

THE BOROUGH OF MANHATTAN
C. VIRGINIA FIELDS, PRESIDENT
MANHATTAN COMMUNITY BOARD FIVE MINUTES
DAVID DIAMOND, CHAIR
THURSDAY, DECEMBER 09, 2004

Minutes of the regular Community Board #5 meeting held on **Thursday, December 09, 2004, at the Fashion Institute of Technology, 227 West 27th Street, "A" Building, 8th Floor, 6:00p.m.** David Diamond, Chair, presides. The tapes of the full meeting are available in the Board Office.

Members Present

Scott Alling
Vikki Barbero
Philip Beer
Muriel Bernstein
Aaron Block
Anita Bowen
Judith Breidbart
James Collins
Candy Cook
Eric Gering
Nancy Goshow
Brian Landeche
Joyce Matz
Howard Mendes
Kyle Merker
John Mills
Connie Ress
Meile Rockefeller
Rosalie Shields
Maxine Teitler
Bonnie Williams
Lawrence Zucker

Absent

Susan Baida
Nicholas Bergman
Angela Bledsoe
William Daly
Lorna Duff
Lola Finkelstein
Karen Newman
Michael Presser
David Rabin
Joel Sesser
Sung Ae Song

Excused

Robyn Hatcher
Carmel Reingold
Doreen Seligson

Public Attendees

Mark Titone
Marilyn Rockafellow
Ohando Santana
Glenn Coleman
Karen Hill
Janice Calalone
Gale Fox

Cole Hunt

John Reynolds
R. Ryes Gavilan
Katherine Mossman
Veronika Conant
Mark Titone
Matthew Grace
Lisa Wager
Kristina Vasquez
Louisa Schueben
Shinichi Murota
Jesus D. Valentin
Kim Yang
Alan Vinogradou
Christopher Leone
Eugene Dunig
Simone Gamble
Mei Li Zheng
Michele Rizzatti
Melissa Perkin
Jr. Valdes
Morgan McLean

Elected Officials

Michael Kay
Congressman Jerrold Nadler

Leena Krishnasamy
Congresswoman Carolyn Maloney

Danielle Porcaro
Councilmember Christine Quinn

Amy Hartz
Councilmember Margarita Lopez

Staff

Gary Parker
District Manager

Kim Rodney
Assistant District Manager

Cindy Perez
Community Associate

At 6:15 p.m., the Full Board meeting of Manhattan Community Board Five was called to order, David Diamond presiding.

PUBLIC SESSION

Marilyn Rockafellow – Hells Kitchen Hudson Yards Alliance and 45th Street Block Association – announced a public hearing held by Empire state Development Corporation regarding the proposed West Side Development.

Karen Hill – Per Scholas – described programs offered by Per Scholas.

John C. Reynolds – Tenant at 255 West 43rd Street – described a dispute he has with his landlord and ask for the Board's help.

Richard Gavilan – NY Public Library – informed that the library will be open on Sundays.

Veronika Conant – West 54th/55th Street Block Association – described several problems with the MoMA loading docks.

Glenn Coleman – West 54th/55th Street Block Association – spoke of the increase in noise and traffic in the neighborhood due to the MoMA reopening.

Lisa Wager – Fashion Institute of Technology – announced a new FIT mailing list for special events.

Charles Steinberg – spoke of concerns regarding possible development of empty lot owned by MoMA.

BUSINESS SESSION

● CHAIR'S REPORT ~ *David Diamond*

Mr. David Diamond announced the invitation to the Holiday Party to be held at Lotus on Tuesday, December 21.

Mr. Diamond then spoke of Committee meetings for December and the importance of members involvement and asked members interested in changing committee to let him know.

● DISTRICT MANAGER'S REPORT ~ *Gary Parker*

Mr. Gary Parker wished everyone a happy holiday.

Mr. Parker informed the Board of Stephanie Kirschner's resignation.

He then gave a report on his meeting with MoMA.

● VOTE ON MINUTES OF THE OCTOBER 21 SPECIAL MEETING AND NOVEMBER 18, 2004 FULL BOARD MEETING

The minutes of the Special Full Board Meeting held on October 21 and the November 18 Full Board Meeting passed with a vote of 21 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Alling, Barbero, Beer, Bernstein, Block, Breidbart, Collins, Cook, Gering, Goshaw, Landeche, Matz, Mendes, Merker, Mills, Ress, Rockefeller, Shields, Teitler, Williams, Zucker. **ABSTENTION:** Diamond.

COMMITTEE REPORTS

● CONSENTS & VARIANCES ~ *MICKEY SCHWARTZ & LAWRENCE ZUCKER*

Mr. Zucker presented the following bundled resolutions (9):

23rd Street Association/St. Cecile Scholarship Fund

WHEREAS, 23rd Street Association and St. Cecile Scholarship Fund has applied for a permit to hold a street festival on Sixth Avenue, between 14th and 23rd Streets on Sunday, August 21, 2005; and

WHEREAS, this event is held every year without incident; and

WHEREAS, Community Board Five requests that the sponsor and producer of the event screen for and do not allow vendors selling counterfeit goods; therefore be it

RESOLVED, that Community Board Five **recommends approval** of the application by the 23rd Street Association and The St. Cecile Scholarship Fund to hold a street festival.

Daytop Village

WHEREAS, Daytop Village has applied for a permit to hold a street festival on Madison Avenue, between 42nd and 57th Streets on Sunday, August 28, 2005; and

WHEREAS, the event is held every year without incident; and

WHEREAS, Community Board Five requests that the sponsor and producer of the event screen for and do not allow vendors selling counterfeit goods; therefore be it

RESOLVED, that Community Board Five **recommends approval** of the application by Daytop Village for a street festival.

The Gramercy Stuyvesant Independent Democrats

WHEREAS, Gramercy Stuyvesant Independent Democrats has applied for a permit to hold a street festival on Broadway, between 17th Street and 23rd Street on Sunday, November 6, 2005; and

WHEREAS, this event is held every year without incident; and

WHEREAS, Community Board Five requests that the sponsor and producer of the event screen for and do not allow vendors selling counterfeit goods; therefore be it

RESOLVED, that Community Board Five **recommends approval** of the application by The Gramercy Stuyvesant Independent Democrats for a street festival.

Kidney & Urology Foundation

WHEREAS, Kidney & Urology Foundation has applied for a permit to hold a street festival on Lexington Avenue, between 34th and 42nd Streets, on Sunday, June 19, 2005; and

WHEREAS, the event was held for the last three years without incident; and

WHEREAS, Community Board Five requests that the sponsor and producer of the event screen for and do not allow vendors selling counterfeit goods; therefore be it

RESOLVED, that Community Board Five **recommends approval** of the application by The Kidney & Urology Foundation to hold a street festival on Lexington Avenue between 34th and 42nd Streets.

McBurney YMCA

WHEREAS, McBurney YMCA has applied for a permit to hold a street festival on Sixth Avenue, between 14th Street and 23rd Street on Saturday, July 2, 2005; and

WHEREAS, the event is held every year without incident; and

WHEREAS, Community Board Five requests that the sponsor and producer of the event screen for and do not allow vendors selling counterfeit goods; therefore be it

RESOLVED, that Community Board Five **recommends approval** of the application by The McBurney YMCA to hold a street festival on Sixth Avenue, between 14th Street and 23rd Street.

Meretz/Israeli Civil Rights Education Fund

WHEREAS, Meretz/Israeli Civil Rights Education Fund has applied for a permit to hold a street festival on Lexington Avenue, between 34th Street and 42nd Street on Sunday, July 10, 2004; and

WHEREAS, the event is held every year without incident; and

WHEREAS, Community Board Five requests that the sponsor and producer of the event screen for and do not allow vendors selling counterfeit goods; therefore be it

RESOLVED, that Community Board Five **recommends approval** of the application by The Meretz/Israeli Civil Rights Education Fund for a street festival.

The Motion Picture Club

WHEREAS, The Motion Picture Club has applied for a permit to hold a street festival on Seventh Avenue, between 45th Street and 57th Street on Sunday, July 24, 2005; and

WHEREAS, the event is held every year without incident; and

WHEREAS, Community Board Five requests that the sponsor and producer of the event screen for and do not allow vendors selling counterfeit goods; therefore be it

RESOLVED, that Community Board Five **recommends approval** of the application by The Motion Picture Club to hold a street festival on Seventh Avenue between 45th Street and 57th Street.

The Union Square Community Coalition

WHEREAS, Union Square Community Coalition has applied for a permit to hold a street festival on Broadway, between 17th Street and 23rd Street on Sunday, April 17, 2005; and

WHEREAS, the event is held every year without incident; and

WHEREAS, Community Board Five requests that the sponsor and producer of the event screen for and do not allow vendors selling counterfeit goods; therefore be it

RESOLVED, that Community Board Five **recommends approval** of the application by The Union Square Community Coalition to hold a street festival on Broadway, between 17th Street and 23rd Street.

The bundled resolutions (9) passed with a vote of 21 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Alling, Barbero, Beer, Bernstein, Block, Breidbart, Collins, Cook, Gering, Goshow, Landeche, Matz, Mendes, Merker, Mills, Ress, Rockefeller, Shields, Teitler, Williams, Zucker. **ABSTENTION:** Diamond.

Mr. Zucker then presented the following resolution:

BSA Special Permit Application # 28-02 BZ, 80 Madison Avenue – Physical culture/health establishment

WHEREAS, An application was made by Harris G. Joseph, Inc. d/b/a as Spa 28, for a special permit for a physical culture/health establishment at 80 Madison Avenue; and

WHEREAS, This establishment would occupy 4,500 square feet within the cellar, with an entrance on the ground floor and would provide massage service; and

WHEREAS, the hours of operation will be from 10:00am to 9:00pm Monday through Saturday, and 11:00am to 8:00pm Sunday; and

WHEREAS, there were no complaints on file with the Board office regarding this location; therefore be it

RESOLVED, That Community Board Five **recommends approval** of the application by Harris G. Joseph, Inc. for a physical culture/health establishment at 80 Madison Avenue.

The resolution passed with a vote of 21 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Alling, Barbero, Beer, Bernstein, Block, Breidbart, Collins, Cook, Gering, Goshow, Landeche, Matz, Mendes, Merker, Mills, Ress, Rockefeller, Shields, Teitler, Williams, Zucker. **ABSTENTION:** Diamond.

Mr. Zucker then presented the following resolution:

Hadassah, The Women’s Zionist Organization of America, Inc. – application to install 22 bollards at 50 West 58th Street

WHEREAS, A request was made by Hadassah, The Women’s Zionist Organization of America, Inc. for the installation of 22 bollards at 50 West 58th Street; and

WHEREAS, the bollards will be aluminum and placed 4ft. apart along the curb line of the property; and

WHEREAS, the applicant has submitted a New York Police Department Counter Terrorism Division’s risk assessment report (see attached); and

WHEREAS, this request is being made in response to specific threats made against employees and volunteers of the Women’s Zionist organization of America, Inc; therefore be it

RESOLVED, That Community Board Five **recommends approval** of the application by Hadassah, The Women’s Zionist Organization of America, Inc for the installation of 22 bollards at 50 West 58th Street.

After some discussion regarding the necessity for bollards, the resolution passed with a vote of 15 in favor, 6 opposed, 1 abstention, as follows: **IN FAVOR:** Barbero, Bernstein, Bowen, Breidbart, Collins, Cook, Gering, Goshow, Landeche, Mendes, Merker, Mills, Shields, Teitler, Zucker. **OPPOSED:** Alling, Beer, Matz, Ress, Rockefeller, Williams. **ABSTENTION:** Diamond.

Mr. Zucker then introduced the following resolution:

Request to name Vanderbilt Avenue, between 45th and 46th Streets “GUY LOMBARDO WAY”

WHEREAS, a request was made by The Roosevelt Hotel to rename Vanderbilt Avenue, between 45th and 46th Streets “GUY LOMBARDO WAY”; and

WHEREAS, Community Board Five has traditionally opposed such installations unless certain criteria are met, including a special relationship between the honoree, New York City and the location where the blade is to be installed; and

WHEREAS, Community Board Five does not feel that such a relationship exists in this case; and

WHEREAS, Community Board Five is also concerned with the impact of additional street blades on the city landscape; therefore be it

RESOLVED, That Community Board Five **does not support** the request for street renaming of Vanderbilt Avenue, between 45th and 46th Streets “GUY LOMBARDO WAY”.

The resolution passed with a vote of 21 in favor, 0 opposed, 2 abstentions, as follows: **IN FAVOR:** Alling, Barbero, Beer, Bernstein, Block, Bowen, Breidbart, Collins, Cook, Gering, Goshow, Matz, Mendes, Merker, Mills, Ress, Rockefeller, Shields, Teitler, Williams, Zucker. **ABSTENTIONS:** Diamond, Landeche.

● **PUBLIC SAFETY & QUALITY OF LIFE ~ VIKKI BARBERO**

Ms. Maxine Teitler presented the following resolution on behalf of the Committee:

30 WEST 22ND STREET - NYC 22 STREET CORP. – D/B/A “LONGITUDE” (FORMERLY “LOLA’S”) LIQUOR LICENSE APPLICATION

WHEREAS, NYC 22nd Street Corp., d/b/a “Longitude” Restaurant (formerly “Lola’s”) has applied for an on-premises liquor license for the premises at 30 West 22nd Street; and

WHEREAS, the applicants, Orlando Santana and William Resk who plan to open a first class restaurant, have extensive experience in the restaurant business and are both currently with “Savannah Steak,” located in New York City; and

WHEREAS, the applicants have employed professional chef Renaud Le Rasle, who has worked at some of the finest restaurants in New York City, among them, La Cote Basque, Le Cirque, C.T. Restaurant, The Russian Tea Room and Jean-Georges Restaurants; and

WHEREAS, there are no changes in capacity (200) or square footage (5,000) of the premises, and there will be no request for a sidewalk café or cabaret; and

WHEREAS, the hours of operation are to be from 11:15 a.m. to 12 midnight, Monday through Sunday; and

WHEREAS, while this location, which has had a liquor license for the past 20 years (“Lola’s”), is within the moratorium area of Community Board Five (20th, 21st, and 22nd Streets), there have never been complaints to the Community Board regarding the premises; and

WHEREAS, the Van Alen Institute, a non-for-profit owner of the building that has occupied the sixth floor since 1983 and is considered to be a good neighbor with a concern for the street and the community, decided in June of 2004 not to renew “Lola’s” lease as they were becoming increasingly disappointed with “Lola’s” operations and felt that the location could attract a more upscale and first class restaurateur; and

WHEREAS, the Van Alen Institute stated in a letter to the Community Board that “We would like to assure the Community Board that our decision to lease the premises to Messrs. Resk and Santana was based on our desire to associate ourselves with a tenant who would enhance the long-term image and value of our property. We believe these gentlemen to be experienced, capable and sincere individuals who will use the space in a manner that will not only reflect well on our organization but will also serve as a benefit for the block as well as the neighborhood”; and

WHEREAS, the applicants and the Van Alen Institute understand the nature and history of the problems in this area and the concerns of the residents on a block that is so fragile due to the number of liquor licenses in the area; and

WHEREAS, the applicants are aware that this location falls within the Ladies Mile Historic District and understand that no alteration can be made to the exterior (including signage, windows, roof, doors, lighting, etc.) without approval from the Landmarks Preservation Commission; therefore be it

RESOLVED, that Community Board Five recommends approval of the on-premises liquor license for NYC 22nd Street Corp., d/b/a “Longitude,” located at 30 West 22nd Street, based on the above information particularly regarding the closing hours, the applicants’/chef’s backgrounds and the stated intention of the owner of the building.

After some discussion, the resolution passed with a vote of 22 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Alling, Barbero, Beer, Bernstein, Block, Bowen, Breidbart, Collins, Cook, Gering, Goshow, Landeche, Matz, Mendes, Merker, Mills, Ress, Rockefeller, Shields, Teitler, Williams, Zucker. **ABSTENTION:** Diamond.

Ms. Barbero then presented the following resolution:

143 Madison Avenue – Vapor Restaurant & Catering NYC,, LLC – Transfer of On-Premises Restaurant Liquor License Application

WHEREAS, Vapor Restaurant & Catering NYC, LLC, located at 143 Madison Avenue has applied for the transfer of a liquor license from the current occupant dba Room 143; and

WHEREAS, the applicant intends to operate a club/lounge with music and light meals and no dancing, and expects to attract a young professional clientele; and

WHEREAS, the location is approximately 4,000 square feet (of which 2,800 is usable square footage) with occupancy of 200 persons on the first floor and 35 in the basement; and

WHEREAS, the club's hours are to be from 4 PM to 4 AM, Thursdays thru Sundays; and

WHEREAS, the applicant will not apply for a cabaret license; and

WHEREAS, the Public Safety/Quality of Life Committee informed the applicant that the neighborhood has many concerns regarding this block because of the proximity of residential buildings to the club, as well as the history of a previous club (China White) at this location where noise and other nuisance conditions had been prevalent; and

WHEREAS, with the intention of being a good neighbor and safeguarding the quality-of-life, the applicant has agreed to run the establishment in accordance with a list of operational guidelines that he will implement and that includes the following measures:

1. Security: radios, ID scanners, first aid and CPR kits, in-house surveillance cameras and other equipment will be utilized to enhance safety and prevent crime and disturbances
2. Crowd and Noise Control: sound will not exceed permissible levels and applicant will add sound proofing measures. Security personnel will discourage patrons from congregating outside and ensure that they leave premises in a respectful manner. Applicant will post signs with his phone number and email address so that complaints can be addressed immediately. Applicant also agreed to provide the PSQOL Committee with his cell phone number and to attend future meetings of the committee to answer complaints or issues brought to the attention of the community board
3. Use of Promoters: applicant will employ professional promoters primarily in connection with the hosting of charitable events. He will primarily use the Internet and email to advertise the events and will not employ promoters who have a history of littering neighborhoods with flyers and other promotional materials. He will also work with the community board to develop further guidelines for promoters and in the event that a promoter violates the guidelines, applicant will refuse to employ the services of that individual again.
4. Additional Measures: Applicant will provide all employees with alcohol awareness training, will have a zero tolerance for drugs policy and will meet regularly with NYPD community affairs personnel; and,

WHEREAS, the applicant has signed an affidavit (attached) outlining the above stipulations; therefore be it

RESOLVED, that Community Board Five supports the application for the transfer of the liquor license to Vapor Restaurant & Catering NYC, LLC, located at 143 Madison Avenue, provided that the applicant adheres to the above measures.

After some discussion, the resolution passed with a vote of 23 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Alling, Barbero, Beer, Bernstein, Block, Bowen, Breidbart, Collins, Cook, Gering, Goshow, Landeche, Matz, Mendelson, Mendes, Merker, Mills, Ress, Rockefeller, Shields, Teitler, Williams, Zucker. **ABSTENTION:** Diamond.

There being no further business the meeting adjourned at 7:30p.m.

Respectfully submitted by

Maxine Teitler
Secretary