

1 **MANHATTAN COMMUNITY BOARD 4**

2 **March 5, 2014**

3 Fulton Center Auditorium, 119 Ninth Avenue (17th/18th Street)

4
5 **PUBLIC HEARING**

6 **BSA Application # 1-14-BZ:** an application for a special permit for a physical Culture Establishment
7 Ewing Massages Enterprises d/b/a Message Envy at 525 West 42nd Street

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9 **BSA Application:** an application for a special permit for a physical Culture Establishment for a gym at
10 555 Sixth Avenue.

11 Public Session	Hugh Weinberg
12 Adoption of Agenda	Christine Berthet
13 Adoption of Last Month’s Minutes	Christine Berthet
14 Manhattan Borough President	Rosalba Rodriguez
15 Local Elected Officials	Various
16 District Manager Report	Robert J. Benfatto, Jr.
17 Chair Report/Committee Reports	Christine Berthet

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21 **Chair Christine Berthet called the meeting to order at 6:56 pm.**

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23 **PUBLIC HEARING:**

24 Chair Berthet introduced J.D. Noland to present **an application for a special permit for a physical**
25 **Culture Establishment Ewing Massages Enterprises d/b/a Message Envy at 525 West 42nd Street:**
26 Mr. Noland explained that we are obliged to review all physical culture establishments because of
27 historical concerns related to the use of them as illicit massage parlors. He reports that several board
28 members visited the location and determined it to be a high-class spa. As nobody wished to speak on the
29 issue, Mr. Noland declared the hearing closed.

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32 **PUBLIC HEARING:**

33 Chair Berthet introduced Betty Mackintosh to present **an application for a special permit for a physical**
34 **Culture Establishment for a gym at 555 Sixth Avenue:** The facility would be known as the BFX,
35 Boutique Fitness Establishment, a division of the New York Sports Clubs. The Chelsea Land Use
36 committee noted no issues with the application. There were no speakers from the public, so Ms.
37 Mackintosh declared the hearing closed.

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40 **GENERAL PUBLIC SESSION:**

- 41 1st Vice Chair Hugh Weinberg called on the members of the public who signed up to speak.
- 42 1. **Dorothy Durlach** is the president of the Hudson Guild Senior Advisory Council. The council is
43 very concerned about bicycle safety. There have been multiple accidents where bikes hit
44 pedestrians and Ms. Durlach called for enforcement of existing laws. Ms. Durlach also expressed
45 concern about the north-south buses in Chelsea, which are often delayed, and about the
46 inadequate snow removal around bus stops. Finally, Ms. Durlach informed us that the council is
47 also holding a digital job-searching workshop for those 60 and over on March 22 at 3 pm.

- 1 2. **Allison Tupper** spoke in favor of business diversity in the neighborhood. She thanked the Board
2 for its new task force on the topic. She said that we need business like a children’s store, surgical
3 supply store, veterinarian, stationary store, etc., but every time a business is vacant, we get a bar
4 instead of these things. She hopes that the BLP committee will not grant all the liquor licenses
5 they’re asked for, which will lead to landlords realizing that they should take other kinds of
6 tenants, who can also pay rent.
- 7 3. **Kathleen Treat**, chair of the Hell’s Kitchen Neighborhood Association, wrote a letter to the DoT
8 about bus stops not being cleared of snow after the first blizzard. She explained that people in
9 wheelchairs absolutely depend on buses, as do many others, and the snow makes it difficult to get
10 on and off the buses. Ms. Treat urged the Board to help. She also wanted to express gratitude to
11 the Board for its work to get more diverse businesses, and to bring the produce market back to a
12 location in the Port Authority.
- 13 4. **Dayna Griles** is Director of Special Projects at the Ryan Chelsea-Clinton health center. They’re
14 available to help assist community members with signing-up for health care through the
15 Affordable Care Act. They have walk-in hours on Wednesday and Friday from 9 am – 11 am.
16 Also, on Monday, March 10th, the health center is having an HIV testing day. Ms. Griles
17 encouraged everyone to get tested.
- 18 5. **Terri Ginsburg** spoke on behalf of New Yorkers Against the Cornell-Technion Partnership. She
19 explained that the Google offices on 8th Avenue are hosting classes for Cornell-Tech, a
20 partnership between Cornell and the Israeli Technion Institute of Technology. Google is hosting
21 these classes until Cornell-Tech is complete in 2017. Ms. Ginsberg stated that the campus was
22 given public land for free, which had previously held Goldwater Hospital. She said that the public
23 wasn’t told that Technion is complicit in Israel’s violations of the rights of Palestinians, including
24 by developing surveillance technologies like those used in drones to spy on Palestinians. Ms.
25 Ginsberg stated that Technion is implicated in war crimes, and by association so is Google,
26 Cornell and NYC, and that the danger to New Yorkers cannot be underestimated. She urged the
27 Community Board to meet with Google and demand that they divest from this partnership at
28 once.
- 29 6. **Carol Yost** spoke in support of Ms. Ginsburg. She said that two other universities had good
30 proposals that were cancelled at the last minute in favor of Cornell-Tech. She believes this
31 university is a means to develop lots of military equipment that will be used by Israel against the
32 Palestinian people. She said that she thought Cornell-Technion was chosen as a way of cementing
33 New York’s relationship with Israel, but that Israel is committing war crimes and we don’t need
34 that in NYC.
- 35 7. **Delores Rubin** spoke on what she called a “public service announcement” about domestic
36 violence. Sanctuary for Families and Call to Men have partnered together to combat domestic
37 violence and gender violence in a project called “Bystanders No More.” Learn how you can be
38 part of the solution.
- 39 8. **David Stuart** is the co-chair of the West 45th St block association. He stated that he is in total
40 agreement about having more diversity of establishments in the neighborhood, but wanted
41 specifically to support the application from Beer Culture, which is seeking extended hours. His
42 block association met with the owner and found him to be totally responsive and a good neighbor.
43 They haven’t had a single complaint, and have mostly heard people say they enjoy having the
44 establishment on the block.
- 45 9. **Brett Firfer** spoke to oppose previous speakers against Cornell-Technion, whose views he
46 believes to be anti-Semitic. He said that BDS is an organization that claims to be critiquing the
47 policies of the state of Israel but in reality they’re challenging Israel’s legitimacy. He said that
48 there’s a saying that “those who are kind to the cruel are in the end cruel to the kind.”

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2 **ADOPTION OF THE AGENDA AND THE MINUTES OF THE FEBRUARY 2014 FULL BOARD**
3 **MEETING:**

4 The Agenda was adopted without amendment.

5 The Minutes of the February 2014 Full Board Meeting were adopted without amendment but with
6 multiple compliments to Frank Holozubiec who scribed them.

7 **REPORTS OF ELECTED OFFICIALS:**

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9 **Corey Johnson, Councilmember**, marched on Sunday in the inclusive St. Patrick's Day parade in
10 Queens because the one held in Manhattan doesn't allow LGBT people to march under their own banner.
11 The Councilmember also noted the potential selling of air rights for the Farley post office, which his
12 office believes should go through ULURP and that CBs 4 and 5 should be involved in the process. During
13 the construction on 10th Avenue around 34th Street, there should be three lanes open at all times. Corey
14 asked that community members let the office know if they aren't open. Councilmember Johnson now
15 chairs the Health Committee, which held its first meeting recently about NY Health & Hospitals
16 Corporation, which mostly provides care to the uninsured. They had a budget gap over the last 5 years
17 and are predicting another \$1.4 billion budget gap and the hearing was to ensure that they don't cut
18 needed services. The Councilmember has introduced a bill requiring the Department of Health to report
19 on Hepatitis B and C infections, a bill that would ban the sale of puppies and kittens from puppy mills and
20 will modify what's considered a pet shop, and he will introduce a new bill requiring all pet stores to have
21 sprinklers.

22 **Rosalba Rodriguez, for Borough President Gale Brewer**, announced that the office will bring on a
23 community liaison for Board 4, but they haven't hired one yet. They have launched a project to bring
24 more data and technology to neighborhoods as a way of addressing local issues. The office has been
25 supporting the implementation of universal pre-K and have been looking for space in Manhattan to house
26 programs. They are also trying to implement early planning to look at various community projects pre-
27 ULURP. Finally, they just hired Basha Gerhards to be the new Deputy Director of Land Use Planning and
28 Development; she comes to the office from the Department of City Planning.

29 **Robert Atterbury for State Senator Brad Hoylman**, reported that the office held an SLA roundtable
30 earlier this month for all community boards. They gained valuable information about how the SLA works.
31 The Senator has submitted testimony on New York State's draft energy plan, opposing the use of natural
32 gas and hydrofracking and encouraging them to use renewable sources instead. Senator Hoylman wants to
33 remind everyone that the office is accepting nominations for the New York State Senate Women of
34 Distinction and Veterans Hall of Fame.

35 **David Baily, representing State Senator Adriano Espaillat**, reports that the Senator supports Mayor De
36 Blasio's plan to have the City raise taxes slightly to adequately fund universal pre-K. He has also been
37 fighting to keep the Palisades Parkway as pristine parkland and preventing LG, the technology company,
38 from building a large development with their headquarters there. Verizon is spending millions of dollars
39 to upgrade their system to FIOS, but the Senator is making sure that they are also keeping their copper
40 wires up-to-date for people who use landlines and don't want to switch tot FIOS.

41 **David Czyzk, representing Assembly Member Richard Gottfried**, said that the Assembly Member
42 supports the Manhattan West Text Amendment, with Community Board 4's modifications. Assembly
43 Member Gottfried sent a letter to the ESDC who is releasing an RFP related to phase 2 of the Moynihan
44 Station development. The RFP seeks a listing agent to sell the air rights, which could lead to a substantial
45 amount of overdevelopment in an already-overdeveloped area. The letter asked that ESDC consider ways
46 of creating public review so that all the players in the game, including local residents, members of the
47 Communit Board and City Council have a say in how the air rights are used.

1 **Jason Harding, representing Councilmember Helen Rosenthal**, introduced himself as her Director of
2 Constituent Services. Councilmember Rosenthal is seeking to ban the rainbow experiment in high school
3 chemistry labs, which is very dangerous and recently caused severe burns to a student at Beacon. She is
4 also seeking legislation to suspend a drive's Taxi and Limousine Commission license if a failure-to-yield
5 violation results in severe injury. The councilmember is working with Community Board 4 on the
6 affordable housing development at Harborview Terrace, and is working with community members and
7 other elected officials to come to a conclusion of the TF Cornerstone ULURP. She has also been lobbying
8 in Albany on Universal Pre-K and charter schools. Her opinion on charter school co-locations can be
9 found on her website, HelenRosenthal.com. Community members should feel free to reach out.

10 **Tricia Shimamura, representing Congresswoman Carolyn Maloney**, wished us a Happy Women's
11 History Month. The Congresswoman is working with Marsha Blackburn of Tennessee to call for the first
12 steps in creating a National Women's History Museum. She also recognized Million Women Mentors
13 with several colleagues in DC, a nonprofit group that wants to support young girls interested in STEM.
14 Maloney has a number of high school initiatives, including the House STEM app challenge, a national
15 competition for children who are interested in STEM to create their own mobile phone apps. Students can
16 submit in up to teams of 4 and the winner will be recognized in Washington, DC. Along with
17 Congressman Nadler, Congresswoman Maloney is holding a Congressional arts competition, in which
18 students can submit a 2D piece of artwork to Nadler or Maloney. The winner will have their artwork hang
19 in the Capitol and get to attend a reception in DC. Finally, March 31st is the deadline for signing up for
20 the New York health exchange; if you have questions about the ACA, reach out to Ms. Shimamura.
21

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

23 The ESDC has put out a RFP for a Broker, who will set up the sale of development rights for Moynihan
24 Station. The proposed sale is for 1.5 million square feet of air rights, not the full 2.5 million.

25 The Port Authority has put out an RFP for the sale of 33rd and Dyer. The RFP calls for public space to be
26 developed. It also states that New York City zoning will apply to any future development and that
27 potential developers should seek comment from elected reps and community board.

28 Quality of Life will now meet at the community room at 353 W 30th St. Folsom Street East is having their
29 street fair on June 22, 2014 if anyone wants to speak about that.
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32 **REPORT OF MCB4 CHAIR CHRISTINE BERTHET:**

33 Each of the four working groups, Outreach, Best Practices, Openness, and Balanced Business, met this
34 past month. Individual Board members met with potential developers of 124 W 16th St, respondents to the
35 Bayview RFP, residents of the Chelsea Hotel, a developer interested in converting a building from
36 manufacturing to residential in the Garment District, and the residents of Harborview about the new
37 potential affordable housing project there. The committee chairs will provide a detailed report at
38 committee on these meetings.

39 Chair Berthet attended the Vision Zero announcement by DeBlasio and its related hearings, which went
40 on for a day. This policy brings new hope to our neighborhood, where traffic safety is a major concern.
41 Both the NYPD and DoT is working on implementation on the 63 ideas for Vision Zero.

42 She also attended multiple meetings about relocating the NJ bus terminal and extending the 7 line to
43 Secaucus.

44 The Hudson Yards Hell's Kitchen BID held meetings to name an interim board. JD Noland will serve on
45 the Board for Community Board 4. Ernest Modarelli, David Solnik, Joe Restuccia, and Christine herself
46 will be representing the community in various capacities on the Board. In addition, lots of affordable
47 tenants will be on the board too. The BID area is 30th St to 42nd St, just east of 9th Ave to 11th Ave.

1 Four members of CB4 met with other boards and the SLA in a meeting organized by Senator Hoylman.
2 They will be putting together a summary that will inform future Business Licenses and Permits and
3 Quality of Life meetings (QoL will now takes complaints about bars and restaurants).
4 Chair Berthet announced that Chairs and committee members do an awful lot of work outside of
5 meetings, so the public should give them a big round of applause. (The public complied.)
6 Finally, she reported that the Borough Board meetings with Borough President Brewer were full of good
7 energy and new ideas, and with Board chairs who want to support each other and share best practices.

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10 **COMMITTEE LETTERS AND RESOLUTIONS:**

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12 **Chelsea Land Use Committee (CLU)**

13 The following items were bundled: Items 1 and 2. (**APPROVED**)

14 Item 1: Letter to BSA for a gym (PCE) - 555 Sixth Avenue
15 Item 2: Letter to LPC re Terminal Stores at 220 Twelfth Avenue - Master Plan

16
17 **Business License and Permits Committee (BLP)**

18 The following items were bundled: 3, 4, 6, 7, 9, 10, 11, 12, 13, and 15. (**APPROVED**)

19 Item 3: Letter to SLA re 312 West 37th Street -Homewood Suites by Hilton
20 *Frank Holozubiec noted that the applicant won't apply for outdoor space and will have limited hours*

21 Item 4: Letter to SLA re 148 Eighth Avenue (17/18) - COLA\Cucina \Vino

22 Item 6: Letter to SLA re 328 West 45th Street - Beer Culture

23 Item 7: Letter to SLA re 189 Ninth Avenue (21/22) – Fonda

24 Item 9: Letter to SLA re 84 Seventh Avenue (15/16) - Basta Pasta

25 Item 10: Letter to SLA re 887-889 Ninth Avenue (57/58) - VEGG 58th LLC

26 Item 11: Letter to SLA re 321-323 West 51st Street - IPPUDO Westside LLC

27 Item 12: Letter to SLA re 939 Eighth Avenue – Guantanamera

28 Item 13: Letter to SLA re 200 Seventh Avenue (21/22) – Champignon

29 Item 15: Letter to DCA re 148 West 24th Street - Barcade NY -Arcade License

30 Item 5: Letter to SLA re 400 West 43rd Street BK19 Inc. (**APPROVED WITH AMENDMENTS**)

31 *Mr. Holozubiec explained that the bar will be in the Manhattan Plaza building, just west of Esca. The*
32 *item was somewhat controversial, and came before BLP twice, with neighborhood opposition. The*
33 *applicant originally sought a full liquor license and to be open until 2-3 am. In the end, they agreed to get*
34 *a wine and beer license and close at midnight. There was no community opposition at latest meeting.*
35 *However, they had agreed to submit an acoustical report to the Board Office by today and they hadn't*
36 *actually done that yet.*

37 *JD Noland asked if there were residents above the bar and if they agreed, and if Manhattan Plaza tenants*
38 *association agreed, with the latest proposal*

39 *Mr. Holozubiec confirmed, and Chair Berthet added that they'd also agreed to not use outdoor space.*

40 *Mr. Noland asked about the lack of an acoustical report.*

41 *Mr. Holozubiec suggested that we wait a week and if we don't get it, we highlight that we didn't get it. He*
42 *also suggested denying unless we get it.*

1 *Mr. Benfatto pointed out that the license is beer and wine and therefore not subject to the 500 foot rule.*
2 *Chair Berthet agreed that we are at least making a statement.*
3 *Mr. Holozubiec made a friendly amendment to the letter, such that it will now be a denial unless all*
4 *conditions are met, and we will highlight the lack of acoustical report in the letter if we don't receive it in*
5 *the next week.*

6 Item 8: Letter to SLA re 642 Tenth Avenue (45/46) - Aura 3 LLC (**APPROVED--RATIFICATION**)
7 *Mr. Holozubiec stated that BarTini bar is an existing establishment that sought to change the*
8 *owner/operator. There is ongoing litigation between the owners, with an injunction that prevents one*
9 *owner from selling without the other owner's approval. This letter says we're aware of the litigation, we*
10 *have concerns about the operation and location, but don't think it's appropriate to weigh in now. We're*
11 *asking the SLA to defer. We subsequently learned that there were parties going on at the bar, so item 21*
12 *addresses that. The SLA tell us that they are aware of the situation.*

13 Item 14: Letter to DCA re 756 Ninth Avenue (51) Vynl (**APPROVED**)
14 *Mr. Holozubiec said that Vynl has talked to the block association and agreed to move the sidewalk café*
15 *onto 9th Ave and off the side street. The majority of the BLP asked the applicant to eliminate two tables*
16 *near the corner and keep 8 feet of sidewalk free depending on where the construction on Ninth Avenue is.*
17 *The applicant didn't agree to do this. A minority of members of the BLP wanted to approve the initial*
18 *proposal because Vynl is a good operator. We'll have another shot at this because didn't apply for an*
19 *alteration to liquor license.*

20 **Transportation Committee (TRANS)**

21 Item 16: Letter to DCA re Newsstand Application at Eleventh Avenue and West 44th Street
22 (**APPROVED--RATIFICATION**)

23 The following items were bundled: Items 17 and 18. (**APPROVED**)

24 Item 17: Letter to NYPD re Enforcement Request Vision Zero pedestrians and bicyclists.

25 Item 18: Letter to Mayor re Request for continued DOT responsiveness

26 **Waterfronts, Parks and Environment (WPE)**

27 The following items were bundled: Items 19 and 20. (**APPROVED**)

28 Item 19: Letter to DPR and FHL re EAS (negative declaration) for High Line, section 3

29 Item 20: Letter to DPR re Appointment of full time gardener for MCD4 (**RATIFICATION**)

30 **Clinton/Hell's Kitchen Land Use (C/HKLU), Housing Health and Human Services (HH&HS) and** 31 **Quality of Life: ACES (QoL) Committees**

32 No items to report

33 **New Business (NewBus)**

34 Item 21: Letter to SLA re 642 Tenth Avenue (45/46) - Aura 3 LLC ownership issue (**APPROVED--**
35 **RATIFICATION**)

36 *This was discussed with item 5.*

37 Item 22: Letter to BSA re special permit for a PCE (spa) at 525 West 42nd Street (**APPROVED**)

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39 **The meeting was adjourned at 8:05 p.m.** Scribed by Miranda Nelson