

THE BOROUGH OF MANHATTAN
RUTH MESSINGER, PRESIDENT
COMMUNITY BOARD #5
NICHOLAS FISH, CHAIRMAN

Minutes of the regular Community Board #5 meeting held on Thursday, **February 8, 1996** at Fashion Institute of Technology, 227 West 27th Street, at 6:00PM.
Nicholas Fish, Chairman, presiding. The tapes of the full meeting are available in the Board office.

Members Present

Anthony Abraham
Karen Alpi
Ray Bailey
Vikki Barbero
Elizabeth Beier
Marisol Borrero-Saks
Judith Breidbart
Kyler Brown
Joseph Clift
Raymond Cline
Barbara Davis
David Diamond
Nicholas Fish
James Gabbe
Jack Goldstein
Juliette Gordon
Melissa Harris
Hal Honig
Myong Juch
Paula Kay
Philippe LaJuanie
Anita Linn
Lenore Loveman
William Lukashok
Maria Mangu
Joyce Matz
Joseph McCluskey
Howard Mendes

Kyle Merker
Jon Nakagawa
Harold Orenstein
Hildy Parks
Joan Piker
Bonnie Potter
Michael Presser
Richard Sachs
Mickey Schwartz
Tama Starr
Meleda Wegner
Lawrence Zucker

Excused

Elizabeth Berger
Lola Finkelstein
Isobel Robbins
Bonnie Williams

Public Members

Judith Brill
Leonard J. Elmer
Kevin Finnegan
Lee Silver
Florence Van Veen Peavy

Absent

Fr. Brennan Fitzgerald
Jonathan Foster
Tony Orbe
Beverly Shulman

Present Part

Donal Higgins
Evelyn Strouse

Public

NA Petersen
Kevin McCormick
Jill Diamond
Chris Mazzilli
Alan Boss
Morgan McLean

Elected Officials

Jill Gallant
Councilmember Thomas Duane

Jennifer Douglas
Congressman Jerrold Nadler

Thomas Flood
Borough President Ruth Messinger

Marc Cedarquist
Councilmember Andrew Eristoff

Benjamin Powell
State Senator Catherine Abate

Staff

Pamela Cole
Gil Cruz

PUBLIC SESSION

Chris Mazzilli, owner of the Comedy Club at 34 West 22nd Street, promised sound proofing and good security for his proposed club.

Jill Diamond, representing the 22nd Street Block Association, was optimistic of Mr. Mazzilli's plans and declared that the "club will not be a problem to our block."

Kevin McCormack, owner of a tour photo company, spoke against the proposed Times Square BID fence. He fears that future photographs using Times Square as a backdrop may not be possible because of the fence.

Judith Brill, CB#5 public member, introduced librarians-in-training Donna Cooper and Elizabeth McMahon.

EXECUTIVE SESSION

Adoption of the Minutes for September 1995 and January 1996. The minutes were approved unanimously with 27 in favor, 0 opposed and 1 abstention as follows: **IN FAVOR:** Abraham, Alpi, Bailey, Barbero, Breidbart, Cline, Davis, Diamond, Goldstein, Harris, Higgins, Kay, LaJuanie, Linn, Matz, Mendes, Merker, Nakagawa, Orenstein, Parks, Piker, Sachs, Borrero-Saks, Schwartz, Strouse, Wegner, Zucker. **ABSTAINING:** Lukashok.

📁 **BOROUGH PRESIDENT RUTH MESSINGER ~ *Thomas Flood***

Mr. Flood reminded Board members about reappointment applications due in February. He spoke about Ruth Messinger's position on the Preliminary Budget, additional taxi medallions, and helicopter issues affecting the waterfront.

📁 **CHAIRMAN'S REPORT ~ NICHOLAS FISH**

Waived.

📁 **DISTRICT MANAGER'S REPORT ~ PAMELA COLE**

Ms. Cole announced February 15 as the deadline for the submission of reappointment applications.

📁 **STATE SENATOR CATHERINE ABATE ~ *Ben Powell***

Mr. Powell described a fruitful meeting between Senator Abate and Anthony Casale of the State Liquor Authority. The Senator is optimistic that her proposed liquor licensing legislation will eventually pass and seeks the Board's continuing support. Mr. Powell announced an upcoming art show sponsored by the Senator.

COMMITTEE REPORTS

♣ **CONSENTS & VARIANCES ~ *Mickey Schwartz***

Mr. Schwartz read a letter from the Board to Mildred Duran, Street Activity Permit Office, regarding street fairs and collection of fees and their intended charity. He then read the following resolution:

Resolved, That Community Board #5 approves the application of Gramercy Stuyvesant Independent Democrats to hold a street fair on Union Square West from 14th Street to 20th Street on November 3, 1996 from 11:00 AM to 5:00 PM on the condition that there will be a minimum of 30 vendors per block on each block from 14th Street to 20th Street except if a lower number of vendors is assigned to a block and, in that case, the block with less than 30 vendors will be the last block that the street fair will extend to.

After some discussion, the resolution passed with 36 in favor, 0 opposed and 1 abstention as follows: **IN FAVOR:** Abraham, Alpi, Bailey, Barbero, Breidbart, Cliff, Cline, Davis, Diamond, Gabbe, Goldstein, Gordon, Harris, Higgins, Honig, Juch, Kay, LaJaunie, Linn, Loveman, Mangu, Matz, Mendes, Merker, Nakagawa, Orenstein, Parks, Piker, Presser, Sachs, Borrero-Saks, Schwartz, Starr, Strouse, Wegner, Zucker. **ABSTAINING:** Lukashok.

Mr. Schwartz then read the following resolution:

Resolved, That Community Board #5 approves the application of the Motion Picture Club/Mayor's Office of Film, Theater & Broadcasting to hold a street fair on Seventh Avenue from 45th Street to 57th Street on June 2, 1996 from 11:00 AM to 6:00 PM on the condition that there will be a minimum of 30 vendors per block on each block from 45th Street to 57th Street except if a lower number of vendors is assigned to a block and, in that case, the block with less than 30 vendors will be the last block that the street fair will extend to.

After some discussion, the resolution passed with 34 in favor, 0 opposed and 3 abstentions as follows: **IN FAVOR:** Abraham, Alpi, Bailey, Barbero, Breidbart, Cliff, Cline, Davis, Diamond, Gabbe, Goldstein, Gordon, Harris, Higgins, Honig, Juch, Kay, LaJaunie, Linn, Loveman, Mangu, Matz, Mendes, Merker, Nakagawa, Orenstein, Parks, Presser, Sachs, Borrero-Saks, Schwartz, Starr, Wegner, Zucker. **ABSTAINING:** Lukashok, Piker, Strouse.

Mr. Schwartz then read the following resolution:

Resolved, That Community Board #5 approves the application of the Times Square BID to hold a street fair (concert) on Broadway and Seventh Avenue, 42nd Street to 47th Street on September 8, 1996, from 11AM to 3PM.

After some discussion, the resolution passed with 33 in favor, 0 opposed and 4 abstentions as follows: **IN FAVOR:** Abraham, Alpi, Bailey, Barbero, Breidbart, Cliff, Cline, Davis, Diamond, Gabbe, Gordon, Harris, Higgins, Honig, Juch, Kay, LaJaunie, Linn, Loveman, Mangu, Matz, Mendes, Merker, Nakagawa, Orenstein, Parks, Presser, Sachs, Borrero-Saks, Schwartz, Starr, Wegner, Zucker. **ABSTAINING:** Goldstein, Lukashok, Piker, Strouse.

Mr. Schwartz read the following resolution:

Resolved, That Community Board #5 approves the application of Brazilian American Cultural Center to hold a street fair on 46th Street from Seventh Avenue to Park Avenue on September 1, 1996 from 8:00 AM to 4:00 PM on the condition that there will be a minimum of 50 vendors per block on each block from Seventh Avenue to Park Avenue except if a lower number of vendors is assigned to a block and, in that case, the block with less than 50 vendors will be the last block that the street fair will extend to.

After some discussion, the resolution passed with 36 in favor, 0 opposed and 1 abstention as follows: **IN FAVOR:** Abraham, Alpi, Bailey, Barbero, Breidbart, Cliff, Cline, Davis, Diamond, Gabbe, Goldstein, Gordon, Harris, Higgins, Honig, Juch, Kay, LaJaunie, Linn, Loveman, Mangu, Matz, Mendes, Merker, Nakagawa, Orenstein, Parks, Piker, Presser, Sachs, Borrero-Saks, Schwartz, Starr, Strouse, Wegner, Zucker. **ABSTAINING:** Lukashok.

Mr. Schwartz read the following resolution:

Resolved, That Community Board #5 approves the application of the Fashion Institute of Technology Dorm Council to hold a street fair on 27th Street from Seventh Avenue to Eighth Avenue on May 11, 1996 from 7AM to 7PM on the condition that they agree to publicize the closing of the street in advance of said date.

Mr. Schwartz accepted Joe Clift's amendment that the street closing be publicized by the applicant well in advance of the event. After some discussion, the amended resolution passed with 35 in favor, 0 opposed and 2 abstentions as follows: **IN FAVOR:** Abraham, Alpi, Bailey, Breidbart, Clift, Cline, Davis, Diamond, Gabbe, Goldstein, Gordon, Harris, Higgins, Honig, Juch, Kay, LaJaunie, Linn, Loveman, Mangu, Matz, Mendes, Merker, Nakagawa, Orenstein, Parks, Piker, Presser, Sachs, Borrero-Saks, Schwartz, Starr, Strouse, Wegner, Zucker. **ABSTAINING:** Barbero, Lukashok.

Mr. Schwartz then read the following resolution:

Resolved, That Community Board #5 approves the application of Rosehill Community Association to hold a street fair on Park Avenue South from 17th Street to 23rd Street on November 10, 1996 from 11:00 AM to 5:00 PM on the condition that there will be a minimum of 30 vendors per block on each block from 17th Street to 23rd Street except if a lower number of vendors is assigned to a block and, in that case, the block with less than 30 vendors will be the last block that the street fair will extend to.

After some discussion, the resolution passed with 36 in favor, 0 opposed and 1 abstention as follows: **IN FAVOR:** Abraham, Alpi, Bailey, Barbero, Breidbart, Clift, Cline, Davis, Diamond, Gabbe, Goldstein, Gordon, Harris, Higgins, Honig, Juch, Kay, LaJaunie, Linn, Loveman, Mangu, Matz, Mendes, Merker, Nakagawa, Orenstein, Parks, Piker, Presser, Sachs, Borrero-Saks, Schwartz, Starr, Strouse, Wegner, Zucker. **ABSTAINING:** Lukashok.

Mr. Schwartz read the following resolution:

Resolved, That Community Board #5 approves the application of the Knights of Vartan to hold a ceremony on Broadway from 43rd Street to 44th Street on April 21, 1996, from 1:30PM to 3:30PM.

After some discussion, the resolution passed with 36 in favor, 0 opposed and 1 abstention as follows: **IN FAVOR:** Abraham, Alpi, Bailey, Barbero, Breidbart, Clift, Cline, Davis, Diamond, Gabbe, Goldstein, Gordon, Harris, Higgins, Honig, Juch, Kay, LaJaunie, Linn, Loveman, Mangu, Matz, Mendes, Merker, Nakagawa, Orenstein, Parks, Piker, Presser, Sachs, Borrero-Saks, Schwartz, Starr, Strouse, Wegner, Zucker. **ABSTAINING:** Lukashok.

✦ CITY SERVICES & BUDGET ~ *Richard Sachs*

Richard Sachs read the following resolution:

Resolved, That Community Board #5 approves the following report on the Mayor's Preliminary Budget for Fiscal Year 1997 and the 1996 mid-year budget adjustments. **[see attached]**

After some discussion, the resolution passed with 37 in favor, 0 opposed and 1 abstention as follows: **IN FAVOR:** Abraham, Alpi, Bailey, Barbero, Breidbart, Clift, Cline, Davis, Diamond, Gabbe, Goldstein, Gordon, Harris, Higgins, Honig, Juch, Kay, LaJaunie, Linn, Loveman, Lukashok, Mangu, Matz, Mendes, Merker, Nakagawa, Orenstein, Parks, Piker, Presser, Sachs, Borrero-Saks, Schwartz, Starr, Strouse, Wegner, Zucker. **ABSTAINING:** Fish.

✦ LAND USE & ZONING ~ *Paula Kay*

Paula Kay introduced Kevin Finnegan, who read the following resolution:

Whereas, Community Board 5 has carefully studied the Department of City Planning's Plaza Zoning Text Amendments to simplify and consolidate existing plaza regulations; and

Whereas, Community Board 5 agrees with the intent of the Plaza Zoning Text Amendments and is supportive of the Department's efforts to consolidate and make consistent the four separate designs standards governing bonusable public plazas; and

Whereas, Community Board 5 appreciates the Department of City Planning's recommendation of allowing nighttime closure of all public plazas, upon application to the City Planning Commission, in a uniform fashion in consideration of improving existing amenities; and

Whereas, in every such application, the City Planning Commission must find "such closing is necessary for public safety;" and

Whereas, Community Board 5 recognizes the positive impact that upgrading plazas would have not only on the plazas themselves but on the surrounding neighborhoods; and

Whereas, Community Board 5 also recognizes that closing the approximately seventy plazas within Board 5 would have a significant impact on a homeless population that seeks these spaces for their own personal safety; and

Whereas, Community Board 5 recognizes the safety concerns of building owners, residents, and commercial tenants; and

Whereas, Community Board 5 understands that these policy issues conflict; and

Whereas, According to the Department of City Planning, of the seventy plazas within the Board's jurisdiction, eleven plazas are associated with residential or mixed-use buildings and therefore the majority are commercial; and

Whereas, the 1961 Plazas are currently subject to closure with a special permit in which case there is no provision for upgrading plaza amenities and the 1982 Urban Plazas are also subject to nighttime closure upon application; and

Whereas, this zoning text is intended to correct these two situations; and

Whereas, Many bonusable plazas within the Board's jurisdiction have experienced a dubious history of compliance with existing regulations; therefore, let it be

Resolved, That Community Board 5 approves the goals of the Plaza Zoning Text Amendments but cannot approve the amendments at this time for the following reasons:

1. The Department of City Planning must develop an objective set of criteria by which to evaluate each application for nighttime closing.
2. The Community Board's comment period of thirty days is not long enough in which to properly analyze each application, hold a public hearing, and come to resolution. Therefore, a forty-five day clock should be instituted.

3. Building owners should not be "awarded" the privilege of nighttime closing following the removal of security from a particular plaza at night or because a poorly designed plaza has developed into a security issue.
4. Community Board 5 needs additional information with regard to the bonds that must be posted in order to upgrade a plaza and close it at night.
5. The agency charged with enforcement, the Department of Buildings [DOB], is already understaffed. Community Board 5 is concerned about the importance of effective enforcement of these regulations and the DOB's abilities to do so in its already limited capacity. For instance, the Board is concerned that a gate used to close a plaza at night must be re-opened at the appropriate time the following morning. A detailed description of the DOB's enforcement mechanism, therefore, must be included with these amendments.
6. Conspicuous signage must be placed in each bonusable plaza stating the hours of opening and closure, as well as standard information for plazas.
7. All public plazas should be built utilizing the special permit plaza rather than on an as-of-right basis. The Board believes that additional bulk granted to a building owner in exchange for creating a plaza is a serious land use issue which should be held to a higher standard of review and evaluated on a case by case basis.

Mr. Finnegan introduced Marilyn Mammano, Department of City Planning, who described the proposed amendments. Mr. Finnegan accepted Joe Clift's amendment to extend the Board's comment period "clock" to 60 days (item #2). Mr. Finnegan then accepted the following amendments from Joyce Matz and Lenore Loveman, respectively:

8. Community Board #5 is concerned that there be continued maintenance following upgrading; the Board and the City should be provided with such information regarding the finances and plans involved in continued maintenance.
9. The Department of City Planning should examine the issue of requiring owners to pay a fee into a public fund to help create housing for the homeless.

Bill Lukashok made a substitute motion to change the Resolved statement to *conditionally approve* the amendments.

After some discussion, the motion failed with 8 in favor, 22 opposed and 3 abstentions. **IN FAVOR:** Barbero, Cline, Gabbe, Honig, Lukashok, Presser, Schwartz, Zucker. **OPPOSED:** Alpi, Bailey, Beier, Breidbart, Clift, Gordon, Harris, Juch, Kay, LaJaunie, Loveman, Mangu, Matz, Merker, Nakagawa, Orenstein, Parks, Piker, Sachs, Borrero-Saks, Starr, Wegner. **ABSTAINING:** Abraham, Fish, Goldstein.

The original motion, as amended, passed with 32 in favor, 3 opposed and 3 abstentions as follows: **IN FAVOR:** Alpi, Bailey, Barbero, Beier, Breidbart, Clift, Cline, Davis, Diamond, Gabbe, Gordon, Harris, Honig, Juch, Kay, LaJaunie, Loveman, Lukashok, Mangu, Matz, Mendes, Merker, Nakagawa, Orenstein, Parks, Piker, Presser, Sachs, Borrero-Saks, Starr, Wegner, Zucker. **OPPOSED:** Abraham, Linn, Schwartz. **ABSTAINING:** Fish, Goldstein, McCluskey.

♣ PUBLIC SAFETY & QUALITY OF LIFE ~ *Maria Mangu*

Ms. Mangu read the following resolution:

Whereas, Community Board 5 resolved to ask the New York State Liquor Authority (SLA) to revoke the liquor license of the club Vertigo on September 14, 1995 and on November 9, 1995 respectively, because of shooting incidents and other unruly behavior; and

Whereas, The unruly behavior of either patrons or people loitering near the club such as blasting music at the highest decibel levels, alleged drug use on the street, filling the streets with trash, and nightly disruption of the quiet enjoyment in the homes and businesses of the residents living and working in the area continues to this day; and

Whereas, On November 14, 1995, the SLA under summary suspension closed club Vertigo and Judge Wilk of the New York Supreme Court allowed the club to reopen after two days under the condition that if more than 41 persons are on line outside Vertigo, or if any more incidences were to take place, the liquor license of Vertigo would be revoked; and

Whereas, On January 14, 1996 a patron slashed the face of a 17 year old girl with a razor blade in the club, but Judge Wilk found this not to be sufficient to revoke the club's liquor license; and

Whereas, On January 20, 1996 more than 41 persons were on line outside Vertigo, and on January 21, 1996, although the club was not open for business, many people were outside the club drinking and allegedly smoking marijuana; and

Whereas, On February 2, 1996 another shooting incident was alleged to have taken place outside Vertigo, however the police did not find any spent shells (fired bullets); therefore be it

Resolved, Community Board 5 urges again that the liquor license of Vertigo be revoked and that the club be closed down.

After some discussion, the resolution passed with 35 in favor, 0 opposed and 3 abstentions as follows: **IN FAVOR:** Abraham, Alpi, Bailey, Barbero, Beier, Breidbart, Clift, Cline, Davis, Diamond, Gabbe, Goldstein, Gordon, Harris, Honig, Juch, Kay, LaJaunie, Linn, Loveman, Lukashok, Mangu, McCluskey, Mendes, Merker, Nakagawa, Orenstein, Parks, Piker, Presser, Sachs, Borrero-Saks, Schwartz, Starr, Wegner, **ABSTAINING:** Fish, Matz, Zucker.

Ms. Mangu then read the following resolutions:

Whereas, Bar 21 is owned by three people: Paul Borde, John Sullivan and Robert Pedlow; and

Whereas, This group also owns several other bars and restaurants in New York, NY, Charlotte, NC, and Atlanta, GA; and

Whereas, Bar 21 has already obtained:

1. A Certificate of Occupancy dated 12/4/95 for a capacity of 510 people.
2. A Public Assembly Permit dated 10/24/95.
3. A Fire Department License dated 11/21/95.
4. A Liquor License dated 12/28/96; and

Whereas, The location of Bar 21 is within 500 feet of three or more establishments holding liquor licenses; and

Whereas, On their liquor license application, the applicants did not state that their establishment was within 500 feet of three or more establishments holding liquor licenses; and

Whereas, Because of this omission, Community Board #5 was not alerted by the New York State Liquor Authority (SLA) of Bar 21's status in relation to the 500 foot rule, and therefore Community Board #5 was not able to hold the necessary hearing on Bar 21's liquor license application; and

Whereas, On their liquor license application, the applicant stated that it would be a tavern with no live music, no dancing and no entertainment; and

Whereas, The owners of Bar 21 have currently filed an application with the Department of Consumer Affairs (DCA) for a Cabaret License bearing a different corporate name -- 48 West 21st Street, Inc., D/B/A Bar 21; therefore be it

Resolved, Community Board 5 urges the SLA to reopen Bar 21's application for a liquor license in order to give the board the proper opportunity to comment on the application, taking into consideration the 500 foot rule, and any other possible incongruities; and be it further

Resolved, Community Board 5 urges DCA to delay the processing of Bar 21's Cabaret License Application until Board 5 has been able to comment on their liquor license application.

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Whereas, The Gotham Comedy Club, represented by Chris Mazzilli, (one of two owners), has applied for a liquor license at 34 West 22nd Street; and

Whereas, The applicant has approached Community Board 5 and provided plans for a comedy club which would have a total square footage of 3,300 feet, occupancy of 210 people, seating for approximately 135 people, and a waiting area for 60-70 people; and

Whereas, The applicant has also provided Community Board 5 with a copy of its lease which stipulates "no change of use" and includes a clause which allows the owner/s to leave within 90 days should said establishment not succeed; and

Whereas, The applicant has filed plans with the Department of Buildings; therefore be it

Resolved, Community 5 recommends that the New York State Liquor Authority approve the liquor license application for The Gotham Comedy Club at 34 West 22nd Street.

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Whereas, The Applicant, 14 East 47th Street Pub Inc. is owned by Anne Reilly, John Connolly and Peter Jones; and

Whereas, Mr. Connolly is the owner/operator of **Connolly's**, an Irish pub and restaurant, located at 44 West 54th Street; and

Whereas, The Applicant wished to operate a small Irish pub and restaurant with 26 tables and 112 seats and bar with 32 stools at the 47th Street location; and

Whereas, There are no outstanding complaints with any city enforcement agencies for either the proposed location or at Connolly's; and

Whereas, There are approximately five other restaurants on this same block of 47th Street; and

Whereas, This establishment is located on the ground floor of a five story office building; therefore be it

Resolved, Community Board 5 supports 14 East 47th Street Pub Inc.'s application for an on premises liquor license.

After some discussion, each resolution passed with 37 in favor, 0 opposed and 1 abstention as follows: **IN FAVOR:** Abraham, Alpi, Bailey, Barbero, Beier, Breidbart, Clift, Cline, Davis, Diamond, Gabbe, Goldstein, Gordon, Harris, Honig, Juch, Kay, LaJaunie, Linn, Loveman, Lukashok, Mangu, Matz, McCluskey, Mendes, Merker, Nakagawa, Orenstein, Parks, Piker, Presser, Sachs, Borrero-Saks, Schwartz, Starr, Wegner, Zucker. **ABSTAINING:** Fish.

Ms. Mangu introduce Vikki Barbero, who made the following resolution:

Whereas, the applicant, Hugh O'Lunney, has been a restaurateur in Midtown Manhattan for 27 years, operating two successful restaurants -- O'Lunney's on West 44th street (from 1968-1995) and O'Lunney's on 2nd Avenue (from 1972-1990); and

Whereas, the site for the new restaurant, 204 West 43rd Street, is a suitable site, having been a bar for many years under the name of Dave's; and

Whereas, the site is being re-developed after complete demolition of the interior, and a great investment will be made in the property; and

Whereas, this street is an appropriate place for a new restaurant; and

Whereas, the applicant will conform to the signage regulations for the Times Square area; therefore be it

Resolved, that Community Board 5 approves the removal of the applicant's current liquor license to 204 West 43rd Street.

After some discussion, the resolution passed with 37 in favor, 0 opposed and 1 abstention as follows: **IN FAVOR:** Abraham, Alpi, Bailey, Barbero, Beier, Breidbart, Clift, Cline, Davis, Diamond, Gabbe, Goldstein, Gordon, Harris, Honig, Juch, Kay, LaJaunie, Linn, Loveman, Lukashok, Mangu, Matz, McCluskey, Mendes, Merker, Nakagawa, Orenstein, Parks, Piker, Presser, Sachs, Borrero-Saks, Schwartz, Starr, Wegner, Zucker. **ABSTAINING:** Fish

◆ **PARKS~ Bill Lukashok & Kyle Merker**

Bill Lukashok introduced Kyle Merker, who made the following resolution:

Resolved, That Community Board #5 supports the previously approved Comprehensive Sign System for Central Park: Permanent Sign types and Phase I implementation.

Kyle Merker introduced Erana Stennett, who presented revisions that addressed the Board's previously stated concerns about the size and height of the signs. Mr. Merker accepted Joe Clift's amendment to propose that the project advisory contain an endowment for the continued maintenance of the signs.

After some discussion, the resolution passed with 34 in favor, 1 opposed and 3 abstentions as follows: **IN FAVOR:** Abraham, Alpi, Bailey, Barbero, Beier, Cline, Davis, Diamond, Gabbe, Goldstein, Gordon, Harris, Honig, Juch, Kay, LaJaunie, Linn, Loveman, Lukashok, Mangu, McCluskey, Mendes, Merker, Nakagawa, Orenstein, Parks, Piker, Presser, Sachs, Borrero-Saks, Schwartz, Starr, Wegner, Zucker. **OPPOSED:** Matz. **ABSTAINING:** Breidbart, Clift, Fish.

Mr. Lukashok then made the following resolution:

Whereas Community Board #5 supports efforts to create a higher level of activity in Madison Square Park than presently exists;
Resolved, That Community Board #5 approves, in concept and for a trial period (3 months), a series of events proposed by Alan Boss for Madison Square Park, featuring the sale of goods from surrounding businesses and merchants.

Mr. Lukashok introduced Alan Boss, who presented his ideas for a series of events in Madison Square Park. After some discussion, the resolution passed with 33 in favor, 3 opposed and 1 abstention as follows: **IN FAVOR:** Abraham, Alpi, Bailey, Barbero, Beier, Breidbart, Clift, Cline, Davis, Diamond, Gabbe, Goldstein, Harris, Honig, Juch, Kay, LaJaunie, Linn, Loveman, Lukashok, Mangu, McCluskey, Mendes, Merker, Nakagawa, Orenstein, Parks, Presser, Sachs, Borrero-Saks, Schwartz, Wegner, Zucker. **OPPOSED:** Gordon, Piker, Starr. **ABSTAINING:** Fish.

♣ **LAND USE & ZONING ~ Paula Kay**

Paula Kay read the following resolution:

Whereas, Community Board 5 has reviewed the basic components of the Chelsea 197-A Plan as presented by Community Board 4; and
Whereas, Community Board 5 supports the concept of contextual zoning and the creation of affordable housing; and
Whereas, While the Chelsea 197-A plan predominantly affects Board 4, it would also affect various parts of Community Board 5, including the east side 6th Avenue, from 14th Street to 26th Street, and the east side 8th Avenue, north of 26th Street; therefore be it
Resolved, that Community Board 5 supports the goals and concepts of the Chelsea 197-A plan and looks forward to reviewing the plan in detail after the Department of City Planning prepares a zoning map application to implement these recommendations.

After some discussion, the resolution passed with 36 in favor, 0 opposed and 1 abstention as follows: **IN FAVOR:** Abraham, Alpi, Bailey, Barbero, Beier, Breidbart, Clift, Cline, Davis, Diamond, Gabbe, Goldstein, Gordon, Harris, Honig, Juch, Kay, LaJaunie, Linn, Loveman, Lukashok, Mangu, McCluskey, Mendes, Merker, Nakagawa, Orenstein, Parks, Piker, Presser, Sachs, Borrero-Saks, Schwartz, Starr, Wegner, Zucker. **ABSTAINING:** Fish.

♣ **TRANSPORTATION ~ Joe Clift & Joe McCluskey**

Mr. Clift made the following resolution:

Whereas, the Times Square BID [TSBID] has proposed the installation of a decorative fence between Broadway and Seventh Avenue and between 45th and 46th Streets; and
Whereas, the proposed fence will extend to the 45th Street crosswalk, providing insufficient space for pedestrian queuing; therefore be it
Resolved, that Community Board #5 approves the installation of the fence under the following conditions:
Provide not less than 10 feet of free space between the fence and the light pole at the southerly end to accommodate pedestrian queuing.
Provide not less than 5 feet of sidewalk space along both sides of the north/south axis of the fence to provide minimum safe pedestrian space.
That TSBID and the City of New York agree to permit removal by the TSBID the illegally parked bicycles and motorcycles from the fence.
That the BID shall establish dedicated funding on a budget-line-item basis to make future repairs to the fence.
That TSBID shall provide cleaning to keep the area free of litter and debris.

After some discussion, Jack Goldstein made a motion to table the resolution. The motion failed with 4 in favor, 29 opposed and 2 abstentions as follows: **IN FAVOR:** Kay, Loveman, Piker, Sachs, **OPPOSED:** Alpi, Barbero, Beier, Breidbart, Brown, Clift, Cline, Davis, Diamond, Gordon, Harris, Honig, Juch, LaJaunie, Lukashok, Mangu, McCluskey, Mendes, Merker, Nakagawa, Orenstein, Parks, Presser, Borrero-Saks, Schwartz, Starr, Wegner, Zucker. **ABSTAINING:** Fish, Goldstein.

Joe Clift then accepted Richard Sachs' amendment to change the Resolved statement to read: *Resolved, that Community Board #5 approves the installation of the fence under the provision that the TSBID not proceed with planning until after they have met with the Transportation Committee of Board 5 and the Department of Transportation regarding the following concerns:*

After some discussion, the amended resolution passed with 33 in favor, 0 opposed and 2 abstentions as follows: **IN FAVOR:** Alpi, Barbero, Beier, Breidbart, Brown, Clift, Cline, Davis, Diamond, Gordon, Harris, Honig, Juch, Kay, Loveman, LaJaunie, Lukashok, Mangu, McCluskey, Mendes, Merker, Nakagawa, Orenstein, Parks, Piker, Presser, Borrero-Saks, Sachs, Schwartz, Starr, Wegner, Zucker. **ABSTAINING:** Fish, Goldstein.

Mr. Clift read the following resolution:

Whereas, there have been numerous instances of serious pedestrian injuries at the intersection of Fifth Avenue and 23rd Street; therefore
Resolved, that Community Board #5 requests that the New York City Department of Transportation shall promptly initiate safety and traffic volume studies for the purpose of making such changes to the intersection as shall be necessary to improve pedestrian safety. Included in such studies shall be the alternatives of establishing a "necking down" of traffic flow, that Madison Avenue at 23rd Street be narrowed and a proper matching of current excess roadbed capacity to demand.

Community Board #5 also requests that the numerous missing street sign on Broadway between 23rd Street and 17th Street be replaced.

Community Board #5 specifically rejects the intersection changes proposed in the RBA/NYCDOT 1987 study.

After some discussion, the amended resolution passed with 34 in favor, 0 opposed and 1 abstention as follows: **IN FAVOR:** Alpi, Barbero, Beier, Breidbart, Brown, Clift, Cline, Davis, Diamond, Goldstein, Gordon, Harris, Honig, Juch, Kay, Loveman, LaJaunie, Lukashok, Mangu, McCluskey, Mendes, Merker, Nakagawa, Orenstein, Parks, Piker, Presser, Borrero-Saks, Sachs, Schwartz, Starr, Wegner, Zucker. **ABSTAINING:** Fish.

Mr. Clift then read the following resolution:

Whereas, the MTA is proposing to replace two existing escalators in the 53rd Street and Lexington Ave subway station, which currently has insufficient pedestrian access capacity and will experience tremendous access and service problems when an escalator is shut down for replacement; therefore, be it

Resolved, that Community Board #5 requests that the new escalator be installed and operational before either of the old ones are taken out of service, so that there shall be two operational escalators at all times and sufficient access capacity is provided when all these escalators are finally in operation.

Mr. Clift accepted Joan Piker's amendment to ask for the installation of an elevator. After some discussion, the amended resolution passed with 34 in favor, 0 opposed and 1 abstention as follows: **IN FAVOR:** Alpi, Barbero, Beier, Breidbart, Brown, Clift, Cline, Davis, Diamond, Goldstein, Gordon, Harris, Honig, Juch, Kay, Loveman, LaJaunie, Lukashok, Mangu, McCluskey, Mendes, Merker, Nakagawa, Orenstein, Parks, Piker, Presser, Borrero-Saks, Sachs, Schwartz, Starr, Wegner, Zucker. **ABSTAINING:** Fish.

Joe Clift read the following resolution:

Whereas, existing parking regulation on East 54th Street, between Fifth and Madison Avenues provide for "No Standing" on the north side of the street, and "No Standing" on the south side, and

Whereas, double-parking on the south side creates a significant security problem for a bank located there during deliveries of cash; therefore, be it

Resolved, That Community Board #5 requests that the New York City Department of Transportation switch the regulations so that the northside regulations be moved to the southside and that the southside regulations be moved to the northside.

After some discussion, Jack Goldstein made a motion to table the resolution until the Board office posts notices in the neighborhood. The motion to table passed with 34 in favor, 0 opposed and 1 abstention as follows: **IN FAVOR:** Alpi, Barbero, Beier, Breidbart, Brown, Clift, Cline, Davis, Diamond, Goldstein, Gordon, Harris, Honig, Juch, Kay, Loveman, LaJaunie, Lukashok, Mangu, McCluskey, Mendes, Merker, Nakagawa, Orenstein, Parks, Piker, Presser, Borrero-Saks, Sachs, Schwartz, Starr, Wegner, Zucker. **ABSTAINING:** Fish.

Mr. Clift then read the following resolution:

Whereas, parking meters located between 43rd and 57th Street, between Fifth and Seventh Avenue have special nighttime regulations, and

Whereas, many of the parking meters have missing signs which outline these regulations; therefore, be it

Resolved, That Community Board #5 requests that the New York City Department of Transportation replace all missing signs.

After some discussion, Jack Goldstein made a motion to table the resolution until the Board office posts notices in the neighborhood. The motion to table passed with 34 in favor, 0 opposed and 1 abstention as follows: **IN FAVOR:** Alpi, Barbero, Beier, Breidbart, Brown, Clift, Cline, Davis, Diamond, Goldstein, Gordon, Harris, Honig, Juch, Kay, Loveman, LaJaunie, Lukashok, Mangu, McCluskey, Mendes, Merker, Nakagawa, Orenstein, Parks, Piker, Presser, Borrero-Saks, Sachs, Schwartz, Starr, Wegner, Zucker. **ABSTAINING:** Fish.

◆ **HOUSING & HUMAN SERVICES *Lola Finkelstein & Hildy Parks***

Hildy Parks read the following resolution:

Whereas: the applicant, the Grand Central Partnership Social Services Corporation ("GCPSSC") has presented to Community Board #5 their proposal for continued funding of their Drop-In Center at St. Agnes; and

Whereas: the applicant provides various social services, (both short-term and long-term), to the homeless population in the mid-town area, including job placement assistance, housing assistance, legal services and medical treatment; therefore be it

Resolved: that Community Board #5 approves GCPSSC's RFP application for continued funding of their drop-in center.

Ms. Parks introduced Andy Grundberg, from the Grand Central Partnership, who describe the drop-in center program. After some discussion, Jack Goldstein made a motion to table the resolution until the Board office posts notices in the neighborhood. The motion to table passed with 33 in favor, 0 opposed and 2 abstentions as follows: **IN FAVOR:** Alpi, Barbero, Beier, Breidbart, Brown, Clift, Cline, Davis, Diamond, Goldstein, Gordon, Harris, Honig, Juch, Loveman, LaJaunie, Lukashok, Mangu, McCluskey, Mendes, Merker, Nakagawa, Orenstein, Parks, Piker, Presser, Borrero-Saks, Sachs, Schwartz, Starr, Wegner, Zucker. **ABSTAINING:** Fish, Kay.

◆ **NEW/OLD BUSINESS**

Richard Sachs announced that next month he will introduce a resolution to amend the by-laws. There being no further business, the meeting was adjourned at 9:50 P.M.

Respectfully submitted



Karen Alpi
Secretary

CITY SERVICES & BUDGET REPORT
FY 1997 PRELIMINARY BUDGET AND FY 1996 MID-YEAR CUTS

Community Board 5 continues to be troubled by the lingering fiscal plight of New York and the City's seeming inability to recover from a depressed economy and share in the recovery being enjoyed by much of the nation. Because of the extreme constraints under which the City must continue to operate, we understand that the financial plans and budget for all departments and agencies must necessarily be carefully constructed to achieve utmost efficiency and productivity and maintain services essential for the health, well-being and safety of residents and businesses. Within these same budgetary constraints, the City must also plan for the future by taking essential actions to rebuild the economy and stimulate business growth and expansion.

We believe it is imperative for the City to find new sources of revenue and to make the tax structure fair and equitable. One of the pervading inequities in New York City finances is the imbalance in real estate taxation. We repeat the demands that we and many independent organizations that study city government and finances have made for several years: phase in the equalizations of taxes levied on one and two-family homes with other residential real estate. It is egregiously unfair for other classes of residents to continue to subsidize one and two-family home dwellers. Furthermore, equalization phased in over three to five years would realize substantial additional general revenue (\$800 million, by one estimate). We call upon the State Legislature to authorize the equalization and the City Council to adopt appropriate legislation to implement it.

While we agree that major retail stores should be attracted to New York City to discourage the diversion of business to the suburbs. Because most of the jobs created by these companies pay low wages, we believe only a portion of the City's remaining industrial land should be zoned for retail use while strong marketing efforts are made to find suitable small manufacturing companies for the balance.

There are many manufactured products that could be profitably made in New York. Marketing strategies to attract these small manufacturing companies could help expand the City's economy and tax base, small manufacturing still thrives in the many areas of the United States, and especially in the New York Metropolitan area outside of the City. Such companies would restore jobs for some of the more than 500,000 New Yorkers who have been unemployed since the manufacturing job drain started decades ago, and would help to reduce the number of people who continue to receive public assistance. This should be only one of the efforts to expand the business base, but more resources must be devoted to these efforts and more competitive techniques, including a redeveloped package of tax incentives, job training and recruiting methods, moving subsidies and energy cost reductions. To accomplish this, we urge that recent budget reductions for the Department of Business Services be restored with instructions to foster new and innovative marketing methods designed to expand the City's business base.

Arts and cultural institutions provide much of the City's economic lifeblood. They are the reason many visitors, private and business, come to New York. Continued cutbacks in support for the activities of these organizations can only have an adverse affect on tourism, business travel and the allure of New York – and a depressing impact on tax revenue.

While our arts and cultural institutions by their very nature and diversity stimulate considerable tourism, additional visitors are brought to the City by conventions, meetings, trade shows and other business activities. But budget cuts over the years, and those proposed in the Preliminary Budget, have a dampening effect on tourism. In addition, the impending closing of its Columbus Circle headquarters, will leave the Convention and Visitor's Bureau homeless. Essential to the City's ability to generate revenue, the CVB should receive whatever assistance is required to reopen promptly in a desirable Midtown location and to be staffed adequately to gain for New York additional conventions, meetings, business travel and tourism. CB 5 supports the proposal to use Times Square Public Purpose Funds for constructing a visitor's center in Times Square. Cities all over the world compete vigorously for tourism; New York requires a dynamic, professional team to win the competition.

We again call for the suspension of personal income tax cuts. CB5 recognizes the importance of creating a just and reasonable tax structure that will not hinder economic growth. It is inappropriate, however, to place the burden of government service cuts on those least able to afford them by reducing tax revenue during the fiscal crisis. Tax cuts should be deferred. The expiration of the personal income tax surcharge requires unacceptable cuts in essential services. We further oppose the repeal of the vault tax and the tax on coin-operated amusements. The discontinuance of these taxes would be unjustified at the present time.

To raise additional revenue, we again call upon the City to study the imposition of tolls on all East and North river bridges. Based on previous studies, we believe the result of this move would be substantial additional revenue and vastly increased subway ridership, providing the TA with revenues that could be applied to improve services, maintenance or reduction of transit fares, new equipment and infrastructure. Lower or no tolls could be in effect during evening hours. Concerns about pollution caused by back-up of automobile traffic at toll stations could be solved, first by collecting tolls only one way (which should be coordinated on all New York City bridges and tunnels), and second by installation of electronic toll taking devices.

We share the Mayor's concern about the top heavy structure of the central Board of Education. A literate and well-trained work force being essential to a healthy economy, we call upon the Chancellor, the Board of Education and the Mayor to work toward eliminating all non-essential jobs and employ the savings to infuse new resources into schools, classrooms and the educational process. Additional courses and training in skills to meet future business requirements should be added to school curricula.

We support the proposed restructuring of the City government by eliminating the Departments of Transportation, General Services and Personnel and consolidating their functions into new Departments of Infrastructure and Facilities Management and Citywide Administrative Services. We also support the consolidation of the functions of the Department of Youth Services and the Community Development Agency into a new Department of Youth and Community Development. Finally, we approve the consolidation of the functions of the Office of Payroll Administration and the Financial Information Services agency into a new Financial Information Services Agency. We believe these changes will help to streamline the government and enable services to be delivered more efficiently at less cost.

CB5 believe that inefficiency, low-productivity, waste and duplication continue to cost the City unnecessarily. We caution that the answer does not lie solely in the privatization of government operations, but also in a massive overhaul of City government and the structure of city-state financial relationships. The City's operations and services continue to be disadvantaged by the antiquated, cumbersome mechanism under which it is compelled to function. One example of this is that telephone service at City agencies has become so poor that callers are frequently unable to obtain any service. Whether the caller needs information for business development or expansion, tax information, sanitation, health, records and information or other services, the interminable busy signals, cut-offs and hang-ups can only convince the caller that no-one cares. This is not the way to improve the quality of City life and make New York a comfortable place in which to live and do business.

To improve service and productivity, we call on the City Administration to work more closely with the unions representing City employees to organize work training programs in all departments and agencies modeled after those used by successful business organizations.

Recognizing as we do the continuing financial crisis facing New York City, CB5 believes that, nevertheless, some budgetary actions already taken, or planned for the future, are an impediment to the future stability and economic health of New York. We are especially troubled that reduced budgets and cut-backs in myriad services have imposed special hardships on the poor, the elderly, the young, the sick, the disabled and on immigrants. We cite what we believe to be the most detrimental of these actions and the reasons we believe them to be barriers to growth:

Traffic in New York has not improved since the elimination of Traffic Control and Enforcement Agents. In our vital central business district, traffic conditions have worsened discernibly with increased gridlock and have a deleterious impact on business, present and potential, and residents. We urge the replacement of TEA's and TCA's and the elimination of such traffic abuses as illegal parking and double-parking on midtown streets, failing to stop for red lights, failing to cede the right of way, failing to enforce bicycle regulations. TEA personnel have brought more revenue to the City than their payroll cost and TCA's, with adequate training, direct traffic at a cost far less than police officers.

The streets of the City are dirtier than they have been for years. While streets in Business Improvement Districts are kept relatively clean, the cut-back in City sanitation services has placed an additional burden on BID businesses. The result has largely negated the underlying premise of creating BIDs to supplement City services and create more attractive business communities. Furthermore, the condition of streets in many residential and non-BID commercial areas has deteriorated as service cuts have been made successively in recent years: trash accumulates, litter baskets overflow, sewers and catch basins become clogged. We strongly support initiatives to increase efficiency in the Sanitation Department and urge stepped-up efforts to improve management, supervision and worker productivity. Incentives and other benefits should be studied and implemented where found to be advantageous.

Our parks have been allowed to deteriorate to the extent that the horticultural infrastructure is becoming blighted. The parks are among the City's greatest assets but they have suffered the greatest budget cuts. Despite heroic efforts, the City's parks are increasingly less attractive havens. WEP workers have been successfully used to supplement cleaning in some parks; we suggest that youthful offenders sentenced by Community Courts could be used productively to assist park maintenance.

The reductions in staff of City agencies and the attendant failure to provide reasonable information and service has also impelled residents, businesses and visitors to refer problems and requests for information to community boards. The severe CB budget reductions has made it impossible for the board to satisfy the additional demands. The requests will not go away. The failure to recognize the urgency of the public's needs can only further diminish esteem for the City.

We firmly support the additional personnel and funding that is proposed in the Preliminary Budget for the Division of AIDS Services. In a City continuing to be plagued by the scourge of AIDS, care as proposed must be augmented. Non-government agencies can and do offer both excellent information and health-care services to people with HIV/AIDS. These services should be supported and augmented where possible. DAS performs a vital function in coordinating and providing critical information for those afflicted with HIV and AIDS.

We urge that budgets for agencies providing services to children, including foster care and day care, and the elderly, be tested against actual case load and projected need, rather than recent fiscal year budgets – especially so because the agencies involved provide essential services to families and children who are not able to care for themselves. Continued staff and budget reductions in these areas have already lead to tragedy. The highest priority must be given to preventing a repetition of similar horrors from being visited on the City and its residents. Although the Preliminary Budget appears to hold the line on further reductions, not enough details are provided for a clearer analysis.

We are distressed by the infuriating reductions in bus and subway service that strike at the heart of City life, particularly after a 20% fare increase, which has placed a severe burden on those least able to afford it. We ask that recent service cuts be rescinded. We also ask that the City Comptroller's proposal to sell bonds for TA capital requirements be carefully studied – it could help reverse part of the recent fare increase, avoid future increases for many years, and restore service cuts in public transit.

We ask the Administration to join CB5 in opposing the Governor's proposed cuts in lunch subsidies for welfare recipients in job training programs. We believe this would be counter-productive to efforts to reduce welfare costs. Furthermore, we urge that welfare-recipient job-training programs should include training to work in and operate Day Care Centers.

While we support efforts to limit the time most recipients can receive welfare, there must be exceptions for those unable to work. In addition, we ask the City Administration to oppose, not support, the Governor's proposals for deeper cuts in Medicaid and welfare. Such actions would place an unacceptable and inequitable burden on New York City.

We also ask the Mayor to join us in opposing the Governor's proposed cuts in state aid for busing for disabled preschool children and additional cuts for City University.

We strongly believe that more education, job training and job creation, better housing and child care will help reduce crime and the exorbitant cost of building more prisons and maintaining inmates in them.

The Preliminary Budget allocations for the New York Public Library will result in a devastating reduction in library hours, service and literacy programs: The 15 NYPL Branches will be forced to five day per week operations by the end of FY 1997; there will be no received support service for Connecting Libraries and Schools Project (CLASP); literacy programs throughout will be cut back at a time when they are vital for training our children and adults to be part of a growing economy; funds to acquire books, audio/visual materials and supplies will be reduced when such acquisitions have reached seriously low levels. Even beyond their role in education and literacy, superior libraries are critical to New York's economy: they are depended upon by television, radio, and theater producers, the fashion industry, publishing, advertising, newspapers and myriad businesses.

With respect to the proposed Capital Budget, Community Board 5 wishes to express its disappointment and indignation that our highest priority requests have met with continued intransigence. Within the context of the total amount of capital funds available, we ask that reconsideration be given to the Board's highest priorities which we believe to be of utmost importance: viz., more permanent and interim housing for homeless individuals, including people with HIV/AIDS equitably distributed throughout New York, (failure to do so diminishes quality of life for all New Yorkers and visitors); reconstruction of the Park Avenue tunnel entrance at 33rd Street (a very dangerous situation); new book theft detection

system and expanded on-line services for the NYPL (would stop serious losses and allow libraries to expand important technical services); renovation of Madison Square Park in Phases 2A, 2B and 3, including advancing the comfort station from phase 4 to 2 (this park is in the middle of one of the City's most important commercial areas, and is used and seen by thousand of residential visitors. We regard the responses we have received on these priorities unacceptable.

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