

# **MANHATTAN COMMUNITY BOARD 4**

October 3, 2012

FULTON AUDITORIUM, 119 9<sup>th</sup> AVENUE

## **AGENDA**

Public Session: Christine Berthet

Adoption of Agenda: Corey Johnson

Adoption of Last Month's Minutes: Corey Johnson

Report of the Manhattan Borough President: David Czyzyk

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

Chair Corey Johnson called the meeting to order at 6:42 pm.

## **PUBLIC HEARING**

A public hearing was held regarding an application to the Board of Standards and Appeals by Crunch Fitness. This is for a special permit (BSA Cal #: 237-12 BZ) for a physical culture for a physical culture establishment at 220 West 19<sup>th</sup> St. There were no speakers for this hearing.

## **PUBLIC SESSION:**

Johnson introduced First Vice-Chair Christine Berthet to conduct the public session.

Jane Li from the NYC Districting Commission spoke about the purpose behind the commission. She explained that every 10 years the council districts are redrawn in the city according to shifts in the populations Li noted that there would be upcoming public hearings on this topic, including one in Manhattan tomorrow (Thursday) night.

Carlose Schatterilla, from the 44 Southwest restaurant spoke in favor of the removal of the phone booth on the south side of West 44<sup>th</sup> St., citing numerous issues, including drug dealing and other possible criminal activity.

Miguel Acevedo said that he believes developers should be held to their commitments to the community and offered a few examples where this has not happened. He closed by stating that the community should make sure that affordable housing that is built should be real affordable housing.

Speaking about Item 23, a letter to the Parks Dept. regarding the redesign of Ramon Aponte Park, Hell's Kitchen Babies co-founder Carolyn Trufelman detailed ongoing issues such as teens hanging out and that the children's play area is not being utilized.

Megan Kelly, also a co-founder of Hell's Kitchen Babies, related how the community does not have a playground that can accommodate all the young families that have moved into the neighborhood. Kelly stressed that there are basketball courts in every playground and park, yet there are no playgrounds dedicated to just young children.

Concurring with the last two speakers, Wyatt Counts stated that more space is needed for the little kids.

Tracey Kahley also spoke in support of eliminating the basketball court at Ramon Aponte Park and devoting the space to small children. She introduced a petition with 120 signatures that she said contained many parents and residents of Hell's Kitchen and also a few from parents whose children attend school here who would also like to utilize this park but often feel like they can't.

A resident who lives across the street from Ramon Aponte Park, Maria Postigo agreed with the request to remove the basketball court.

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Sharon Goldberg also agreed with the previous speakers and suggested that the idea of a dog run for smaller dogs might be something to look at. She opined that there are many older and disabled residents in the neighborhood who can't get to the larger dog runs and would benefit from such a use at Ramon Aponte Park. Goldberg concluded that a small dog run would mesh very well with a young children's playground environment.

Judith Fetters, who lives on the northwest corner of Eighth Ave. and West 45<sup>th</sup> St, spoke of her fear of the many bikes in the area and the planned installation of a rack that will accommodate 50 rental bikes just one building away from her. Also, Fetters complained that she is constantly having to dodge cars, trucks, buses and bikes and Ninth Ave. as well.

Speaking about the Gotham development at 510-550 West 45<sup>th</sup> St., Barbara Davis explained that applications/instructions for affordable housing at the location are available at [west45lottery.com](http://west45lottery.com). Davis noted that applications must be postmarked by November 13, 2012. Finally, Davis stated that there will be an upcoming meeting (announced on the web site) that will further explain the process and to assist people in filling out the applications.

Merdith Nomkowski announced an event for children and their families taking place in Gansevoort Plaza on Saturday, October 20 from 10 am-4 pm.. The event will include storytelling and live music.

Sydney Tegeler, president of the 506 Ninth Ave. Tenants Association, said that his association was at a Community Board meeting last month to complain about an extremely loud HVAC unit in the shaft between 508 and 510 Ninth Ave. that is used by a bar at the address. Tegeler was referred to CB4's HHHS Committee for assistance in resolving the issue.

Arnold Bob spoke in support of "seats in the streets", an initiative to put park benches on the sidewalks of Chelsea and Hell's Kitchen.

Also speaking about the affordable housing opportunities at 510-550 West 45<sup>th</sup> St., Carmen Matias stated that, keeping in mind many people don't have access to computers, applications should be made available at senior and community centers, as well as the community board offices.

Executive Director of Housing Conservation Coordinators Sarah Desmond announced two upcoming events. The first, the West Side Tenants Conference deals with tenant issues, takes place on Saturday, November 3, 2012 from 9 am-5 pm. HCC's 40<sup>th</sup> Anniversary fundraiser will be held on Thursday, October 18, 2012 at the Prince George Hotel and proceeds will go directly to HCC to support the services they provide to the community.

Danya Sherman of Friends of the High Line shared the news that ground has been broken on the third and final section of the High Line and she thanked CB4 as well as all the elected officials. She explained that the goal is to have most of the third section open by the end of 2014. Also, fall hours are now in effect on the High Line, which means the park will close at 10 pm, rather than 11 pm.

Steve Belida, co-chair of the 50/51 Block Association, relayed complaints from the community in regard to Mickey Spillane's, an establishment on the southeast of Ninth Ave. and West 49<sup>th</sup> St. Primarily, the complaints involve amplified sound and Belida noted that this is not permitted because of a stipulation the operator signed to obtain his liquor license.

Sherry Sontag, another Hell's Kitchen parent, asked that one little park, Ramon Aponte Park, be dedicated to little kids and asked CB4 to please help make this happen.

Also speaking about Ramon Aponte Park, Jake Daehler said that if you don't see or hear very well or are just really good at ignoring things, it's fine to have your kids there. Daehler, a father of three, related that he lived across the park for 24 years and has witnessed a lot of swearing, fighting, etc. in the park and it's very kid unfriendly. Dahler also mentioned that a small dog run would be a workable co-use of the park along with a children's playground. Finally Dahler announced that the twice annual Toy and Clothing Exchange would take place on Sunday, October 14, 2012 in the Ellington Room at Manhattan Plaza from 1-4 pm.

Elaine Bohary, asked that the community have just one small space, Ramon Aponte Park, for the smaller kids to play without being surrounded by adults, swearing, fighting, etc. She added that including a basketball court in such a small space would be ridiculous.

Betty Mackintosh, holding a tomato, asserted that its purpose was not to throw at CB4 colleagues she disagreed with. Rather, she was holding the tomato to illustrate what is being grown by the Manhattan Farm Project at 410 West 40<sup>th</sup> St. An Open house will be held on the rooftop on Saturday, October 6, 2012 from 10 am-12 pm. Mackintosh explained that the farm supplies fresh produce to two local food pantries. Also, there is a Celebration Benefit that will take place on Tuesday, November 13, 2012 from 6:30-9:00 pm. More information on these events can be found at [HellsKitchenFarmProject.org](http://HellsKitchenFarmProject.org).

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Kathy Terrill, who has lived across Ramon Aponte Park since 1979, alleged that there are fights and illegal drug use on a regular basis there. She believes it is a mistake to have a mixed use such as adult basketball and a children's playground in such a small space.

Finally, Chuck Vasallo, assistant principal at PPAS on West 47<sup>th</sup> St., stated that Ramon Aponte Park is often used by teenagers from other high schools in the neighborhood that should actually be in school and not playing basketball during that time.

Anne Sewell submitted a written statement about alleged illegal filming taking place at 425 West 21<sup>st</sup> St. She asks that CB4, along with the Mayor's office, assist in putting a stop to this annoyance.

Berthet declared the public session closed.

### **ADOPTION OF THE AGENDA AND THE MINUTES OF THE APRIL FULL BOARD MEETING:**

The agenda was adopted with one proposed change. Larry Roberts proposed that Item 23, which are actually two letters (23a and 23b), be moved to the top of the agenda. That proposal was seconded and approved.

The board adopted the September 5, 2012 minutes as submitted by Evangeline Gomez.

### **REPORT OF MANHATTAN BOROUGH PRESIDENT SCOTT STRINGER:**

David Czyzyk, representing Stringer, announced that the borough president's office is attempting to schedule the community board reception and it will be in the late fall.

### **REPORTS OF OTHER ELECTEDS:**

Katie Smith, representing Congressman Jerold Nadler, reported that the Pregnant Workers Fairness Act bill Nadler authored has been introduced in the Senate. Also, in response to a letter from Nadler and 81 other members of Congress, the Dept. of Homeland Security will issue written guidelines for immigration officials that recognize the ties of a same sex partner or spouse as a positive factor for relief in immigration deportation cases.

State Senator Tom Duane's liaison, Jared Chausow, reminded everyone that residents of New York State, for the first time ever, can register to vote online at a DMV site. Also, the NYS DEC has requested that the NYS DOH conduct a Health Impact Assessment of fracking.

Jeffrey Lefrancois from Assembly Member Dick Gottfried's office, offered an update on the efforts to protect the Hopper-Gibbons house, which is a historic Underground Railroad site in Chelsea. A number of our elected testified before the Board of Standards and Appeals against the current owner's appeal. Lefrancois also spoke of a bill co-sponsored by Gottfried and State Senator Daniel Squadron that would make state projects comply with NYC Fire and Building Codes.

Assembly Member Linda Rosenthal representative, Paul Sawyer, announced free upcoming events concerning breast cancer screening, dental health and flu shots, all in October.

Michaela Miller, representing Council Speaker, stated that on September 12, the City Council voted to increase fines for operators who have converted residences into illegal hotels.

### **REPORT OF DISTRICT MANAGER ROBERT J. BENFATTO:**

CB4 District Manager Bob Benfatto announced that the CHKLU Committee will not meet in October and their next meeting will be Wednesday, November 14, 2012.

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### **REPORT OF MCB 4 CHAIR COREY JOHNSON:**

Chair Johnson reported that 75 Morton St. between Hudson and Greenwich Sts. will be turned into a zoned middle school that will serve not only Greenwich Village, but Tribeca, Chelsea and Hell's Kitchen as well. Johnson also announced that, per community board by laws, he was creating a Social Media Outreach Committee and has selected Ernest Modarelli as its chair. As such, Modarelli will be the newest member of the CB4 Executive Committee.

Noland suggested that a Task Force might be a better choice, since a committee is supposed to have monthly meetings. Johnson responded that he and District Manager Benfatto will discuss this and work it out.

### **COMMITTEE LETTERS AND RESOLUTIONS:**

#### **Waterfront, Parks and Environment**

Item(s) #23a/b: (Presented by Co-Chair John Doswell)

Doswell explained the history and why there are two letters on Ramon Aponte Park, saying that #23b was drafted by his committee in July and which opposed inclusion of the basketball court in the upcoming renovation. The letter was bounced back to the WPE Committee by the full board after opposition was heard at its September meeting. Subsequently, the WPE reversed its position and recommended inclusion of the basketball court in the renovation. That recommendation is stated in #23a. Doswell suggested voting on 23a and if that letter was rejected to use 23b as an alternative letter.

Maarten de Kadt asked whether some kind of increased security would help at the park. Chair Johnson recognized Officer Michael Dugan from the Community Affairs of Midtown North precinct, who was in attendance. Officer Dugan responded that he was not presently permitted to speak on the matter per his superiors.

Larry Roberts acknowledged the presence of the PPAS principal, many parents and residents from the community as well as an officer from MTN, who Roberts said would have spoken to the numerous police issues at Ramon Aponte Park had he been permitted to by his superiors at One Police Plaza. Roberts insisted that there really isn't anything being taken away and that basketball players are already well served in the community, even without the court at Ramon Aponte Park. He concluded by saying that there sometimes needs to be a sacrifice for the good of the community and that's the case here.

Jay Marcus asked if the committee felt like there wasn't enough basketball facilities and Doswell responded that the basketball contingent stated this particular court was well used.

Pete Diaz noted one person playing basketball and others just hanging out. Diaz thinks there will still be a problem there even if the basketball court is removed, but doesn't think we need a court at this location.

Martin Treat asserted that there are plenty of basketball courts in the community.

JD Noland reiterated that it's a small park (.17 of an acre) and to take half of that park and reinstall a basketball court there is ludicrous. Noland pointed out that the renovation of Hell's Kitchen Park has been a huge success and this was a joint planning effort between the Block Association, elected and Parks Dept. Noland concluded by stating that he supported the first letter that came out of the WPE Committee, #23b.

Delores Rubin believed that the renovation separates the children from the adults and would alleviate the concerns that many have. She also said that Parks does not like removing a purpose/activity in a park renovation without sufficient reason.

Carmen Matias stated that Ramon Aponte Park was smaller than the room that this meeting was being held in and it was inappropriate to have the intended mixed use of basketball with a children's playground.

Christine Berthet noted that the yelling and screaming in the back of the park, where the basketball court is, renders the front of the park, with the playground virtually unusable.

Aldona McCarthy said that she had been on the fence regarding this issue, but after hearing from the residents tonight, she decided that it should be a children's playground rather than remaining a split use. McCarthy also mentioned that many of the names on the petition submitted by the basketball supporters were from addresses outside the Hell's Kitchen community

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Joe Restuccia, speaking to a contention that Parks would not change amenities without a compelling reason, refuted the notion by pointing to Hell's Kitchen Park, which had a hockey rink and bocce ball court in a prior incarnation. He concluded by stating that as the dynamic of the neighborhood has changed, so should this park.

Item #23a, which retained the basketball court, was voted on first. It failed (5-32).

Item #23b, which eliminated the basketball court, was then voted on. APPROVED (37-0)

### **Clinton /Hell's Kitchen Land Use Committee**

Item #1 (Presented by Co-Chair Sarah Desmond)-APPROVED

Item #2 (Presented by Co-Chair JD Noland-APPROVED

It was noted that this item is a work in progress and that suggested changes can be emailed to Noland and Desmond.

### **Business Licenses and Permits**

(Presented by Co-Chair Paul Seres)

Items #4, 5, 6, 8 and 9 were bundled-APPROVED

Item #3-APPROVED

Item #7-APPROVED

Seres explained that there is an auction for the lease at this property at 742 Ninth Ave. and that if successful, Boxers has agreed to the stipulations it had previously agreed to at this location, as well as additional stipulations it agreed to at last month's BLP meeting.

### **Executive Committee**

(Presented by CB4 Chair Johnson)

Item #10-APPROVED

### **Housing, Health and Human Services**

Item #11 (Presented by Co-Chair Joe Restuccia)-APPROVED

Item #12 (Presented by Co-Chair Barbara DAVIS)-APPROVED

### **Transportation Planning**

(Presented by Co-Chair Christine Berthet)

Items #13-20 were bundled-APPROVED

### **Landmarks**

(Presented by Co-Chair Pamela Wolff)

Item #21-APPROVED

Item #22-APPROVED

### **New Business**

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(Presented by Sarah Desmond)

Item #24-APPROVED

Item #25-APPROVED

Desmond explained that #24 was a letter to SLA and #25 was a letter to DOB. Both have to do with 508 Ninth Ave. and Molly McGuire's.

Chair Johnson adjourned the meeting at 8:17 pm.

Respectfully submitted by Larry M. Roberts