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**The City of New York  
Community Board 8 Manhattan  
Small Business Committee Meeting  
Monday, September 9, 2019 - 6:30PM  
Hunter College, Glass Cafe**

*Please note: The resolutions contained in the committee minutes are recommendations submitted by the committee chair to the Community Board. At the monthly full board meeting, the resolutions are discussed and voted upon by all members of Community Board 8 Manhattan.*

**Minutes**

**Resolutions for Approval:**

**Items 1: Unanimous**

**Community Board 8 Members in Attendance:** Paul Higgins, Michael Mellamphy, Barry Schneider, Dorothea Newman

**Community Board 8 Public Members in Attendance:** Jennifer Gao

**Community Board 8 Members Not in Attendance (Excused):** Gale Baron, Sarah Chu

**1. Proposed Bus stop shelters on Madison Avenue**

Quite a number of Business owners came out to this meeting including a number of people who operate on Madison Avenue to voice opinions on the proposed Bus stop shelters. Evan Sturrock from Joe Bananas Australian Fashion store located at 943 Madison Avenue (between 75<sup>th</sup> and 74<sup>th</sup> streets) operates in Australia, Singapore and in New York with a storefront at the above address. He is currently 6 years into a 10 year lease where his rent alone is \$90,000 a month. That's \$1.1 million per annum. A bus shelter at this location would have had significant impact on his original lease negotiations. Having clear frontage is critical to the success of his type of business along a corridor, which includes many high-end, high street fashion labels that can afford larger premises and window frontage. Due to the Historical nature of Madison Avenue he is prevented from using the same or similar illuminated signage that these proposed shelters would incorporate. Installing these shelters along the narrow sidewalks that exist on Madison Avenue will leave him with approximately 7 feet of sidewalk space that is now effectively a narrow corridor. He feels very strongly that many potential customers who shop at stores like the Apple store across the street will no longer be able to see his store in spite of the bus shelters having a clear design. In turn impacting his ability to effectively display his merchandise.

Swanita Ghari owns and operates a fine jewelry store at 63<sup>rd</sup> and Madison where a bus shelter has been proposed. She has been in business there for ten years. Her rent is \$1.8 million per annum.

Although she has no personal objection to bus shelters in general she does feel that there could be particular safety concerns. The historical nature of the buildings along Madison Avenue also means she

is not allowed to have any type of display on her building or in her window without consent from The Landmarks committee yet these shelters will have illuminated advertising for larger stores. Madison Avenue is also a popular tourist avenue, which relies a lot on foot traffic. It is already heavily congested with vehicular traffic and with the addition of the distraction of illuminated bus shelters she is concerned that business's like hers may be forced to close.

Matt Bauer from Madison Avenue BID informed the meeting that DOT and JC Decaux, who are the agency responsible for servicing 3500 bus shelters across the 5 boroughs and providing franchise payments to NYC did in fact approach the Madison Avenue BID a number of months ago about this proposal. The BID felt it was in the interest of the community to know about them. He did point out that residents have approached the BID about seating at bus stops along Madison Avenue. He did say that the BID would be in support of benches along the avenue for residents to sit while waiting on the bus. The BID has concerns however about the proposed shelters.

- a) The sidewalks along Madison Avenue are thirteen feet wide. That is generally narrower than many other sidewalks along other avenues in the city. The DOT and JC Decaux have proposed a new design where the shelter would be 32 inches wide and 14 feet long which they feel would be large enough to block storefronts while being too narrow to serve the public adequately.
- b) The issue of fairness to small business operators concerns the BID also. Restaurants along the avenue have to allow for 8 feet of clearance while the shelters only allow for 7 feet.
- c) Madison Avenue storefronts must adhere to guidelines with respect to signage yet this type of proposed bus shelter is for all intents and purposes (revenue) a billboard at eye level in front of private business.
- d) These shelters will be obstructions that will create problems for deliveries.
- e) Although the shelters will create revenue for the DOT the majority of small business is already paying their fair share if not more so in the guise of property tax (passed onto them through rent) as well as the Commercial Rent tax due to the high rates of rent along Madison Avenue. This accounts for a 4% charge on their annual rent, (\$44,000 for Mr. Sturrock and \$72,000 for Ms. Ghari).
- f) The BID also feels strongly that Madison Avenue is known globally as a very famous Retail/Tourist corridor and the installation of these bus shelters would drastically impact the character and experience of Madison Avenue.

Unfortunately no representatives from the DOT came to the meeting but Gabrielle Brussel (Executive VP of Business and Properties of JC Decaux) and Brian Grimaldi (attorney representing JC Decaux) did attend and we were very pleased that they were willing to engage and hear the concerns of the small business community. They pointed out that this was still just a proposal at the time of the meeting and no deal had been signed by that date. They are looking to have a dialogue and find some compromise. Some 15 million customers travel along this route every year, that's an average of 58,000 per day. They reiterated that the city has been petitioned by residents for bus shelters along this corridor from 57<sup>th</sup> to 78<sup>th</sup> streets. They estimate that this deal alone with the city would allow DOT to fund up to 300 bus shelters for SBS routes across the 5 boroughs. The proposal they are working on at the time of the meeting was to install 19 shelters across 30 blocks altogether. They also wanted to point out that although they are the agency that provides franchising for the city through bus shelters as well as bill boards, public restrooms AND Newsstands that it is up to the regulators where the bus shelters would be located. They also mentioned there are plans for similar shelters along 5<sup>th</sup> Avenue also as there have been similar requests

made along that route also. The shelters will be the responsibility of JC Decaux in respect to maintenance and cleanliness. They have people that go to the shelters twice a week to maintain them.

Barry Schneider urged the DOT not to place these shelters along Madison Avenue in the interest of small business. It was also felt by attendees that the fact that there are guidelines with respect to Landmarks that business must abide by. Also it was pointed out that when News boxes were placed along Madison Avenue, approval was sought and required before they could be installed.

In conclusion with respect to the concerns noted and along with the vacancy situation that exists in regard to small business across CB8 and the city in general. The committee felt it necessary to let the Department of Transportation be made aware of the objections to the proposed Bus Shelters along Madison Avenue in our community. That particular resolution was proposed and subsequently voted on. It was unanimously approved and is included with this report.

### **Madison Avenue Bus Shelters Resolution**

Following the discussion of the Proposed Bus Stop Shelters on Madison Avenue, the following resolution was proposed and voted on.

**Whereas** the vibrancy of small businesses on Madison Avenue would be negatively impacted by the installation of the proposed bus shelters, and

**Whereas** the character of the district would be negatively impacted; and

**Whereas** any enclosures would potentially add to the already abundant vacant storefronts in Community District 8; and

**Whereas** since Madison Avenue is in a Historic District, the committee suggests that the Landmark Preservation Commission review the proposal in accordance with the Madison Avenue Storefront Guidelines; and

**Whereas** it is not easy to see through bus shelter glass, restricting views of businesses from the sidewalk and across the street; and

**Whereas** the bus shelters would be a security concern for surrounding businesses; and

**Whereas** retail establishments adjacent to a bus shelter are prohibited from placing advertising of the very nature that is currently permitted on the bus shelter from potential competitors, thereby giving those competitors an unfair marketing advantage,

**Whereas** bus shelters would distort the area's reputation as a world-class business district; and

**Whereas** the proposed bus shelters are large, intrusive and create bottlenecks on already limited sidewalk space; and

**Therefore, Be it Resolved** that Community Board 8 recommends that the Department of Transportation look for alternative locations off Madison Avenue for the placement of the proposed bus shelters.

**VOTE:** 4 in favor 4-0-0 (Yes: Higgins, Mellamphy, Newman, Schneider)

**PUBLIC MEMBER IN FAVOR:** 1 in favor 1-0-0 (Yes:Gao)

## **2. Small Business Committee 2019/2020 Priorities**

A priority of The Small business committee is reaching out to engage our small business owners in the neighborhoods. It was heartening to see a number of them attend this meeting. We will be encouraging more and more members of our local business communities to attend in the coming months so we can hear their concerns as well as suggestions on how we can better serve them and the community in general. A number of topics were discussed.

Cortney Bond of UES raised the issue of crime and robberies in particular becoming a big problem. She has had a number of robberies happen to her staff over the past few months. One issue she feels is that much of the neighborhood is being demolished to make way for new development. There is lack of light on our streets at night which creates a situation where thieves can “hide out”. Bob Schwartz of Eneslow shoes and Orthotics suggested that landlords of vacant premises be charged with making sure that their premises are lit always at night. Central park is always lit at night and that has helped keep crime down.

Barry Spellman of DT/UT & Biddys Pub suggested a Facebook page curated by the committee to help connect business around the neighborhood and help spread the word. Cortney Bond also suggested a monthly meet and greet at a local business as a way to create more interest among the small business community.

David Khodorov of Men’s Lounge and Spa on 76<sup>th</sup> street between 1<sup>st</sup> and 2<sup>nd</sup> encouraged us to send him the notifications of our small business meeting each month to help spread the word among many of the business owners that get their haircut at his store.

## **3. New Business**

Thanks to the great work that was started by last year’s fellow from Columbia University we are hopeful to engage another fellow to help us continue to gather information around our neighborhood such as business closings as well as openings. We would also encourage all members of the community to feel free to reach out to Paul or Michael to let us know if you see any comings or goings on your own block.

Meeting adjourned 8.07pm

*Paul Higgin sand Michael Mellamphy, Co-Chairs*

CB8 Business Openings

Street	Address	Business	Former Business	Type	Opening	Reporting Month
3rd Avenue	1122	Arden Blossoms Nail Salon		nail salon	June 10th	Jun-19
3rd Avenue	1319	The Eneslow Shoe Company		retail	June 13th	Jun-19
1st Avenue	1219	The Deli Deli		restaurant	July	Jul-19
2nd Avenue	1167	Lenas Kitchen		restaurant	fall 2018	Jul-19
2nd Avenue	1400	Mission Ceviche Restaurant & Bar		restaurant	Open	Jul-19
2nd Avenue	1498	Blea Ciel Hair Salon		hair salon	soon	Jul-19
2nd Avenue	1500	Iken Academy Preschool		education	fall 2019	Jul-19
2nd Avenue	1766	Alef Preschools		education	soon	Jul-19
2nd Avenue	1770	East End Bar and Grill		bar/restaurant	2020	Jul-19
3rd Avenue	1032	Get Nuts		retail	soon	Jul-19
3rd Avenue	1159	Café Jardino		restaurant	mid July	Jul-19
3rd Avenue	1201	Target		retail	late summer	Jul-19
3rd Avenue	1220	Long's Bedding and Interiors, Inc.		retail	fall 2019	Jul-19
3rd Avenue	1251	Mortan Williams		grocery	open	Jul-19
3rd Avenue	1273	Nordstrom Local		retail	September	Jul-19
3rd Avenue	1379	Bella Roma Pizza and Pasta		restaurant	soon	Jul-19
3rd Avenue	1484	Levain Bakery		restaurant	Jul-19	Jul-19
3rd Avenue	1536	Chick-fil-A		restaurant	soon	Jul-19
East 60th	116	(restraunt)		restaurant	TBD	Jul-19
East 60th	129	TBD (restraunt)		restaurant	late fall	Jul-19
East 67th	166	Swerve		restaurant	Early 2019	Jul-19
East 70th	202	Tacombi		restaurant	Mid 2020	Jul-19
East 92nd	27	TBD (restraunt)		restaurant	end of year	Jul-19
Madison Avenue	1302	Vicolina		restaurant	ASAP	Jul-19
3rd Avenue	1380	Fashion Spa		retail	soon	Sep-19
East 59th	127	Muji		retail	July	Sep-19
York Avenue	1443	Dubl Twister	Dunkin Dontus	Ice Cream	TBD	Sep-19
York Avenue	1737	?	Timmy by the River	restaurant	2020	Sep-19
Lexington Avenue	1129	East Side Spirit		restaurant	Early 2020	Sep-19
3rd Avenue	1000	D Bar	David Burks	restaurant	Dec-19	Sep-19
Madison Avenue	1312	Le Bistor Du Nord			Oct 1st	Sep-19
East 77th	307	Ollies to Go UES		restaurant	July	Sep-19
1st Avenue	1462	Hex & Co.	3 Star Diner	game shop & coffee stop	soon	Sep-19
2nd Avenue	1390	(Deli)	Klausner (heating and plumbins supplies)	Deli	soon	Sep-19
East 61st	132	Lezzet Turkish Restaurant		restaurant		Sep-19
3rd Avenue	1035	Bond Vetinary Clinic		vet clinic	fall 2019	Sep-19

650 sq ft

## City and State Legislation

Jurisdiction	Bill Number	Bill Title	Description	Status
City	<a href="#">Int. 0737-2018</a>	Small Business Jobs Survival Act	<p>Would give tenants a right to lease renewal, including a 10-year term for those in good standing; Tenants could demand arbitration if a rent hike is too high; Extends to all commercial businesses, including restaurants.</p> <p>Requiring city employees to provide earned, safe, sick, and personal time to employees; Mandatory paid leave for workers; 5 or more employees; 10 annual days of paid personal time; Would allow employees to take paid time off for any purposes (religious observance, bereavement and time with family); Accrue hours immediately after employment; Earn one hour of paid personal time for every 30 hours worked; Available to workers after 90 days of employment and after working at least 80 hours; Unused paid personal time could be carried over to the following year for a total maximum of 10 days of paid personal time off.</p>	Laid over by Committee on Small Business (10/22/2018)
City	<a href="#">Int. 0800-2018</a>	Paid Personal Time Off	<p>Requiring city employees to provide earned, safe, sick, and personal time to employees; Mandatory paid leave for workers; 5 or more employees; 10 annual days of paid personal time; Would allow employees to take paid time off for any purposes (religious observance, bereavement and time with family); Accrue hours immediately after employment; Earn one hour of paid personal time for every 30 hours worked; Available to workers after 90 days of employment and after working at least 80 hours; Unused paid personal time could be carried over to the following year for a total maximum of 10 days of paid personal time off.</p>	Hearing Held by Committee on Civil Service and Labor (5/28/2019)
City	<a href="#">Int. 1410-2019</a>	Certificate of No Harassment	Institute a three-year pilot program in which landlords would be required to obtain a "certificate of no harassment" before the Department of buildings gives them permission for new construction	Hearing Held by Committee on Small Business (3/18/2019)
City	<a href="#">Int. 1470-2019</a>	Assistance to Small Business Tenants at Risk of Being Evicted	Would lend legal assistance to small business tenants at risk of being evicted.	Hearing held by Committee on Small Business (3/18/2019)
City	<a href="#">Int. 1471-2019</a>	Mandate that SBS provide "training and counseling" to small businesses	Would require the Department of Small Business services to offer certain business services, including training and education.	Returned unsigned by Mayor (8/27/2019)
City	<a href="#">Int. 1472-2019</a>	Vacancy Storefront Registry	Would mandate that the city compile a storefront-properties online database; Database would include information on rent, size and permitted use.	Returned unsigned by Mayor (8/27/2019)
City	<a href="#">Int. 1473-2019</a>	Vacancy Tax	Would mandate commercial landlords submit properties that become vacant to the Department of Small Business Services; A \$1,000-per-week fine would be imposed on property owners who fail to submit their properties.	Hearing held by Committee on Small Business (3/18/2019)
City	<a href="#">Int. 1218-2018</a>	Prohibiting food stores and retail establishments from refusing to accept payment in cash	Prohibits food and retail establishments from refusing to accept cash from consumers; Prohibits establishments from charging cash-paying consumers a higher price than cash-less consumers; Provides for penalties of not more than \$1000 for a first violation, and of not more than \$1500 for each succeeding violation.	Laid over by the City Council (8/14/2019)
City	<a href="#">Int. 1000-2018</a>	In relation to microbusinesses	<p>This bill would define the term "microbusiness" as a business that employs no less than one employee and no more than nine employees; The bill would require the Department of Small Business Services to report on issues specific to microbusinesses and the number of microbusinesses doing business in the City of New York; The list of microbusinesses would be disaggregated by industry and zip code.</p> <p>The bill would require the Department of Small Business Services (SBS) to complete an assessment of the state of storefront businesses in at least twenty community districts in the City once every three years;</p> <p>The bill would further require SBS in coordination with the department of finance and city planning to produce a report containing information related to storefront businesses; The report would include information related to storefront business environment, such as the number of storefront businesses, the types of economic activities, the numbers of employees at such storefronts, annual sales and sales tax, the number of vacant storefront businesses, and district demographics.</p>	Returned unsigned by Mayor (8/27/2019)
City	<a href="#">Int. 1049-2018</a>	Requiring the dept of small business services to assess the state of storefront businesses	<p>The bill would require the Department of Small Business Services (SBS) to complete an assessment of the state of storefront businesses in at least twenty community districts in the City once every three years;</p> <p>The bill would further require SBS in coordination with the department of finance and city planning to produce a report containing information related to storefront businesses; The report would include information related to storefront business environment, such as the number of storefront businesses, the types of economic activities, the numbers of employees at such storefronts, annual sales and sales tax, the number of vacant storefront businesses, and district demographics.</p>	Returned unsigned by Mayor (8/27/2019)

City and State Legislation

City	<a href="#">Int. 1467-2018</a>	Information about city laws and rules that apply to small businesses	This bill would require the Commissioner of Small Business Services to establish a searchable and interactive guide to aid business owners in understanding city laws and rules applicable to businesses, including the applicable licenses, permits, certifications and zoning information; This bill also would require the Department of Small Business Services to update the guide within 30 days of being informed about a change to a law or rule by the agency having primary jurisdiction over such law or rule.	Returned unsigned by Mayor (8/27/2019)
State (Assembly)	<a href="#">A1240</a>	Tip Credit	Hospitality Industry Wage Order; Based on size and location of establishment; Large employers who pay \$15/hour can claim a \$5 tip credit, only having to pay employees \$10/hour; Tip credit smaller for Hotel service employees (room attendants and bell persons); Food delivery workers do not qualify as food service workers; Nail salon employees fall under the wage order and employees can claim up to \$3.65 in tip credits; Valet parking attendants falls under the states tipped wage rules for miscellaneous industries.	Referred bill to Labor Committees (1/14/2019)
State (Senate)	<a href="#">S1760</a>	Tip Credit	Hospitality Industry Wage Order; Based on size and location of establishment; Large employers who pay \$15/hour can claim a \$5 tip credit, only having to pay employees \$10/hour; Tip credit smaller for Hotel service employees (room attendants and bell persons); Food delivery workers do not qualify as food service workers; Nail salon employees fall under the wage order and employees can claim up to \$3.65 in tip credits; Valet parking attendants falls under the states tipped wage rules for miscellaneous industries.	Referred bill to Labor Committee (1/14/2019)
State (Assembly)	<a href="#">A5248</a>	New York Health Act	All residents, regardless of immigration status, will be covered for: primary, preventive, and specialty care; hospitalization; mental health; substance abuse treatment; reproductive health; dental, vision, and hearing; and prescription drugs and medical supplies; Within two years of passage, long-term care will be covered; No network restrictions; No more premiums, deductibles, or co-pays; Universal coverage funded through a graduated tax on income, based on ability to pay; Direct negotiation with pharmaceutical companies and medical device makers; Paid for through graduated tax on income, payroll tax with <b>80% paid by employer and 20% by employee</b> , and Federal Government waivers for current health related expenditures.	Reported referred to codes (2/28/2019)
State (Senate)	<a href="#">A5+B33248</a>	New York Health Act	All residents, regardless of immigration status, will be covered for: primary, preventive, and specialty care; hospitalization; mental health; substance abuse treatment; reproductive health; dental, vision, and hearing; and prescription drugs and medical supplies; Within two years of passage, long-term care will be covered; No network restrictions; No more premiums, deductibles, or co-pays; Universal coverage funded through a graduated tax on income, based on ability to pay; Direct negotiation with pharmaceutical companies and medical device makers; Paid for through graduated tax on income, payroll tax with <b>80% paid by employer and 20% by employee</b> , and Federal Government waivers for current health related expenditures.	Referred to Health Committee (2/11/2019)