kitchen Land Use Committees
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18 Presented by Brett Firfer, Co-Chair CPP.

19 Item 9: Letter to DCP re Zone Green Text Amendment – N 120132 ZRY.

20 Brett observed that the new section is not just for the Department of City Planning but
21 presents to the community boards an opportunity to talk. Joe thought that we need clearer
22 language on wind turbines. Their presence on buildings can be a problem. Maarten agreed
23 though he said that perhaps in the future the technologies of wind turbines might change and
24 become safe and not noisy. Walter proposed that we state wind turbines are noisy and unsafe
25 but we could change our opinion and he would leave the language alone. Gwen Billig stated
26 that the noise generated by wind turbines depends on their size. Joe said for him the issue
27 was height, that an additional 100 feet on a rooftop is questionable. Approved.
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29 Landmarks Committee
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31 Presented by Ed Kirkland and Damyanti Radheshwar, Co-Chairs.

32 Item 10: Letter to LPC re 641 Sixth Avenue (btwn W19th & W20th Streets).

33 Item 11A: Letter to LPC re 100 West 23rd Street – storefront.

34 Item 11B: Letter to LPC re 100 West 23rd Street – upper floors.

35 Betty suggested it would be helpful in communicating our position in letters from the
36 Landmarks Committee if our approval or objection to the proposal under consideration was
37 clearly stated in the beginning of each letter.

38 Items 10, 11A, and 11B approved.
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40 Transportation Planning Committee
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42 Presented by Christine Berthet, Co-Chair.

43 Item 12: Letter to DoT re Megabus Relocation and Expansion.

44 Christine provided the Board with the background to this letter. Currently Megabus is using
45 the west side of Ninth Avenue between West 31st and West 33rd Streets for loading. Because
46 of expected construction it must move to a new site. DoT submitted for our consideration
47 three possible relocation sites and asked us to choose two. Before we even approve any

1 expansion of Megabus within MCB 4 we want four conditions met. We want Megabus to have
2 a job fair for neighborhood residents. We also want Megabus to pay for the use of public
3 space. DoT should also do a Fair Share analysis and create a comprehensive plan for private
4 buses not using the PA Bus Terminal. Paul expressed his frustration at how Megabus and the
5 other street loading companies get away without paying any fees to the city. Christine
6 answered that DoT believes that since these bus companies engage in interstate commerce
7 they have no regulatory authority. New York State must act. JD said that the relocation site
8 desired by the committee, Tenth Avenue between West 30th to West 34th Streets, was rejected
9 by DoT. Jay Marcus, Transportation Committee Co-Chair, noted they had also pushed to no
10 avail West 34th Street between Tenth and Eleventh Avenues. JD urged us to be more
11 aggressive and push back. Lisa Daglian added that since this is a federal issue we should
12 involve Congressman Nadler and our two Senators. Copies of our letter should be sent to
13 the federal electeds. We should rewrite the letter putting what we want upfront with our
14 conditions and then this should be followed by the details. In this way it becomes easier to
15 read and facilitates communicating our points. Otherwise our position is lost. Brett like Paul
16 felt frustrated. He said we are so disempowered and wondered what will happen when the
17 next company, perhaps Bolt Bus, has to relocate its street loading area. Mary Bambury
18 wanted the letter to note that these buses often idle with the ac on and the motor going
19 against all regulations. James W echoed Lisa's point about reaching out to our federal reps.
20 He wondered if we could link the relocation issue in some way with our concern about tourist
21 bus parking. Joe disagreed with Lisa and felt it is important to lay out our story and only then
22 describe our conditions. Ed Kirkland commented that the text of the letter needed to be
23 revised. From his point of view it was too "Gallic." Approved.

24 25 Waterfront, Parks, and Environment Committee

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27 Presented by John Doswell, Co-Chair.

28 Item 14: Letter to Related Cos. re Sustainability, i.e., Storm Water Retention & Reuse System
29 for 500 West 30th Street.

30 Maarten said that this letter supports a project that could be interesting and he had some
31 additional wording. Christine questioned the use of taxpayer money for a private development
32 by the Related Companies. Walter stated he had no problem with the technology, only with
33 the financing. Is this a special grant he asked or is this part of an ongoing program? The
34 answer should be indicated in the letter. Corey thought this was a good suggestion.

35 Damyanti answered the question raised by Walter stating this was a new requirement.

36 Towards explication, Lisa said we should edit line #25. Joe reminded the Board that Related
37 Companies refused to reconsider the apartment distribution in the building as we urged them
38 to do so in Item 8. We should link the two issues. Joe concluded by asking why should we
39 help them now? Approved.

40 Item 15: Letter to DPR re Mathews-Palmer Playground.

41 Ed reiterated what he had said during the public session about making sure the mural once
42 restored is protected. Corey asked Bob to look into what measures need to be taken. Larry
43 Roberts, commenting on the possibility of portable basketball courts, pointed out that other
44 full courts are available in the neighborhood and kids probably wouldn't use temporary courts.
45 Approved.

46 47 Quality of Life: ACES Committee

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2 Item 16: Letter to Avenues – World School re financial aid.

3 Barbara Davis wanted to add to the letter a paragraph about what we want to see in financial
4 aid for community residents. She added that we should include information about Avenue's
5 aid and how it compares to similar schools. Corey countered that Jenna Chrisphonte,
6 Assistant District Manager, had called but no statistics were available. Barbara thought we
7 should be more specific and get terminology used in financial aid services in defining what we
8 are asking for. Walter felt that this approach was more appropriate to an administrative letter.
9 Corey noted that the Quality of Life Committee meeting where Avenues spoke and answered
10 questions was unsatisfactory and we should say so in the letter. We should also add to the
11 letter the community complaints expressed at the meeting.

12 Sandy Roldos, referring to financial aid, said we had numbers. David Pincus, Co-Chair of QoL,
13 questioned if it were true as stated in Line 45 that Avenues had not made a good faith
14 outreach effort to the neighborhood. He believed that the meeting with the community should
15 be memorialized. Betty pointed out that Lines 33 – 35 were unclear about the current number
16 of entrance exam fee subsidies and/or waivers (are there any?) and an increased number.
17 Carmen Matias said that ERB is a private organization and to suggest oversight of its tests is
18 ludicrous. What we want, she continued, is that qualified kids from our neighborhood are
19 admitted and can attend Avenues.

20 Jenna interjected that Lines 54 – 56 concerning the possibility of a cultural bias in the
21 administering of the entrance tests by ERB is a contentious issue. Maarten added that the
22 way to avoid cultural bias on tests is not to give them. He observed that even with
23 scholarships many of MCB 4's children still couldn't afford to go to Avenues. Jenna said that
24 tests are necessary to train students for the future. Sandy recalled that the person
25 representing Avenues at the committee meeting was so scared, as she was of him, and that
26 this presents us with an opportunity. David believed that the cultural bias is based in how the
27 tests are administered, via the internet. Not everyone has a pc or access to one.

28 Coming back to financial aid, Barbara said there are standards and formulas used by private
29 schools and Avenues should conform to these.

30 Joe focused on our ability to develop a trusting relationship with the representatives of
31 Avenues. There is a problem he said. At the committee meeting they were neither clear nor
32 forthcoming in their answers to our questions. Paul wanted the Board to remember that this
33 is a profit making organization and they might not be adhering to the standards set by other
34 private schools which are not-for-profits.

35 David headlined that Avenues soon would be coming before the Board for a playstreet
36 designation and we should leverage the process in any way we can.

37 Approved.

38
39 No new business.

40
41 The meeting was adjourned.

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43 Respectfully submitted by Burt Lazarin
44