

1 **MANHATTAN COMMUNITY BOARD 4**

2 **September 3, 2014**

3 Roosevelt Hospital, 2nd Floor, 1000 Tenth Avenue (58/59)

5 **MEETING AGENDA**

7 Public Session	Hugh Weinberg
8 Adoption of Agenda	Christine Berthet
9 Adoption of Last Month’s Minutes	Christine Berthet
10 Manhattan Borough President	Diana Howard
11 Local Elected Officials	Various
12 District Manager Report	Robert J. Benfatto, Jr.
13 Chair Report/Committee Reports	Christine Berthet

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17 Chair Christine Berthet called the meeting to order at 6:45 p.m.

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19 Assemblymember Rosenthal, Councilmember Johnson, and State Senator Hoylman issued a proclamation
20 honoring departing District Manager Bob Benfatto, who had held the position for the previous eight
21 years. Mr. Benfatto will stay in the neighborhood as Executive Director of the Hudson Yards/Hell’s
22 Kitchen BID. Senator Hoylman declared September 3 to be Bob Benfatto Day in New York’s 27th Senate
23 District.

24
25 **REPORT OF DISTRICT MANAGER ROBERT J. BENFATTO:**

26 Mr. Benfatto has enjoyed his eight years here. He will not miss anyone because he will still be around the
27 neighborhood in his new job.

28
29 **LOCAL ELECTED OFFICIALS:**

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31 **State Senator Brad Hoylman** is working with Assemblymember Rosenthal on the amicus brief about
32 rent regulation and bankruptcy, which she will discuss next. He is working with local elected officials to
33 fight a landlord at 222-224 W 23rd St, who has been harassing tenants. He sent a letter to the DOT
34 commissioner about double-decker tour buses, which run amuck on our streets, particularly our side
35 streets. He also asked for investigation of a specific company, whose driver collided with another driver
36 in Times Square, and was believed to be inebriated at the time. The Senator wishes to inform us about
37 two events: a SCRIE and DRIE clinic on Wednesday, September 17th, from 6-8 pm at the Hudson Guild.
38 The annual income guidelines have been increased to \$50,000. We can help at that workshop if you bring
39 your lease and income statements. Free flu shots will be offered at the Senator’s office on October 2 from
40 10 am – 1 pm.

41
42 **Assemblymember Linda Rosenthal** is concerned about a pernicious trend in bankruptcy court.
43 Bankruptcy trustees have been selling tenant’s rent-regulated leases as assets to help pay debts, which
44 then leave the bankrupt tenant homeless and allows the apartment to be deregulated. Assemblymember
45 Rosenthal and State Senator Hoylman have filed an amicus brief on behalf of the tenant in this
46 bankruptcy proceeding. The Assemblymember also has proposed a law to fix this practice.
47 Assemblymember Rosenthal also opposes the “poor door” in Extell’s proposed Upper West Side
48 development Assemblymember Rosenthal will be working to raise the minimum wage in Albany next

1 session and reform rent laws, which expire then. She is also working to get discharge notices in hospitals
2 in audio form for blind patients. She is also still working on Fairy Tales bar. She believes we need to
3 change everything about the SLA—how licenses get granted and restrictions get enforced. The
4 Assemblymember hopes to see us at the march against climate change on September 21 and wishes Bob
5 Benfatto well.
6

7 **Councilmember Corey Johnson** hopes everyone had a great summer. There's going to a rally on
8 September 12 at City Hall at 11 am against illegal hotels. Community Board 4 has been a leader on this
9 issue. On August 7, he submitted testimony to the DOT on their proposed flood mitigation rules.
10 Councilmember Johnson, along with Councilmember Levin, introduced a bill banning the use of
11 hydrofracking waste in the city; it's currently used for de-icing, among other things. He also introduced a
12 bill to make health care provisions for inmates more transparent and wrote a bill to DEP about living up
13 to their commitment to create parkland on water tunnel sites. Finally, Councilmember Johnson
14 introduced a bill with Councilmember Kallos to require nutritional standards for meals that are sold with
15 toys in fast food restaurants. His office has created a fresh fruit and vegetable program, where you get
16 huge boxes of organic vegetable every two weeks for \$8.
17

18 **Assemblymember Richard Gottfried** joins in the thanks and congratulations to Bob Benfatto. He's
19 happy he's not going far and that we'll still work with him at the BID. Assemblymember Gottfried is also
20 involved in the SCRIE and DRIE workshop. The governor has signed two of the Assemblymember's
21 bills. He will enact medical marijuana. The bill isn't as strong as the initial proposal but will still provide
22 relief to tens of thousands of New Yorkers. The Assemblymember will continue to work to make it
23 stronger. Governor Cuomo also has signed a bill that would help pediatricians diagnose post-partum
24 depression and help mothers get care. Assemblymember Gottfried is concerned about defending the
25 City's illegal hotel law against AirBnB's publicity onslaught. Tenants have to put up with complete
26 strangers wandering through their buildings day and night, making noise and being rowdy. The current
27 law protects against this. We have to strengthen ourselves for the fight, which is why we're having the
28 press conference and rally on September 12.
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30

31 **PRESENTATION from the DEPARTMENT of CONSUMER AFFAIRS:**

32 The representative from the DCA wanted to highlight three initiatives:

- 33 1. Small business relief package: In July, the DCA announced a series of two dozen reforms,
34 including increases in transparency and education of small businesses. There will also be a
35 reduction in the number of violations they're issuing and the fines that they're collecting. They
36 expect fine revenues to be down by about a third.
- 37 2. The Office of Financial Empowerment educates, empowers, and protects low income New
38 Yorkers by giving them access to safe financial products and providing consumer counseling.
- 39 3. The Paid Sick Leave initiative is a new law that has gone into effect thanks to the Mayor and the
40 Speaker. It requires most employers to provide paid sick leave for most employees, including
41 part-time and undocumented employees. Sick leave can be taken for individual employees or the
42 care of a family member. The DCA has been working tirelessly to educate people about the
43 provisions of this new law. They have a website with materials in 26 different languages.
44

45 Question from Lisa Daglian: What's the provision for enforcing the rules on sidewalk cafes, like when
46 they go outside physical boundaries or other license boundaries?

47 Chair Berthet wanted to emphasize that while sidewalk cafes are valuable parts of our neighborhood, it's
48 a problem when they go outside what they're approved to do and we desperately need DCA enforcement.
49

1 The presenter is the executive director of the paid sick leave division, but will pass the message on that
2 CB4 wants more enforcement of the sidewalk café laws.

3
4 **PUBLIC SESSION:**

- 5 1. A representative from Lenox Hill Healthplex announced that the Healthplex is now open. It
6 replaces St. Vincent's. It's a freestanding, 24/7 emergency center. It will receive ambulances and
7 will have ambulances to take serious cases to hospitals as well. It's located at 30 Seventh Ave.
- 8 2. Friends of the High Line reported that all of the High Line elevators are currently working! They
9 are excited about the fall, when the High Line at the Rail Yards will open. The opening date will
10 be by the end of this month. They have a new COO, Jerome Barth, who used to work to direct
11 Bryant Park.
- 12 3. A representative from 350 NYC invited us all to the climate march on September 21. We can't
13 have more hurricanes destroying our city, and we need to do something dramatic to change this.
14 It's a historic march and will make a difference if we can have huge numbers of people there.
- 15 4. Coro Fellows invited us to a presentation and discussion of the logic of the Meatpacking district.
16 It's on September 8th from 6-8 pm at the office of Friends of the High Line. They're nine-month
17 fellows and their first project is learning about the Meatpacking district.
- 18 5. One individual announced that on September 19th there will be a forum on children's health and
19 the impact of fossil fuels. There will be one panel of scientists, one panel of mothers from
20 impacted areas, and one panel on policy. The forum will take place at John Jay College.
- 21 6. One individual was concerned about the inappropriate use of car horns. There used to be signs
22 opposing them, but the signs have disappeared.
23 Chair Berthet explains that the DOT decided to de-clutter the sidewalk and removed a lot of
24 signs.
25 The individual said that a police officer once told him there have to be signs in order to enforce
26 the horns.
27 Chair Berthet referred him to the Quality of Life and Transportation committees.
- 28 7. Pamela Woolf continues to be concerned about the renovation of the building at 220-224 W 23rd
29 St and wants to make sure it stays on our radar. They are renovating around the existing tenants.
30 The amount of destruction taking place is appalling as is the amount of stress it's causing for the
31 tenants. There's another similarly awful renovation taking place on 21st Street around existing
32 tenants.
- 33 8. One individual is concerned about the issue at his building at 11th Ave and 21st St. It is
34 overcrowded. Last week, DoB finally issued a partial vacate order for the premises. Clinton
35 Housing wants to build affordable housing there and has done nothing about the current issues.
- 36 9. Lisa Wager from FIT came to tell us about its public programs. The museum is open to the public
37 5 days/week and open late on Thursdays. The current exhibit is Expose: A History of Lingerie.
38 Opening on Friday will be an exhibit on dance and fashion.
- 39 10. One individual described herself as a Clinton neighbor working on lots of quality of life issues. In
40 two positive developments, they got rid of concerts at a nearby bar and Assemblymember
41 Rosenthal's office fixed a pothole. But she still sees this issues: Dirty sidewalks, lack of pooper
42 scooper law enforcement and sanitation enforcement. She also noted that all of the brand-new
43 buildings, including the Archstone buildings in her neighborhood, have 30% of their apartments
44 rented to tourists. She wanted enforcement focused on the big guys who are deliberately building
45 apartments to rent to tourists.
- 46 11. (*Agenda Item 1, Meta Hospitality LLC*) The owner of the establishment spoke in support of her
47 application. She wanted to be clear that it's a restaurant, and that she's not applying for a full
48 liquor license so that she can open to be a bar, but just because some people like to have a
49 cocktail with the meal. She's met with many people in the community to try to alleviate concerns.

1 The application is for a quiet restaurant with hours of operation ending at 11 and 12 on the
2 weekends. It will be a Mediterranean food concept, and she feels that spirits complement the
3 cuisine. She also owns Pastai and Aolo.

4 12. Delores Ruben has a housekeeping note: Waterfront, Parks and Environment committee will not
5 be meeting at their usual time. Instead they will be meeting on Tuesday, September 16 at 6:30 at
6 the District Office. They'll be talking about capital needs for parks.

7 13. Lisa Daglian wanted to alert us to the September 18 meeting of the NY Metropolitan
8 Transportation Council's Annual Executive Committee meeting. This is a great place for the
9 community to get involved in transit planning.

10 14. A representative of the People's Climate March wanted to let us know about 50 people walking
11 across the U.S. to highlight the problem of climate change. They need a place to sleep in NY.

12
13 **ADOPTION OF AGENDA:**

14 Adopted.

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16 **ADOPTION OF LAST MONTH'S MINUTES:**

17 Adopted.

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19 **REPORTS OF ELECTED OFFICIALS:**

20 **Diana Howard, for Borough President Gale Brewer**, stated that soon community board applications
21 for next year will be available. Sixteen and seventeen-year-olds will be able to apply. Her office hosted a
22 meeting on double-decker tour buses and is working on allowing community boards to have official
23 nyc.gov email addresses. They're also going to enroll all elementary schools in composting.

24
25 **Jacqueline Blank, for Congressman Jerrold Nadler**, stated that the Congressman responded to the
26 crisis in Ferguson. He's very concerned about the over-militarization of police. He's also concerned about
27 helicopters coming out of the downtown heliport. He wants to eliminate tourist flights from there because
28 the overcrowding has gotten dangerous. The Congressman issued a resolution condemning the growth of
29 anti-Semitism abroad. He has a bill to promote organ donation and the rights of living organ donors, so
30 that insurance won't be able to raise rates and they can keep their jobs during recovery from surgery.

31
32 **Ed Sullivan, for Public Advocate Letitia James**, wants your support to keep lifeguards at the beaches as
33 long as the temperature will draw people to the beaches. The Public Advocate doesn't want a fixed date
34 like Labor Day for beach closing. This will help with public health. Public Advocate James was the first
35 high-ranking public official to advocate cameras on police uniforms and now they're wearing it even in
36 Missouri. It's a three-way benefit: it gets the police not to misbehave, it prevents people from filing bogus
37 complaints against police officers, and everyone feels safer because everyone knows what a public
38 official is doing. Finally, the Public Advocate is very concerned about the future deportation of
39 undocumented children from New York City. They need volunteer lawyers; if there's a lawyer the
40 deportation rate falls from 90% to 50%.

41
42 **Edgar Yu, for the Manhattan District Attorney's office**, wants to highlight three recent cases. Just
43 three weeks ago, the DA announced the indictment of 6 individuals who fraudulently accessed thousands
44 of StubHub user accounts who bought and sold tickets and laundered the proceeds world-wide. The DA
45 held a repatriation ceremony with the Greek Ambassador for stolen Greek artifacts. Just today, the DA
46 announced the sentencing of a defendant for sex trafficking. He will serve 50 years to life.

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

2 We have a new member, Andrea Bernard, who is a resident at 37th and 10th Ave. She's been living in the
3 district for the last 5 years. She has a child and enjoys working with youth and is heavily involved in
4 youth non-profits. She will be on the BLP and Quality of Life committees.

5 The Port Authority will spend \$93 million on improving its terminal. It may not improve the surrounding
6 environment but is still a good step. The DoT has installed a protected pedestrian crossing at 41st and 9th.
7 We've been fighting for that for 7-8 years and there were two fatalities. The Quality of Life committee
8 has developed a good tool for noise complaints. Chair Tina DeFeliciano explained that the committee
9 has developed a one-pager with detailed steps to follow. The protocol is on the website. Chair David
10 Pincus recently had a baby.

11 The Communication and Outreach working group put together a report on improving those issues. Eric
12 Latsky reported on it. The number one way to increase communications with people who are in the
13 district would be to improve the CB4 database. We can do that by getting neighborhood organizations to
14 add our sign-up to their website, harvesting the email addresses of those who interact with CB4 on daily
15 business, and working with elected officials to use their lists. We can increase CB4 visibility by putting a
16 CB4 "badge" on local business websites, adding a descriptive or call-to-action tagline, or having a street-
17 level business window sticker. We can also create a what is CB4 statement to deliver with utility or cable
18 bills. We can work with other CBs to create a PSA. We can expand our use of social media. We can
19 appoint social media ambassadors, asking newer members to work with the Chairs of their committees to
20 come up with posts and tweets to highlight our work. Finally, we'd like to ask each member of CB4 to
21 contribute 5 names to the CB4 database.

22 There is a new search committee to find a replacement for Bob Benfatto. The committee includes Lee
23 Compton, Walter Mankoff, JD Noland, and Delores Ruben. Applicants can submit their resumes to
24 September 15. We hope to present a final candidate at the November Board meeting.

25 We're at the beginning of the election process for next year's slate of officers. Per our bylaws, we're
26 creating a nominating committee, which will be headed again by Betty Mackintosh. It will include Brad
27 Pascarella, Pete Diaz, Morgan McLean, Elizabeth Zechella.

28 Borough President Brewer has developed a new attendance tracking system for the Boards. First Vice-
29 Chair Hugh Weinberg reports that we do well at full board meetings, but we struggle at committees to
30 achieve quorum and tend to have late arrivals. He urges everyone to be punctual and make as many
31 meetings as they can. Please contact the board office or one of your co-chairs to let people know in
32 advance that you won't be able to make it.

33 Tonight is the deadline to return your conflict of interest and disclosure forms. Please do that.

34 Chair Berthet reports that we have held a few small meetings over the last few months: We met with
35 Silverstein to discuss their plans for a tall tower at 41st and 11th and expressed our concerns about the
36 height; we met with Alvin Ailey which wants to build on a side street above the Clinton Special District
37 height limit and we expressed our unhappiness with that idea; we met with three Bayview RFP
38 applicants; we met with Avenue school and learned that 6th-8th grades have the most financial aid, and we
39 encourage those who are interested to apply to those grades; and Chelsea Land Use chairs met with
40 Vornado, who just realized that the extension of the Special West Chelsea District is going to limit their
41 building plans.

42
43 **COMMITTEE LETTERS AND RESOLUTIONS:**

44
45 **Business Licenses and Permits Committee (BLP)**

46 The following items were bundled: 2, 5, 6, and 7 (**APPROVED**):

47 Item 2: Letter to SLA re Amarcord Hospitality Group LLC – 558 11th Avenue (42/43)

1 Item 5: Letter to SLA re House of Brews – 302 West 51st Street (8/9)

2 Item 6: Letter to SLA re Sangria 46 – 338 West 46th Street (8/9)

3 Item 7: Letter to SLA re Chelsea Cottage – 206 9th Avenue (22/23)

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5 Item 1: Letter to SLA re Meta Hospitality LLC – 178 9th Avenue (21) (**APPROVED**)

6 *Paul Seres says that this application easily passed committee but the Co-Op Board objected to the full*
7 *liquor license. It has a 35-person total occupancy. There was an existing restaurant before that only had*
8 *beer and wine.*

9 Item 3: Letter to SLA re Adam NYC – 765 9th Avenue (51/52) (**APPROVED with**
10 **MODIFICATIONS**)

11 *Mr. Seres reported that there were multiple stipulations on information that the Board was supposed to*
12 *have received by the full board. We received a security plan, floor plan, and other documents but not an*
13 *acoustician's report.*

14 *Chair Berthet suggests approving contingent on receiving the report.*

15 *Jay Marcus wonders if we should include in the letter the recommendations they submitted as stips for*
16 *them to follow.*

17 *Bruce MacAffer points out that they agreed to multiple noise abatement procedures in their*
18 *documentation.*

19 *Chair Berthet moved that we approve based on following the acoustician's report and other*
20 *recommendations in their report.*

21 Item 4: Letter to SLA re Adella – 410 West 43rd Street (9/10)

22 *Mr. MacAffer reported that this a controversial bar in Manhattan Plaza, next to Esca. Manhattan Plaza*
23 *tenants approve of the changes to the liquor license.*

24 *Mr. Marcus wants to know if what was supposed to have been submitted was. It was.*

25 *Mr. Seres clarified that the sidewalk café hours will conform to our usual stipulations.*

26

27 **New Business (NEWBUS) (APPROVED WITH MODIFICATIONS)**

28 Item 8: Letter re Meatpacking Area BID MOU

29 *Chair Berthet points out that this hasn't gone to committee or executive committee, but the BID has a*
30 *deadline that they need to start their process, so we thought it was important to do tonight.*

31 *Ms. Mackintosh explained that the actual district plan will be coming to CB4 in several months. This isn't*
32 *that. The proposed BID covers 21 blocks of the meatpacking district, with half of it in community district*
33 *4, including Chelsea Market, the Google building, and part of Fulton Houses. The BID was triggered by*
34 *increased commercial use and increased visitors to the area, which will only get worse with the opening*
35 *of the Whitney and additional Hudson River Park piers. Resources have been strained in the area.*

36 *Business property owners will be \$.24 per square foot, and there will be a total budget of \$1.6 million.*

37 *The proposal has so far gotten robust support.*

1 Residents in the 8-block area south of the BID from Horatio Street to W 12th Street were concerned that
2 they wouldn't have a say in important quality of life issues. The MOU designates two impact areas, a
3 northern one in CD4 and a southern one in CD2, which are residential areas. The BID will establish an
4 impact areas advisory committee, two members of which will be appointed to the BID Board in a non-
5 voting capacity. The MOU is to be signed by the two community boards, the council member, and the BID
6 steering committee. The next step will be for the BID plan submitted to SBS. If it's then approved, it goes
7 to DCP, the Community Board, CPC, and then the City Council. We expect this to come before the
8 community board in the next few months.

9 Walter Mankoff wanted to know what the role of CB4 would be on the advisory committee.

10 Ms. Mackintosh explained that the community boards will have a non-voting seat on the BID board but
11 not on the advisory committee.

12 JD Noland is a little concerned that this didn't come out of a committee.

13 Chair Berthet explains that the MOU was negotiated by the Councilmember and CB2 because that's
14 where the problems were and we were added as an after thought.

15 Mr. Noland wants to know if there's any liability that we have signing on to this, since it hasn't been fully
16 vetted by a committee?

17 Chair Berthet points out that she and Ms. Mackintosh have been working on this a lot and they don't
18 believe so.

19 Brad Pascarella wants to point out that the BID generally came before the Chelsea Land Use committee
20 a few times.

21 David Pincus wants to know if it's usual for CB4 to have no voting role on the BID board.

22 Chair Berthet says that yes, this is usual for a BID board. Along with CB4 there will be representatives of
23 electeds and residents. But in a BID, the only people who have the right to vote are the people who are
24 paying for the BID.

25 Mr. Marcus wants to know if there's any requirement that the representatives of the advisory committees
26 come from each of the impact areas.

27 Chair Berthet says there is not.

28 Mr. Marcus wants to know if any of the events at Gansevoort triangle will be affected and what will
29 happen with the Chelsea Improvement Committee.

30 Chair Berthet says this will be negotiated when the BID comes into being. The CIC will dissolve.

31 James Wallace wants to know why we can't get a promise that one representative will come from the
32 northern impact area and one from the southern.

33 Ms. Mackintosh thinks that once the BID is approved, we can work that out.

34 Chair Berthet says that this is as much as could be negotiated as this stage. Adding points to the issue is
35 not an option.

36 James Wallace wanted to know what the rush is.

- 1 *Ms. Mackintosh explains that the BID has a deadline of this week, and that the issues were all CB2's.*
- 2 *Chair Berthet doesn't think that the BID will have a problem with that representation in the future.*
- 3 *Brett Firfer wants to know why we have to sign the memorandum as opposed to passing a resolution*
- 4 *expressing our opinion and concerns.*
- 5 *Chair Berthet suggests that we sign the MOU and write a resolution saying that we want representation*
- 6 *from the northern and southern impact areas.*

DRAFT