

**MANHATTAN COMMUNITY BOARD NO 4**  
JANUARY 5, 2011  
FULTON CENTER AUDITORIUM, 119 NINTH AVENUE

**MEETING AGENDA**

Public Session	Corey Johnson
Adoption of Agenda	John Weis
Adoption of Last Month's Minutes	
Report of the Manhattan Borough President	Sandy Myers
Reports of Local Elected Officials	Various
Report of the District Manager	Robert J. Benfatto, Jr.
Report of the Chair	John Weis
Committee Letters & Resolutions	John Weis
Old Business	John Weis
New Business	
Adjournment	

**PUBLIC SESSION**

Many people were present to support the construction of a park at 136 West 20<sup>th</sup> Street. It was agreed that only five would speak. Those taking the mike in favor the development of a park on the site of the DoS parking space and wanting MCB 4 to reconsider its position were:

Matt Weiss, Timothy Dier, Marc Shaiman, Pamela Wolff, Joanna Cohen Weiss. Peter Kostmeyer announced that the Citizens for New York were offering grants to Community groups. The application deadline is January 31<sup>st</sup>. Jose Melendez described the free tax service offered by Housing Conservation Coordinators. Lynne Hayden-Findlay from the Chelsea Opera detailed her organization's history and activities. Bob Trentlyon gave an update on the proposed storm-surge barriers which MCB 4 had discussed in February of last year. He among many are pushing for the city and state to seriously study the proposals. Syrvella Hall of the NYC Dept of Parks and Recreation highlighted the facilities of the Asser Levy Recreational Center. Dan Contreas of the Office of NYS Comptroller Tom DiNapoli offered his services to identify any unclaimed money due people in the room.

## **ADOPTION OF THE AGENDA AND THE MINUTES OF THE DECEMBER BOARD MEETING**

After the Public Session the agenda for the night's meeting was adopted with one modification: item 5 was placed first.

The Board accepted the December minutes as submitted by Burt Lazarin, Co-Secretary of MCB 4.

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

represented by Sandy Myers

Myers reminded all people who would like to be on the community board that they should get in their applications by January 14. On January 11 there will be an information session. On the website of the Borough President is a town hall survey. There are now grants available from New Yorkers for Better Neighborhoods and the application deadline is January 31. Flyers detailing these two subjects are in the back of the room.

## **REPORTS OF OTHER ELECTEDS**

Congressmember Jerold Nadler's 9/11 health bill, Katie Smith reported, passed the House and the Senate and was signed by the President. It is now law as is the elimination of DADT in the armed forces. The Congressman is working with Assemblymember Rosenthal on PCBs in the public schools.

Senator Tom Duane was saddened by the death of housing advocate Sue Cohen said his representative Sara Myers Zimble. He also gave testimony, she continued, to the NYS Sea Level Rise Task Force commenting on its recently released draft report which did not take a strong position on storm-surge barriers. The Senator through Zimble thanked MCB 4 member Bob Trentlyon for raising the issue and advocating for the barriers.

Jeff Lafrancois of Assemblymember Richard Gottfried's office affirmed that Gottfried and other Democratic assemblymembers are willing to work with the Republican majority in the Senate.

Assemblymember Linda Rosenthal, Rachael Stein stated, was working on PCBs in the public schools with Congressman Nadler. The EPA issued a directive and wrote NYC Deputy Mayor Wolcott citing the city in violation of the law. The city is contending that it is in compliance.

Councilmember Christine Quinn's representative, Amanda Younger, announced that on January 10 there would be a hearing on the city's reactions to the December 26 blizzard. It would be jointly held by four council committees. It would be followed on January 14 by a hearing on the response of the MTA to the snowstorm.

Councilmember Gale Brewer appeared in person during the discussion of Item 5. She described the recently approved Riverside Center as too big. But, she said, the Council was able to negotiate concessions from the developer such as \$70m for Riverside Park South and money to complete the recreation center. There will be a school on site and

affordable housing, one-half of which will be on site and one-half off-site. During the blizzard the Councilmember noticed that there were no laundromats on the west side between 48<sup>th</sup> and 50<sup>th</sup> Streets. We need small “mom and pop” stores she asserted. This brings up the issue of smart development.

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

Bob reported that the Dept of Homeless Services needs volunteers for its annual census. It will take place the night of January 31<sup>st</sup> between 10:30 pm and 4:00 am. Because of the MLK holiday, the meeting of the CP&P committee was rescheduled this month to Tuesday January 11<sup>th</sup>.

## **REPORT OF MCB 4 CHAIR JOHN WEIS**

John announced that the tentative schedule for all MCB 4 committee meetings for 2011 was available in printed form. Members should mark their calendars. John urged board members with expiring terms who do not wish to reapply to notify the Borough President’s office.

## **COMMITTEE LETTERS AND RESOLUTIONS**

### Executive Committee

### Clinton/Hell’s Kitchen Land Use (CHKLU) and Housing Health and Human Services (HH&HS) Committees, jointly

Item 5: Letter to 20<sup>th</sup> Street Park Project reaffirming position for affordable housing at 136 West 20<sup>th</sup> Street. This letter though technically coming from Executive Committee, is really from CHKLU. Elisa Gerontianos, Co-Chair, stated that in 2004 this site was identified for housing. MCB 4 needs she said both housing and parks and it is a difficult choice. The proposed housing would be 70 to 80 units for people/families with 80% to 125% of average median income (AMI). All the units would be dedicated affordable in perpetuity. This proposal has moved through the approval process ending only this past December. It has been accepted by all the electeds, the City Planning Commission, and the City Council. Ed Kirkland mentioned that he had had his eye on the spot for years, probably for both housing and park uses. He wondered when the money for building would be available. Joe Rustuccia answered that there would be an RFP process, probably in Fiscal Year 2012 or 2013. Is this realistic? Yes Joe said. Bob Trentlyon suggested an amendment. He wanted to remove the last paragraph and replace the reference to a permanent park to a temporary one until money becomes available for housing. He offered that if in a “reasonable” amount of time no money was forthcoming, the park be made permanent. Miguel Acevedo stated that with all due respect he was totally against the amendment because he believed that anything that is temporary easily becomes permanent. John Lamb considered that there is no other spare land available in the neighborhood and so thought the last paragraph as it stood ingenuous.

Jay Marcus commented that the process by which the decision had been arrived at was fair. Everyone, Jay said, weighed in with opinions about affordable housing vs. parks. Any change in the Board's position would have to be evaluated how it would affect the Western Rail Yards agreement. Joe added that the impact area of the WRY is quite large and that the W20th Street site is one of the few for moderate-middle income housing.

Lee Compton said he would support Bob's amendment if it included a specific sunset date for the temporary park. Walter Mankoff agreed with Bob and wanted the last paragraph deleted because he felt it wasn't honest; there is no other space for a park. The paragraph as it exists creates false hopes. Corey Johnson concurred with Walter. He wanted a clearer definition of temporary, perhaps 23 or 24 months. John Doswell announced that he supported the revised amendment. Nydia Mata insisted the Board be realistic and wondered how long it would take to get even a temporary park and if there was funding. Christine Berthet stated that the choice between park land and affordable housing is not the right choice. She suggested that people work with the DoT to create play streets.

JD Noland considered the amendment wonderfully fanciful. He was against it because he felt that in passing it we would be throwing out all those advocates of affordable housing who have given testimony in the past and are not here tonight. We need to go through a process and return this letter to committee to give others a chance to voice their opinions. Lauren Danziger expressed concern about the process and questioned to whom the DoS property was being transferred. Jay opposed the amendment and thought that JD was right in that we have had an active process that concluded with a painful choice and we need to stick to the decision. We should keep the last paragraph and insert the need for creative solutions such as rooftop parks and play streets to provide eastern Chelsea with more green spaces.

Chair John W put the amendment to a vote.

Barbara Davis thought the amendment contained an interesting idea but questioned its reality and the apparent lack of budgeted funding. Is it going to happen she asked? Bob supported his amendment saying it was for housing. What it says is that we don't know when so let people use the site now as a playground.

Amendment defeated.

Brett Firfer, addressing the new group, encouraged their continued advocacy and the generation of creative ideas. Jim Jaspers said he didn't live near the proposed park site but suspected that many more people are in favor of it. It is wrongheaded to adhere unthinkingly to a seven year old agreement. Martin Treat thought that 90% of our affordable housing goal had already been achieved. Joe countered that only 40% of the low-income housing goal had been reached and of that zero was from Western Rail Yards. John D liked Christine's ideas about alternative parkways and he said his parks committee would look into it. Corey believed that any affordable housing for the site should be permanent and he agreed with Jim that perhaps priorities do change over the years. He also said he continued to hold that the last paragraph was false. Lee reiterated that the decision for housing for this site had been made three times, not just once seven years ago; this decision is not just a holdover. Ed asked when was the last time? Joe answered December 2009. Martha Hauze observed that revisiting the decision only results in delaying its implementation. Ed concluded that the Board is looking long-term and a temporary park is no solution. We need to motivate the city. The question was called. Approved.

## Executive Committee

Item 1: Letter to HYDC re Hudson Boulevard and Park. Joe stated that we want the priorities of the planned parkway changed so that maximum park use is located near 34<sup>th</sup> Street, the area that will be constructed first, and that the skating rink be placed at the northern end. Christine suggested that we should insist on speed control and bike parking for the area. Walter and JD requested changes in a number of lines to better communicate our ideas. Martin cautioned about Lincoln Tunnel traffic and the need for planning. DoT is working on this Christine said. Maarten de Kadk brought up the issue of public restrooms and storm water abatement. Both Joe and Christine responded noting we had asked for public access and that water control must adhere to plan. Approved.

Item 2: Letter to DYCD re proposed cuts to LGBT homeless youth services. Chair John W said that, though he was approached by the concerned agencies to write a letter, he tried to broaden the language so as to include all groups affected by these proposed cuts. Martha commented that cuts were being done all over. She thought that to highlight one group fosters competition. The Board should ask for the restoration of all social service funding. Bret disagreed. He believed that it's within the Board's purview to talk about specific programs. But his concern is that in this case we do not know who these groups are and we are advocating for a specific organization. John L declared that the LGBT population is a large percent of our community and he had no problem with the letter. Ed suggested that since both the bus terminal and Penn Station are located in our district and both are entry points to the city for LGBT homeless youth it makes sense for us to have this focus. Barbara thought this is a priority for our community. Hugh held that a letter from us decrying the across the board social service cuts would have no impact but this letter with language broadening the coverage would. Jesse Campamor stated we should be advocating for all homeless youth and Walter thought that the letter was missing a link to the specifics of our community. Carmen Matias observed that all our electeds had LGBT liaisons because we had a large population in the district and this fact supports the letter. Approved with the modifications cited above.

## Clinton/Hell's Kitchen Land Use Committee

Presented by Elisa Gerontianos, Co-Chair.

Item 3: Letter to HPD re Clinton Commons, 533-543 West 52<sup>nd</sup> Street -- support for including the 25 feet at western edge of the site formerly a parking lot for housing. Approved.

Item 4: Letter to DHS re proposal for women's homeless shelter at 341 West 51<sup>st</sup> Street. Elisa said that there is a need to lower the number of people served by the facility and it appears that the staff is in agreement and is very cooperative. JD expressed his concern that 50 women would be on site and that number to him seemed high. Reading the letter, Hugh Weinberg was concerned that the Board was dictating conditions of operation to a social service provider. Joe replied that is exactly what we were doing and he was in favor of it. Originally, he said, they had indicated a population of 36 but then they raised the figure to 66. He argued that it seemed they

were running an illegal hotel (it was closed three times). We want a shelter to fit into the community. Maybe the number should be modified down to 48. Martha thought that 46 should be the maximum population; actually, she added, we should start at 40 and negotiate. Remember that this building is a walk-up. Jay Marcus cautioned that we needed to be careful and support the number of staff we asked for. Maybe have them come back. Lisa Daglian suggested editorial changes to the letter.  
Approved.

#### Business Licenses and Permits Committee South

Presented by Burt Lazarin, Co-Chair.

Item 6: Letter to SLA re Chelsea Entertainment Group LLC -- 222 West 23<sup>rd</sup> Street. This applicant, Burt noted, had come before the Board but at that time had not met one of the stipulations on its operation, meeting with the tenants of the Chelsea Hotel and the management. There has been good communication between the tenants and the applicant. The hotel itself was recently put up for sale and the management is in disarray. The applicant is intending to replace the current operators of this lounge space. Burt observed that there have been some problems with sound emanating from the waiting area and a new stipulation was added to the applicant's methods of operation to make sure the sound was muffled. Jay suggested that we insert the Board's usual language about utilizing the services of a sound engineer. A comment was made referencing one of the stipulations describing crowd control as micromanaging a private business. Lisa responded by saying that it had been her experience that you do need to do exactly that and it should be written as a stipulation. Hugh mentioned that sidewalk crowding and spill over into the hotel's lobby was a serious problem. Ed wanted another stipulation added to the letter indicating that any exterior alterations should conform to Landmark rules.

Approved with the modifications cited above.

Item 7: Letter to SLA re Fashion 26 Hotel.

Approved.

#### Business Licenses and Permits Committee North

Presented by Lisa Daglian, Co-Chair.

Item 8: Letter to SLA re Casa XL Dance Bar LLC d/b/a XL Dance Bar – 508-510 West 42<sup>nd</sup> Street.

Item 9: Letter to SLA re Sacada LLC d/b/a Brazilina – 832-836 Ninth Avenue Store #5 & 6 (btwn W54th and W55th Streets).

Item 12: Letter to SLA re 366 West 46<sup>th</sup> St. Restaurant LLC d/b/a The Village Pourhouse – 366 W 46<sup>th</sup> Street.

Item 15: Letter to DCA re Chez Josephine – 414 W42nd Street.

Item 16: Letter to SLA re Mamma Ristorante Corp. d/b/a Guantanamera – 939-945 Eighth Avenue (btwn W55th & W56th Streets).

Christine at this point drew attention to the proliferation of oversized winter storm enclosures used by restaurants and bars. Lisa interjected that we had very little leverage since the SLA didn't care about the issue. John W mentioned that enclosures had been discussed at the Borough Cabinet meeting. The city itself is not enforcing any

of its regulations about enclosure size and the need for an unencumbered sidewalk passage.

All approved.

Item 10: Letter to SLA re Fat Dragon Foods Inc. d/b/a Mooncake Foods – 359 W54th Street.

Item 11: Letter to SLA re Otarian Eighth Avenue Rest. Inc. d/b/a Otarian – 947 Eighth Avenue (btwn W55th & W56th Streets)

Item 13: Letter to SLA re Sushi Dream Corp. d/b/a Sishi Ichimasa – 825 Eighth Avenue (corner of W50th Street).

Item 14: Letter to SLA re QI Times Square Corp. – 675 Eighth Avenue (corner of W43rd Street).

All approved with minor language changes.

### New Business

No new business.

The meeting was adjourned.

Respectfully submitted by Burt Lazarin