

# MANHATTAN COMMUNITY BOARD 4

FEBRUARY 6, 2013

SEIU LOCAL 1199 AUDITORIUM, 310 W 43<sup>th</sup> ST.

## 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 6:50 pm.

## PUBLIC PRESENTATION:

A public presentation was held for Park Clinton, an affordable housing coop initiative at 535 West 52<sup>nd</sup> St. Frank Davinski, Mary D'Elia and Mike Reid made the presentation on behalf of the project. Fifty per cent of the units will be set aside for CB4 residents.

## PUBLIC SESSION:

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

Carol Demech spoke about an alleged illegal storm enclosure at the Dream Hotel and also encumbrances at the High Line Ballroom and Western Beef, all of which take away sidewalk space from pedestrians. Demech also spoke in opposition to the proposed closure of the Old Chelsea Station Post Office.

Chair Johnson alerted those in attendance that a NY1 cameraperson was recording tonight's full board meeting. At this time, Johnson introduced new State Senator Brad Hoylman. Regarding the Old Chelsea Post Office, Hoylman emphasized that elected officials didn't receive notice about the proposed closure and sale of the building, which he called outrageous and unacceptable. Hoylman also remarked that the biggest transition to moving to Albany other than the commute was the mediocre food in the state capital. He also touched on gun legislation recently enacted in Albany, which Hoylman called the toughest in the country. Also, Hoylman will be introducing legislation that would require the State Liquor Authority (SLA) to provide details of establishments' individual methods of operation online. Finally, Hoylman related that the Boy Scouts of America is amending its anti-gay policy, but that he doesn't think the policy shift goes far enough since they're allowing local troops to decide their own policy. Hoylman introduced his new liason to CB4, Ellen Lewis and announced that Laura Morrison will remain as his Chief of Staff.

Timothy Linsford Ellen Paker and Emily Lyon also spoke in opposition to the possible closure of Old Chelsea Station.

Delores Rubin spoke about a literacy program for children ages 13-18 that will be starting on Wednesday, February 13, 2013 at the Columbus branch of the New York Public Library. The curriculum is certified by the DOE.

Tanya Hira, the co-owner of Briciola at 370 West 51<sup>st</sup> St, asked that CB4 reconsider a recommendation for denial (Item 14) of its liquor license renewal.

Lenore Friedlander, representing SEIU 32BJ, thanked CB4 for its support of the "Good Jobs" resolution a few months back. Also, Friedlander spoke of ongoing problems with TF Cornerstone, a developer at West 57<sup>th</sup> and 11<sup>th</sup> Aves., claiming that the developer does not live up to established industry standards and that the workers there deserve to be treated fairly when the project breaks ground.

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Roberto Passon, another co-owner of Briciola, asserted that he made a mistake when he signed a stipulation agreeing to an 11 pm closing and also asked CB4 to reconsider Item 11 on the agenda.

Jon Wales, a member of Local 32BJ, spoke out against Cornerstone. He said that they should be a responsible developer so that workers are given the opportunity take classes and advance in the industry, as well as receive fair working wages.

Clarissa Jones-Winter, from the New York State Nurse Association, related the background and merging of a detoxification unit with a substance abuse rehabilitation unit at Roosevelt Hospital. Item 12 on the agenda addresses this issue.

Preeti Chohan, supported the owners of Briciola, stating that the restaurant was a wonderful haven for people who worked late and needed a place to wind down at afterward.

Steve Belida and Bob Minor, from HK 50/51, spoke in support both of the operators of Briciola and also 71 Worth LLC at 734 Tenth Ave. Both Belida and Minor spoke of their concern for establishments having open windows during hours of operation. Chair Johnson restated CB4's policy, which permits open windows (before 10 pm weekdays and 11 pm weekends) unless there is amplified sound.

Berthet declared the public session closed.

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

The agenda was adopted, with changes. Item 9 was removed, Item 24 was moved to the top of the agenda and Items 25, 26, 27 and 28 were added.

The board adopted the January 2, 2013 minutes, as submitted by Evangeline Gomez.

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

David Czyzyk, representing Borough President Stringer, reminded everyone that his State of the Borough Address was scheduled for tomorrow, Thursday, February 7, 2012 at the Metropolitan Museum of Art. Also, later in the month, on Tuesday, February 26, 2013, will be the eighth annual Trailblazers, a program and awards ceremony in honor of Black History Month at Chocolat in Harlem.

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

Representing Congressman Jerrold Nadler, Celine Mizrahi, said that Congressman Nadler was very concerned about the Old Chelsea Station issue and that the public process should be incredibly robust and include a lot of opportunity for public comment. Mizrahi shared a letter from local elected to the USPS in opposition to the proposed closure and sale of the building. Regarding the budget battle in Congress, Mizrahi said that Nadler has reiterated that he will not support any initiative that includes cutting Social Security benefits.

At this point, Chair Johnson announced the resignation of CB4 Assistant District Manager Jenna Chrisphonte and thanked her for her devoted service.

Paul Sawyer, from Assembly Member Linda Rosenthal's office, related that Rosenthal was appointed Chair of the Legislative Commission on Science and Technology.

Melanie La Rocca, representing City Council Speaker Christine Quinn, spoke about 92 Eighth Ave, a building that is allegedly being used as an illegal hotel. Speaker Quinn is asking for an extensive audit of any and all building plans and a review of current conditions. Harriet Sedgwick was announced as Quinn's new liason to CB4.

Edgar Yu, from Manhattan DA Cyrus Vance's office, provided an update on the hit and run accident a couple days before at the corner of West 41<sup>st</sup> St. and Ninth Ave. According to Yu, the driver has been apprehended and arraigned in the incident, which resulted in a pedestrian fatality.

Matt Bitz, from Comptroller John Liu's office, announced the launch of Checkbook 2.0, which provides real time access to the city budget and shows where the money is going.

From Congresswoman Carolyn Maloney's office, Brice Peyre appeared to introduce himself to CB4. He said that Congresswoman Maloney has co-sponsored legislation that would deal with gun trafficking. Maloney's office is also involved in solving the financial crisis at USPS. It is the only major federal agency that does not receive any subsidy, according to Peyre, and is forced to pay its own way.

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

CB4 District Manager Benfatto announced that both Land Use Committees would be meeting jointly regarding Hudson River Park and Hudson Yards at the Actors' Temple on Wednesday, February 13, 2013 at 7 pm. This meeting will follow the regularly scheduled 6:30 pm meeting of the Clinton/Hell's Kitchen Land Use Committee. The following night, Benfatto continued, the West 48<sup>th</sup> St Water Tunnel Forum will be held at the Actors' Temple from 7-9 pm. There will be an update of the five year project. Finally Benfatto informed CB4 that the City Council has signed off on the Durst project. As part of the agreed settlement, Durst will put \$1 million into an HPD account for affordable housing in the district and will add trees to the West 58<sup>th</sup> St. side.

Chair Johnson introduced Council Member Gale Brewer at this point. Brewer, alluding to the City Council vote on the Durst project, said it's something where you do what you can, learn from it and move on. Brewer noted that the New York City Housing Authority on some developments that would incorporate affordable housing components. Also, Brewer shared with CB4 that it does not appear that community boards are on the "cut list" of city agencies in the upcoming budget. Weekend/after hours permits and variances are the source of many complaints, said Brewer, and she has reached out to DOB about this issue, saying these permits should be for emergencies only.

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

Chair Johnson announced that Brett Firfer was stepping down as co-chair of Chelsea Planning and Preservation Committee and that Betty Mackintosh would be replacing Brett in that capacity.

Mackintosh, as Chair of the Bylaws Revision Task Force, related that the task force proposing the board position of Director of Social Media and that will be voted on at the March full board meeting.

Johnson added that Ernest Modarelli, without the title, has been fulfilling the responsibilities of that position for a long time.

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

#### New Business

Item 24: Letter to U.S. Postmaster General re Old Chelsea Post Office APPROVED

Following slight revisions from Johnson, Hugh Weinberg and Pamela Wolff suggested making the letter a little less tepid. Johnson acknowledged that the letter's sentiment should be increased and Restuccia called the item to question as amended, that is, more indignant.

#### Transportation Planning Committee

Presented by Co-Chair Christine Berthet:

Item 1: Letter to DOT re pedestrian safety (W. 14th and 15th Streets btwn Sixth to Eighth Aves

Item 2: Letter to DOT re bus shelter requests (multiple locations)

Item 3: Letter to MTA re service on lines M11, M20 and M42

Item 4: Letter to MTA re Proposed Manhattan West Side Route

Item 5: Letter to NYS DOT re traffic safety (Route 9A between W. 21st and 22nd Streets)

Item 6: Letter to DEP/DDC re W. 26th Street Water main distribution (project MED617)

Item 7: Letter to DOT re NYC proposed Wayfinding Signage

Item 8: Letter to DEP/DDC re Unauthorized storage of construction materials

Berthet bundled Items 2-8. APPROVED

Johnson asked that Item 1 be voted on separately and there was no objection. APPROVED

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### **Landmarks Committee**

Presented by Co-Chair Pamela Wolff

Item 10: Letter to LPC re 180 Tenth Avenue APPROVED (WITH REVISIONS)

A few board members suggested the inclusion of the “public space” component in the letter and Johnson added that there should be signage letting the public know that they are able to use it.

### **Housing Health and Human Services Committee**

Item 11: Letter to Manhattan Borough President re Animal Care and Control (Presented by Delores Rubin) APPROVED

Item 12: Letter to Roosevelt Hospital re closure of detox program (Presented by Corey Johnson) APPROVED

Item 13: Letter to Forsyth Group re LIHA-301 West 46<sup>th</sup> St. (Presented by Joe Restuccia) APPROVED

### **Business Licenses and Permits Committee**

Presented by Paul Seres:

Item 14: Letter to SLA re Briciola-370 West 51<sup>st</sup> St.

Item 15: Letter to SLA re The Lobster Place-75 Ninth Ave. (15/16)

Item 16: Letter to SLA re Duckstar LLC-503 West 43<sup>rd</sup> St.

Item 17 Letter to SLA re 29 Holdings, LLC-525 West 29<sup>th</sup> St.

Item 18: Letter to SLA re Barcade-148 West 24<sup>th</sup> St.

Item 19: Letter to SLA re Patiala-371 West 34<sup>th</sup> St.

Item 20: Letter to SLA re 71 Worth LLC-734 Tenth Ave. (50/51)

Item 21: Letter to DCA re The Meatball Shop-200 Ninth Ave.

Item 22: Letter to DCA re New York Beer Company-321 West 44<sup>th</sup> St.

Seres offered to bundle Items 15, 16, 17, 18 and 19 APPROVED

Item 21 APPROVED

Item 22 APPROVED

Item 20 WITHDRAWN (and returned to committee)

Item 14 APPROVED

Seres outlined the history with Briciola and the owners. He commended Berthet on writing an excellent letter, based on the recommendation of the BLP Committee. Jay Marcus commented that requiring a restaurant at 11 pm seemed onerous, notwithstanding the fact that the operators agreed to that stipulation. James Wallace wanted clarification on what the options were before the board. Both Berthet and BLP Co-Chair Lisa Dagilan spoke about the importance of an operator living up to the stipulations agreed to in securing the license.

### **New Business**

Presented by Lee Compton

Item 23: Letter to DCP re MSG application for special permit renewal re signage, etc. (Presented by Lee Compton) APPROVED

There was a lengthy discussion regarding this letter, much of which centered on the length of the agreement’s renewal, which is for 50 years. Restuccia believed that the 50 year length was appropriate, as did several other board members who spoke on it. Restuccia also pointed out that MSG’s development rights stretched across Eighth Ave. Walter Mankoff did not think that CB4 should be weighing in at this time, since MSG is actually in CB5. Compton responded that CB4 was asked to opine by CB5 and also stressed that CB4 needed to say “no” to any increased signage requested by MSG.

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Item 25: Letter to DOT re: Pedestrian Fatality and Safety at the Northwest corner of West 41<sup>st</sup> St And Ninth Ave (Presented by Chair Johnson)  
APPROVED (With Revisions)

Item 26: Letter to DOB re DOB Violations and Orders to Correct at 485-497 Ninth Ave. (Presented by Joe Restuccia) APPROVED

Item 27: Letter to HPD re Special Clinton District, Special West Chelsea District and Special Hudson Yards District Cure for Harassment  
(Presented by Joe Restuccia) APPROVED

Item 28: Letter to DCP re Proposed rezoning of East Midtown (Presented by Corey Johnson) APPROVED

**The meeting was adjourned at 9:49 pm.**

Respectfully Submitted by Larry Roberts