

Approved 6/10/04

THE BOROUGH OF MANHATTAN
C. VIRGINIA FIELDS, PRESIDENT
MANHATTAN COMMUNITY BOARD FIVE MINUTES
KYLE MERKER, CHAIR
THURSDAY, MAY 13, 2004

Minutes of the regular Community Board #5 meeting held on **Thursday, May 13th, 2004, at the Fashion Institute of Technology, 227 West 27th Street, "A" Building, 8th Floor, 6:00p.m.** Kyle Merker, Chair, presiding. The tapes of the full meeting are available in the Board Office.

Members Present

Scott Alling
Vikki Barbero
Nicholas Bergman
Muriel Bernstein
Angela Bledsoe
Judith Breidbart
James Collins
Candy Cook
William Daly
David Diamond
Janelle Farris
Lola Finkelstein
Eric Gering
Nancy Goshow
Brian Landeche
Jason Mendelson
Howard Mendes
Kyle Merker
John Mills
Sharon Paley
Carmel Reingold
Mickey Schwartz
Doreen Seligson
Joel Sesser
Rosalie Shields
Maxine Teitler
Bonnie Williams
Lawrence Zucker

Present Part

Philip Beer
Karen Newman

Absent

Aaron Block
Paul Connolly
Lorna Duff
Robyn Hatcher
Michael Presser
David Rabin
Connie Ress
Meile Rockefeller
Ana Vidal-Kaufman
Craig Wilson

Excused

Susan Baida
Joyce Matz
David Siesko
Sung Ae Song

Public Members

Jon Schachter

Public

Mark B. Fey
Bernadette Walsh
Howard Zipser
Michael Terzano

Nancy Charnee

Jack Martin
Heather Althoff
Raya Barat
Jay Dela Cruz
Pedro Matar
Martha Bear Dallis
R. Reyes Gavilau
Tim Tompkins
Patricia White
Lainie Cantrell
Mark Windt
M. Malid Alwari
James Kushner
Daniel McCarthy
Allison Cardona
Ronda Kaysen
Michael Lehner
Erin Davis
Marianne Vernetson
David H. Johnson
Lynn Gaffney
Gary Leeds
Frank Angelino
Andy Griggs
Morgan McLean
Tom Pollak
Jonathan Kuhn

Elected Officials

Lori Williams

Borough President C. Virginia Fields

Leah Kane

Congress Member Jerrold Nadler

Joe Soldevere

Congress Member Carolyn Maloney

Jordon Isenstadt

State Senator Liz Krueger

Jeremy Rye

Councilmember Christine Quinn

Joseph Puma

Councilmember Margarita Lopez

Staff

Kathy Kinsella

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, Kyle Merker presiding.

PUBLIC SESSION

Bernadette Walsh – Avenue of the Americas Association – spoke in opposition to the newsstand application for the S/W/C of 45th Street and 6th Avenue based on congestion at the location.

Michael Terzano – The Durst Organization – also spoke in opposition of the newsstand based on concerns that placement of the structure would compromise the security of 1155 Avenue of the Americas.

Howard Zipser – spoke in opposition to the newsstand at 45th Street and 6th Avenue and stated that the newsstand was unnecessary at that site.

Birju Patel on behalf of C.K. Mehta, applicant – asked the Board to support the application for a newsstand at the S/W/C of 45th Street and 6th Avenue.

Nancy Charnee – NY Public Library – introduced other members from the library and spoke briefly of the Library budget.

Tim Tompkins – Times Square Alliance – asked for the Board’s support on three items: (1) The redesign of Duffy Square; (2) Public Art program in Times Square (on Duffy Square); (3) The sidewalk expansion in Times Square Bowtie area.

Patricia R. White – spoke regarding parades and other street activities on 24th Street, and the garbage and littering on the street. She also spoke about a empty tree pits in the neighborhood.

Mark Windt – 1285 LLC – discussed the terrorism taskforce risk assessment they received from NYPD at the request of the Consents & Variances Committee.

Daniel McCarthy – disabled veteran vendor - described the proliferation of bollards and planters in midtown and their impact in displacing legal, permitted vendors in the area.

James Kushner – spoke of the impediments to vendors and that many of them are displayed by street furniture put out by buildings without proper city permits.

Eric Davis – resident of 35 east 20th Street and asked the Board to oppose the rooftop and rear yard addition application for 33 East 20th Street.

David A. Johnson – also opposed the application for rooftop and rear yard addition at 33 East 20th Street.

Lynn Garrney – Architect – asked the Board to support the application for a rooftop addition and rear yard at 33 East 20th Street and described the project as contextual to the area.

Gary Leews – spoke in opposition of the application for rooftop and rear yard addition at 33 East 20th Street.

Frank Angelino – Attorney for the project at 33 East 20th Street – spoke in favor of the application and asked the Board to support the committee’s resolution for an addition to the rooftop and rear yard.

BUSINESS SESSION

● CHAIR’S REPORT ~ *Kyle Merker*

Mr. Merker welcomed new members Scott Alling and Jason Mendelson and asked them to each say a few words.

Mr. Merker then announced that the Nominating Committee did not need to report since all positions are uncontested. He then announced the candidates as follows: Chair, David Diamond; 1st Vice Chair, Vikki Barbero; 2nd Vice Chair, Connie Ress; Secretary, Maxine Teitler; Assistant Secretary, Candy Cook; Treasurer, John Mills. He then asked for nominees from the floor. There were none and the nominations were closed.

Mr. Merker then spoke of attendance at committee meetings and that resolutions coming out of committees need to be on time and need to be in proper format.

● DISTRICT MANAGER’S REPORT ~ *Kathy Kinsella*

Ms. Kinsella welcomed new members and spoke of the public and board staff’s appreciation for the work the members do. She then asked Committee Chairs to be mindful of deadlines for resolutions coming into the office.

● VOTE ON MINUTES OF THE MAY, 2004 BOARD MEETING

The minutes passed with a vote of 28 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Alling, Barbero, Beer, Bernstein, Bergman, Breidbart, Collins, Cook, Daly, Diamond, Farris, Finkelstein, Gering, Goshow, Landeche, Mendelson, Mendes, Mills, Paley, Reingold, Schwartz, Seligson, Sesser, Shields, Teitler, Williams, Zucker. **ABSTENTION:** Merker.

COMMITTEE REPORTS

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

Mr. Schwartz presented the following bundled resolutions (2):

Newsstand Application # 1160575 – S/W/C of 45th Street and 6th Avenue

WHEREAS, An application has been made by Chhotalal K. Mehta for the operation of a newsstand at the S/W/C of West 45th Street and 6th Avenue; and

WHEREAS, There is heavy pedestrian congestion at this location; and

WHEREAS, Placement of a newsstand at this location would have a severe negative impact on pedestrian flow; therefore be it

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

Newsstand Application # 1160783 – I/F/O 8 East 48th Street, between 5th and Madison Avenue.

WHEREAS, An application has been made by Lalita C. Mehta for the operation of a newsstand in front of 8 East 48th Street, between Fifth and Madison Avenues; and

WHEREAS, There is heavy pedestrian congestion at this location; and

WHEREAS, Placement of a newsstand at this location would have a severe negative impact on pedestrian flow; therefore be it

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

The bundled resolutions (2) passed with a vote of 28 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Alling, Barbero, Beer, Bernstein, Bergman, Bledsoe, Breidbart, Collins, Cook, Daly, Diamond, Farris, Finkelstein, Gering, Goshow, Landeche, Mendelson, Mendes, Mills, Paley, Reingold, Schwartz, Seligson, Sesser, Shields, Teitler, Williams, Zucker. **ABSTENTION:** Merker.

Mr. Schwartz then introduced the following resolution:

License # 1164795 – MDS Management Corp, 338 8th Avenue

WHEREAS, MDS Management Corp. has filed an application for an unenclosed sidewalk café for 13 tables and 28 seats at 338 8th Avenue; 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 10 tables/22 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 MDS Management Corp., for an unenclosed sidewalk café at 338 8th Avenue for 10 tables/22 seats only.

The resolution passed with a vote of 27 in favor, 1 opposed, 1 abstention, as follows: **IN FAVOR:** Alling, Barbero, Beer, Bernstein, Bergman, Bledsoe, Breidbart, Collins, Cook, Daly, Diamond, Farris, Finkelstein, Gering, Goshow, Landeche, Mendelson, Mendes, Mills, Paley, Reingold, Schwartz, Seligson, Sesser, Shields, Teitler, Zucker. **OPPOSED:** Williams. **ABSTENTION:** Merker.

Mr. Schwartz then introduced the following resolution:

Request to name 55th Street, between Park and Madison Avenues “FRIARS WAY”

WHEREAS, There has been a request by the Friars Club to name 55th Street, between Park and Madison Avenues “FRIARS WAY”; and

WHEREAS, the Friars Club is a private club; and

WHEREAS, Community Board Five is concerned with the impact of additional street blades on the city landscape; and

WHEREAS, Community Board Five has traditionally opposed installations for private venues; therefore, be it

RESOLVED, That Community Board Five **does not support** the request for street naming of 55th Street, between Park and Madison Avenues “FRIARS WAY”.

After some discussion regarding the impact of additional street blades on city landscape and what type of entity should qualify, the resolution passed with a vote of 25 in favor, 4 opposed, 1 abstention, as follows: **IN FAVOR:** Alling, Barbero, Beer, Bergman, Bledsoe, Breidbart, Collins, Cook, Daly, Diamond, Farris, Gering, Goshow, Landeche, Mendelson, Mendes, Mills, Newman, Paley, Reingold, Seligson, Sesser, shields, Teitler, Williams. **OPPOSED:** Bernstein, Finkelstein, Schwartz, Zucker. **ABSTENTION:** Merker.

Mr. Schwartz then introduced the following resolution:

1285 Avenue of the Americas – application to install security bollards

WHEREAS, A request was made by 1285 LLC for the installation of security bollards at 1285 Avenue of the Americas; and

WHEREAS, the bollards will be granite, steel, reinforced concrete 2' - 3" in diameter; and

WHEREAS, a New York Police Department Counter Terrorism Division’s risk assessment report (see attached) rated the threat level for this site as low; and

WHEREAS, Community Board Five is concerned with the impact that the bollards would have on pedestrian traffic and the city landscape; therefore, be it

RESOLVED, That Community Board Five **recommends denial** of the application by 1285 LLC for installation of security bollards at 1285 Avenue of the Americas.

Mr. Schwartz explained that the Consents & Variances Committee wanted to meet with NYPD to discuss risk assessments without that discussion, the Committee does not feel it can fully review these types of applications. If the applicant wants to reapply at a later date, after the committee has met with NYPD, the Committee will revisit the application.

There were much discussion regarding the increasing amount of application to the Community Board for bollards and planters for security reasons. The resolution then passed with a vote of 24 in favor, 5 opposed, 1 abstention, as follows: **IN FAVOR:** Alling, Barbero, Beer, Bergman, Bledsoe, Breidbart, Collins, Cook, Daly, Diamond, Farris, Gering, Goshow, Mendelson, Mills, Paley, Reingold, Schwartz, Seligson, Sesser, Shields, Teitler, Williams, Zucker. **OPPOSED:** Bernstein, Finkelstein, Landeche, Mendes, Newman. **ABSTENTION:** Merker.

Mr. Merker announced Elected Official Representatives present.

● TRANSPORTATION/ENVIRONMENT ~ JOHN MILLS

Mr. Mills presented the following resolution:

Request to place a directional sign on the S/W/C of 53rd Street and 5th Avenue to read “The American Folk Art Museum”

WHEREAS, the American Folk Art Museum is requesting a directional sign on the west side Fifth Avenue at 53rd Street to aid visitors in locating the museum at its new location; and

WHEREAS, the American Folk Art Museum is an important cultural institution in Community Board Five and the City of New York; and

WHEREAS, many other museums and cultural icons in Community Board Five and the City of New York have such directional signs; therefore be it

RESOLVED, that Community Board Five supports the American Folk Art Museum’s request for a directional sign on the west side of Fifth Avenue at 53rd Street.

After much discussion, a motion was made by Williams and seconded by Shields to table the resolution. The motion to table passed with a vote of 28 in favor, 1 opposed, 1 abstention, as follows: **IN FAVOR:** Alling, Barbero, Beer, Bernstein, Bergman, Bledsoe, Breidbart, Collins, Cook, Daly, Diamond, Farris, Finkelstein, Gering, Landeche, Mendelson, Mendes, Mills, Newman, Paley, Reingold, Schwartz, Seligson, Sesser, Shields, Teitler, Williams, Zucker. **OPPOSED:** Goshow. **ABSTENTION:** Merker.

Mr. Mills then presented the following resolution:

Times Square Bowtie Sidewalk Widening Proposal

WHEREAS, pedestrian congestion in the Community Board Five area is of the utmost concern to Community Board Five; and

WHEREAS, the Times Square bowtie area suffers from extreme pedestrian congestion stemming from the recent construction of additional office space and increased tourism in the area; and

WHEREAS, pedestrian counts in the Times Square area have increased by 200% since 1982; and

WHEREAS, a December 2003 study of pedestrian traffic by the Times Square Alliance in front of Toys R’ Us during peak hours showed more than 16,000 people on the sidewalk in a one hour period; and

WHEREAS, this extreme pedestrian congestion in Times Square forces people to walk in the street creating a dangerous situation for pedestrians and drivers; and

WHEREAS, the Times Square Alliance has financed studies to examine pedestrian and vehicular traffic in the Times Square Bow Tie; and

WHEREAS, current vehicular traffic patterns in the bow tie area make it difficult to expand existing sidewalk space; and

WHEREAS, the Times Square Alliance has a proposal that has been submitted to the Department of Transportation to reconfigure traffic in the bow tie area; and

WHEREAS, due to the current configuration of Times Square, there is extra width in the vehicular traffic lanes beyond the minimum width required; and

WHEREAS, Times Square Alliance’s proposal is to capture the extra width for the creation of additional pedestrian space for the *sidewalks and* center medians, so that the center medians would become a contiguous pedestrian path that goes through Times Square; and

WHEREAS, sidewalk vendors have an impact on pedestrian traffic flow and the Board is concerned that additional sidewalk space may become a destination for vendors and has brought this concern to the Times Square Alliance for its consideration; and

WHEREAS, additional pedestrian sidewalk space would help eliminate the current, severe congestion in the Times Square bowtie area; therefore be it

RESOLVED, that Community Board Five supports the efforts of the Times Square Alliance to find creative solutions to the existing severe pedestrian congestion in Times Square; and be it further

RESOLVED, that Community Board Five supports the narrowing of vehicular lanes to allow the extension of pedestrian space in the bowtie area; and be it further

RESOLVED, that Community Board Five requests that the Dept. of Transportation explore the possibility of capturing additional space for pedestrian use by examining changes to the traffic pattern in the Times Square bow tie area.

After much discussions and friendly amendments (Shields and Teitler) (see italics) on whether more sidewalk space create more space for vendors, and how would a change in traffic patterns affect hotels and businesses in Times Square, the resolution passed with a vote of 28 in favor, 1 opposed, 1 abstention, as follows: **IN FAVOR:** Barbero, Beer, Bernstein, Bergman, Bledsoe, Breidbart, Collins, Cook, Daly, Diamond, Farris, Finkelstein, Gering, Goshow, Landeche, Mendelson, Mendes, Mills, Newman, Paley, Reingold, Schwartz, Seligson, Sesser, Shields, Teitler, Williams, Zucker. **OPPOSED:** Alling. **ABSTENTION:** Merker.

● **PARKS ~ PHIL BEER**

Mr. Beer presented the following resolution:

Proposed changes to Duffy Square and the TKTS Structure

WHEREAS, The Times Square Alliance, the Theater Development Fund and the Coalition for Father Duffy have developed a plan to revitalize Father Duffy Square; and

WHEREAS, the current space is ordinary, unattractive and insufficient; and

WHEREAS, The TKTS booth generates millions of dollars for theater and Times Square attracts millions of tourists – and as such, both are crucial economic engines for New York City; and

WHEREAS, the “Fighting 69th” and war veterans deserve an iconic, high-profile memorial; and

WHEREAS, Times Square has no central gathering place for tourists and observers, resulting in added sidewalk congestion; and

WHEREAS, The proposed redesign of Duffy Square would create more usable plaza space, a new TKTS ticket office, an iconic “floating amphitheatre”, and more access to the Father Duffy statue; and

WHEREAS, the plaza would be enlarged from 8,000 square feet to approximately 14-17,000 square feet of usable space; and

WHEREAS, this expansion would greatly improve queuing issues for TKTS; and

WHEREAS, the subway grate would be “broken up” to create more usable space; and

WHEREAS, In-ground lighting fixtures would be installed to rid the area of street furnishings; and

WHEREAS, the redesign also includes a ramp up to the Father Duffy statue to increase handicap accessibility; and

WHEREAS, A planting area, which can be removed during special events, will be installed around the George Cohan statue; and

WHEREAS, Above the TKTS booth a “floating amphitheater” of wide lit, red glass stairs will be installed, which will become an icon for Times Square and a backdrop for Father Duffy’s statue; and

WHEREAS, The new TKTS booth will have more ticketing windows, greater handicap accessibility, a lowered booth for ease of use, more flexibility and greater ability to incorporate new technology; and

WHEREAS, The TKTS booth would have a glass skin that would glow, which will flow with the design of the glass stairs, but be a completely separate structure from the stairs; and

WHEREAS, the plan uses a pre-fab strategy to minimize on-site construction time; and

WHEREAS, this construction ideally would take place from January through March, when the booth and Square is the least busy; and

WHEREAS, \$3 million has already been raised for the project, out of a projected \$7.5 to \$8.5 million necessary; and

WHEREAS, this money will be raised from a combination of public and private donors; and

WHEREAS, this project presents a unique opportunity to create an international icon in Times Square and set a standard for other streetscape improvements; therefore be it

RESOLVED, Community Board Five strongly supports the proposed redesign of Duffy Square as developed by the Times Square Alliance, the Theater Development Fund and the Coalition for Father Duffy; and be it further

RESOLVED, Community Board Five urges the Department of Transportation to expand the perimeters of Duffy Square as much as possible without adversely affecting vehicular traffic, in an effort to maximize the usable space in the Square.

After some discussion regarding additional windows in TKTS booth to address the line and what agencies are involved in approval process (Parks, DOT, Arts Commission), and wheelchair accessible seating (at street level), and whether there will be covering for inclement weather, the resolution passed with a vote of 27 in favor, 0 opposed, 1 abstention, 1 present not entitled to vote, as follows: **IN FAVOR:** Alling, Barbero, Beer, Bergman, Bledsoe, Breidbart, Collins, Cook, Daly, Diamond, Finkelstein, Gering, Goshow, Landeche, Mendelson, Mendes, Mills, Newman, Paley, Reingold, Schwartz, Seligson, Sesser, Shields, Teitler, Williams, Zucker. **ABSTENTION:** Merker. **PRESENT NOT ENTITLED TO VOTE:** Farris.

Mr. Beer then introduced the following resolution:

Duffy Square Public Art Project

WHEREAS, The Times Square Alliance, in conjunction with Creative Time, has proposed a public art installation in Duffy Square from late June until Labor Day 2004; and

WHEREAS, this art installation is part of the centennial celebration of Times Square; and

WHEREAS, Two art pieces would be installed in Duffy Square along with several others on private property; and

WHEREAS, The first of the pieces is Nina Katchadourian's "Office Semaphore", which calls for the installation of a telescopic viewfinder on the south end of Duffy Square (at the base of the George Cohan statue); and

WHEREAS, This viewfinder, which is 57 inches high and 30 inches in diameter, would be fixed on a single view of a surrounding office building; and

WHEREAS, The occupant of the office on whose window the viewfinder is set, would arrange ordinary office objects in the window to communicate messages, a "dictionary" of the objects meanings will be welded to the column of the viewfinder for the viewer to look up the translation of the object-phrase; and

WHEREAS, the second piece is a "Media Outpost" which would house a collection of small, alternative media to contrast the advertising in Times Square; and

WHEREAS, the outpost will be located at the north end of the Duffy Square planter; and

WHEREAS, The media outpost would be 10 feet by 16 feet and built from recycled materials which will distort views of the Square and muffle street noise; and

WHEREAS, No drilling is necessary to secure the media outpost to the ground; and

WHEREAS, the media outpost will be completely closed at night; and

WHEREAS, these art pieces are only temporary and should not interfere with queuing for TKTS or pedestrian flow; and

WHEREAS, the art installation will be fully staffed; and

WHEREAS, Creative Time has a reputation for developing successful art projects in Times Square and around New York City, including Haikus on 42nd Street and the beacons of light at the World Trade Center site; therefore be it

RESOLVED, Community Board Five **recommends approval** of a temporary art installation in Duffy Square during the summer of 2004.

After some discussion regarding the impact the art installation would have on space and pedestrian flow in the area, the resolution passed with a vote of 18 in favor, 10 opposed, 1 abstention, 1 present not entitled to vote, as follows: **IN FAVOR:** Barbero, Beer, Bernstein, Bergman, Breidbart, Collins, Cook, Daly, Gering, Goshow, Landeche, Mendelson, Mills, Newman, Paley, Schwartz, Seligson, Teitler. **OPPOSED:** Alling, Bledsoe, Diamond, Finkelstein, Mendes, Reingold, Sesser, Shields, Williams, Zucker. **ABSTENTION:** Merker. **PRESENT NOT ENTITLED TO VOTE:** Farris.

At this point in the meeting, David Diamond took over the chair.

Mr. Beer then introduced the following resolution:

Big Apple Barbecue in Madison Square Park

WHEREAS, Big Apple BBQ has applied for a special event permit for Madison Square Park for Saturday June 12 and Sunday June 13, 2004, and

WHEREAS, Community Board 5 has previously approved a street activity permit application for Big Apple BBQ to hold this event on these dates on 26th St. between 5th Avenue and Madison Avenue, and

WHEREAS, Big Apple BBQ would like to reduce potential congestion on the street by selling tickets from the park, have more expansive space for jazz bands to perform and a place for pit masters to give seminars, and

WHEREAS, the applicant has agreed to minimize the use of the park for this event and will limit tent use (e.g. VIP, beer, merchandise), and there will be no seating/tables in the park, and

WHEREAS, the set-up, maintenance, event and clean-up will begin at 9 a.m. and end no later than 7 p.m., and

WHEREAS, there will be minimal signage on the jazz stage of one 6'x8' banner of one of the sponsors (American Express, Jet Blue, Anheuser Busch) and music until 6pm, and

WHEREAS, the event will benefit Madison Square Park Conservancy and VH1- Save the music (*the Board requests that the proceeds to Save the Music be used for NYC School programs*); therefore be it

RESOLVED, that Community Board Five **recommends approval** of a permit to Big Apple BBQ for a BBQ event in Madison Square Park for June 12 and 13, 2004.

After some discussion and a friendly amendment by Teitler (see italics) the resolution passed with a vote of 23 in favor, 3 opposed, 3 abstention, 1 present not entitled to vote, as follows: **IN FAVOR:** Alling, Barbero, Beer, Bernstein, Bergman, Bledsoe, Breidbart, Collins, Connolly, Cook, Daly, Farris, Finkelstein, Gering, Mendelson, Mills, Newman, Paley, Reingold, Schwartz, Seligson, Sesser, Shields, Zucker. **OPPOSED:** Landeche, Mendes, Williams. **ABSTENTION:** Diamond, Merker. **PRESENT NOT ENTITLED TO VOTE:** Goshow.

At this point in the meeting Kyle Merker resumed the chair.

Mr. Beer then presented the following resolution:

Madison Square Park Conservancy art program exhibition

WHEREAS, the City of New York Parks & Recreation Department and Madison Square Park Conservancy have requested the approval of a temporary art project for Madison Square park from June through end of October 2004; and

WHEREAS, the proposed installation will consist of three sculptures by Mark di Suvero, specific locations as follows:

- Eastern edge of oval
- Southern end- gravel area
- North reflecting pool; and

WHEREAS, the sculptures will be made of heavy, metal materials and will be grounded by fielding hole structures, thereby making the sculptures stable and immobile; and

WHEREAS, the City of New York Parks & Recreation Department will require Mark di Suvero to restore the fielding holes upon completion of the project; and

WHEREAS, installation of the project will abide by the rules of the Department of Parks & Recreation; therefore, be it

RESOLVED, that Community Board Five **recommends approval** of Mark di Suvero's temporary public art project from June through end of October 2004.

The resolution passed with a vote of 29 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Alling, Barbero, Beer, Bernstein, Bergman, Bledsoe, Breidbart, Collins, Cook, Daly, Diamond, Farris, Finkelstein, Gering, Goshow, Landeche, Mendelson, Mendes, Mills, Newman, Paley, Reingold, Schwartz, Seligson, Sesser, Shields, Teitler, Williams, Zucker. **ABSTENTION:** Merker.

Mr. Beer then presented the following bundled resolutions (4):

The American Kennel Club, application to hold responsible dog ownership celebration in Madison Square Park

WHEREAS, the City of New York Parks & Recreation Department and Madison Square Park Conservancy have requested WHEREAS, American Kennel Club has applied for a special events permit for Saturday September 18, 2004, and

WHEREAS, the set-up, maintenance, event and clean-up will begin at 9 a.m. and end no later than 5 p.m., and

WHEREAS, AKC will have demonstrations and contests for dog obedience and good citizenship while promoting owner responsibility, and

WHEREAS, a mobile vet truck will be on 5th Avenue providing free microchipping, and

WHEREAS, there will be tables promoting local pet-friendly businesses, dog clubs and tips, and

WHEREAS, the event will be located along the west side of the park near the dog run and graveled area with an anticipated 200 attendees; and

RESOLVED, that Community Board Five recommends the granting of a permit to American Kennel Club for a responsible dog ownership event in Madison Square Park for September 18, 2004.

TAA-NY, application to hold Taiwan Festival in Union Square Park

WHEREAS, The TAA-NY has applied for a special event permit to hold a cultural event in Union Square Park on May 16, 2004; and

WHEREAS, the event would be held at the paved, northern end of the park from 11:00 a.m. until 6:00 p.m.; and

WHEREAS, Set-up will begin at 7:00 a.m. and clean-up will end by 8:00 p.m.; and

WHEREAS, the applicant expects approximately 5,000 participants and 5,000 spectators throughout the course of the day; and

WHEREAS, the event will include arts and crafts exhibits, games, and free food in celebration of May as Asian American Heritage Month; and

WHEREAS, the event will include staged musical and cultural performances which will not run continuously; and

WHEREAS, the applicant will obtain a sound permit from the Police Department; and

WHEREAS, Sound levels will be monitored by the Park Manager; and

WHEREAS, this event has been held previously without complaints; and

WHEREAS, the applicant is working with NYC/Parks & Recreation to coordinate the event; and

WHEREAS, Unlike a large number of cultural special events in Community Board Five's district, this event will not obstruct pedestrian or vehicular traffic as it is contained completely on parkland; and

WHEREAS, the applicant has agreed to leave the park cleaner than it was found; therefore be it

RESOLVED, Community Board Five **recommends approval** of a special event permit for the TAA-NY to hold a cultural festival on May 16, 2004 in Union Square Park.

ASPCA, application to hold adoption event in Bryant Park

WHEREAS, the ASPCA has applied for a special events permit to hold an adoption event in Bryant Park on the 3rd Thursday of each month from May to October, 2004; and

WHEREAS, the ASPCA received permits for similar events held in 2003; and

WHEREAS, The set-up, maintenance and cleanup of the applicant's adoption van and two tables will begin at 3:30 P.M. and end no later than 8:30 P.M., and

WHEREAS, the ASPCA has provided rehabilitation and adoption services for hundreds of dogs and cats, and

WHEREAS, a limited amount of written material in the form of adoption information will be available, and

WHEREAS, the ASPCA acknowledges the ongoing concerns of NYC/Parks & Recreation about keeping the flow of pedestrian traffic unimpeded throughout the parks and its sidewalks, therefore, be it

RESOLVED, that Community Board Five **recommends approval** of a permit for the ASPCA to hold pet adoptions on the 3rd Thursday of each month from May to October 2004 in Bryant Park.

23rd Street Association, Inc., application to hold music festival in Madison Square Park

WHEREAS, the 23rd Street Association, Inc. has made application to conduct a daytime concert program in Madison Square Park, and

WHEREAS, the proposed program will take place in the southern end, fountain area of Madison Square Park on Thursdays from June 10 to August 19; and

WHEREAS, the event will take place from 12:30 to 2:30 pm with set-up beginning at 10:00 am and clean-up ending no later than 3:30 pm; and

WHEREAS, the program events will consist of musical performances featuring 2 to 10 performers per event (10-50 different performers over the 3 month course) and the target audience is intended to be adults and families who live and work in the vicinity of the park; and

WHEREAS, there will be no charge for admission to any of the events during the course of the program, and there will be no vendors, nor merchandise available for sale; and

WHEREAS, Community Board 5 has concerns regarding the potential vending of food items in conjunction with applications for events in Madison Square Park. The Board has been consistent in turning down the sale of food in Madison Square Park in conjunction with any special event; and

WHEREAS, the applicant is aware of the concerns of area residents regarding amplified sound at such events and has agreed that any sound amplification required will adhere to the parameters of the permit to be obtained from the NYPD so as to minimize the impact on the surrounding neighborhood; and

WHEREAS, Police Officers from the 13th Precinct will be present to provide security during each program event; and

WHEREAS, the 23rd Street Association has been conducting similar entertainment annually over the last 9 years (this would be their 10th year); therefore, be it

RESOLVED, that Community Board Five **recommends approval** of the 23rd Street Association Inc.'s application to conduct a daytime concert program on successive Thursdays from June 10 to August 19 in Madison Square Park, on the condition that there be no sale of food associated with this event, within the Park.

The bundled resolutions (4) passed with a vote of 29 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Alling, Barbero, Beer, Bernstein, Bergman, Bledsoe, Breidbart, Collins, Cook, Daly, Diamond, Farris, Finkelstein, Gering, Goshow, Landeche, Mendelson, Mendes, Mills, Newman, Paley, Reingold, Schwartz, Seligson, Sesser, Shields, Teitler, Williams, Zucker. **ABSTENTION:** Merker.

Mr. Beer then introduced the following resolution:

Pam Bristow, LLC, application to hold a promotional event in Madison Square Park

WHEREAS, Pam Bristow LLC, representing Target stores, has applied for a special event permit to sell air-conditioners from the back of two 40-foot trucks parked at Madison Square Park; and

WHEREAS, the proposal is to help the community by pricing the units at \$85 each and provide hand-trucks to facilitate the purchasers moving them; and

WHEREAS, the sale would last from June 15 to July 15 from 12 – 6PM daily, with a staff of 8 – 10 sales persons; and

WHEREAS, the nature of the sale is commercial and would be better suited in a non-park venue, therefore be it

RESOLVED, that Community Board Five **recommends denial** of a special event permit to sell air-conditioners at Madison Square Park.

After some discussion, the resolution passed with a vote of 30 in favor, 0 opposed, 0 abstention, with the Chair Merker intentionally to indicate unanimous vote, as follows: **IN FAVOR:** Alling, Barbero, Beer, Bernstein, Bergman, Bledsoe, Breidbart, Collins, Cook, Daly, Diamond, Farris, Finkelstein, Gering, Goshow, Landeche, Mendelson, Mendes, Merker, Mills, Newman, Paley, Reingold, Schwartz, Seligson, Sesser, Shields, Teitler, Williams, Zucker.

● **JOINT LANDMARKS AND PARKS ~ JOYCE MATZ, ERIC GERING AND PHIL BEER**

Ms. Sharon Friedman presented the following resolution on behalf of the Joint Committee:

Bryant Park, application to alter the perimeter wall and fence and to install a bronze statue

WHEREAS, The NYC Parks Department, the government of Mexico and Bryant Park Restoration Corporation propose to place an original statue of Mexican President Benito Juarez in Bryant Park; and

WHEREAS, the sculpture would be placed on the outer perimeter of the park along Avenue of the Americas between 41st and 42nd Streets; and

WHEREAS, New York City has a 50-year program of placing sculptures representing Latin American leaders along Avenue of the Americas; and

WHEREAS, as part of this program, a statue of Jose Bonifacio de Andrada is located in Bryant Park along Avenue of the Americas between 40th and 41st Streets; and

WHEREAS, The Juarez sculpture would be placed equidistant from the center of the park, as the Andrada statue is, thereby creating symmetry along the western view of the park; and

WHEREAS, A bay in the park fence will be created to house the Juarez statue, the same as the one around the Andrada statue; and

WHEREAS, the bronze sculpture is nearly six feet tall and 2.3 by 2 feet at its base; and

WHEREAS, The Juarez statue will be placed on a base so that its height is the same as that of the Andrada statue; and

WHEREAS, the park will landscape evergreens around Juarez to disguise the base; and

WHEREAS, General information on Benito Juarez will be carved into the band of stone along the top of the park wall; and

WHEREAS, these changes will not take away any historic material from the park; and

WHEREAS, The statue of Juarez, by the renowned Mexican sculptor Moises Cabrera Orozco, is a gift to the people of New York City from the state of Oaxaca, Mexico; and

WHEREAS, The Mexican community is the fastest growing population in New York City and the third largest Latin community in the City, but the country currently has no representation along Avenue of the Americas; and

WHEREAS, Benito Juarez is often regarded as Mexico's greatest and most beloved leader; therefore be it

RESOLVED, Community Board Five **recommends approval** of the placement of a statue of Benito Juarez by Moises Cabrera Orozco in Bryant Park along Avenue of the Americas between 41st and 42nd Streets; be it further

RESOLVED, Community Board Five recommends the Juarez sculpture be placed on a granite base, which replicates that of the Andrada sculpture, so as to further create symmetry in the park view.

The resolution passed with a vote of 29 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Alling, Barbero, Beer, Bernstein, Bergman, Bledsoe, Breidbart, Collins, Cook, Daly, Diamond, Farris, Finkelstein, Gering, Goshow, Landeche, Mendelson, Mendes, Mills, Newman, Paley, Reingold, Schwartz, Seligson, Sesser, Shields, Teitler, Williams, Zucker.
ABSTENTION: Merker.

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

Mr. Gering presented the following bundled resolutions (4):

95 Fifth Avenue (Ladies Mile Historic District), application to construct a rooftop addition

WHEREAS, 95 Fifth Avenue is a 12-story Beaux-Arts style loft building, designed by Henry Corn and built in 1899-1900; and

WHEREAS, the building is located at the corner of 17th Street and Fifth Avenue in the Ladies Mile Historic District, is zoned C6-4M and is a mixed retail, commercial and residential use building; and

WHEREAS, the owner proposes to construct a rooftop addition, to increase the height of the elevator bulkhead, to remove an existing water tower and to add a balustrade; and

WHEREAS, the rooftop addition and elevator bulkhead will be minimally visible from the street; and

WHEREAS, the existing water tower is not currently visible from the street; and

WHEREAS, the proposed balustrade is consistent with the style of the building and the Historic District; therefore be it

RESOLVED, that Community Board Five **recommends approval** of the application to construct a rooftop addition at 95 Fifth Avenue.

1466 Broadway a.k.a. 146 West 42nd Street (Knickerbocker Hotel), application to install new storefront infill, canopies, awnings, a vertical sign on the building's façade, flagpoles, and signage.

WHEREAS, the application is for a Certificate of Appropriateness for new storefront infill, canopy, awnings, flagpoles and signage at 1466 Broadway, aka 146 West 42nd Street, The Knickerbocker Hotel; and

WHEREAS, the building is a beaux-arts style hotel built in 1902–1906, designed by Marvin & Davis with Bruce Price and is designated as an individual landmark; and

WHEREAS, the applicant proposes:

To remove non-original storefront materials on the first floor along West 42nd Street and install new storefront designs more in keeping with the building's other existing storefronts; and

To install an entrance canopy to match the existing building canopy on Broadway; and

To install five retractable awnings on the modified five bays of storefront in a design that is sensitive to the building facade; and

The addition of two flagpoles that will fly the American flag and will not be used for advertising; and

The addition of internally illuminated signage on one of the storefront bays at the second floor of acceptable size and location; therefore be it

RESOLVED, that Community Board Five **recommends approval** of the application to install new storefront infill, canopy, awnings, flagpoles and signage at 1466 Broadway, aka 146 West 42nd Street, The Knickerbocker Hotel.

240 Central Park South, application to replace existing original and modified steel casement windows and to develop a master plan for the consistent location of window air conditioners.

WHEREAS, 240 Central Park South was constructed in 1939-40 by the architectural firm Mayer & Whittelsey, and designated as an individual landmark in 2002 (approximately), and

WHEREAS, many of the original steel casement windows have been replaced or altered to accommodate air conditioning units, and the Applicant wishes to replace all the existing steel casement windows with new aluminum double glazed windows and provide for consistent locations for air conditioning units, and

WHEREAS, such new windows will match, as nearly as possible, the original configuration, color and profile of the original windows, and

WHEREAS, the original storefronts facing Broadway and Central Park South had a continuous upper band of Carrera glass, brass banding above and below the windows and internally illuminated signage, but most have been altered from their original condition, and

WHEREAS, the Applicant wishes to restore the Carrera glass, brass banding and illuminated signage on the storefronts facing Broadway, and to replace the Carrera glass but not the brass banding on the storefronts facing Central Park South, and

WHEREAS, the Applicant proposes extensive restoration of damaged exterior masonry, and

WHEREAS, the Applicant proposes to replace a parapet fence located on the roof above the storefronts facing Broadway with a new steel tube railing matching the original parapet railing, and

WHEREAS, the Board strongly encourages the Applicant to include replacement of the brass banding on the storefronts facing Central Park in the master plan, therefore be it

RESOLVED, that Community Board Five **recommends approval** of the Certificate of Appropriateness.

928 Broadway (Ladies Mile Historic District), application to install new storefront infill

WHEREAS, the applicant is applying for a Certificate of Appropriateness to replace the current stainless steel storefront that is inappropriate in the Ladies' Mile Historic District; and

WHEREAS, the storefront will be replaced with a painted metal tripartite store front, spanning the first two floors, replicating the traditional Ladies' Mile retail design; and

WHEREAS, the second floor will have fixed windows with transoms above them; and

WHEREAS, there will be no exposed air-conditioning units, or security gates; and

WHEREAS, a non-illuminated bracket sign to advertise the forthcoming restaurant will be added; and

WHEREAS, the redesign will restore the facade to the traditional historic Ladies' Mile design in all details; therefore, be it

RESOLVED, Manhattan Community Board Five **recommends approval** of the application for a Certificate of Appropriateness for a new storefront infill at 928 Broadway.

The bundled resolutions (4) passed with a vote of 29 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Alling, Barbero, Beer, Bernstein, Bergman, Bledsoe, Breidbart, Collins, Cook, Daly, Diamond, Farris, Finkelstein, Gering, Goshow, Landeche, Mendelson, Mendes, Mills, Newman, Paley, Reingold, Schwartz, Seligson, Sesser, Shields, Teitler, Williams, Zucker. **ABSTENTIONS:** Merker.

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

186 Fifth Avenue (Ladies Mile Historic District), application to alter storefront infill installed without Landmarks Preservation Commission permit(s)

WHEREAS, the applicant is requesting a Certificate of Appropriateness for 186 Fifth Avenue, to alter storefront infill, which was installed without Landmarks Preservation Commission permits; and

WHEREAS, the applicant was invited, yet failed to attend Community Board Five's Landmarks' Committee meeting to present the proposal for review; and

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

RESOLVED, that Community Board Five **recommends denial** of the application for 186 Fifth Avenue and requests an opportunity to review the application.

134 Fifth Avenue (Ladies Mile Historic District), application to install new storefront infill

WHEREAS, the applicant is requesting a Certificate of Appropriateness for 134 Fifth Avenue, to install new storefront infill; and

WHEREAS, the applicant was invited, yet failed to attend Community Board Five's Landmarks' Committee meeting to present the proposal for review; and

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

RESOLVED, that Community Board Five **recommends denial** of the application for 134 Fifth Avenue and requests an opportunity to review the application.

The bundled resolution passed with a vote of 29 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Alling, Barbero, Beer, Bernstein, Bergman, Bledsoe, Breidbart, Collins, Cook, Daly, Diamond, Farris, Finkelstein, Gering, Goshow, Landeche, Mendelson, Mendes, Mills, Newman, Paley, Reingold, Schwartz, Seligson, Sesser, Shields, Teitler, Williams, Zucker. **ABSTENTION:** Merker.

Mr. Gering then introduced the following resolution:

33 East 20th Street, application to construct rooftop and rear yard additions and to alter storefront infill

WHEREAS, the owner of 33 East 20th Street, an 1847 Greek Revival style rowhouse, is applying for a Certificate of Appropriateness to construct rooftop and rear yard additions and to alter storefront infill; and

WHEREAS, the only change to the storefront is that the main window will be split in two, and the renovation will otherwise match the original design; and

WHEREAS, Community Board Five had concerns that the proposed windows could pivot open out the street; and

WHEREAS, the applicant has agreed that the new storefront windows will be fixed and will match the original storefront windows; and

WHEREAS, the mechanical equipment on the roof and rooftop addition will be a red brick that matches the existing brick and will be minimally visible from the street; and

WHEREAS, although the rooftop additions are visible from the back of the building (because there is a parking lot in back); and

WHEREAS, the proposed changes are in keeping with the character with other buildings on the block; therefore be it

RESOLVED, that Community Board Five **recommends approval** of the application for a Certificate of Appropriateness for 33 East 20th Street on the condition that the new storefront windows remain fixed and not open.

After some discussion and a friendly amendment (see italics) regarding the windows being fixed and matching the original storefront windows, the resolution passed with a vote of 20 in favor, 8 opposed, 2 abstention, as follows: **IN FAVOR:** Alling, Bernstein, Bergman, Bledsoe, Collins, Cook, Daly, Diamond, Farris, Gering, Landeche, Mills, Newman, Reingold, Schwartz, Seligson, Sesser, Shields, Williams, Zucker. **OPPOSED:** Barbero, Beer, Breidbart, Finkelstein, Goshow, Mendes, Paley, Teitler. **ABSTENTIONS:** Mendelson, Merker.

Mr. Gering then introduced the following resolution:

30 West 18th Street, a.k.a. 31 West 17th Street (Ladies Mile Historic District), application to construct a new building

WHEREAS, The application is for a Certificate of Appropriateness to construct a new building at 30 West 18th Street, a.k.a 31 West 17th Street, within the Ladies Mile Historic District; and

WHEREAS, the property is currently a vacant lot, zoned M1-6M; and

WHEREAS, The applicant proposes to construct a residential building in anticipation of either C6-4A rezoning in the area (which this Community Board opposed) or through a special permit request application, which, if filed, would be reviewed by this board; and

WHEREAS, Neighborhood residents have expressed concern regarding use of the site for a residential building, and

WHEREAS, The applicant proposes a 75-foot wide structure of contextual height on the 18th Street side and a 25-foot wide structure of contextual height on the 17th Street side; and

WHEREAS, the residential building will contain double glazed windows for sound insulation; and

WHEREAS, The applicant proposes a mix of buff and colored brick materials, deeply recessed window enframements for shadow effect, subtly colored aluminum windows, subtly colored steel trim, projecting steel and glass canopies in a modern style that does not conflict with the Ladies Mile Historic District; and

WHEREAS, There was considerable discussion regarding the façade, detailing and rhythm of the building design; and

WHEREAS, the applicant has made a thorough and sensitive study of the architectural nature of the area; and

WHEREAS, the building design is consistent with the nature of the historic district; and

WHEREAS, approval of the landmark application in no way implies approval of the land use of the building and does not detract from Community Board Five's opposition to proposed rezoning that would allow as of right residential development in the Ladies Mile Historic District; and

WHEREAS, Community Board Five has already commented on the rezoning application (see attached); therefore be it

RESOLVED, That Community Board Five recommends approval of the Certificate of Appropriateness for the design of the building only and is not commenting on the land use at this time; and be it further

RESOLVED, that if a use variance is required, the applicant will bring that application to the board for comment on the requested land use at the time of the application.

After much discussion and friendly amendments by Landeche and Barbero (see italics), the resolution passed with a vote of 25 in favor, 2 opposed, 1 abstention, as follows: **IN FAVOR:** Alling, Barbero, Bergman, Bledsoe, Breidbart, Collins, Cook, Daly, Diamond, Farris, Finkelstein, Gering, Goshow, Landeche, Mendelson, Mills, Newman, Paley, Schwartz, Seligson, Sesser, Shields, Teitler, Williams, Zucker. **OPPOSED:** Mendes, Reingold. **ABSTENTION:** Merker.

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

240-242 West 52nd Street

Ms. Barbero asked the Board to authorize a negative resolution for 240-242 West 52nd Street if the board does not receive a letter of postponement by 9:00a.m. Monday. If the letter is in the office by the agreed upon time then the resolution will become void. The motion was so moved by Lola Finkelstein and voted 27 in favor, 0 opposed, 1 abstention, as followed: **IN FAVOR:** Alling, Barbero, Bergman, Bledsoe, Breidbart, Collins, Cook, Daly, Diamond, Farris, Finkelstein, Gering, Goshow, Landeche, Mendelson, Mendes, Mills, Newman, Paley, Reingold, Schwartz, Seligson, Sesser, Shields, Teitler, Williams, Zucker. **ABSTENTION:** Merker.

Ms. Barbero then introduced Maxine Teitler who presented the following resolution:

16 West 21st Street (formerly “Bloom” Florist) – d/b/a “Felena” Liquor License Application

WHEREAS, the applicants, Greg Brier and Allison Greenfield, are applying for an on-premises liquor license for the premises located at 16 West 21st Street (formerly “Bloom” Florist); and

WHEREAS, the premises are 1,980 square feet on the ground floor with a 300 square foot mezzanine, and the proposed operation is for a full service restaurant and bar, serving breakfast, lunch and dinner, with a capacity of approximately 150 people, closing at 2:00 a.m. (kitchen open until 2:00 a.m., as well); and

WHEREAS, this block falls within the only moratorium on liquor licenses Community Board Five has within its boundaries, i.e., 20th, 21st, and 22nd Streets, between 5th and 6th Avenues; and

WHEREAS, there are 23 liquor license establishments within 500 feet of this establishment causing residents, property owners and businesses to suffer from extreme noise, vehicular congestion, belligerent crowds, litter, traffic problems, pedestrian concentration, as well as vandalism, incidents of violence and general disorder that accompany such a high density of liquor license establishments; and

WHEREAS, residents attending Community Board Five’s Public Safety/Quality of Life Committee meeting on May 10, 2004, voiced opposition to and their concern regarding the addition of yet another liquor license in this already saturated neighborhood that has become increasingly more and more residential in the last decade; and

WHEREAS, the quality of life and public safety of the residents, business owners, and employees of this area have deteriorated to a dire level, and the profusion of businesses selling alcoholic beverages has overwhelmed this neighborhood; and

WHEREAS, the problems associated with this profusion of liquor licenses indicate that any additional liquor licenses in this area would clearly not be for “public convenience and advantage” nor would it be in the “public interest;” therefore be it

RESOLVED, that although the applicants and their background are not at issue, Community Board Five recommends that the State Liquor Authority deny a liquor license for 16 West 21st Street, d/b/a “Felena,” due to the negative impact yet another liquor license establishment will have on this already saturated block.

The resolution passed with a vote of 27 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Alling, Barbero, Bergman, Bledsoe, Breidbart, Collins, Cook, Daly, Diamond, Farris, Finkelstein, Gering, Goshow, Landeche, Mendelson, Mendes, Mills, Newman, Paley, Reingold, Schwartz, Seligson, Sesser, Shields, Teitler, Williams, Zucker. **ABSTENTION:** Merker.

Ms. Barbero then presented the following resolution:

109 East 56th Street LLC d/b/a Etoile, application for a liquor license renewal at 109 East 56th Street.

WHEREAS, The applicant, 109 East 56th Street LLC, d/b/a “Etoile” has applied to renew the liquor licenses for the premises located at 109 East 56th Street; and

WHEREAS, On March 11, 1997, the applicant came before Community Board Five’s Public Safety/Quality of Life Committee and presented the proposed operation as an upscale, white tablecloth, French restaurant (see attached resolution); and

WHEREAS, Based on this information, Community Board Five recommended approval of the liquor license to the New York State Liquor Authority (SLA); and

WHEREAS, The application to the SLA, approved May 15, 1997, under Section G, headed "Proposed Method of Operation," the establishment:

- is listed as "Restaurant"
- will have no dancing
- will have no live music but may use a piano
- will have no need for security personnel
- will operate from 12 p.m. to 12 a.m.; and

WHEREAS, This operation is on the ground floor and lower level of the "Lombardy" Hotel that operates as a hotel and houses permanent residents as well; and

WHEREAS, Community Board Five has had complaints regarding the operation of this establishment in that it is in conflict with the original "Method of Operation" that was presented to the Community Board and was entered into the application to the New York State Liquor Authority; and

WHEREAS, This establishment

- is now being operated as a club (dancing)
- uses promoters
- has loud music
- employs security personnel
- is open until 4:00 a.m.; and

WHEREAS, There are now lease violations since the lease for the premises prohibits the use of anything other than an upscale restaurant (including privately catered corporate and family events); and

WHEREAS, The hotel has received numerous complaints from both permanent residents and from its "hotel" clientele, many of whom have stated that due to the above complaints they "will not return to the hotel;" and

WHEREAS, The nature of the complaints include:

- Noise, fights, vomiting, and defecating in the area surrounding the club
- Pedestrian traffic: sidewalk congestion making passage difficult and uncomfortable
- Vehicular traffic: radios blasting and horns honking, creating noise through the early morning hours and congestion is so bad that traffic is negatively affected and emergency vehicles are unable to traverse the block
- Patron injuries inside as well as outside the premises
- Reports and arrests made by the police i.e., disorderly conduct, personal injury suffered by patrons served by other patrons who were "overserved", i.e., hitting patron over the head with bottle
- Various incidents of acts of violence, i.e., patron threw large object through glass door; and

WHEREAS, To no avail, attorneys representing the hotel have been working on returning this operation back to the original intended operation (upscale restaurant); and

WHEREAS, As is the customary procedure, the Public Safety/Quality of Life Committee, by mail and by phone, requested the owner, Mr. John Scotto, to attend the committee meeting on Monday evening, May 10, 2004 to address the aforementioned complaints and problems, however, Mr. Scotto did not attend nor was anyone sent to represent him or the establishment; and

WHEREAS, Community Board Five is not adverse to a liquor license(s) on these premises for the operation of an upscale restaurant which was the original intent; therefore be it

RESOLVED, Community Board Five opposes the renewal of the liquor licenses for 109 East 56th Street, LLC, because the current use of the premises is detrimental to the hotel, its guests and residents as well as the neighborhood; and be it further

RESOLVED, ~~Community Board Five is not adverse to a liquor license(s) on these premises for the operation of an upscale restaurant which was the original intent, however, the board is~~ **Community Board Five is also opposed to any renewal of said license(s) for 109 East 56th Street, LLC as the operation of the premises is in conflict with the information presented to the community board and the information entered into the SLA application as the “Method of Operation;” and be it further**

RESOLVED, That based on the foregoing, Community Board Five urges the New York State Liquor Authority to revoke the liquor licenses for 109 East 56th Street, LLC, d/b/a as “Etoile.”

After some discussion and a friendly amendment by Landeche (see italics and strikethrough), the resolution passed with a vote of 26 in favor, 0 opposed, 1 abstention, 1 present not entitled to vote, as follows: **IN FAVOR:** Alling, Barbero, Bergman, Bledsoe, Breidbart, Collins, Cook, Daly, Diamond, Farris, Gering, Goshow, Landeche, Mendelson, Mendes, Mills, Newman, Paley, Reingold, Schwartz, Seligson, Sesser, Shields, Teitler, Williams, Zucker. **ABSTENTION:** Merker. **PRESENT NOT ENTITLED TO VOTE:** Finkelstein.

Ms. Barbero then presented the following resolution:

Boundaries of Service Districts

WHEREAS, the service boundary between the 10th and 13th Police Precincts is Seventh Avenue, while the Community District boundary between Community Board Four and Community Board Five is Sixth Avenue for the streets between 14th Street and 26th Street; and

WHEREAS, There is popular demand by Chelsea residents for the realignment of the police precinct boundary between the 10th and the 13th Police Precincts to reflect land use changes from non-residential uses to residential uses, the evolution of self-defined neighborhoods, and community district boundaries; and

WHEREAS, local residents have expressed that they feel the physical conditions and quality of life issues on the blocks between Sixth and Seventh Avenues from 14th to 26th Streets are similar to those west of Seventh Avenue; and

WHEREAS, Chapter 69 of the New York City Charter encourages conterminous community districts and service districts within the City; and

WHEREAS, section 2704 of Chapter 69 specifically lists police patrol services among those that should be coterminous with community district boundaries unless there is a determination that “such co-terminality would be inconsistent with the most effective delivery of such services”; and

WHEREAS, Over the years, Community Board Four has consistently advocated for the modification of precinct lines such that Sixth Avenue would serve as the boundary between the 10th and the 13th Police Precincts, as well as the boundary between community districts; and

WHEREAS, under the previous administration, the NYPD agreed to examine the feasibility of realigning precinct boundaries as requested by Board Four, elected officials and community groups, but has never reported its findings; and

WHEREAS, there is a history of support on the part of Community Board Five for realigning precinct lines as requested by Community Board Four; therefore be it

RESOLVED, That Community Board Five supports Community Board Four in its request that the Mayor’s Office and the Police Department assess the potential for realigning the boundary between the 10th and the 13th Police Precincts from Seventh Avenue to Sixth Avenue.

After some discussion the resolution passed with a vote of 27 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Alling, Barbero, Bergman, Bledsoe, Breidbart, Collins, Cook, Daly, Diamond, Farris, Finkelstein, Gering, Goshow, Landeche, Mendelson, Mendes, Mills, Newman, Paley, Reingold, Schwartz, Seligson, Sesser, Shields, Teitler, Williams, Zucker. **ABSTENTION:** Merker.

There being no further business the meeting adjourned at 10:07 PM.

Respectfully submitted by

Maxine Teitler, Acting Secretary