

Public Hearing on **Item 16: FY15 Capital and Expense Budget Requests** The fiscal year 2015 begins July 2014 and the Task Force is to identify capital priorities and expense priorities from MCB4. At the time of the meeting the only changes being made were a few typo corrections. There were no comments.

1st Vice Chair Christine Berthet introduced Anthony Borelli from Edison Parking to discuss:

HLP Properties: remediation of a Brownfield site at 76 Eleventh Avenue - West 17th and 18th Streets between Tenth and Eleventh Avenues – part of the former West 18th Street Gas Works.

Currently this 1.75 acre site has a parking lot at the 17th Street and 10th Avenue. The property takes up an entire square block from 10th Avenues to the Westside Highway between 17th & 18th Streets. Most of this area was a manufactured gas plant in the 1900s that used coal and there is still much leftover waste. The Brownfields clean-up program is compliant with current NYS DEC regulations and will take approximately 12 months. Initially on the 10th Avenue side they will excavate down 3' and waste will be carted away. In the western portion of the property they will dig down to 7' to add a containment wall that consists of sheet piles. These will be used to limit dispersal of coal tar. Perimeter protections will be put in place. Air monitors will be installed. Survey points will be installed along the building. Electronic signals will inform if levels are above the specified range and they have deliberately programmed conservative measurements to ensure compliance. The remediation process used has been implemented at other sites including the IAC building on the West Side Highway.

Phase One is currently underway and will be completed by year end. Phase Two is expected to be complete in October of 2014.

Pamela Wolff asked if there will be archeological monitoring because we never know what we might find while excavating. Mr. Borelli responded he would ask about that.

Betty Macintosh asked how HLP would be communicating with the community. Mr. Borelli told the Board that they have briefed all the Electeds and they have set up a website which will post weekly updates.

<http://17thstreetproject.com/>

Amber Nicosia asked if air quality readings would be available on their website. Mr. Borelli stated he would need to check if that was possible.

Walter Mankoff asked what did HLP have planned for the site because he was concerned if they excavate what would prevent them from laying down a foundation. Mr. Borelli informed the Board Parking would be restored to the site until they have a planned use for that location.

Marty de Kadt asked if ALL the coal tar would be removed. Mr. Borelli explained that not all of the coal tar would be removed and some of it would be "stabilized in place". This process, tripping? is mixing the coal tar with cement. What cannot be stabilized will be removed.

1st Vice Chair, Christine Berthet introduced Clinton/Hells Kitchen Land Use Chair, JD Noland to present:

BSA application for a PCE (gym) special permit at 423 West 55th Street

BSA application for a renewal of a PCE (gym) special permit at 10 Columbus Circle

Mr. Noland explained that the BSA application and renewal require a public review to ensure these establishments which are gyms are not really message parlors. With that he asked if there were any questions. With no response the public hearing for these two items were closed.

Mr. Noland stayed on to represent the Musical/Comedy Committee of MCB4 to present a requiem for the church at 424 West 55th Street which is scheduled to be torn down to make way for affordable housing.

Mr. Noland provided the Board with the Church's history:

- Brick church Built in 1898 - First Evangelical United Brethren servicing those of German heritage.
- Converted to a theatre in 1962 - Theatre Four
 - Chekov's Cherry Orchard was the first play performed
 - Boys in the Band was the first play whose subject matter was that of gay men & they had over 1,000 performances
- The Negro Ensemble Company performed Charles Fuller's "A Soldier's Play" in 1981. Actors like Lawrence Fishburne and Denzel Washington performed there. *Mr. Noland remarked that Dezel had recently called him up asked how could he get on Community Board 4.*
- The Women's Project, the only all women theatre also had productions there.

Mr. Noland then called on Reverend/Rabbi Pincus to lead the congregation Board in prayer and a blessing for all the theatres. Reverend-/Rabbi Pincus asked for the protection of all our cultural venues. Amen.

GENERAL PUBLIC SESSION:

MCB4 Chair Johnson introduced Vice Chair Christine Berthet to run the public session.

1. **Thomas Adcock** of 400 West 43rd Street wanted to address Item 24: Letter to SLA re Coppelia - 623 Ninth Avenue (44). This addition would be very noisy & obnoxious. There are 44 bars in a 1½ block radius. As a community, "We are well served." Mr. Adcock has lived in Manhattan Plaza for many years & 43rd Street had been the anchor of Hell's Kitchen. He understood that the establishment will have DJs and their doors open. Mr. Adcock hoped that the Community Board would do all it can to quash this application. *Lisa Daglaine, Co-Chair of the BLP committee pointed out the information Mr. Adcock had stated as to the method of operation was incorrect. 1st Vice Chair, Christine Berthet suggested Mr. Adcock go to BLP.*
2. **Abby Murray** from the Meat Packing District Improvement Association introduced herself to the Board as this was her first MCB4 meeting. MPIA is considering creating a Business Improvement District, BID from the area of Southwest Chelsea through the Meatpacking district. MPIA was looking for community feedback. There is a survey on their web site, <http://meatpackingbid.org/> Ms. Murray encouraged everyone to take the survey.
3. **Ashley** of 410 West 44th Street thanked the Board for denying a license to Coppelia Diner. She posed the question of how this establishment would enhance the community. "There is no need for another bar...saturation point has been tipped". Ashley informed the Board that Kathleen Treat of HKNA could not make the meeting, but did want to share a statement. The statement was an announcement that HKNA was forming a task force concerning the saturation of bars in the neighborhood and questioned what happened to the 500 foot rule on Ninth Avenue where there is a bar every 100 feet. The task force meeting will be Friday, November 8 at 4pm at 400 west 43rd Street, Apartment 33N.
4. **Lilly Pollack** of 555 West 52nd Street had worked on stopping the concerts on the Pier and she thanked everyone who had sent emails and the Police, DEP and MCB4. This year's concerts were still loud, but much better. Ms. Pollack was proud of the Community Board for listening to community concerns and "making something happen"
5. **Joan O'Hare** of 408 West 57th Street applauded that something is finally being done with the Windermere and landmark status, but Ms. O'Hare rejects the idea of a rooftop amenity. She was also concerned about affordable housing on the side of the building that abuts the balconies of the 408 building.
6. **Serhij Hoshowsky** of 408 West 57th Street told the Board they were happy something was going forward with the Windermere. "We need to make sure whatever is done makes sense." There would be issues around security, noise and smells. A rooftop amenity and a boutique hotel is not the way to go.
7. **Paul Eichel** of 350 West 57th Street agreed and applauded the previous two speakers. Mr. Eichel expressed that two separate entities in the same building would create issues with garbage, deliveries & noise. He said he was against rooftop entertainment as the noise from the Hudson Hotel comes right into his building. The Cure is best served by keeping the original structure.
8. **Lisa Wager** from FIT congratulated Chair Johnson on his victory and was pleased to be invited to be on the Brookfield Task Force. Ms Wager gave kudos to David Pincus for running the task force meeting. As for FIT matters. The museum is holding a fashion symposium on Friday and Saturday, November 8th & 9th featuring such speakers as, John Barlett, Liz Collins and Omar Sharif, Jr. *Ms. Wager seemed to have swooned and asked for forgiveness, but when one thinks of Omar Sharif, Jr's father...*
9. **Steve Goldin** manager of 408 West 57th Street spoke on the Windermere and told the Board the biggest concerns were safety and noise. Public assembly on a roof will diminish the quality of life for residents and neighbors. Mr. Goldin presented a petition of 45 residents. He is in support of development, but wants the Board to consider the issues.
10. **Uriel Rubinov** of 622 West 47th Street addressed Item 5: Letter to SLA re Esquire NYC-Gentleman's Club stating that the applicant is claiming there are only 7 liquor licenses in the area when there are actually 9 within 6 blocks. The applicant told the Block Association they have a good record when in fact the Sapphire has numerous violations for tenant harassment.

11. **Michael Sillerman** Land Use counsel from Kramer Levin representing the Windermere thanked the Board for its support of Landmark restoration. The community concerns regarding the rooftop and bulkheads will be addressed. His client is proposing a 175 room boutique hotel and they want to be a good neighbor. They have attended the Landmarks and Land Use committees of MCB4 and will be attending the Health and Human Services Committee in December. *Vice Chair Christine Berthet informed everyone in attendance they would have at least 2 more opportunities to speak on the Windermere.*
12. **David Glasser** of 184 Eleventh Avenue was speaking out against Esquire NYC-Gentleman's Club. This applicant harassed tenants and threatened him personally telling him "your days are numbered." The applicant's method of operation does not match his application and now he is doing the same thing on 57th Street. The applicant has a bad record and bad character.
13. **Anita McDough** of 333 West 56th Street, the Parc Vandome told the Board she was excited about the Windermere being developed, but was concerned because other buildings like the Sheffield & the Hudson Hotel kept the community informed and she did not feel that was the case with the Windermere. Ms. McDough felt the Windermere was not forthcoming and questions the rooftop structure. She also questioned the hotel, to what standard would this project be. Traffic and noise were also concerns.
14. **Jesse Clinton** of the 44th Street Block Association spoke regarding Item 24: Letter to SLA re Coppelia - 623 Ninth Avenue (44). The applicant and the Block Association had come to a resolution. The operator will now agree to a 2 am last call and a 4 am close instead of being open 24 hours. The process to the resolution was not smooth and the applicant was not as upfront as they would have liked.

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

Chair Johnson announced the following changes to the Agenda:

- Tabling Item 15: Letter to DoE re night and weekend use of facilities at Humanities High School
- Moving Item 11: Letter to LPC/DCP re Windermere-400 West 57th Street to be the first discussed

The Agenda was adopted.

The following correction was requested of the minutes:

Lisa Dagalín requested a correction of characterization of the session covered by Betty Mackintosh as a public meeting.

The Minutes were adopted.

REPORTS OF ELECTEDS:

REPORT OF MANHATTAN BOROUGH PRESIDENT SCOTT STRINGER:

Hunter Johansen addressed the Board by first congratulating Corey and Gale on their wins.

- Mr. Johansen informed the Board they would be receiving their re-application notices soon and for those in attendance that were interested in joining the Board, applications would be available on the Borough President's web site.
- Mr. Johansen claimed Assembly member Dick Gottfried stole some of his thunder, but he would still announce the Borough President was sponsoring free flu shots Friday, November 15th from 11am to 2pm at the Municipal Building.

Jackie Black of US Representative Jerry Nadler's office informed the Board

- Representative Nadler was pleased the 16 day government shutdown had ended, but would have preferred a permanent solution. This fight will continue early next year and it is hurting the economic recovery.
- Representative Nadler submitted testimony to HPD concerning succession rights for Mitchell Lama residents. The Representative believes the family situation needs to be taken into account as uncles, nieces and nephews may live with extended family.

Robert Bradbury from State Senator Brad Hoylman's Office addressed the Board:

This was Robert's first MCB4 meeting. Robert can be reached at robert@bradhoylman.com

- State Senator Hoylman wrote a letter along with NYC Council Speaker Christine Quinn and State Assembly member Dick Gottfried to the SLA regarding the Liquor License request by the Gem Hotel. Following MCB4's recommendation, they letter asks for a denial unless the Gem Hotel

agrees to stipulations outlined by the Board. Mr. Hoylman will continue to press the cause against the rooftop use and work with MCB4.

- The State Senator also wrote a letter to the organizers of SantaCon, the drunken bar crawl with thousands of participants. Mr. Hoylman requested the organizers work with the NYPD and the Community Boards to come up with a plan on how to deal with their members.

Paul Sawyer, for State Assembly Member Linda Rosenthal, announced:

- The Assembly member would be hosting a Forum on the Affordable Care Act on Thursday, November 7th at 6:30 at 257 West 88th Street. Navigators will be on hand to answer any questions.
- Parties on Piers 92 and 94 were better than in previous years, but it was still a problem.
- Ms. Rosenthal will be testifying soon in front of HPD on the Windermere.
- The Assembly member already testified to HPD on the issue downsizing apartments for Mitchell Lama residents. Ms. Rosenthal feels the city needs to find a way to deal with their finances without harassing tenants.

Harriet Sedgewick, representing City Council Speaker Christine Quinn wished everyone a happy fall.

- City Council voted on October 30th to raise the smoking age to 21, this applies to e-cigarettes as well. Fines are as high as \$1000 for stores selling to minors. This legislation could help reduce smoking rates drastically.
- In response to Super Storm Sandy there was legislation passed to minimize damage from future storms with requirements to keep fire protection above flood levels and tighter restrictions around new development.

Edgar Yu of District Attorney Cy Vance's office announced:

- In partnership with the Latin American community, a new PSA has been created to encourage the reporting of crimes. A hotline has been set up 212 335 3600.
- The DA also held a workshop on protecting the elderly from financial crimes.

For more information, visit their website: <http://manhattanda.org/>

REPORT OF DISTRICT MANAGER ROBERT J. BENFATTO:

District manager Bob Benfatto promised to keep his report short.

- Fulton Houses: City Planning Hearing occurred and the vote is on November 25th for the 158 unit affordable housing building.
- Pier of Fear was not as fearful. Much better than in years past & there was even a complaint on Facebook that the noise was too low.
- Quality of Life Committee will be meeting on November 26th.

REPORT ON BUDGET & JOBS TASK FORCE:

Budget & Jobs Task Force member **Raul Larios** informed the Board:

It is the one year anniversary of the community jobs project which is an effort to persuade employers in the community to hire from within the district. It is not mandated, but done as good will & a desire to be a good neighbor.

Phase One: The Website is complete and up and running with over one dozen employers participating. Mr. Larios asked by a show of hand how many Board members had logged on the site. Most members had.

The same question was posed to the general public and the response indicated not many in attendance had logged on the jobs website.

The Task Force is open to new ideas.

Surveys had been sent out to employers asking how many CB4 hires were there.

They did not receive many survey responses, but one suggestion came back that applicants should reference MCB4 in the subject line of their emails to receive priority attention.

Challenges:

E-Blast database only has 1700 names accounting for only 2% of the residents – we need to grow the database and the Task Force is looking for ideas on how to do that.

On the employer side, we need more participation

Other municipalities have created Community Benefit Agreements which stipulate a minimum hiring target for projects, the Staples Center in LA is an example. CB11 implemented this with the Target shopping center in Harlem and had a 75% local hiring rate. Perhaps looking at some of these best practices, MCB4 could adopt such a policy.

REPORT FROM BETTY MACKINTOSH OF THE NOMINATING COMMITTEE:

Ms. Mackintosh informed the Board that the Nominating Committee was comprised of herself, JD Noland, Charles Baylor, Walter Makoff, George Santana, Pete Diaz, and Elizabeth Zechella. Ms. Mackintosh thanked the committee members for their work and informed the Board of the recommended nominees.

The new officers will be elected in the December Full Board meeting. The nominees are as follows:

CHAIR:	Christine Berthet
1 st VICE CHAIR:	Hugh Weinberg
2 nd VICE CHAIR:	Delores Rubin
CO-SECRETARY:	Frank Holozubiek
CO-SECRETARY:	Miranda Nelson

Lisa Daglain stated her concern that the Board is now restricted with these named recommendations and because of this “the Board is split.”

Ms. Mackintosh explained the by-laws allow the Board to handle nominations in two ways and the nominating committee is the way the Board had decided to go.

JD Noland stated that anyone could be nominated.

Chair Johnson suggested if the manner in which the Board would like to handle nominations needs to be changed, the Board is welcome to take that up, but urged the Board consider doing that after December 31st when he is no longer serving as MCB4 Chair.

With that, it was asked if there were any new nominees.

Burt Lazarin nominated Raul Larios for 2nd Vice Chair and Earnest Moderelli seconded the nomination.

Chair Johnson asked if Raul Larios accepted the nomination, at which Mr. Larios replied yes.

REPORT OF MCB4 CHAIR COREY JOHNSON:

Chair Johnson thanked the Nominating Committee, especially Ms. Mackintosh for doing this “unsexy job” and he wanted to recognize her efforts.

COMMITTEE LETTERS AND RESOLUTIONS:

Landmarks Committee (LAND) and Clinton Hell’s Kitchen Land Use Committee (C/HKLU)

Presented by LAND Chair Pamela Wolff & C/HKLU Chair JD Noland

Item 11: Letter to LPC/DCP re Windermere-400 West 57th Street (APPROVED WITH AMENDMENTS)

Ms. Wolff reported: There were hearty discussions around this restoration. This “glorious piece of red brick” has been standing since 1881 and sadly has a checkered past. This restoration is a chance at a new life and the Windermere “deserves it”.

Issues:

- *Handicap access on 57th Street is out of place with the historic look*
- *Elevator bulkhead. One is redundant, but luckily the false gable view would not be obstructed*
- *Addition of the 9th floor which would be visible from every angle and is highly inappropriate.*

JD Noland stated he agreed with Ms. Wolff’s comments and noted the situation is very complicated. Mr. Noland informed the Board that the applicant will appear in front of the HHS Committee to discuss the Cure and they will come before Land Use again.

Joe Restuccia informed the Board he has worked on the site since 1995 and this building was an example of the worst harassment he had ever seen. Managers and owners were convicted. There was no follow up on the accepted Cure of affordable housing for seniors only. Mr. Restuccia wanted to make sure the Board was aware the applicant altered the building by ripping out the floors because they want to build a hotel and now they are requesting relief through Landmarks for this self-imposed hardship.

Jay Marcus had a few concerns:

- *Mr. Marcus understood the letter was recommending no protection from the elements.*

Ms. Wolff explained the recommended solution would have complete protection from the elements.

- *Mr. Marcus wanted Land Use concerns stated in the beginning of the letter even though this is to Landmarks.*

Mr. Noland explained the situation is complicated, but they will consider it.
Christine Berthet wanted the paragraph addressing the Hotel as use to be a little stronger because a hotel changes the layout of the building, but apartments would preserve the original layout.

Chelsea Land Use Committee (CLU)

Item 1: Letter to DCP re Fulton Houses Project Façade **(RATIFICATION) (APPROVED)**
Presented by Betty Mackintosh. This was a follow-up after a presentation on the project.

Business License and Permits Committee (BLP)

Presented by BLP Co-Chairs Lisa Daglian and Paul Seres

The following items were bundled: 2,3,4,6,7,8

Item 2: Letter to SLA re Benjamin Pratt d/b/a As Is NYC – 734 Tenth Avenue (50/51) **(APPROVED)**

Item 3: Letter to SLA re RTC 18 Corp – 166 Eighth Avenue (18/19) **(APPROVED)**

Item 4: Letter to SLA re Morning Star Restaurant – 879 Ninth Avenue (57) **(APPROVED)**

Item 5: Letter to SLA re Esquire NYC-Gentleman's Club – 622 West 47th Street **(APPROVED)**

Mr. Seres did not bundle this item because there have been some issues with the applicant's other establishment, the Sapphire. There were vacate orders from Christine Quinn's office then they moved to the old Scores site in another CB.

James Wallace stated that the claim of harassment was significant. He asked if we can tolerate an operator that harasses within our district? Mr. Wallace wanted to be on record that he could not support this application. [duly noted]

Christine Berthet asked about the Certificate of Occupancy. Mr. Seres responded that was a DOB matter, but SLA would not issue a license without a TCO, COF or if there was a letter of objection on file.

Brad Pascarella asked what was in this space before. Lisa Daglian responded that it had been another Gentlemen's Club and this space has come up at BLP many times before.

Paul Seres told the Board plainly that for this type of business these establishments are very well run with few complaints.

Brett Firfer asked if the grandfathered operation at this location is a pattern that is a problem and does the Board want to keep this pattern.

Chair Johnson said there was no need for a philosophical discussion.

Lee Compton told Mr. Seres that the Board relies on the Committee for a sense of the applicant's character and was now confused because what he was hearing was the owner is questionable, but can run a good establishment.

Mr. Seres replied he could not speak to the operator because he does not know him personally, but he can stand by his recommendation because the applicant agreed to the stipulations.

Walter Mankoff asked for clarification as to which stipulations, ones stated for a previous establishment in 2010 or current ones. It was indicated the current stipulations.

JD Noland told the Board the applicant came before his Block Association and went over all the stipulations. He has no problem with the site, he knows the owner and he knows where he lives.

Item 6: Letter to SLA re 777 Theatre Bar – 777 Eighth Avenue (47/48) **(APPROVED)**

Item 7: Letter to SLA re SAS Restaurants LLC – 807 Eighth Avenue (48/49) **(APPROVED)**

Item 8: Letter to SLA re S. Scotty Enterprises, Inc. – 802 Ninth Avenue (53/54) **(APPROVED)**

Landmarks Committee (LAND)

Presented by LAND Chair Pamela Wolff, who acknowledged language needed to be tweaked

Item 9: Letter to LPC re 405 West 14th Street **(RATIFICATION) (APPROVED WITH AMENDMENTS)**

Item 10: Letter to LPC re 511-541 West 25th Street **(APPROVED WITH AMENDMENTS)**

Clinton/Hell's Kitchen Land Use Committee (C/HKLU)

Presented by C/HKLU Chair JD Noland

Item 12: Letter to BSA re special permit for a PCE (gym) at 423 west 55th Street **(APPROVED)**

Lisa Daglian asked to include stronger language, but both Lee Compton and JD Noland explained there was some sensitivity, so Ms. Daglian withdrew the request,

Item 13: Letter to BSA re special permit renewal for a PCE (gym) at 10 Columbus Circle **(APPROVED)**

Item 14: Letter to MOEC re rule change to 13 Type II CEQR environmental reviews **(APPROVED WITH AMENDMENTS)** *The city is trying to streamline processes. Identified 13 areas where an environmental review was unnecessary. Concerns for the Board are mostly around Parking because the accumulative effect is not taken into account.*

Quality of Life: ACES Committee (QoL)

Item 15: Letter to DoE re night and weekend use of facilities at Humanities High School (**TABLED**)

Budget and Jobs Task Force (B&J)

Item 16: FY15 Capital and Expense Budget Requests (**APPROVED WITH AMENDMENTS**)

Making changes to language, under expenses combining a few points and taking out a section on capital.

Chair Johnson urged anyone that had suggestions to contact Mr. Benfatto, Mr. Lazarin or Mr. Larios.

Housing Health and Human Services Committee (HH&HS)

Presented by HHS Co-Chair Joe Restuccia

Item 17: Letter to HPD re Affordable Housing Plan "IHP Application" - 424 West 55th Street (**APPROVED WITH AMENDMENTS**)

Mr. Restuccia informed the Board that the applicant had not sent a response to the Board as of yet and that will be reflected in the letter is they do not receive it shortly.

JD Noland asked to add Assembly member Linda Rosenthal's involvement in the talks.

Item 18: Letter to Skybox re 565 West 23rd Street

JD Noland informed the Board a complaint has been filed with the Office of Enforcement

David Warren asked to copy Fire & Building Commissions on the letter & wanted to know what's going on at hotel.

Chair Johnson explained the letter will ask for those answers.

Transportation Committee (TRANS)

Presented by TRANS Co-Chair Jay Marcus

The following items were bundled: 19, 21 & 23

Item 19: Letter to EDC re # 7 train to New Jersey and Bus Terminal relocation (**APPROVED WITH AMENDMENTS**) *Lisa Daglian asked to change the order by moving up line 62*

Item 20: Letter to DOT re Construction – 301 West 46th Street (**TABLED**)

Joe Restuccia asked to mention Access A Ride.

James Wallace wanted to suggest public art in the space.

Lisa Daglian asked to add no nighttime construction and to limit hours pre-theatre. .

Miranda Nelson questioned if the site was for one or two hotels.

Mr. Restuccia claimed this would be major issue because of the Cure and was told these would two separate unconnected hotels.

With that information the Chair recommended the Item be tabled.

Item 21: Letter to DOT re Stage 48 - West 48th Street (Tenth and Eleventh Avenues) - Street Signage (**APPROVED WITH AMENDMENTS**) *Letter will clearly speak to signage in front of the club only, not the whole block.*

Item 22: Letter to DOT re Request for Special Event Parking – Motorcycle Show (**APPROVED WITH AMENDMENTS**) *Mention of West 34th Street as a designated motorcycling parking area will be removed*

Item 23: Letter to DOT re Hell's Kitchen Study - Final (**APPROVED**)

Executive Committee (EXEC)

Item 24: Letter to SLA re Coppelia - 623 Ninth Avenue (44) (**APPROVED**)

Presented by BLP Co-Chairs Lisa Daglian and Paul Seres

As was revealed in the public session, negotiations between the applicant and the Block Associations had just completed with a positive outcome. The applicant will no longer seek to operate 24 hours and the letter to SLA will be to Deny Unless, with the stipulations as outlined in the letter before the Board.

James Wallace thanked Paul for his work and this is a compromise everyone can live with. Not everyone is happy, but it is a good compromise.

The meeting was adjourned at 21:21 Scribed by Delores Rubin