

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

Minutes of the regular Community Board #5 meeting held on Thursday, **September 14, 1995** 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
Elizabeth Beier
Elizabeth Berger
Judith Breidbart
Kyler Brown
Joseph Clift
Raymond Cline
David Diamond
Lola Finkelstein
Nicholas Fish
Jonathan Foster
James Gabbe
Jack Goldstein
Juliette Gordon
Donal Higgins
Myong Juch
Paula Kay
Anita Linn
Lenore Loveman
William Lukashok

Maria Mangu
Joyce Matz
Howard Mendes
Jon Nakagawa
Harold Orenstein
Joan Piker
Bonnie Potter
Isobel Robins
Richard Sachs
Marisol Borrero-Saks
Mickey Schwartz
Beverly Shulman
Tama Starr
Evelyn Strouse
Meleda Wegner
Lawrence Zucker

Public Members

Leonard Elmer
Lee Silver
Bonnie Williams

Excused

Ray Bailey
Barbara Davis
Melissa Harris
Hal Honig
Philippe LaJuanie
Joseph McCluskey
Kyle Merker
Tony Orbe
Hildy Parks
Michael Presser

Public

Candy Cook
Elizabeth Cinruemani
John Gabriel
Michelle Golden
Elizabeth Goldfeder
Roberta Hufnagel
Diane Jelnik
Eric Kahan
Judith Kantrow
Wanda Lin
Florence Ramella
Jeanne Ross
Antonio Settepani
Carl Swanson
Jonathan Taylor
Susan Woolley

Elected Officials

State Senator Catherine Abate

Benjamin Powell

State Senator Catherine Abate

Councilmember Andrew Eristoff

Marc Cederquist

Councilmember Andrew Eristoff

Assemblyman Richard Gottfried

Wendi Paster

Assemblyman Richard Gottfried

Pamela Cole

Councilmember Thomas Duane

Horacio Gutierrez/

Thomas Flood

Borough President Ruth Messinger

Staff

Gil Cruz

Donyal Stern

PUBLIC SESSION

Susan Finley and Barbara Kramer of the 20/20 Block Association spoke about the "saturation" of their block with night time entertainment establishments.

Barbara Salant spoke about crime and vandalism she attributed to dance clubs.

John Schacter informed the Board of cabaret related arrests and infractions in the Board #5 district.

Roberta Hufnagel of S.H.A.R.E introduced her organization; an advocacy and support group for women who are experiencing or have survived breast or ovarian cancer.

Kathy Goforth of the Park Avenue Mall Association spoke of proposed capital improvements on Park Avenue South.

EXECUTIVE SESSION

The Minutes for July 1995 were approved unanimously with 35 in favor, 0 opposed and 1 abstention as follows **IN FAVOR:** Abraham, Beier, Berger, Breidbart, Brown, Clift, Cline, Diamond, Finkelstein, Foster, Gabbe, Goldstein, Gordon, Higgins, Juch, Kay, Linn, Loveman, Lukashok, Mangu, Matz, Mendes, Nakagawa, Orenstein, Piker, Potter, Robins, Sachs, Borrero-Saks, Schwartz, Shulman, Starr, Strouse, Wegner, Zucker **ABSTAINING:** Fish

📁 **BOROUGH PRESIDENT RUTH MESSINGER ~Horacio Gutierrez/Thomas Flood**

Mr. Gutierrez announced that he would no longer be the Borough President's Liaison to Community Board #5. Mr. Gutierrez then introduced the new Liaison to Board #5, Mr. Thomas Flood.

📁 **ASSEMBLYMAN RICHARD GOTTFRIED**

State Assemblyman Gottfried expressed his opposition to the Giuliani administration's plan to site a workfare processing center at the 14th Street Armory. The Assemblyman also stated that he will continue to work with neighborhood residents, Community Board #5 and other elected officials to stop problems at Club Vertigo. Assemblyman Gottfried also opposes MTA fare increases and the Mayor's plan for HHC hospital sales.

📁 **STATE SENATOR CATHERINE ABATE**

State Senator Abate spoke about her efforts to establish comprehensive State Liquor Authority coordination and her new "SLA Primer."

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

Chairman Fish began by thanking former District Manager Joan Ramer for her outstanding dedication to Community Board #5 for the last 14 years. The Chairman also announced a tribute to Joan to be held on September 28, 1995 from 6PM to 8PM at the Coffee Shop Restaurant on Union Square West. Mr. Fish summarized the major findings of the "Hayes Report" and mentioned that the scheduled "House of Blues" hearing has been adjourned until further notice. Chairman Fish spoke about the on-going District Manager search and encouraged qualified applicants to submit resumes.

COMMITTEES

📁 **CONSENTS & VARIANCES ~ Mickey Schwartz**

Mr. Schwartz read the following resolution:

Resolved, That Community Board #5 approves the application of the Osaka health club to operate a physical culture establishment at 37 West 46th Street.

After some discussion the resolution passed with 32 in favor, 0 opposed and 1 abstention as follows: **IN FAVOR:** Abraham, Beier, Breidbart, Brown, Clift, Cline, Diamond, Finkelstein, Foster, Gabbe, Gordon, Higgins, Juch, Kay, Linn, Loveman, Lukashok, Mangu, Matz, Mendes, Nakagawa, Orenstein, Piker, Robins, Sachs, Borrero-Saks, Schwartz, Shulman, Starr, Strouse, Wegner, Zucker **ABSTAINING:** Fish

Mr. Schwartz then read the following resolution:

Resolved, That Community Board #5 approves the application by Lekkas Restaurant Corp. for a one year revocable consent to construct and operate an enclosed sidewalk café with 5 tables and 18 seats at 322 Seventh Avenue, on the northwest corner of West 28th Street.

After a short discussion the resolution passed with 31 in favor, 1 opposed and 1 abstention as follows: **IN FAVOR:** Abraham, Beier, Breidbart, Brown, Clift, Cline, Diamond, Finkelstein, Foster, Gabbe, Gordon, Higgins, Juch, Kay, Linn, Loveman, Lukashok, Mangu, Matz, Mendes, Nakagawa, Orenstein, Robins, Sachs, Borrero-Saks, Schwartz, Shulman, Starr, Strouse, Wegner, Zucker **OPPOSED:** Piker **ABSTAINING:** Fish

Mr. Schwartz then read the following resolution:

Resolved, That Community Board #5 approves the application of Covenant House to hold a street fair at 52nd Street(Broadway) on October 19 from 11AM to 6 PM.

After some discussion the resolution passed with 33 in favor, 0 opposed and 1 abstention as follows: **IN FAVOR:** Abraham, Beier, Breidbart, Brown, Clift, Cline, Diamond, Finkelstein, Foster, Gabbe, Gordon, Higgins, Juch, Kay, Linn, Loveman, Lukashok, Mangu, Matz, Mendes, Nakagawa, Orenstein, Potter, Piker, Robins, Sachs, Borrero-Saks, Schwartz, Shulman, Starr, Strouse, Wegner, Zucker **ABSTAINING:** Fish

📁 **LAND USE & ZONING ~ Paula Kay**

Ms. Kay read the following resolution:

Whereas, 590 Madison Avenue is applying for a proposed modification of a previously approved special permit (C770209ZSM) to create a 4,050 square foot sculpture exhibition area (SEA) within the covered pedestrian space (CPS) for the display of large scale works of art by major artists of the twentieth century; and

Whereas, since its inception, this CPS has always been successful, inviting, and tranquil; and

Whereas, in March of 1995, this minor modification application originally came before the Board in a slightly different manner; and

Whereas, at the March meeting Community Board #5 approved the previous application which included the removal of six of the eleven bamboo trees; and

Whereas, the revised modification of the proposed sculpture garden would involve the removal of only four of the existing eleven bamboo tree plantings; the design of a public seating arrangement in a dispersed fashion throughout the CPS; retention of the existing 32 movable tables; an increase in the number of movable chairs from 74 to 110; retention and relocation of the existing food kiosk to the southeast corner (near Madison Avenue and East 56th Street) and; closing of the CPS for a total of 12 days per year for a maximum of 6 private and 6 non-profit events; and

Whereas, Community Board #5 believes the proposed modifications would provide an unique opportunity for the public to view large-scale sculpture in a garden-like atmosphere year-round in Manhattan and, in this way, provide a public benefit; therefore, be it

Resolved, Community Board #5 approves the proposed modifications in application (M770209 B ZSM) so long as the following conditions are met:

1. An advisory council, with Community Board #5 as a member, will be established to ensure both the broadest possible participation of major twentieth century sculptors in rotating exhibitions and the inclusion of artists represented by and in a diverse group of galleries and museums. This is to make certain that artists other than those represented by Pace Wildenstein Gallery will be represented in 590 Madison Avenue on a regular and continuing basis. This council is not intended to serve in either a controlling, curatorial or bureaucratic manner.

2. Sculpture presented in the SEA cannot be sold within the confines of 590 Madison Avenue, nor can it be sold during the period it is presented or during any of the six annual private closing days.

3. In the event a new gallery is chosen to curate the space, Community Board #5 will be notified and the Board's approval will be necessary before such change occurs; in the event the gallery ceases to exist, the applicant must notify Community Board #5 within thirty days.

4. The CPS will not be closed during such time as exhibits are changing; and

5. Furniture designed to be placed within the CPS must be harmonious and compatible with the CPS; such design shall be approved by Community Board #5.

6. In accordance with the practice at similar buildings, the applicant may close the CPS to the public twelve times per calendar year; six times for profit use and six times for purposes of local community and not-for-profit organizations, each time for no more than an eight hour period commencing, if on weekdays, no earlier than 3:00 PM and if on a weekend, no earlier than 5:00 PM, and re-opening no later than 7:00 AM the following day; and provided that for each such closing applicant shall, for the seven days immediately preceding the closing, post a sign at each entrance to the CPS giving notice of such closing.

7. The trees within the CPS will be appropriately maintained.

Joyce Matz then introduced an amendment to the above resolution to give "this [IBM PLAZA] space a trial run before the Board agrees to allow any trees to be removed" The amendment was seconded. After much discussion and debate the amended resolution was rejected with 15 in favor, 19 opposed and 1 abstention as follows: **IN FAVOR:** Breidbart, Finkelstein, Foster, Gabbe, Gordon, Higgins, Linn, Loveman, Matz, Mendes, Piker, Robbins, Sachs, Shulman, Strouse **OPPOSING:** Abraham, Beier, Berger, Brown, Clift, Cline, Diamond, Juch, Kay, Lukashok, Mangu, Nakagawa, Orenstein, Potter, Borrero-Saks, Schwartz, Starr, Wegner, Zucker **ABSTAINING:** Fish

Ms. Kay the re-read the above (IBM Plaza) resolution

After much discussion the re-read resolution passed with 23 in favor, 11 opposed and 1 abstention as follows: **IN FAVOR:** Abraham, Beier, Berger, Brown, Clift, Cline, Diamond, Foster, Gabbe, Juch, Kay, Lukashok, Mangu, Nakagawa, Potter, Robins, Sachs, Borrero-Saks, Schwartz, Starr, Strouse, Wegner, Zucker **OPPOSED:** Breidbart, Finkelstein, Gordon, Higgins, Linn, Loveman, Matz, Mendes, Orenstein, Piker, Shulman **ABSTAINING:** Fish

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

Ms. Mangu read the following resolution:

Whereas, Splash bar, an establishment with a capacity of 189 persons, caters to young professional gay men, and

Whereas, almost daily, dancers perform to recorded music, "disco" fashion, on a small stage located in the middle of the bar, and

Whereas, Splash Bar is located in an M1-6M zone, where patron dancing is allowed only by special permit, and

Whereas, Mr. Brian Landeche, the owner of the bar, without first obtaining such a special permit and in violation of the Zoning Resolution, has caused area residents unhappiness and many sleepless nights by allowing patron dancing and crowds of up to 400 persons (far in excess of the 189 approved), loitering and littering outside the bar, noise and the loud recorded music to permeate neighboring apartment buildings, and

Whereas, the applicant did not sufficiently prove that a waiting area equal to four square feet per allowable capacity will be constructed to accommodate patrons, and

Whereas, this application is in conflict with Intro 515, which Community Board #5 supports, whereby a special application should be considered only if the distance between the proposed establishment and a existing establishment is 500 feet and over, and

Whereas, the residents in the neighborhood have repeatedly stated that the neighborhood cannot sustain such an overwhelming increase in activity without causing severe quality of life and safety problems; therefore, be it

Resolved, Community Board #5 opposes the special permit to allow the operation of an eating and drinking establishment with dancing at 50 West 17th Street.

After some discussion the resolution passed with 31 in favor 2 opposed and 3 abstentions as follows: **IN FAVOR:** Abraham, Beier, Berger, Breidbart, Brown, Clift, Cline, Diamond, Finkelstein, Foster, Gabbe, Goldstein, Higgins, Juch, Kay, Linn, Linn, Loveman, Lukashok, Mangu, Matz, Orenstein, Piker, Potter, Robins, Sachs, Schwartz, Shulman, Starr, Strouse, Wegner, Zucker **OPPOSING:** Borrero-Saks, Mendes **ABSTAINING:** Fish, Gordon, Nakagawa.

Ms. Mangu then read the following resolution:

Whereas, the applicant, Lemon Ltd. Partnership, Leslie Management LLC and Ltd. Partners, located at 230 Park Avenue South, applied for an on premises liquor license and is to engage in a high class restaurant business, and

Whereas, upon inspection of the site, it appears to be suitable, and the two partners who will be in charge with operations are experienced restaurateurs; be it

Resolved, Community Board #5 does not object to the application for an on premises liquor license at 230 Park Avenue South

After some discussion the resolution passed with 35 in favor 0 opposed and 1 abstention as follows: **IN FAVOR:** Abraham, Beier, Berger, Breidbart, Brown, Clift, Cline, Diamond, Finkelstein, Foster, Gabbe, Goldstein, Gordon, Higgins, Juch, Kay, Linn, Loveman, Lukashok, Mangu, Matz, Mendes, Nakagawa, Orenstein, Piker, Potter, Robins, Borrero-Saks, Sachs, Schwartz, Shulman, Starr, Strouse, Wegner, Zucker **ABSTAINING:** Fish.

Ms. Mangu then read the following resolution:

Whereas, another shooting incident took place during the evening of November 5, 1995 outside the Vertigo Club endangering the safety and lives of the patrons of the club, residents of the block and the general public,

Whereas, the number of shooting incidents and menacing behavior of people drawn to the club continues to escalate and increases the danger to people in the vicinity of the club,

Whereas, the unruly behavior of either patrons or people loitering near the club, blasting music at the highest decibel levels, filling the streets with trash and continuously night after night disrupting the quiet enjoyment of residences by people living in the area requiring constant police presence,

Whereas, the residents of West 20th Street have repeatedly complained of incidents of police unresponsiveness, loss of or misplacement of police reports when such reports are needed by the SLA, be it:

Resolved, Community Board #5 requests that the liquor license of the Vertigo Club be revoked and that the Vertigo Club be closed down, further :

Resolved, that a planning Group be formed, consisting of the Office of Midtown Enforcement, the 13th Police Precinct and the Community Board #5 Quality of Life/Public Safety Committee in order to develop and coordinate a plan that will monitor the activities inside and outside Club Vertigo and other clubs in question in the vicinity for the purpose of improving the public safety and quality of life in the area.

The motion to amend this resolution (not a friendly amendment) was passed with 32 in favor, 0 opposed and 4 abstentions as follows: **IN FAVOR:** Abraham, Beier, Breidbart, Clift, Cline, Finkelstein, Foster, Gabbe, Goldstein, Gordon, Higgins, Juch, Kay, Linn, Loveman, Lukashok, Mangu, Matz, Mendes, Nakagawa, Orenstein, Piker, Potter, Robins, Borrero-Saks, Sachs, Schwartz, Shulman, Starr, Strouse, Wegner, Zucker **ABSTAINING:** Berger, Brown, Diamond, Fish.

The above resolution was amended by Donal Higgins to include the phrase “that the liquor license be revoked and that the Vertigo Club be closed down” and re-read as it appears above-it passed with 34 in favor, 0 opposed and 2 abstentions as follows: **IN FAVOR:** Abraham, Beier, Breidbart, Brown, Clift, Cline, Diamond, Finkelstein, Foster, Gabbe, Goldstein, Gordon, Higgins, Juch, Kay, Linn, Loveman, Lukashok, Mangu, Matz, Mendes, Nakagawa, Orenstein, Piker, Potter, Robins, Borrero-Saks, Sachs, Schwartz, Shulman, Starr, Strouse, Wegner, Zucker **ABSTAINING:** Berger, Fish.

SPECIAL RESOLUTION:

The Board put forth a motion “acknowledging that some of the Adult Use Zoning proposals meet some of our proposed changes. However, since they do not meet all of the proposed changes and conditions to warrant our approval we cannot approve them at this time.” After much discussion the motion passed with 30 in favor, 4 opposed and 2 abstentions as follows

IN FAVOR: Abraham, Beier, Breidbart, Brown, Clift, Cline, Diamond, Finkelstein, Foster, Gabbe, Goldstein, Gordon, Higgins, Juch, Kay, Linn, Loveman, Lukashok, Matz, Mendes, Nakagawa, Orenstein, Robins, Sachs, Schwartz, Shulman, Starr, Strouse, Wegner, Zucker **OPPOSING:** Berger, Piker, Potter, Borrero-Saks **ABSTAINING:** Fish, Mangu,.

◆ PARKS ~ Bill Lukashok & James Gabbe

Mr. Lukashok read the following resolutions:

Whereas, Community Board #5 rejects the notion that advertising in dog runs, or anywhere else in a park is appropriate,

Resolved, That Community Board #5 urges the parks department to cease any further consideration of advertising in dog runs.

After much discussion the resolution passed with 34 in favor, 0 opposed and 1 abstention as follows: **IN FAVOR:** Abraham, Beier, Berger, Breidbart, Brown, Clift, Cline, Diamond, Finkelstein, Foster, Gabbe, Goldstein, Gordon, Higgins, Juch, Kay, Linn, Loveman, Lukashok, Mangu, Matz, Mendes, Nakagawa, Piker, Potter, Robins, Borrero-Saks, Sachs, Schwartz, Shulman, Starr, Strouse, Wegner, Zucker **ABSTAINING:** Fish

Whereas, Community Board #5 has witnessed the degradation to Madison Square Park that occurs when there are large scale events in the park; most recently the damage caused by the Pakistani event which Community Board #5 had voted to move to an alternative location in order to avoid such trauma to the park, and

Whereas, Community Board #5 has been a strong advocate against large scale events in Madison Square Park

Resolved, That Community Board #5 urges the Parks Department and the Mayor’s office to no longer consider Madison Square Park and Madison Avenue between 23rd and 26th Street appropriate for large scale events and to not approve any applications for such events in those locations.

After much discussion the resolution passed with 34 in favor, 0 opposed and 1 abstention as follows: **IN FAVOR:** Abraham, Beier, Berger, Breidbart, Brown, Clift, Cline, Diamond, Finkelstein, Foster, Gabbe, Goldstein, Gordon, Higgins, Juch, Kay,

Linn, Loveman, Lukashok, Mangu, Matz, Mendes, Nakagawa, Piker, Potter, Robins, Borrero-Saks, Sachs, Schwartz, Shulman, Starr, Strouse, Wegner, Zucker **ABSTAINING:** Fish

Mr. Lukashok then read following resolution:

Resolved, That Community Board #5 approves the request to allow "FX" to continue to broadcast from Madison Square Park.

After much discussion the resolution passed with 33 in favor, 1 opposed and 1 abstention as follows: **IN FAVOR:** Abraham, Beier, Berger, Breidbart, Brown, Clift, Cline, Diamond, Finkelstein, Foster, Gabbe, Goldstein, Higgins, Juch, Kay, Linn, Loveman, Lukashok, Mangu, Matz, Mendes, Nakagawa, Piker, Potter, Robins, Borrero-Saks, Sachs, Schwartz, Shulman, Starr, Strouse, Wegner, Zucker **OPPOSED:** Gordon **ABSTAINING:** Fish

Mr. Lukashok then read the following resolution:

Resolved, Community Board #5 approves the application by the Consulate General of India for a celebration of the birthday of Mahatma Gandhi in Union Square Park on October 2, 1995, from 8:30AM to 9:00AM under the conditions that amplification is kept to a minimum out of respect for the surrounding residential community, the park is left cleaner than before the event and that the event does not take place on any grassy area of the park.

After a discussion the resolutions passed with 34 in favor, 0 opposed and 1 abstention as follows: **IN FAVOR:** Abraham, Beier, Berger, Breidbart, Brown, Clift, Cline, Diamond, Finkelstein, Foster, Gabbe, Goldstein, Gordon, Higgins, Juch, Kay, Linn, Loveman, Lukashok, Mangu, Matz, Mendes, Nakagawa, Piker, Potter, Robins, Borrero-Saks, Sachs, Schwartz, Shulman, Starr, Strouse, Wegner, Zucker **ABSTAINING:** Fish

Mr. Lukashok then read the following resolution regarding a specific park event:

Resolved, That Community Board #5 approves the application to hold "Family Health Day" in Madison Square Park on September 30, 1995.

After a brief discussion the resolution passed with 33 in favor, 0 opposed and 2 abstentions as follows: **IN FAVOR:** Abraham, Beier, Berger, Breidbart, Brown, Clift, Cline, Diamond, Finkelstein, Foster, Gabbe, Goldstein, Gordon, Higgins, Juch, Kay, Linn, Loveman, Lukashok, Mangu, Matz, Mendes, Nakagawa, Potter, Robins, Borrero-Saks, Sachs, Schwartz, Shulman, Starr, Strouse, Wegner, Zucker **ABSTAINING:** Fish, Piker

Mr. Lukashok then read the following resolutions regarding specific park events:

Resolved, That Community Board #5 approves the application of New York Cares to hold the New York Cares "Kick-off" in Bryant Park on October 14, 1995.

Resolved, That Community Board #5 approves the application of USDCC to hold the USDCC "Carnival for children" in Union Square Park on September 24, 1995.

After some discussion the resolutions passed with 29 in favor, 0 opposed and 1 abstention as follows: **IN FAVOR:** Beier, Berger, Breidbart, Brown, Clift, Diamond, Finkelstein, Foster, Gabbe, Goldstein, Gordon, Higgins, Juch, Kay, Linn, Loveman, Lukashok, Mangu, Matz, Mendes, Piker, Potter, Borrero-Saks, Sachs, Schwartz, Shulman, Starr, Strouse, Wegner, **ABSTAINING:** Fish

Special Resolution

Mr. Fish announced that Community Board #5 would like the Giuliani administration to amend the 14th Street Armory "workfare program" Memorandum of Understanding to allow individuals who did not sign the Memorandum of Understanding to participate in the 14th Street Armory Task Force. After being seconded by Joe Clift this motion was passed with 27 in favor, 0 opposed and 3 abstentions as follows: **IN FAVOR:** Beier, Berger, Breidbart, Brown, Clift, Diamond, Finkelstein, Foster, Gordon, Higgins, Juch, Kay, Linn, Loveman, Lukashok, Mangu, Matz, Mendes, Nakagawa, Piker, Potter, Borrero-Saks, Schwartz, Shulman, Starr, Strouse, Wegner, **ABSTAINING:** Fish, Goldstein, Sachs.

Landmarks ~ Jonathan Foster

Mr. Foster read the following resolution:

Whereas Community Board #5 is concerned about the use of the public sidewalk in a landmark District to access this ATM bank facility;

Resolved, Community Board #5 does not support the application for a Certificate of Appropriateness for 79 Fifth Avenue and urges that every effort be made to keep the proposed ramp within the property line and to maintain the visual integrity of the bays of this noteworthy building in the Ladies Mile Historic District. It appears to us that this is physically and structurally possible.

Furthermore, if this proposal were allowed to be built, it would set a damaging precedent in the Historic Districts. This building alone would require four such ramps.

After some discussion the resolution passed with 28 in favor, 0 opposed and 1 abstention as follows: **IN FAVOR:** Beier, Berger, Breidbart, Brown, Clift, Diamond, Finkelstein, Foster, Gabbe, Goldstein, Gordon, Higgins, Juch, Kay, Linn, Loveman, Lukashok, Mangu, Matz, Mendes, Piker, Potter, Borrero-Saks, Sachs, Schwartz, Shulman, Starr, Wegner, **ABSTAINING:** Fish

◆ **TRANSPORTATION & ENVIRONMENT ~ Joe Clift & Joe McCluskey**

Then, Mr. Clift read the following resolutions:

Whereas, residents and especially senior citizens residing at Carnegie House, a 320-unit residential building located at 100 W. 57th Street on the southwest corner of 57th Street and Sixth Avenue, experience great difficulty in obtaining access to and from taxis, car services and private autos in front of the Carnegie House residential entrance on Sixth Avenue, due to heavy curb use and double parking by trucks on Sixth Avenue during the daytime and truck and auto parking nights and weekends, and

Whereas, the curbside and street congestion limiting access creates an unsafe condition, especially for senior citizens and others with limited mobility,

Resolved, Community Board #5 requests that the Department of Transportation install two standard "No Standing Anytime" signs 12 feet apart, one six feet north and one six feet south of the centerline of the canopy, in front of the residential entrance to Carnegie House, which is located on the west side of Sixth Avenue approximately 40 feet south of West 57th Street, thereby removing this unsafe condition.

After much discussion the resolution passed with 28 in favor, 0 opposed and 1 abstention as follows: **IN FAVOR:** Beier, Berger, Breidbart, Brown, Clift, Diamond, Finkelstein, Foster, Gabbe, Goldstein, Gordon, Higgins, Juch, Kay, Linn, Loveman, Lukashok, Mangu, Matz, Mendes, Piker, Potter, Borrero-Saks, Sachs, Schwartz, Shulman, Starr, Wegner, **ABSTAINING:** Fish

Whereas, Manhattan Community Board #5 (CB5) passed a resolution at its regularly scheduled monthly meeting on February 11, 1993 approving application #C 920500 ZSM to the City Planning Commission (CPC) for a special permit for accessory transient parking in the indoor public parking garage at the street and two basement levels of 100 W. 57th Street, with certain conditions, including that "Total and public parking capacity of the garage does not exceed capacities approved in 1962:, which CB5 was informed by the building architect using plans certified by the CPC was 214 and 149 spaces, respectively, and

Whereas, Based on a review of official city documents, it appears that an erroneous interpretation of the Board of Standards and Appeals (BSA) April 17, 1962 approval of a variance for accessory transient parking at 100 West 57th Street resulted in permitted total capacity of 234 parking spaces in the June 28, 1963 Certificate of Occupancy (C of O) for 100 West 57th St., including a permitted combined basement capacity of 214 parking spaces and first floor capacity of 20 parking spaces, and

Whereas on May 12, 1993, following receipt of the Manhattan Borough President's statement that the conditions of CB5's resolution should be met and that the applicant had agreed to CB5's conditions, the CPC determined that the 1962-approved 100 West 57th Street total garage capacity was 214 parking spaces and issued a special permit for a "public parking garage ... with a maximum capacity of 214 spaces on the ground floor, cellar and sub-cellar: of 100 West 57th Street, and

Whereas, A C of O for 100 West 57th Street was issued on April 28, 1995 permitting a total garage capacity of 225 parking spaces, including a permitted combined basement capacity of 214 parking spaces and first floor capacity of 11 parking spaces, and

Whereas, A total garage capacity of 196 parking spaces, 90 on each of two basement levels and 16 on the street level, is presented, referred to or stated in the following:

1. November 10, 1961 drawings referred to in the BSA April 17, 1962 resolution granting a variance for the use of no more than 149 parking spaces for transient use;

2. January 10, 1962 statement of appeal by the building owner to the BSA;

3. May 3, 1963 Temporary C of O for 100 West 57th Street;

4. Sign currently posted at the garage entrance on West 56th Street; and

Whereas, Charles J. Heilbronner, the managing agent of 100 West 57th Street has stated that the building owner, Carnegie House Tenants Corporation, will concur with a permitted total garage capacity of 196 parking spaces, including no more than 149 accessory transient parking spaces, now therefore, be it

Resolved, that Community Board #5 requests that the CPC review its May 12, 1993 approval of special permit application #C 920500 ZSM and correct and amend the special permit and the resulting April 28, 1995 C of O for 100 West 57th Street to limit permitted total garage capacity, including street level capacity, to the 196 parking spaces originally presented, requested and approved in 1961-1963, thereby complying with the condition stated in CB5's February 11, 1993 resolution on this matter.

After much discussion the resolution passed with 28 in favor, 0 opposed and 1 abstention as follows: **IN FAVOR:** Beier, Berger, Breidbart, Brown, Clift, Diamond, Finkelstein, Foster, Gabbe, Goldstein, Gordon, Higgins, Juch, Kay, Linn, Loveman, Lukashok, Mangu, Matz, Mendes, Piker, Potter, Borrero-Saks, Sachs, Schwartz, Shulman, Starr, Wegner, **ABSTAINING:** Fish

◆ **NEW /OLD BUSINESS**

There being no further business, the meeting was adjourned at 10:30PM.

Respectfully Submitted



Karen Alpi
Recording Secretary

