

Manhattan Community Board 4  
June 3, 2015  
Roosevelt Hospital, 2<sup>nd</sup> floor, Conference Room B, 1000 10<sup>th</sup> Ave

**PUBLIC HEARING\PRESENTATION**

**None**

**MEETING AGENDA**

|                                  |                   |
|----------------------------------|-------------------|
| Public Session                   | Delores Rubin     |
| Adoption of Agenda               | Christine Berthet |
| Adoption of Last Month's Minutes |                   |
| Manhattan Borough President      | Diana Howard      |
| Local Elected Officials          | Various           |
| District Manager Report          | Jesse Bodine      |
| Chair Report/Committee Reports   | Christine Berthet |

**PUBLIC SESSION:**

Delores Rubin called on the members of the public who signed up to speak. The public spoke on the following topics:

1. Sherri Hode, on behalf of HK5051, expressed her frustration with the illegal A-Frame/sandwich board signs and other street obstructions that businesses use. Our sidewalks are very narrow and there is no room for pedestrian. The sidewalks are public space and the businesses are taking them. We've called 311 multiple times and nothing happens. Sanitation does not enforce or remove these illegal obstructions. 311 does not even accept photographs. We are asking CB4 and our elected officials to get the Department of Sanitation (DSNY) to resolve these issues!
2. Bob Miner, also on behalf of HK5051, expressed his agreement with Hode's comments. But in light of vision zero this is even more relevant. Pedestrians are forced to walk in the street with traffic because the sidewalks are too obstructed. He also add that they met with DSNY to encourage enforcement and DSNY stated their belief that businesses were allowed to place sidewalk obstructions within 3 feet of their property line. He also met with Councilmember Johnson's office that indicated that DSNY was incorrect and that businesses were only allowed to place merchandise for sale within 3 feet of their property.
3. Philippe Knoh, on behalf of the Legal Aid society's housing unit, described the various services they provide which include legal services for low-income tenants. These include lease issues, repair issues, and tenant organization services. They look forward to helping our community more.
4. Jerome Hu, on behalf of Guild for Good, on 424 west 54<sup>th</sup> street. They are a group of non-profiters and social entrepreneurs that will be opening up by the end of the summer. They look forward to being a part of the community and their website is Primeproduce.org
5. Allison Tupper, from west 46<sup>th</sup> and 45<sup>th</sup> streets, explained their project to restore a mural. The work will be done by uniform earth.

6. Tom Linden, on behalf of Hudson River Park, reminded the community of their summer of programming, including movies, dance performances, classes, and more. They are free and open to public and want to see the community.
7. Nicolette Witcher, also from Hudson River Park, added that they have a lot of environmental programming.
8. Andrew Goldstein, agreed with the speakers from HK5051 about the problems with street obstructions. He specifically highlighted Scallywags restaurant, which has been obstructing his sidewalk. He also mentioned that Annabel's Restaurant is too loud and noisy and always illegally leaves their doors and windows open, so he was disappointed that they were given a sidewalk café license.
9. Mike Rabinowitz, on behalf of the Chelsea Improvement Company, promoted their summer programming, including free fitness classes and more.
10. Raul Larios, a resident of the Hudson hotel, spoke about agenda item 1, a letter to the Hudson Hotel. The hotel continues to be a problem. They made promises in writing but they have not lived up to them. They had promised to put soundproofing on the floor of the 22<sup>nd</sup> floor before the venue was open and that is why the Community Board approved it. The management never did it. The new management claimed it was a misunderstanding. Please support this letter and go farther to make sure all events are stopped until they fulfill the promises they've made. In addition, they do not have a cabaret license and they should not have dancing yet all their parties have dancing.
11. Dagmar Koshon, on behalf of the 23<sup>rd</sup> street farmers market. They are open every Saturday from 9-5 and encourage the community to attend.
12. Holly Ranfer, on behalf of HK5051. We are against the legalization of motorized bikes. Maybe this would be ok in Queens or Brooklyn, but the motorized bikes in Manhattan don't work. We also need to limit the number of bikes a restaurant can have. On 9<sup>th</sup> Ave between 52<sup>nd</sup> and 53<sup>rd</sup> there are between 40 and 80 bikes blocking the sidewalk. There are no consequences for bad actors and no incentive for people to behave. She also emphasized her agreement with the other HK5051 speakers regarding illegal sidewalk obstructions.
13. James Wallace, on behalf of the West 44<sup>th</sup> Street Block Association 39<sup>th</sup> anniversary garage sale. This Saturday. It will be a blast. Come.

**THE MEETING AGENDA AND PREVIOUS MEETING MINUTES WERE ADOPTED.**

**REPORTS FROM ELECTED OFFICIALS:**

1. **Eli Strauss, representing State Senator Brad Hoylman.** We will be hosting an upcoming event about regulations and a potential oil spill on the Hudson river. Brad is the ranking democrat on the Senate's Environment committee. Brad passed a bill in the Senate requiring state capital funds go to energy star appliances, when available. The Stonewall inn will be landmarked. It's not official but it is happening and we worked closely with CM Johnson. On Memorial Day, Brad put out a report called "restoring honor". NY State administers many veterans' benefits and 53 of these benefits depend on your discharge status. Don't ask don't tell has been lifted but may LGBT service

- members still have negative discharge statuses and they deserve equal benefits. Lastly, Brad is fighting hard to pass ethics reform including legislation to empower local district attorney's to prosecute corrupt politicians.
2. **Gaby Dann-Allel, representing Assemblymember Dick Gottfried.** The Gottfried along with CM Johnson and Hoylman participated in a sit-in outside of the Governor's office about rent regulations. They were all arrested but should be out of jail soon. Gottfried just got the NY health act passed in the Assembly, which provides universal healthcare for all New Yorkers. This was the first time it has passed in 24 years. The Assembly just passed GENDA, which prohibits discrimination against transgender New Yorkers.
  3. **Lucille Songhai, representing Borough President Gale Brewer.** Our office is doing a lot on rent regulation laws, they must be extended and strengthened. Our office will be providing a bus to Albany to lobby for rent regulations. Our office is hosting a police community relations forum and helping to spread the word for free summer meals for kids. We will be having a contingent at the Pride parade, and all are welcome to join. We have our upcoming community board leadership training series and our welcome reception we encourage you to RSVP and attend all.
  4. **Erica Overton, representing Assemblymember Linda Rosenthal.** Rosenthal orchestrated an undercover AIRBNB sting. She booked apartments online and showed up with a suitcase. None of the 5 apartments were New Yorkers rent out their apartment or a spare room. They were all agents who said don't mentioned AIRBNB in the building. The apartments had no personal belongs, food, or pictures and had brochures and tour recommendations. Rosenthal is working NYCDOT on making the intersection at 8<sup>th</sup> Ave & 57<sup>th</sup> St. safer. There have been 8 significant injuries or deaths in the past two years.
  5. **Matt Green, representing Councilmember Corey Johnson.** We are launching our 2<sup>nd</sup> year of food bag program. We held our first annual west side summit including a state of the district address and the participating budget winners. Johnson recently got new large trashcan for the district. Two of Johnson's bills were signed into law, one making sure pet shops are responsible and have a department of health permit and one limiting the number of condos that can be converted into hotels.
  6. **Dan Campanelli, representing Comptroller Scott Stringer.** Our office has recently completed several audits. We audited the nonprofit that New York City contracts to manage the animal shelter system, the MTA's track repair program, and New York City Housing Authority's inventory controls. We put out a policy report on the state of physical education in schools throughout the city. 15 schools, or 50% of schools, in Community District 4 are lacking in physical education. Citywide 28% are lacking. We will also be having an LGBT event, there is a flyer in the back and all are welcome.

#### **REPORT OF DISTRICT MANAGER JESSE BODINE:**

Over the next two months our committees will be drafting the statement of district needs. We would like public input on these so if you want to comment attend the committee meetings. CB4 and the 47/48 street block association hosted an update form the Department of Design and Construction (DDC) on the 9<sup>th</sup> Ave water main project. I sit on

the Community Advisory Committee for the Lantern project on West 51<sup>st</sup> street. I've spoken with the 10<sup>th</sup> precinct and they have promised to come to my next District Services Cabinet meeting. There are several upcoming DDC projects in our neighborhood. One of these projects will require a closure of 33<sup>rd</sup> Street from 10<sup>th</sup> to 11<sup>th</sup> avenues. There will also be closures on 26<sup>th</sup> street. There will be public forums for the closures. The DOT has confirmed the Dyer Ave Contra Lane conversion will happen in July. Lastly, I want to thank Nelly Gonzalez and Patty Goris for their amazing work and commitment as part of the district office staff.

#### **REPORT OF MCB4 CHAIR CHRISTINE BERTHET:**

I attended the Trans-Hudson transportation summit where we discussed plans for the future. I met with the vice-chair of the port authority and discussed their plans for a new bus terminal and how it will affect our community. The chairs of the Waterfront and Parks committees met with the Hudson River Park Trust to discuss the options for investing the revenue from the sale of air rights. I met with Mr. Chan, a hotel developer, about his plans for a site on 36<sup>th</sup> street. It was a good conversation but there was no agreement. We met with Extell, another developer, who wants to make a building that is twice the height allowed by zoning in exchange for a small public area of sorts. We told them that the plans were a non-starter.

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

##### **Quality of Life (QoL)**

Item 01: Letter to Hudson Hotel re Violations of Liquor Licenses Stipulations

##### **(APPROVED)**

*Ken Stewart asked if all the problems described in the letter were simply problems for the community or if they were violations that were against the law but that were not being enforced. Berthet said the violations were illegal but not being enforced.*

*Tina DiFelicianantonio said we discussed this issue but with the new management we want to give them the benefit of the doubt, for a very short time frame. That's why we documented the background of these issues.*

*Stewart wanted to ensure that we were directly contacting any other enforcement agencies.*

*DiFelicianantonio highlighted that the SLA was being copied on this letter.*

*Jay Marcus added that there were traffic issues with this hotel that were unresolved.*

*Berthet stated that they were resolved.*

*DiFelicianantonio stated that the new management has been responsive recently and it seems they want fix the issues. Only time will tell.*

*Bert Lazerin highlighted that the letter asks for dancing to be stopped but since the establishment does not have a cabaret license, dancing is never allowed. We should highlight that dancing is illegal. DiFelicianantonio accepted this amendment.*

*Walter Mankoff asked that the letter indicate that failing to meet the agreed stipulations in the establishment's liquor license are not merely failing to meet an obligation but a violation of the terms of their license.*

##### **Business Licenses and Permits Committee (BLP)**

The following items were bundled: 2-9 (**APPROVED**)

Item 02: Letter to SLA re 249 9th Avenue (25) – Mission 925, Inc.

Item 03: Letter to SLA re 320 8th Avenue (8/26) – Bean N’ Bean Coffee

Item 04: Letter to SLA re 303 10th Avenue (27/28) – Hudson Market

Item 05: Letter to SLA re 508 9th Avenue (38/39) – Scallywag’s Irish Pub & Restaurant

Item 06: Letter to SLA re 310 W. 53rd Street (8/9) – Cite De Paris

Item 07: Letter to SLA re 607 10th Avenue (44/10) – Meme Mediterranean

Item 08: Letter to SLA re 346-354 W. 40th Street (8/9) – NYHK West 40 LLC – Hotel

Item 09: Letter to SLA re 346-354 W. 40th Street (8/9) – NYHK West 40 LLC – Rest.

*Board members questioned Scallywag’s performance regarding illegal sidewalk obstructions. Frank Holozubiec mentioned that at the time of the BLP meeting the interpretation of the law was unclear. Bodine clarified that sandwich board signs are always illegal. Businesses are only allowed to place merchandise that is for sale on the sidewalk. However, it is hard to single out a specific applicant when it is a district wide problem. Wallace suggested we move forward with the existing letter and stipulations but send an administrative letter indicating we have an updated understanding of the law and even leaned against the building the sandwich boards are not allowed.*

Item 10: Letter to DCA re 809 9th Avenue (53/54) – Annabel (**APPROVED- subject to the submission of updated plans**)

*Holozubiec elaborated that the applicant was supposed to submit revised plans for a smaller sidewalk café by today but we expect to get them tomorrow.*

The following items were bundled: 11-12 (**APPROVED**)

Item 11: Letter to SLA re 585 8th Avenue (38/39) - Holiday Inn

Item 12: Letter to SLA re 585 8th Avenue (38/39) –Rattle N’ Hum West

*Holozubiec explained that these are two applications for the same location. A hotel and a bar within the hotel. They were approved unanimously at the committee in April but at the full board in May the applicant was asked to do additional community outreach. The applicant met with the local block association and board leadership.*

**Chelsea Land Use Committee (CLU)**

Item 13: Letter to LPC re 126-128 West 18th Street (CLU) (**Ratified**)

*Betty Mackintosh elaborated that our letter was read to the landmarks commission and it was well received however two of the items were ignored regarding attached buildings.*

**Clinton/Hell’s Kitchen Land Use (C/HKLU)**

The following items were bundled: 14-15 (**APPROVED**)

Item 14: Letter to DOB and HPD re Illegal demolition at 485-497 9th Avenue

Item 15: Letter to DOB re CD4 Hotel developments in violation of street wall regulation

*JD Noland introduced these letters. Joe Restuccia explained that the second letter highlights a weird aspect in the city planning regulations. Many hotels have been placing large screens in front of their setback properties because the department of buildings*

*considers it part of their building frontage, however these do not conform with the character of the neighborhood.*

### **Transportation Planning Committee (TRANS)**

The following items were bundled: 18-20 (**APPROVED**)

Item 18: Letter to DOT re request for “No Commercial Traffic” signs on 25th Street 7th Avenue

Item 19: Letter to DOB and DoITT re Storm Enclosure reporting to 311

Item 20: Letter to DDC re Closure of 33rd Street between 10th and 11th Avenues for Construction

Item 16: Letter to DDC re 10 Avenue Water Main Construction (**APPROVED**)

*Noland asked for clarification about what decorative sidewalks mean, because in the past they have obstructed safety. Ernest Moderelli agreed to remove this phrasing.*

Item 17: Letter to DOT re Study of Bike Lane on 8th Avenue between 33rd and 30 Streets (**APPROVED**)

*Noland and several others objected to the idea that we are noticing cyclists going the wrong way and rather than enforcing the existing rules we are changing the rules to accommodate those breaking them. Moderelli clarified and agreed to modify the language to indicate that we are asking DOT to study the current problem and find a solution, rather than suggest a potential solution. Delores Rubin mentioned that two-way bike lanes have been successful elsewhere in the City, such as 59<sup>th</sup> street near the Queensboro Bridge. David Warren mentioned that he supports the letter without amendments and that a two-way bike lane would be safe. Marucs added that we are asking for a creative study rather than specific remedies. Once DOT does a study we can discuss the specific solutions. Wallace suggested that the letter indicate that these are specific options for DOT to look into rather than suggestions for DOT to examine. Moderelli accepted Wallace's amendment.*

### **Housing, Health & Human Services (HH&HS)**

Item 21: Letter to Electeds re Enforcement of tenant protection plan during construction of occupied building (**APPROVED**)

*Restuccia presented some friendly amendments. Rather than making claims about false filings, we are addressing faulty certification. We should change some of the verbiage regarding illegal activities. This is not a letter about illegal activities but rather architects are checking boxes and falsifying department of buildings paperwork. The false paperwork is being used to empty rent-stabilized buildings, thus these architects should be prohibited from self-certifying.*

### **Executive Committee (EXEC)**

Item 22: CB4's Affordable Housing Plan (**APPROVED**)

### **Waterfront, Parks, and Environment (WPE)**

*Nothing to report*