

THE BOROUGH OF MANHATTAN
C. VIRGINIA FIELDS, PRESIDENT
MANHATTAN COMMUNITY BOARD FIVE MINUTES
DAVID DIAMOND, CHAIR
THURSDAY, JULY 8, 2004

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

Members Present

Susan Baida
 Vikki Barbero
 Philip Beer
 Nicholas Bergman
 Angela Bledsoe
 Candy Cook
 William Daly
 David Diamond
 Janelle Farris
 Lola Finkelstein
 Eric Gering
 Nancy Goshow
 Brian Landeche
 Jason Mendelson
 Kyle Merker
 John Mills
 Karen Newman
 Sharon Paley
 David Rabin
 Carmel Reingold
 Connie Ress
 Meile Rockefeller
 Doreen Seligson
 David Siesko
 Maxine Teitler
 Bonnie Williams
 Lawrence Zucker

Present Part

Scott Alling
 Muriel Bernstein

Aaron Block
 Lorna Duff
 Robyn Hatcher
 Joyce Matz
 Michael Presser
 Joel Sesser

Absent

Judith Breidbart
 James Collins
 Paul Connolly
 Howard Mendes
 Mickey Schwartz
 Rosalie Shields
 Sung AeSong
 Ana Vidal-Kaufman
 Craig Wilson

Public Members

Jon Schachter
 Lee Silver

Public Attendees

Kunal Chugh
 Frank Ford
 Frank Giallorenzo
 Tom McMorrow
 Tom McHugh
 Louis Marolda
 Simplicity Carpenter
 Nancy Guberman
 Richard Breslaw

Julian Bilash
 Naresh Kapadia
 Steven D. Cohen
 Joan McMorrow
 William Haus
 Fabio Grazato
 Rich Aquino
 Ralph Fisher
 Mai Hariu
 John Raskin
 Jaime Pollack
 Yehuda Pagrow
 Arielle Sathave
 James Shipley
 Calvin DeMonal
 Rheyges Garilan
 Kyunghak Lee
 John Paulson
 Sheldon Gonlhar
 Neil Dwork
 Henry Choi
 Grace Mandler
 Lisa Wager
 Ronda Kaysen
 April Sepanski
 Robert Ferrari
 Morgan McLean
 Jeffrey Diehl

Elected Officials

Liz Krueger

Senator

Richard Gottfried
 Assembly Member

Christine Quinn
 Councilmember

Lori Williams
 Borough President C. Virginia Fields

Jordon Isenstadt
 State Senator Liz Krueger

Michael Kay
 Congressman Jerrold Nadler

Dan Golub
 Assembly Member Richard Gottfried

Brian Sogol
 Senator Thomas Duane

Danielle Porcaro
 Councilmember Christine Quinn

Staff

Kathy Kinsella
 District Manager

Kim Rodney
 Assistant District Manager

Cindy Perez
 Community Associate

At 6:00 p.m., the Full Board meeting of Manhattan Community Board Five was called to order, David Diamond presiding.

● **STATE SENATOR ~ Liz Krueger**

Senator Krueger introduced herself and Jordon Isenstadt, from her office. She then spoke of the Legislative sessions and gave a list of issues that were not completed: Funding for New York City schools, Timothy's Law legislation for mental health insurance coverage, Rockefeller Drug Law reform, Election/voting issues, Power Plant Siting legislation for stricter environmental standards, recycling legislation, MTA public authority reform and minimum wage increase to \$7.10 per hour.

She then welcome the new Chair, David Diamond, and thanked the members for their continuing dedication to working on the issues facing the Midtown area.

PUBLIC HEARING – HUDSON YARDS REZONING

Richard Barth and Jeff Mulligan – Executive Director, Dept. of City Planning – gave a brief overview of the Hudson Yards Rezoning Proposal.

Frank Ford - Restaurant Manager– spoke in favor of the expansion of the Javits Center and stated that the expansion would potentially increase the area’s restaurant business by 60%. He also spoke in favor the extension of the #7 subway line.

Frank Giallorenzo – Vice President of NY Building Congress – stated the Congress’s support for the Hudson Yards proposal, citing the commercial and residential building that would occur.

Tom McMorrow – spoke in favor of the rezoning proposal and the extension of the #7 subway line, and read from a prepared statement.

Thomas McHugh – West Side Resident – spoke in support of a Westside stadium and the expansion of the #7 subway to the area.

Nancy Guberman – Club Octagon – spoke against the #7 subway line, and informed the board that the city would seize the building that the club is in to accommodate the #7 subway expansion’s construction. She also stated that many people that live and work in the area that would be displaced.

Richard Breslaw – George Breslaw & Sons Inc. – waived speaking.

Louis Marolda – spoke against the #7 subway expansion and that it would dilute money and support from the 2nd Avenue subway.

John Raskin – Hell’s Kitchen/Hudson Yards Alliance – waived speaking.

Hon. Christine Quinn – Councilwoman – read a statement from her and Senator Tom Duane opposing the Hudson Yards rezoning proposal.

Dan Golub – Representative of Assembly Member Richard Gottfried’s office – informed the Board that Assembly Member Gottfried has many concerns regarding the rezoning plan. He stated that Assembly Member Gottfried believes that Javits can be expanded without being tied to the zoning proposal and the development of a stadium on the Westside. He asked the Board to support the committee’s resolution and also asked the board to include language in the resolution regarding the lack of public review for the development of a stadium

PUBLIC SESSION

Connie Ress – Member of Community Board # 5 – announced a get together in September for Sharon Paley, who is leaving the Board due to moving out of the area.

April Sepanski – Applicant for newsstand at Broadway, bet 58th and 59th Streets – asked the board to uphold its previous support of her newsstand application (June 2004) and to vote to recommend approval of her application to the Landmarks Preservation Commission.

Neil Dwork – representing the owner of 240 Central Park South - spoke in opposition to the application for a newsstand at 240 Central Park South due to its potential impact on the visibility of the landmark building.

Grace Mandler – Future Voters of America – introduced herself and the organization to the board and informed the board that the organization’s goal is to lower the legal voting age.

BUSINESS SESSION

● CHAIR’S REPORT ~ *David Diamond*

Mr. David Diamond gave a brief account of his professional background and informed the Board that he was a member of Community Board Five for eleven years and served on many committees and chaired several of those committees.

Mr. Diamond stressed the importance of Community Board work and meeting the challenge of balancing the conflicts between business and residential uses in our district. He then thanked the Community Board Five staff, and thanked the board for its support.

Mr. Diamond announced that the new co-chairs for the Land Use and Zoning Committee will be Aaron Block and Meile Rockefeller

He then stated that as Chair, he would abstain on all votes so that he can represent the board's position regardless of his personal position.

● **DISTRICT MANAGER'S REPORT ~ *Kathy Kinsella***

Ms. Kinsella informed the board that the new members directory were being distributed, and asked members to review the information and call the board office with any changes.

Ms. Kinsella then informed the board that she will be leaving the board in the fall and thanked the members for their support.

● **VOTE ON MINUTES OF THE JUNE, 2004 BOARD MEETING**

The minutes passed with a vote of 30 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Alling, Baida, Barbero, Beer, Bernstein, Bergman, Cook, Daly, Duff, Farris, Gering, Hatcher, Landeche, Matz, Mendelson, Merker, Mills, Newman, Paley, Presser, Rabin, Reingold, Ress, Rockefeller, Seligson, Sesser, Siesko, Teitler, Williams, Zucker. **ABSTENTION:** Diamond.

COMMITTEE REPORTS

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

Mr. Zucker presented the following resolution:

BSA # 201-04 BZ Special Permit for a physical culture establishment at 5 West 16th Street

WHEREAS, an application has been made for a special permit for a physical culture establishment at 5 West 16th Street; and

WHEREAS, the application is for the use of 1,400 Sq. ft. in the basement of a four story commercial building; and

WHEREAS, the establishment will be operated as a Day Spa; therefore, be it

RESOLVED, that Community Board Five **recommends approval** of the application for a physical culture establishment at 5 West 16th Street.

The resolution passed with a vote of 30 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Alling, Barbero, Beer, Bernstein, Bergman, Cook, Daly, Duff, Finkelstein, Gering, Goshow, Hatcher, Landeche, Matz, Mendelson, Merker, Mills, Newman, Paley, Presser, Rabin, Reingold, Ress, Rockefeller, Seligson, Sesser, Siesko, Teitler, Williams, Zucker.

ABSTENTION: Diamond.

Mr. Zucker then introduced the following resolution:

License # 1169372 – Inch Food and Beverage LLC – 224 West 49th Street

WHEREAS, Inch Food and Beverage LLC has filed an application for an unenclosed sidewalk café for 04 tables and 08 seats at 224 West 49th Street; and

WHEREAS, the board has concerns that the café will impede the flow of pedestrians, on this extremely busy sidewalk; and

WHEREAS, the café would be located in close proximity to a theater and could impede the flow of patrons to and from the theater; therefore be it

RESOLVED, that Community Board Five **recommends denial** of the application by Inch Food and Beverage LLC, for an unenclosed sidewalk café at 224 West 49th Street.

The resolution passed with a vote of 31 in favor, 1 opposed, 1 abstention, as follows: **IN FAVOR:** Alling, Barbero, Beer, Bernstein, Bergman, Bledsoe, Cook, Daly, Duff, Farris, Finkelstein, Gering, Goshow, Hatcher, Landeche, Matz, Mendelson, Merker, Mills, Paley, Presser, Rabin, Reingold, Ress, Rockefeller, Seligson, Sesser, Siesko, Teitler, Williams, Zucker.

OPPOSED: Newman. **ABSTENTION:** Diamond.

Mr. Zucker then introduced the following bundled resolutions (4):

License # 1170078 – Iguana New York Ltd. – 240 West 54th Street

WHEREAS, Iguana New York Ltd. has filed an application for an unenclosed sidewalk café for 7 tables and 17 seats at 240 West 54th Street; and

WHEREAS, the placement of a sidewalk café at this location will not impede pedestrian traffic; therefore be it

RESOLVED, That Community Board Five **recommends approval** of the application by Iguana New York Ltd., for an unenclosed sidewalk café at 240 West 54th Street for 7 tables/17 seats.

License # 1170396 – DK 14 Inc. – 254 Fifth Avenue

WHEREAS, DK 14 Inc. has filed an application for an unenclosed sidewalk café for 03 tables and 12 seats at 254 Fifth Avenue; and

WHEREAS, the placement of a sidewalk café at this location will not impede pedestrian traffic; therefore be it

RESOLVED, That Community Board Five **recommends approval** of the application by DK 14 Inc., for an unenclosed sidewalk café at 254 Fifth Avenue for 03 tables/12 seats only.

License # 1169547 – Serafina Broadway, LCD. – 210 West 55th Street

WHEREAS, Serafina Broadway, LCD. has filed an application for an unenclosed sidewalk café for 13 tables and 52 seats at 210 West 55th Street; and

WHEREAS, the board has concerns that the size of the café will impede the flow of pedestrians; and

WHEREAS, the applicant has agreed to amend his application to address the Board’s concerns regarding the above condition; and

WHEREAS, the revised application (see attached plan and agreement) is for 12 tables/48 seats; and

WHEREAS, the applicant will submit revised plans reflecting said revisions to the Department of Consumer Affairs; therefore be it

RESOLVED, That Community Board Five **recommends approval of the amended application** by Serafina Broadway LCD, for an unenclosed sidewalk café at 210 West 55th Street for 12 tables/48 seats only.

License # 1170662 – Apple Jack Coffee Shop Inc. – 230 West 55th Street

WHEREAS, Apple Jack Coffee Shop Inc. has filed an application for an unenclosed sidewalk café for 7 tables and 28 seats at 230 West 55th Street; and

WHEREAS, the applicant currently has planters located in the space that will be used for the sidewalk café without Department of Transportation Revocable Consent permits; and

WHEREAS, the applicant has agreed to remove the planters and any other non-permitted street furniture, immediately; therefore be it

RESOLVED, That Community Board Five **recommends approval** of the application by Apple Jack Coffee Shop Inc., for an unenclosed sidewalk café for 7 tables/28 seats **on the condition** that planters and other street furniture in place without permits are removed.

After some discussion, the resolution passed with a vote of 31 in favor, 1 opposed, 1 abstention, as follows: **IN FAVOR:** Alling, Barbero, Beer, Bernstein, Bergman, Bledsoe, Block, Cook, Duff, Farris, Finkelstein, Gering, Goshow, Hatcher, Landeche, Matz, Mendelson, Merker, Mills, Newman, Paley, Presser, Rabin, Reingold, Ress, Seligson, Sesser, Siesko, Teitler, Williams, Zucker. **OPPOSED:** Rockefeller. **ABSTENTION:** Diamond.

Mr. Zucker then introduced the following bundled resolutions (2):

MEPA – NYC Star Wars Fan Club – application to hold a charity event at 1514 Broadway

WHEREAS, MEPA, NYC Star Wars Fan Club, has filed an application to hold an event at 1514 Broadway, between 44th and 45th Street on Tuesday, September 21st, 2004; and

WHEREAS, this location is one of the most congested sites in the Community Board Five area; and

WHEREAS, the board has concerns that the event will impede the flow of pedestrian and automotive traffic; therefore be it

RESOLVED, That Community Board Five **recommends denial** of the application by MEPA, NYC Star Wars Fan Club for a street activity permit.

Muslim Foundation of America, Inc.

WHEREAS, an application was presented to Community Board Five by the Muslim Foundation of America, Inc., for a permit to hold a parade on Madison Avenue, from 41st Street to 23rd Streets on September 26th, 2004; and

WHEREAS, the applicant was invited, yet failed to attend Community Board Five's Consents & Variances Committee meeting; and

WHEREAS, Community Board Five takes its role in the review of applications for Street Activity seriously; therefore, be it

RESOLVED, that Community Board Five **recommends denial** of the application by the Muslim Foundation of America, Inc.

The resolution passed with a vote of 33 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Alling, Barbero, Beer, Bernstein, Bergman, Bledsoe, Block, Cook, Daly, Duff, Farris, Finkelstein, Gering, Goshow, Hatcher, Landeche, Matz, Mendelson, Merker, Mills, Newman, Paley, Presser, Rabin, Reingold, Ress, Rockefeller, Seligson, Sesser, Siesko, Teitler, Williams, Zucker. **ABSTENTION:** Diamond.

Mr. Zucker then introduced the following bundled resolutions (2):

Korea Times & Korea American Association NY – application to hold a street festival

WHEREAS, Korea Times & Korea American Association NY has filed an application to hold a street festival on Saturday, October 2, 2004, on 32nd Street, between 5th Avenue and Broadway; and

WHEREAS, this event has been held for years without incident; and

WHEREAS, the applicant has agreed to abide by Community Board Five's Street Activity Guidelines; 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 Korea Times & Korea American Association NY to hold a street festival on Saturday, October 2, 2004.

New Age Entertainment

WHEREAS, New Age Entertainment has filed an application to place a tent on the sidewalk at 135 West 41st Street, between 6th Avenue and Broadway; and

WHEREAS, this tent will be up from Tuesday, September 7, 2004 to Wednesday, September 15, 2004 to coincide with Fashion Week, and the hours of operation for tent will be 24 hours a day 7 days a week; and

WHEREAS, the tent will be 50 ft. x 13 ft. and open on all sides and extended from the building line to the curb, and pedestrians will have unobstructed ability to transverse the sidewalk under the tent; and

WHEREAS, there will be no tables, displays or commercial activities in the tent; therefore be it

RESOLVED, that Community Board Five recommends approval of the application by New Age Entertainment to place a tent on the sidewalk on 41st Street, between 6th Avenue and Broadway from Tuesday, September 7th to Wednesday, September 15th, 2004.

After some questions regarding the size and purpose of the tent for New Age Entertainment, the bundled resolutions (2) passed with a vote of 31 in favor, 0 opposed, 1 abstention, 2 present not entitled to vote, as follows: **IN FAVOR:** Baida, Barbero, Beer, Bernstein, Bergman, Bledsoe, Block, Cook, Daly, Duff, Farris, Finkelstein, Gering, Goshow, Hatcher, Matz, Mendelson, Merker, Mills, Paley, Presser, Rabin, Reingold, Ress, Rockefeller, Seligson, Sesser, Siesko, Teitler, Williams, Zucker. **ABSTENTION:** Diamond. **PRESENT NOT ENTITLED TO VOTE:** Alling, Landeche.

Mr. Zucker then introduced the following resolution:

Newsstand Application # 1169800 – N/W/C of Broadway and West 27th Street

WHEREAS, an application has been made by Ignatius Low for the operation of a newsstand at the N/W/C of Broadway and West 27th Street; and

WHEREAS, this location is one of the most congested sites in Community Board Five; and

WHEREAS, placement of a newsstand at this location will be an impediment to pedestrian flow; therefore be it

RESOLVED, Community Board Five **recommends denial** of the application for a newsstand at the above referenced location.

The resolution passed with a vote of 34 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Alling, Baida, Barbero, Beer, Bernstein, Bergman, Bledsoe, Block, Cook, Daly, Duff, Farris, Finkelstein, Gering, Goshow, Hatcher, Landeche, Matz, Mendelson, Merker, Mills, Newman, Paley, Presser, Rabin, Reingold, Ress, Rockefeller, Seligson, Sesser, Siesko, Teitler, Williams, Zucker. **ABSTENTION:** Diamond.

Mr. Zucker then introduced the following resolution:

RFD 55th Street, LLC – application to install two bollards at 60 East 55th Street

WHEREAS, A request was made by RFD 55th Street, LLC for the installation of two bollards at 60 East 55th Street; and

WHEREAS, the bollards will be 8" in diameter and 3' 6" tall with # 4 hairline finish and flat stainless steel top; and

WHEREAS, the bollards will be placed at the building line directly at the garage entry; therefore be it

RESOLVED, That Community Board Five **recommends approval** of the application by RFD 55th Street, LLC for the installation of two stainless steel bollards at 60 East 55th Street.

The resolution passed with a vote of 31 in favor, 1 opposed, 3 abstentions, as follows: **IN FAVOR:** Alling, Baida, Barbero, Beer, Bernstein, Bergman, Bledsoe, Block, Cook, Duff, Finkelstein, Gering, Goshow, Hatcher, Landeche, Matz, Mendelson, Merker, Mills, Paley, Presser, Rabin, Reingold, Ress, Rockefeller, Seligson, Sesser, Siesko, Teitler, Williams, Zucker.

OPPOSED: Newman. **ABSTENTIONS:** Daly, Diamond, and Farris.

● **PARKS ~ PHIL BEER**

Mr. Beer presented the following resolution:

Bryant Park Carousel

WHEREAS, Bryant Park Restoration Corporation (BPRC) operates a carousel on the Park's 40th Street allee; and

WHEREAS, in December 2001, Community Board Five passed a resolution recommending approval of the placement of the carousel for a three-year trial period; and

WHEREAS, as indicated by the resolution, Bryant Park Restoration Corporation agreed that:

- the season of operation of the carousel would run from April to November (or longer if weather permits), seven days a week from 11:00 a.m. until 6:00 p.m., 8:00 p.m. or 10:00 p.m., depending on the time of year.
- during private events, the carousel would remain open for public use.
- any changes regarding the operation of the carousel would be brought to Community Board Five for review; and

WHEREAS, Bryant Park Restoration Corporation is currently allowing groups letting out the carousel for private events to pay an additional fee to have exclusive use of the carousel; and

WHEREAS, according to BPRC, several of these private events which close public access to the carousel have occurred during the day and on weekends, when the carousel is most likely to be used by the public; and

WHEREAS, this practice is in direct contradiction to agreement BPRC made with Community Board Five; and

WHEREAS, Community Board Five is not, and has not, opposed the use of the carousel for private events, so long as it remains open to the public; and

WHEREAS, Community Board Five does not oppose BPRC letting out the carousel for exclusive use during hours when the carousel is normally closed to the public; therefore be it

RESOLVED, Community Board Five *is disappointed that Bryant Park Restoration Corporation has not honored its agreement to keep the carousel open for public use during private events and Community Board Five expects* urges BPRC ~~will~~ to cease letting out the carousel for exclusive use during the carousel's normal operating hours.

After some discussion and a friendly amendment (Finkelstein) (see italics and strikethrough) the resolution passed with a vote of 34 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Alling, Baida, Barbero, Beer, Bernstein, Bergman, Bledsoe, Block, Cook, Daly, Duff, Farris, Finkelstein, Gering, Goshow, Hatcher, Landeche, Matz, Mendelson, Merker, Mills, Newman, Paley, Presser, Rabin, Reingold, Ress, Rockefeller, Seligson, Sesser, Siesko, Teitler, Williams, Zucker. **ABSTENTION:** Diamond.

Mr. Beer then presented the following bundled resolutions (2):

Proposal for temporary installation of 3 Letourneur bronze figures in Union Square Park.

WHEREAS, the New York Film Academy proposes to exhibit bronze sculptures of the female figure by Rene Letourneur (1898 – 1990) on the east side of Union Square Park, and

WHEREAS, there will be two figures on the grass above the retaining wall, and one on the paved triangle; and

WHEREAS, the installation will be from September through mid November, and the signage will be appropriately sized, and

WHEREAS, the Academy will carry liability insurance and pay for grass and pavement restoration, and

WHEREAS, the size of the sculpture will not diminish the public's enjoyment of the lawns, and

WHEREAS, the Academy has been a longstanding good neighbor, and the quality of the art is high, therefore, be it

RESOLVED, that Community Board Five **recommends approval** for the installation of three Letourneur bronze figures in Union Square Park.

The Regan Group – Application to hold kids tournament in Union Square Park

WHEREAS, The Regan Group has applied for a special event permit to hold Kids Tournament in Union Square Park in August, 2004; and

WHEREAS, the applicant was invited to but did not attend the Community Board Five Parks Committee meeting to discuss the event in more detail and answer questions regarding the proposed event; therefore be it

RESOLVED that Community Board Five **does not support** the application by The Regan Group to hold a kids tournament in Union Square Park.

After some discussion the resolution passed with a vote of 34 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Alling, Baida, Barbero, Beer, Bernstein, Bergman, Bledsoe, Block, Cook, Daly, Duff, Farris, Finkelstein, Gering, Goshow, Hatcher, Landeche, Matz, Mendelson, Merker, Mills, Newman, Paley, Presser, Rabin, Reingold, Ress, Rockefeller, Seligson, Sesser, Siesko, Teitler, Williams, Zucker. **ABSTENTION:** Diamond.

● PUBLIC SAFETY & QUALITY OF LIFE ~ VIKKI BARBERO

Ms. Barbero then introduced Bill Daly who presented the following resolution:

SCB Entertainment LLC, application for an on-premises liquor license at 251 West 30th Street

WHEREAS, The SCB Entertainment LLC has applied to the SLA to transfer the liquor license from 251 Entertainment Corp, d/b/a "Downtime," located at 251 West 30th Street; and

WHEREAS, The current occupant, “Downtime,” has for many years been the source of numerous community complaints regarding noise and unruly and criminal behavior, and Community Board Five passed resolutions in 2002 and in February, 2004, urging the SLA not to renew and, in fact, to revoke the liquor license for “Downtime;” and,

WHEREAS, At the Public Safety/Quality of Life Committee meeting on July 6, 2004 regarding this matter, the new applicant, SCB Entertainment, was attentive to the issues voiced by the members of the committee and the representative of the residents on the block; and

WHEREAS, Community Board Five is encouraged by the fact that the new applicant, SCB Entertainment, has stated that it plans to develop a different concept for the club in an effort to attract a more mature audience and has agreed to a series of ameliorative measures that it will undertake to abate the nuisance conditions that prevailed at this location in the past; and

WHEREAS, The premises, which are three floors of approximately 5,500 square feet, with an occupancy of approximately 390, will have the rope line to enter the venue located in an interior vestibule area (which will serve as the ‘well’ for patrons waiting to enter the main premises), and will include a casual first floor dining area (wine bar), cabaret on the second floor and third floor; and

WHEREAS, The applicant commissioned a detailed sound insulation plan from Acoustilog, Inc., and has submitted a copy of the report and recommendations regarding the premises and how to alleviate any problems from sound transmission of music from the inside to the sidewalk; and

WHEREAS, SCB Entertainment has agreed to a series of stipulations that specify the measures it will undertake to address and the complaints that have been voiced by the residents and Community Board Five during the last several years to include the following:

- Applicant will comply with the eight specific recommendations of its soundproofing consultant that deal with sound escaping from the club
- Applicant agrees to meet monthly with Community Board Five representatives during the first year of operation to discuss any quality-of-life issues that may arise
- Applicant agrees to implement the security requirements outlined in a special report to CB 5 that concern certification of personnel, the number of security guards and the duties of these guards
- Applicant’s security personnel will be deployed both inside and outside the premises. They will discourage loitering and unruly behavior and they will clean the sidewalk encourage taxis, limousines and other vehicles not to queue on the block and to move on after discharging or loading passengers
- Applicant will make reasonable efforts to employ people from the local community
- Applicant agrees to make available the cellular phone number of the general manager of the club for use by area residents that would like to voice complaints of an immediate nature; and

WHEREAS, The applicant has signed the stipulations and has agreed to include the stipulations as conditions in the SLA license itself; and,

WHEREAS, The applicant, Mr. Ballinger has over 25 years experience in managing nightlife venues and for 13 years has managed his family owned and operated “Webster Hall,” located on the lower east side of Manhattan, which has an exemplary reputation; and

WHEREAS, The applicant has assured the board that if promoters are used, total control of the operation of the premises will remain with the owner and that the club will stagger closing time starting earlier than the usual 4:00 a.m. in order to alleviate a heavy exodus onto the street at one time; and

WHEREAS, Based on the above-enumerated stipulations agreed to by the applicant and based on the applicant’s signed statement agreeing to the conditions; therefore be it

RESOLVED, That Community Boars Five approves the transfer of the liquor license from 251 Entertainment Corp, d/b/a “Downtime,” located at 251 West 30th Street, to SCB Entertainment LLC, with stipulations signed by the applicant as part the application to the State Liquor Authority.

After some discussion, the resolution passed with a vote of 32 in favor, 1 opposed, 1 abstention, as follows: **IN FAVOR:** Alling, Baida, Barbero, Bernstein, Bergman, Bledsoe, Block, Cook, Daly, Duff, Farris, Finkelstein, Gering, Goshow, Hatcher, Matz, Mendelson, Merker, Mills, Newman, Paley, Presser, Rabin, Reingold, Ress, Rockefeller, Seligson, Sesser, Siesko, Teitler, Williams, Zucker. **OPPOSED:** Landeche. **ABSTENTION:** Diamond.

● TRANSPORTATION/ENVIRONMENT ~ JOHN MILLS

Mr. Mills presented the following resolution:

Request by The Westin New York at Times Square for an extension to the hotel loading zone

WHEREAS, the Westin New York is located on the south side of 43rd Street between 7th and 8th Avenues and currently has a hotel loading zone of 50 feet for arriving guests; and

WHEREAS, the lack of a larger hotel loading zone is creating traffic problems on 43rd Street since buses, taxis, black cars and private vehicles do not have enough space to pull over to drop off and pick up hotel guests; and

WHEREAS, an expanded hotel loading zone would help alleviate traffic on 43rd Street by providing more space for vehicles picking up and dropping off hotel guests to pull over and not block traffic; and

WHEREAS, residents and businesses in the area have not raised any objections to an expanded hotel loading zone but have raised concern about buses, *taxis and black cars* for guests at the Westin New York parking in the *No Parking Zone* on the north side of the street and idling for great lengths of time; and

WHEREAS, buses are not supposed to idle for more than 3 minutes before turning off their engines; and

WHEREAS, the Westin New York has agreed to work toward having buses and other vehicles utilize the expanded loading zone and to stop idling for more than 3 minutes and to wait for guests in locations *other than the north side of 43rd Street*; therefore, be it

RESOLVED, that Community Board Five supports the expanded hotel loading zone to a total of 83 feet, in front of the Westin New York on the south side of 43rd Street between 7th and 8th Avenue; and be it further

RESOLVED, that Community Board Five encourages the Westin New York to work with the bus companies and New York Police Department Bureau of Traffic Enforcement to enforce the rule prohibiting buses from idling for more than 3 minutes.

After some discussion and typographical corrections and friendly amendments (Farris, Williams), the resolution passed with a vote of 30 in favor, 4 opposed, 1 abstention, as follows: **IN FAVOR:** Alling, Baida, Barbero, Bernstein, Bergman, Bledsoe, Block, Cook, Daly, Duff, Farris, Gering, Goshow, Hatcher, Landeche, Matz, Mendelson, Mills, Newman, Paley, Presser, Rabin, Reingold, Ress, Seligson, Sesser, Siesko, Teitler, Williams, Zucker. **OPPOSED:** Beer, Finkelstein, Merker, and Rockefeller. **ABSTENTION:** Diamond.

Mr. Mills then introduced the following resolution:

47th Street Business Improvement District's request for change in parking regulations, on the south side of West 47th Street, between 5th and 6th Avenues.

WHEREAS, current parking regulations on the south side of West 47th Street between 5th and 6th Avenue are No Standing from 7 a.m. to 2 p.m. and standing for loading and unloading from 2 pm to 7 p.m.; and

WHEREAS, the current regulations are not strictly enforced; and

WHEREAS, the 47th Street Business Improvement District has been looking for ways to improve traffic flow and safety for the businesses in the area; and

WHEREAS, the 47th Street Business Improvement District is asking for the parking rules on south side of West 47th Street between 5th and 6th Avenue be changed to permit commercial vehicles to load and unload between 7 a.m. and 10 a.m. and 2 p.m. and 7 p.m. only; and

WHEREAS, the Midtown North Police Precinct has expressed support for this proposal; therefore, be it

RESOLVED, that Community Board Five supports that the parking regulations on the south side of West 47th Street between 5th and 6th Avenue be changed to permit commercial vehicles to load and unload between 7 a.m. and 10 a.m. and 2 p.m. and 7 p.m. only; and be it further

RESOLVED, that Community Board Five encourages strict enforcement of the new parking rules.

The resolution passed with a vote of 33 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Alling, Baida, Barbero, Beer, Bergman, Bledsoe, Block, Cook, Daly, Duff, Farris, Finkelstein, Gering, Goshow, Hatcher, Landeche, Matz, Mendelson, Merker, Mills, Newman, Paley, Presser, Rabin, Reingold, Ress, Rockefeller, Seligson, Sesser, Siesko, Teitler, Williams, Zucker. **ABSTENTION:** Diamond.

Mr. Mills then introduced the following resolution:

Car Alarm

WHEREAS, the City of New York has determined that “the making, creation or maintenance of excessive and unreasonable noises within the city affects and is a menace to public health, comfort, convenience, safety, welfare and the prosperity of the people of the city” (Section 24-202 of the Administrative Code); and

WHEREAS, audible car alarms by their very nature are loud, and

WHEREAS, when surveyed, 91% of New Yorkers said car alarms had diminished their quality of life and 76% said that had interfered with their sleep; and

WHEREAS, audible car alarms are ineffective in curbing car theft; and

WHEREAS, there are inexpensive and effective alternatives to audible car alarms; therefore be it

RESOLVED, that Community Board Five supports and urges the City Council to pass and the Mayor to sign I. 81-2004 prohibiting the sale and installation of audible car alarms in New York City, and be it further

RESOLVED, that Community Board Five supports and urges the City Council to pass and the Mayor to sign I. 115-2004 prohibiting the operation of audible car alarms within the city, and be it further

RESOLVED, that Community Board Five supports and urges the City Council to pass R. 365-2004 calling upon the New York State Legislature to amend the State Insurance Law to provide insurance discounts only for silent anti-theft devices.

After some discussion, the resolution passed with a vote of 28 in favor, 5 opposed, 2 abstentions, as follows: **IN FAVOR:** Alling, Baida, Barbero, Bernstein, Bergman, Block, Cook, Duff, Farris, Finkelstein, Gering, Goshow, Hatcher, Landeche, Matz, Mendelson, Merker, Mills, Newman, Paley, Presser, Reingold, Rockefeller, Seligson, Sesser, Siesko, Teitler, Zucker. **OPPOSED:** Beer, Bledsoe, Daly, Ress, and Williams. **ABSTENTIONS:** Diamond, Rabin.

● **ASSEMBLY MEMBER RICHARD GOTTFRIED**

Assembly Member Richard Gottfried spoke on the Hudson Yards Rezoning and complimented the Land Use & Zoning Committee on their resolution, but hoped that final language would be stronger regarding the Stadium and lack of public process.

Vikki Barbero took over the Chair

● **LAND USE & ZONING ~ DAVID DIAMOND**

Mr. Diamond presented the following preamble and resolution for ULURP #'s 040499 ZMM and 040500 ZRM:

Hudson Yards Rezoning

The proposed Hudson Yards Redevelopment Project is extensive and complex, consisting of ten (10) separate ULURP actions. Most of the Plan involves land use and zoning changes located in the Community Board Four area, but there are three (3) specific ULURP items within the Community Board Five District. The implications of the Plan affect all of Manhattan and the entire City.

Community Board Five has broad concerns regarding the proposal, including but not limited to:

- The negative impact on traffic flow, parking, pollution and noise in the Community Board District, as well as in the Project Area and the lack of a comprehensive traffic management plan
- The construction of a multi-use facility, which would be used as a stadium for the Jets football team and other large scale events, and would be operated by The Jets, which may further exacerbate the negative impacts of traffic flow, parking, pollution and noise mentioned above, *as well as require an unprecedented taxpayer subsidy, require the MTA to give up one of its most valuable assets, potentially block access to the waterfront, and which will be approved through a process that evades public oversight and the approval of the City Council and State Legislature.*

- The lack on an overall and adequate plan to address low and middle income housing opportunities in the Project Area
- The effect of the disposition of land with existing residential and commercial buildings and the potential displacement of those current area residents and businesses
- The proposed structure of the governance board for a Hudson Yards Authority, with the Mayor selecting a majority of the appointees, which ~~may~~ would limit public input and comment
- Planned density strategies for the Project Area which are required for the financing of the project, but with no guarantees that the planned buildings will be built
- Development and access to the waterfront, parkland and public space for NYC residents and visitors
- The unlimited FAR allowed in some areas which could lead to development of an inappropriately large building as of right
- Financing to expand the #7 subway is reliant upon development in the rezoned area

Community Board Five addresses the three ULURP items pertaining to our district in the attached resolutions. Community Board Four, which is most directly affected by the proposal and which has been studying its potential impacts for several years, is in a better position to provide detailed responses to the overall plan and to the physical area covered by Board Four, including the seven (7) ULURP items solely within its district boundaries.

Please see the attached resolutions (2) addressing the ULURP items specifically affecting the areas located in the Community Board Five district.

Hudson Yards Zoning Proposal ULURP # 040499 ZMM and ULURP # 040500 ZRM

WHEREAS, ULURP # 040499 ZMM is an application from the Dept. of City Planning for zoning map changes in conjunction with the proposed Hudson Yards Zoning Development plan; and

WHEREAS, ULURP # 040500 ZRM is an application for the accompanying zoning text amendments to the above referenced zoning map changes; and

WHEREAS, the zoning map and text amendment changes seek to:

- Rezone the area of West Midtown
- Establish the Special Hudson Yards District
- Modify the Special Garment Center District
- Modify the Special Midtown District
- Eliminate the Special Jacob K Javits Convention Center District
- Modify the Special Clinton District, and

WHEREAS, Community Board Five recognizes overall the need for a west side redevelopment plan; and

WHEREAS, Community Board Five also recognizes the need for an expansion to the Jacob Javits Convention Center to increase its competitiveness and to accommodate the size and scope of modern trade shows and that such an expansion may have significant economic benefit to the City; and

WHEREAS, Community Board Five is concerned with the broad sweeping changes in the proposal that impact not only the Community Board Five area and the entire Borough of Manhattan, but most dominantly, the Community Board Four district; and

WHEREAS, specifically in the Community Board Five area the proposal seeks to:

- Extend the Special Midtown District from 100 feet to 250 feet west of Seventh Avenue
- Rezone 2 Penn Plaza from C6-4 and C6-2 to C6-6 to better reflect its actual built density
- Rezone the Madison Square Garden site from C6-2 to C6-4, which would result in a maximum potential FAR of 19.5 at the site

- Extend the C6-3X district from 100 feet east of Eighth Avenue to 150 feet east of Eighth Avenue thereby making an existing residential building a conforming use and allowing infill residential development on the adjacent parking lot
- Rezone the area of West 28th Street to West 31st Street, between Seventh and Eighth Avenues from M1-5 to M1-6 which would result in an FAR of 10 with bonuses available to a FAR of 12; and

WHEREAS, Community Board Five does not object to the proposed up-zoning of the Madison Square Garden site because development beyond 15 FAR would require public amenities including: sidewalk widening, 32,500 square feet of public space and significant improvements to the pedestrian and transit environment; and

WHEREAS, Community Board Five does not object to the extension of the special midtown district that encompasses the 2 Penn Plaza site, since the change would better reflect the actual built density of the building; and

WHEREAS, Community Board Five feels that the proposed rezoning of the three block area from 28th –31st Streets between Seventh and Eighth Avenues should be severed from the rest of the proposal and instead be dealt with in a separate action for the following reasons:

- I. This area is physically located outside of the majority of the Project Area, most of which is located west of 8th Avenue;
- II. The character of this area is significantly different from the rest of the Project Area and does not have a significant impact on the Project as a whole;
- III. Very little development is expected in this area, according to the Department of City Planning; and
- IV. The changes in zoning will not significantly alter the character of the area in the near future; and

WHEREAS, Community Board Five feels that the extension of the C6-3X district from 100 feet east of Eighth Avenue to 150 feet east of Eighth Avenue from 29th to 30th Streets to make an exiting residential building a conforming use and allow for infill residential development on a parking lot is inappropriate for the following reasons:

- I. This allows for residential uses on the same blocks that would restrict residential uses in the above proposed action; and
- II. This benefits an existing nonconforming use (the current residential building) and the owner of a parking lot exclusively; and
- III. Changing the zoning to allow this residential building is not fair to the other existing residential buildings located on these blocks whose zoning would not change to make them also conforming uses; therefore, be it

RESOLVED, that due to the above outlined concerns and due to the fact that the majority of the actions in the ULURP applications occur within Community Board Four, which will opine on those applications separately, Community Board Five **does not approve** ULURPs # 040499ZMM & # N040500ZRM; and be it further

RESOLVED, that Community Board Five requests that the portion of the application for 28th to 31st Streets, between Seventh and Eighth Avenues be removed from the Hudson Yards proposal and submitted as a separate application for Community Board Five's review at such a time that development in that area would be anticipated.

After much discussion and an explanation by Mr. Diamond of the preamble and resolution and friendly amendments (Finkelstein, Paley) (see italics and strikethrough), the preamble and resolution passed with a vote of 32 in favor, 1 opposed, 2 abstentions, as follows: **IN FAVOR:** Alling, Baida, Beer, Bernstein, Bergman, Bledsoe, Block, Cook, Daly, Duff, Farris, Finkelstein, Gering, Goshaw, Hatcher, Landeche, Matz, Merker, Mills, Newman, Paley, Presser, Rabin, Reingold, Ress, Rockefeller, Seligson, Sesser, Siesko, Teitler, Williams, Zucker. **OPPOSED:** Mendelson. **ABSTENTIONS:** Barbero, Diamond.

Mr. Diamond then presented the following resolution:

Hudson Yards Zoning Proposal: ULURP #C 040504 PQM, An application for the acquisition property and easements to facilitate the construction of a #7 subway line extension

WHEREAS, The New York City Department of City Planning has submitted an application for the acquisition of property and for construction easements to facilitate the construction of a #7 subway line extension in conjunction with the Hudson Yards Zoning Proposal; and

WHEREAS, the Metropolitan Transportation Authority is also seeking comments from Community Board Five in this matter; and

WHEREAS, all of the property acquisitions and the vast majority of the easements sought are within Community Board Four and they will also have an opportunity to review and make a recommendation on this application; and

WHEREAS, easements sought within Community Board Five are located at:

- 241 West 41st Street (Hilton Hotel)
- 620 Eighth Avenue (unbuilt site anticipated to be developed as the New York Times building)
- 640 Eighth Avenue (parking lot/unbuilt site anticipated to be developed); and

WHEREAS, the easements described above would be temporary subsurface easements, located 30-60 feet below grade and extend into the properties to a depth of 10-25 feet; and

WHEREAS, the easements are needed for reconstruction of an existing tunnel to facilitate construction of the #7 subway extension; therefore be it

RESOLVED, that Community Board Five **approves** ULURP application #C 040504 PQM for the *acquisition of the easements* to allow for the extension of the #7 subway line.

After some discussion and a friendly amendment (see italics), the resolution passed with a vote of 23 in favor, 9 opposed, 2 abstentions, as follows: **IN FAVOR:** Alling, Baida, Beer, Bernstein, Bergman, Block, Cook, Daly, Farris, Gering, Hatcher, Landeche, Merker, Mills, Newman, Presser, Rabin, Rockefeller, Sesser, Siesko, Teitler, Williams, Zucker. **OPPOSED:** Bledsoe, Duff, Finkelstein, Matz, Mendelson, Paley, Reingold, Ress, Seligson. **ABSTENTIONS:** Barbero, Diamond.

There was then a motion from the floor by Lola Finkelstein, seconded by Janelle Farris, as follows:

BE IT RESOLVED, that Community Board Five empowers the Chair or the Chair's representative, to vote on the additional Hudson Yards Rezoning Proposal ULURP items at the Borough Board, providing said vote does not contradict any other Board Five's position, in the event that the Board does not have an opportunity to further review the proposal before the Borough Board vote in September.

The motion passed with a vote of 28 in favor, 0 opposed, 4 abstentions, as follows: **IN FAVOR:** Baida, Beer, Bernstein, Bergman, Bledsoe, Block, Cook, Daly, Duff, Farris, Finkelstein, Gering, Goshow, Matz, Mendelson, Merker, Mills, Newman, Paley, Rabin, Reingold, Ress, Rockefeller, Seligson, Sesser, Siesko, Williams, Zucker. **ABSTENTIONS:** Barbero, Diamond, Landeche, Teitler.

Mr. Diamond then presented the following resolution:

APPLICATION BY 712 FIFTH AVENUE L.P. (OWNER) ON BEHALF OF HENRI BENDEL DEPARTMENT STORE (TENANT) FOR A MODIFICATION OF A RESTRICTIVE DECLARATION MADE IN CONNECTION WITH A PRIOR ZONING RESOLUTION SECTION 74-711 SPECIAL PERMIT

WHEREAS, the applicant, 712 Fifth Avenue, represents that building as well as 714 Fifth Avenue, since both buildings have been incorporated into on development; and

WHEREAS, in 1986, the Board of Estimate granted a Special Permit pursuant to ZR 74-711 for bulk and use modifications to permit construction of a 52-story mixed-use (subsequently modified to office use) tower on 56th Street west of Fifth Avenue, known as 712 Fifth Avenue, and

WHEREAS, the original building at 712 Fifth Avenue (the Rizzoli Building) and 714 Fifth Avenue (the Coty Building) are designated landmark structures, with 173 feet 10 inches of frontage on Fifth Avenue, and are currently occupied by Henri Bendel department store, and

WHEREAS, 714 Fifth Avenue contains decorative glass windows on the second through fifth floors designed by Rene Lalique, that are visible from the Atrium of 714 Fifth Avenue and from catwalks in front of the windows on each floor, and

WHEREAS, the Special Permit included a Restrictive Declaration requiring, inter alia, a 12 foot wide pedestrian passageway from the entrance of 714 Fifth Avenue, through the Atrium and central portion of the building to the lobby of the office tower, which was to be open to the public during daylight hours and not to be used for retail sales activity. The Restrictive Declaration further provided that an unobstructed path for viewing the Lalique windows be maintained on the second through fifth floors of the Atrium, and

WHEREAS, the Tenant has been using the pedestrian passageway and the viewing paths for retail display and sales activity, had received a violation issued by the Department of Buildings and has cured the violation but is not in compliance with the terms of the Restrictive Declaration, and

WHEREAS, the Owner proposes to modify the Restrictive Declaration to (a) permit retail sales activity in the pedestrian passageway, (b) establish an area for viewing the Lalique windows in the rear of the Atrium, (c) install interpretive displays in the Atrium and exterior and interior signage, (d) remove any retail displays that block the visibility of, and access to, the windows and (e) amend the hours for public access to be the same as Bendel's hours of operation, and

WHEREAS, improvement of public access to, and removal of blockages around, the Lalique windows will be a benefit to the community, and establishment of retail display and sales activity in the Atrium will provide uninterrupted retail frontage on Fifth Avenue, as required under the Zoning Code, therefore be it

RESOLVED, that Community Board Five **recommends approval** of the modification to the Restrictive Declaration.

After much discussion, the resolution failed with a vote of 6 in favor, 23 opposed, 1 abstention, as follows: **IN FAVOR:** Baida, Bernstein, Block, Gering, Goshow, Mills. **OPPOSED:** Barbero, Beer, Bergman, Bledsoe, Cook, Daly, Farris, Finkelstein, Landeche, Matz, Mendelson, Merker, Newman, Paley, Rabin, Reingold, Ress, Rockefeller, Seligson, Siesko, Teitler, Williams, Zucker. **ABSTENTION:** Diamond.

There was then a motion from Sharon Paley, seconded by Maxine Teitler, as follows:

Application for modification of a restrictive declaration made in connection with a prior zoning resolution section 74-711 special permit at 712-714 Fifth Avenue

WHEREAS, the applicant, 712 Fifth Avenue, represents that building as well as 714 Fifth Avenue, since both buildings have been incorporated into on development; and

WHEREAS, in 1986, the Board of Estimate granted a Special Permit pursuant to ZR 74-711 for bulk and use modifications to permit construction of a 52-story mixed-use (subsequently modified to office use) tower on 56th Street west of Fifth Avenue, known as 712 Fifth Avenue, and

WHEREAS, the original building at 712 Fifth Avenue (the Rizzoli Building) and 714 Fifth Avenue (the Coty Building) are designated landmark structures, with 173 feet 10 inches of frontage on Fifth Avenue, and are currently occupied by Henri Bendel department store, and

WHEREAS, 714 Fifth Avenue contains decorative glass windows on the second through fifth floors designed by Rene Lalique, that are visible from the Atrium of 714 Fifth Avenue and from catwalks in front of the windows on each floor, and

WHEREAS, the Special Permit included a Restrictive Declaration requiring, inter alia, a 12 foot wide pedestrian passageway from the entrance of 714 Fifth Avenue, through the Atrium and central portion of the building to the lobby of the office tower, which was to be open to the public during daylight hours and not to be used for retail sales activity. The Restrictive Declaration further provided that an unobstructed path for viewing the Lalique windows be maintained on the second through fifth floors of the Atrium, and

WHEREAS, the Tenant has been using the pedestrian passageway and the viewing paths for retail display and sales activity, had received a violation issued by the Department of Buildings and has cured the violation but is not in compliance with the terms of the Restrictive Declaration, and

WHEREAS, the Owner proposes to modify the Restrictive Declaration to (a) permit retail sales activity in the pedestrian passageway, (b) establish an area for viewing the Lalique windows in the rear of the Atrium, (c) install interpretive displays in the Atrium and exterior and interior signage, (d) remove any retail displays that block the visibility of, and access to, the windows and (e) amend the hours for public access to be the same as Bendel's hours of operation, and

WHEREAS, some elements of the proposal, such as the signage and interpretive displays, are not objectionable; and would aid public viewing and knowledge of the Lalique windows, and Community Board Five encourages their implementation, and

WHEREAS, public access for viewing the windows has been blocked, in contravention of the restrictive declaration and prior agreement with the Community Board; therefore be it

RESOLVED, that Community Board Five **recommends denial** of the modification to the Restrictive Declaration; and be it further

RESOLVED, that Community Board Five urges the Department of City Planning to enforce the existing Restrictive Declaration for 712-714 Fifth Avenue.

The resolution passed with a vote of 25 in favor, 3 opposed, 1 abstention, as follows: **IN FAVOR:** Barbero, Beer, Bergman, Bledsoe, Block, Cook, Daly, Farris, Finkelstein, Gering, Landeche, Matz, Mendelson, Merker, Newman, Paley, Rabin, Reingold, Ress, Rockefeller, Seligson, Siesko, Teitler, Williams, Zucker. **OPPOSED:** Baida, Goshow, Mills. **ABSTENTION:** Diamond.

Mr. Diamond resumed the chair.

● **LANDMARKS ~ JOYCE MATZ AND ERIC GERING**

Mr. Gering presented the following resolution:

Request for a newsstand at the N/E/C of Broadway, between 58th and 59th Streets in front of 1796 Broadway a.k.a 240 Central Park South

WHEREAS, Community Board Five has previously approved an application for a newsstand at the N/E/C of Broadway, between 58th and 59th Streets, and was not aware at that time that the site was directly in front of the Landmarked building at 240 Central Park South, and

WHEREAS, 240 Central Park South was built in 1940 by noted art deco Architects Mayer & Whittlesey and designated a New York City Landmark in 2002 by the Landmarks Preservation Commission with the strong support of Community Board Five, and

WHEREAS, 240 Central Park South is a significant and innovative complex that represents the transition between 1930's Art Deco style apartment towers with courtyards characteristic of Central Park West and Post World War II modernist apartment houses; and

WHEREAS, 240 Central Park South is composed of two residential towers that run from the corner of Central Park South, Columbus Circle and Broadway to 58th Street and Broadway, and

WHEREAS, the retail stores between 1796 through 1806 Broadway are presently being restored to their extra ordinary Art Décor appearance, a restoration recently approved by Community Board Five, and

WHEREAS, the proposed newsstand would be nine feet tall, 12 feet long and six feet deep, hiding from view the historic storefront facades and would be inappropriate in front of such an historic landmark, and

WHEREAS, the owners of this landmark are strongly opposed to having the newsstand in front of their building, which is now under-going an extensive restoration and rehabilitation program and where there has never before been a newsstand, and

WHEREAS, such a newsstand would not be harmonious with such a distinguished and historic building, a building which was also considered by Community Board Five to be eligible to be included in a proposed Central Park South Historic District and which the Board felt was of great architectural significance, and

WHEREAS, when previously considered, the Board was not aware that the proposed site was directly in front of this historic designated landmark, impacting on its significant architectural features; therefore be it

RESOLVED, that Community Board Five does not approve the application for a newsstand in front of 240 Central Park South (aka 1796 Broadway).

The resolution failed with a vote of 13 in favor, 14 opposed, 2 abstentions, as follows: **IN FAVOR:** Barbero, Bledsoe, Cook, Finkelstein, Gering, Goshow, Matz, Mendelson, Merker, Paley, Rockefeller, Siesko, Williams. **OPPOSED:** Baida, Beer, Bergman, Block, Daly, Farris, Landeche, Mills, Newman, Reingold, Ress, Seligson, Teitler, and Zucker. **ABSTENTIONS:** Diamond, Rabin.

No opposite resolution was proposed. Community Board Five has no position on this application.

Mr. Gering then presented the following bundled resolution (2):

12 East 16th Street (Ladies Mile Historic District), application to install new storefront infill and signage, and alter the areaway

WHEREAS, an application has been made to install new storefront infill signage and to alter the airway at 12 East 16th Street, constructed in 1847 and remodeled in the Queen Anne style in 1888 by Harding and Dinkelberg, and

WHEREAS, the building is five stories tall, slightly recessed from the street wall and includes two double-story wood frame bay windows flanking a central window, and

WHEREAS, the ground floor is comprised of a central building entrance substantially remodeled in the 1950's and two below-grade retail spaces. As originally constructed, both retail spaces had sunken areaways 21" below grade between the sidewalk and the storefront; one retail space has covered in the sunken areaway, and

WHEREAS, the Applicant, a skin care spa and product retailer, wishes to: (a) fill in the areaway; (b) rebuild the steps to the store entrance; (c) remove a portion of a railing installed in the 1950's; (d) remove a roll-down gate and replace the storefront infill; and (e) add a new sign band, two display boxes and a *spot-lit* wrought-iron projecting sign, and

WHEREAS, the new storefront will be comprised of a new three-panel wood sign band with profiles to match the existing, a below-grade door and two windows with wood mullions reflective of the building's bay window mullions, and two 4" deep non-illuminated flanking display boxes, and

WHEREAS, the Applicant proposes a 18" by 12" oval painted wood sign placed centrally and illuminated by lights on the facade, mounted on a wrought iron armature that will project 36" from the building façade and extend to the street wall, and

WHEREAS, although the Applicant did not provide any historical photographs of the building, the proposed storefront, fenestration and colors are compatible with the existing building, and

WHEREAS, although the Committee expressed concern that there would be excessive lettering on the sign band and that the projecting sign might be too prominent for the building, it is not inappropriate to the overall design; therefore be it

RESOLVED, that Community Board Five **recommends approval** of the Certificate of Appropriateness for 12 East 16th Street.

12 East 18th Street (btwn 5th and B'Way) in Ladies' Mile Historic District. Application to rectify violations issued by Landmarks Preservation Commission for non-conforming façade conditions.

WHEREAS, an application has been made to remove nonconforming façade conditions at 12 East 18th Street in response to violations received at the site; and

WHEREAS, the applicant met with Landmarks Preservation Commission staff and has agreed to remove the following non-conforming items:

1. banner and signage, and repair the brick to match;
2. pin-mounted, oversize metal lettering and replace them with smaller (12" high) pin-mounted lettering painted gold;
3. awning and replace with two new open-sided fixed canvas awnings with new 5" high lettering painted on the skirt;
4. black paint at stone piers using LPC approved methods;
5. door pull and replace with new decorative door pull; therefore be it

RESOLVED, that Community Board Five **recommends approval** of the application to remove the existing non-conforming conditions at 12 East 18th Street.

The bundled resolutions (2), passed with a vote of 27 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Baida, Barbero, Beer, Bergman, Bledsoe, Block, Cook, Daly, Farris, Finkelstein, Gering, Goshow, Landeche, Mendelson, Merker, Mills, Newman, Paley, Rabin, Reingold, Ress, Rockefeller, Seligson, Siesko, Teitler, Williams, Zucker. **ABSTENTION:** Diamond.

Mr. Gering then presented the following bundled resolutions (2):

9-11 East 19th Street (bet. 5th and B/way)(Ladies Mile Historic District), application to legalize the replacement of an exterior roll-down security gate, and the installation of two flagpoles and a banner, signage and lighting without Landmarks Preservation Commission permits.

WHEREAS, 9 – 11 East 19th Street in Ladies' Mile Historic District is a 20th century commercial style store and loft building built in 1914 and designed by John H. Duncan; and

WHEREAS, the application is to legalize the replacement of an exterior roll-down security gate, and the installation of two flagpoles and a banner, signage and lighting without Landmarks Preservation Commission permits; and

WHEREAS, the applicant has received violations for non-conforming conditions at the site; and

WHEREAS, the applicant met with Landmarks Preservation Commission staff and has agreed to remove the flagpoles, banner and light fixtures and to reconsider the signage; and

WHEREAS, the applicant has replaced a broken old exterior roll-down security gate with a new exterior roll-down security gate, which is not appropriate to the historic district; therefore be it

RESOLVED, that Community Board Five **recommends denial** of the application to legalize the replacement of an exterior roll-down security gate, and the installation of two flagpoles and a banner, signage and lighting without Landmarks Preservation Commission permits, unless the exterior roll-down security gate is removed.

10 West 18th Street, application to legalize the replacement of security roll-down, chain and open link gate, install open-ended fix canvas awning, replace mechanical motor box for gate, remove small roll down gate.

WHEREAS, an application has been filed to remove nonconforming façade conditions at 10 West 18th Street in response to violations received at the site; and

WHEREAS, the applicant met with Landmarks Preservation Commission staff and has agreed to remove the following non-conforming items:

banner, and repair the brick to match;

small roll-down security gate on side storefront window along with motor box for that gate; and

WHEREAS, the applicant did not agree to remove the existing non-conforming roll-down security gate at the main storefront window, but rather would attempt to hide it behind an open-sided fixed canvas awning, therefore be it

RESOLVED, that Community Board Five **recommends approval** of the application of the removal of the banner and small roll-down gate on the store front, **but does not recommend approval** of the legalization of the security roll-down, chained and open linked gate or the installation of a canvas awning to cover the gate housing.

After some discussion, the bundled resolution (2) passed with a vote of 26 in favor, 0 opposed 1 abstention, as follows: **IN FAVOR:** Baida, Barbero, Beer, Bergman, Block, Cook, Daly, Farris, Finkelstein, Gering, Goshow, Landeche, Mendelson, Merker, Mills, Newman, Paley, Rabin, Reingold, Ress, Rockefeller, Seligson, Siesko, Teitler, Williams, Zucker.
ABSTENTION: Diamond.

● **CITY SERVICES & BUDGET ~ DAVID SIESKO**

Mr. Siesko presented the following report on behalf of the committee:

DISTRICT NEEDS STATEMENT FISCAL YEAR 2006

INTRODUCTION

Manhattan Community Board Five represents the central business districts of New York City including midtown Manhattan. We also represent residential areas with diverse needs. Our district is the center of New York's tourism industry. Times Square, the Empire State Building and three of the regions transportation hubs; Grand Central Station, Penn Station, and the Port Authority Terminal, all fall within or lie on the border of CB5. The majority of New York City's more than 50 million visitors each year will walk our streets. We strive to accommodate the residents, businesses and tourists of our community.

Everyday our district faces extreme congestion. Both vehicular and pedestrian traffic is already at intolerable levels. It is critical to both the quality of life in our area, and the impression we make on the tourists who visit our city, that all city services focus on minimizing this congestion and its negative effects. Many of our needs are simple: improve traffic control, limit emissions from trucks and buses on our streets, enforce parking regulations throughout our district, improve pedestrian flow, enforce laws and regulations restricting street peddling, and consider limiting the size of trucks permitted in these congested areas.

Construction continues throughout our district. Midtown has seen record development and we anticipate additional growth in this heavily congested area. Residential and office towers are springing up on Sixth, Seventh and Eighth

Avenues. Concern for safety, cleanliness, and the effects of these projects on pedestrian and traffic flow still top our districts needs. We continue to push for increased inspection and fines as both an enforcement tool and a revenue source. Accident sites should be closely scrutinized but accident prevention should be a higher priority.

At the same time the libraries, parks, museums, and other institutions serving our area are vital to the cultural health of the City and our district's ability to maintain the tourism that is essential to our economic future. We must act as guardians of these institutions and vigorously defend them from neglect and the ravages of budget cutbacks.

Noise is by far the most frequent complaint that the Board receives from its constituents. We are encouraged that the Department of Environmental Protection has undertaken an extensive revision of the City's noise code. We look forward to a thoughtful review of the proposal and urge the city to consult with neighborhood based groups, block associations and other civic organizations before any final determinations are made.

Manhattan Community Board Five recognizes the need to provide safety and security to our citizens as a top priority for the City. We commend the heroic efforts of the Fire and Police departments. Terrorism continues to be a real threat in our district. The majority of the City's landmarks and tourist attractions are within our Board. We believe that all City Departments should focus on developing emergency information channels and a civil defense program.

We are privileged to have several Business Improvement Districts in our area and we feel they are successful in providing better services within their borders. We endorse the BIDs and the work they have been doing and are encouraged by the Mayor's willingness to allow increases in the BID budgets. However, the City should not reduce service in the BID areas in expectation of the BIDs covering the shortfall. BIDs should provide supplemental services to those already provided by the City and should not be used to reduce the cost of basic city services. Many areas within our district, which are not covered by the BIDs, are poorly maintained and unacceptably dirty. These areas should be provided with additional trash baskets, improved trash basket pickup, more frequent street cleaning and better sanitation enforcement.

HUMAN SERVICES (Dept of Homeless Services, Human Resources Administration and Dept. for the Aging)

There is an increased need for basic services for the homeless, affordable quality housing, preventive mental health services, childcare, foster care, drop-in-centers, outreach programs and improved shelter programs. We support monitoring and addressing the increasing demands brought about by changes in the welfare system – homelessness in particular remains a terrible problem citywide and especially in the CB5 area. Increased funding to serve this population is necessary.

Community Board Five strongly supports initiatives to reduce overhead and streamline the administration and delivery of social services, however, reductions in personnel in divisions responsible for child welfare, public assistance, medical assistance and adult services should not place a burden on the poor, needy and disadvantaged.

HOUSING PRESERVATION AND DEVELOPMENT

The construction, renovation and restoration of affordable housing must be expedited. We recommend that the various agencies responsible for housing integrate strategies. There is an urgent need in our City for the development of programs that can provide permanent, affordable housing more quickly and more efficiently than is done under currently existing programs.

Conditions still exist that endanger the health and safety of the City's residents and jeopardize the integrity of many buildings. Code enforcement inspectors should be increased. HPD's litigation bureau staff should be increased. We encourage HPD (along with DOB and Corporation Counsel) to vigorously pursue the collection of fines from repeat violators.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Community Board Five is encouraged that DEP has undertaken a comprehensive review of the City's noise code. We urge the Department to engage other relevant city agencies (like DOB for construction related noise and NYPD for commercial noise) and civic organizations in discussions regarding proposed changes. There should be an opportunity for full community participation as the proposal develops. Additional inspectors are needed to ensure compliance with the noise code.

Safety of our water supply and air quality monitoring is a stronger need today. With the wear and tear on the infrastructure even more acute, and the crush of pedestrians and vehicles on our streets, sewer and water main maintenance are of paramount importance. Water main breaks have caused extensive damage in our district resulting in the expenditure of tens of millions of dollars, the loss of business and major disruptions to residents' and visitors' lives. We ask that DEP support efforts to remove polluting and noisy tour bus from our streets.

DEPARTMENT OF TRANSPORTATION

A recent change in the law has transferred the responsibility for the condition of the City's sidewalks from the Dept. of Transportation to private building owners. The City should facilitate training for property owners to understand and assume this new responsibility and how to properly address sidewalk conditions. In some cases, owners may be unable or unwilling to make necessary repairs or improvements. The City's sidewalks should not be allowed to deteriorate. DOT should maintain oversight of sidewalk conditions.

Prompt repair of potholes, cracks, replacement of street signs and the painting of lane markings are essential and should not be delayed. All repairs must be complete and flush with existing pavement.

The muni-meter program has been well received in our district and we support expansion of this program, which has potential to reduce cost, improve enforcement and increase revenue.

Traffic

Traffic problems continue to plague our district. There is still a pressing need for more traffic and parking control agents and Police Officers. Any reduction in police enforcement should be matched by an increase in Traffic Control Officers. Laws against double parking, blocking intersections and blocking bus stops, should be vigorously enforced and ample staffing levels should be maintained to allow consistent parking enforcement throughout our district.

The City should undertake programs to discourage the use of private vehicles in Midtown. These programs should address the problems faced by emergency vehicles attempting to get through our crowded streets. The City should limit hours of operation and access to certain streets for large trucks in Midtown; this would reduce peak hour congestion and air pollution. Car-pooling restrictions should be reviewed and put back in place where appropriate to reduce congestion during peak periods.

Late Night Towing

Community Board Five has a continuing problem of noise and traffic caused by the proliferation of discos and nightclubs. The Traffic department's revenue producing "Hit Squad" of Traffic Enforcement Agents, who work at trouble spots during the hours of 11:00 p.m. to 4:00 a.m., should be continued. We also support nighttime towing and ticketing.

Bicycles

Unsafe bicyclists continue to present serious traffic problems. We need enforcement of traffic laws in regard to bicycles to protect both the bicyclists and pedestrians.

PARKS

Community Board Five places a high priority on the Parks in our district. We need our Parks to be clean and well maintained. Renovations must be carried out with input from the community and kept consistent with agreed-upon plans. Changes to an approved project must be brought back for community input, prior to implementation.

There is a need for additional active children's play space in CB5, specifically in Union Square Park. Both Union Square Park and Madison Square Park require full-time staff. Local business and community support should be fostered and used to help with park maintenance, but we disagree with placing management of parks in private hands.

POLICE

Because the Community Board Five district represents New York City to much of the world, we believe it is essential that this district be safe for its residents and visitors. Police effectiveness is determined by the officers who are available to make arrests or deter crime through their presence. Assigning officers to non-patrol administrative duties reduces police effectiveness and increases costs. We continue to press for further civilianization of administrative functions in the Police Department.

We urge that officer deployment be assigned by volume, not by precinct, so that large, busy precincts are not understaffed as compared to smaller, quieter precincts. We support the computerization of our precincts to increase efficiency at an expedited rate.

Community Board Five would like to see Cabaret units reinstated in all precincts. We also support the expansion of the Paid Detail Unit (PDU) program to include nightlife establishments with liquor licenses.

We are also concerned with the impact of street vending on pedestrian congestion and on commercial store operators. Recent changes in street vending laws have made enforcement difficult, at best. We urge the City to develop comprehensive training for Police Officers in the enforcement of regulations pertaining to street vending. Strong enforcement is critical to reduce sidewalk congestion and to protect legitimate merchants. We urge strict enforcement of laws regarding counterfeit goods.

We urge aggressive enforcement of laws regarding bicyclists and bike lanes; police bicycle officers should be increased to combat this problem.

There is a pressing need for an increase in the number of traffic control agents. Direction of traffic and traffic enforcement with particular emphasis on the problems of double parking and illegal standing must become a top priority throughout our district.

FIRE DEPARTMENT

As with the Police Department, emergency service systems must be integrated between all emergency responders. There is also need for improved training for personnel in the emergency (911) system. A media campaign is needed to alert the public to the importance of allowing emergency vehicles the right-of-way on our streets.

DEPARTMENT OF BUILDINGS

We encourage DOB to vigorously pursue the collection of fines from repeat violators through increased inspection, additional plan examiners, and reduction of self-certification. An increased emphasis on site safety and hazardous material enforcement is needed in our district.

We commend rule revisions that DOB has made. However, Community Board Five feels that a comprehensive overhaul of construction regulations is needed to bring the construction code up-to-date. Inspection and enforcement of work sites is critical to reduce collapse and scaffold failures in our district.

The Board also encourages aggressive enforcement against illegal signage, including signage on temporary scaffolding.

DEPARTMENT OF CITY PLANNING

With increased pedestrian usage in our district comes the need for more sidewalk area. At many hours of the day, Midtown sidewalks are overcrowded, creating a safety hazard. Coordination with the Department of Transportation and the Department of Buildings is needed to ensure that construction in crowded areas includes setbacks at the street level to allow for more sidewalk space.

The zoning and building regulations for new construction are outdated. They are inadequate for dealing with modern building usage and do not reflect the accommodations necessary for integration of new buildings into the Midtown environment. Security precautions and the use of "black cars" should be incorporated into land use designs.

Current regulations do not provide for any accommodation for the many small trucks and vans that clog our streets by double parking. Many large tenants employ fleets of car service vehicles, which line the streets waiting for their designated passengers. New buildings should be required to accommodate this usage with on-site facilities and a plan to minimize traffic disruption.

Pedestrian circulation requirements should be strengthened and expanded. All large new buildings (including so-called "as-of-right" developments) should undergo a discretionary review process designed to ensure that pedestrian and vehicle traffic will not be adversely affected by the new development. Included in this review should be a greater emphasis on the needs of persons with disabilities. Mid-block pedestrian passageways with appropriate safeguards should be a goal for every standard block in Midtown. Regulations to ensure that existing mid-block passageways remain open and visible to the public should be strictly enforced.

All buildings must be designed to accommodate present day recycling requirements including on-site accommodation for sorting, separation and storage as well as adequate off-street loading facilities. Loading facilities should accommodate trucks with 75-foot trailers and provide ample room to turn around inside the building so that trucks can both head in and head out for deliveries and pick-ups.

EDUCATION

The overall success of the City's schools has a great impact on our community and the lives of all New Yorkers. The inadequacy of the City's education system hinders the City's job development, economy and anti-crime efforts. Adequate funds for qualified teachers in all classrooms, after-school enhancement programs, E.S.L. initiatives, proper class size,

and tutoring at the primary level is necessary. Class size should be kept small enough to allow learning. Capital must be provided to ensure the renovation or replacement of decaying schools. A better system for controlling costs of school operations is critical. Graft and corruption must be routed out of our school construction programs. The Board opposes school vouchers, which allows city funds to be used to support private institutions. We feel a better solution would be to improve city schools so that vouchers would be unnecessary. We are also concerned with the rising cost of tuition within the City University of New York system. The City should aggressively seek funding from the state to supplement this vitally important education resource.

311 COMPLAINT CENTER

A centralized information and complaint center for New York City is an important tool for servicing our citizens and visitors. It makes sense to centralize complaints so that statistics can be mapped and patterns discerned. However, this information must be shared with the relevant Community Board so that we may continue our charter-mandated mission of identifying community needs, resolving community complaints and effectively represent our community and make recommendations on its behalf. We urge adoption of a policy to share statistical data as to what complaints in our district are being filed directly with the 311 system.

There should also be improved training of 311 personnel to ensure that complaints are properly routed to appropriate agencies.

CULTURAL AFFAIRS

We strongly favor increases in the City's cultural affairs budget, not just for the Cultural Institutions Group, but also the Program Groups, which represent hundreds of large, medium and small arts organizations in neighborhoods of the City. We urge the development of a comprehensive plan for the arts that will maximize the potential of these activities and their links to tourism and business. Efforts to support our cultural programs are critical in light of a continuing drop in attendance and lower private donations due to the economy.

MAYOR'S OFFICE OF MIDTOWN ENFORCEMENT

We find the Mayor's Office of Midtown Enforcement (OME) critical to a safe environment in all of the Midtown districts. OME does an invaluable job of controlling illegal activities in Manhattan from 14th to 59th Streets. The activities of personnel in this agency are also revenue generating and should not be cut.

DEPARTMENT OF CONSUMER AFFAIRS

Community Board Five continues to applaud the active role DCA has taken in streamlining licensing and improving enforcement. Funding constraints have reduced DCA's participation in the City's coordinated "M.A.R.C.H." (multi-agency response to community hotspots) program. We support increased funding to restore this collaborative inspection function.

ENVIRONMENTAL CONTROL BOARD

Community Board Five feels strongly that this Department needs to be carefully reviewed. More efficient handling of summons and complaints are critical to ensure that enforcement is taken seriously.

HEALTH (Health and Hospitals Corporation and Dept. of Health & Mental Hygiene)

The Board recognizes the tremendous efforts of the Health & Hospital Corporation to keep costs in line. In spite of that, HHC continually faces a deficit. In light of this known condition we feel that the City should look for permanent funding instead of stopgap measures previously used to address the HHC budget.

Being in the catchment area for Bellevue Hospital, the district depends on the Hospital for a wide range of services including emergency and outpatient care. The hospital should receive its fair share from the revenue it generates. Bellevue needs adequate funding and equipment to provide:

- Treatment for non-English speaking and hearing-impaired patients
- Care for the victims of violent assault
- Care for AIDS patients

- Continuation of the TB program
- Enhancement of AIDS/HIV services in psychiatry
- Prison health care improvements
- Increased pharmacy access
- Patient education/counseling
- Asthma treatment programs

We urge the Department of Health and Mental Hygiene to produce materials in multiple languages to recognize the number of non-English speaking residents and tourists in our city. We continue to urge caution in the use of potentially dangerous chemicals for mosquito control.

SANITATION

Community Board Five requires constant street sweep-up and basket trucks because of its high concentration of commercial activity, public areas, traffic congestion and escalating residential population. Streets in the non-BID sections of Midtown are unacceptably dirty. Trash baskets continue to overflow or are missing. More litter baskets will help keep the area cleaner as well. Damaged litter baskets should be replaced throughout the district. We believe that additional basket trucks and crews are necessary in the CB5 area.

Community Board Five continues to support recycling efforts. The Department of Sanitation should look for ways to make recycling more economically sound. Strict enforcement of pick-up rules must be imposed to prevent diversion of recyclables to illegal operators. Waste prevention should be vigorously pursued. The City should look for ways to reduce the proliferation of non-degradable packaging. The City should study practical uses of waste materials and vigorously pursue utilization of recycled materials by City agencies that will allow the Department of Sanitation to realize significant savings in the cost of waste pick-up and disposal and allow the reinstatement of full recycling.

“Clean-up bonds” should be required for parades as they are for street fairs. No use of public streets or parks should be permitted unless the City is guaranteed that there will be no additional cost of cleaning up.

Additional sanitation enforcement agents and sanitation officers are needed. Since enforcement positions are revenue producing, it is economically advantageous to increase their numbers. The lack of enforcement is a particular problem at our many construction sites.

Care should be taken to cover blocks or routes that are missed due to holidays or schedule challenges. These missed pickups must be promptly addressed and rescheduled.

YOUTH (Dept. of Youth and Community Development and Administration for Children Services)

Adequate funding for the Department of Youth and Community Development and the Administration for Children’s Services is necessary. We specifically ask for increased funding for programs serving children at risk.

LIBRARIES

The New York Public Library continues to need additional funding to meet the demand for increased materials and hours of service. We request expansion of the libraries website, additional technological training and on-line access to reference materials. With the increased technological services offered by the library, additional funds are needed for computer equipment, maintenance, support and public training. In addition, sufficient funding levels for library building maintenance and security are essential.

LANDMARKS

Community Board Five is home to many significant landmark buildings and several Historic Districts. We are requesting increased funding for inspections and strict enforcement. We believe all landmark violations should result in significant fines.

ECONOMIC DEVELOPMENT

New York sorely needs a marketing plan that will bring technical, service, and professional jobs while protecting our small manufacturing base that will afford employment opportunities to the thousands of unemployed New Yorkers. A cost/benefit analysis should be conducted before any subsidies or tax breaks are granted to retain or attract corporations to the City. Furthermore, a corporation that is granted a subsidy but which fails to fulfill its part of the contract should be

penalized. Training programs for welfare recipients moving to work are essential to integrating this group into the work force.

TIMES SQUARE

Additional resources should be made available in Times Square to ensure that traffic moves smoothly, construction sites are safe, pedestrian flow is unimpeded by barriers and dangerous or defective sidewalks and people can move through the streets safely. Community Board Five urges the City to adopt a moratorium on the erection of any new permanent impediments to pedestrian circulation (including but not limited to newsstands, kiosks, telephone booths, statuary, lighting poles, bollards, planters, sidewalk cafes and signposts and other street furniture) in the bow-tie area, between Broadway and Seventh Avenue, from 42nd to 48th Streets, except for such items designed to reduce congestion. We also support expanding pedestrian sidewalk space in the Times Square area.

Businesses that have frequent onlookers or waiting patrons standing on sidewalks and blocking pedestrian flow, should be required to present plans to the Community Board before they are allowed to use public space and amenities for their private commerce.

CLOSING

Community Board Five appreciates the opportunity to present this evaluation of our district needs for the fiscal year 2006.

After some discussion the FY 2006 District Needs Statement passed with a vote of 27 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Baida, Barbero, Beer, Bergman, Bledsoe, Block, Cook, Daly, Farris, Finkelstein, Gering, Goshow, Landeche, Mendelson, Merker, Mills, Newman, Paley, Rabin, Reingold, Ress, Rockefeller, Seligson, Siesko, Teitler, Williams, Zucker. **ABSTENTION:** Diamond.

There being no further business the meeting adjourned at 10:40 PM.

Respectfully submitted by

Maxine Teitler
Secretary