

Approved 4/8/04

THE BOROUGH OF MANHATTAN
C. VIRGINIA FIELDS, PRESIDENT
MANHATTAN COMMUNITY BOARD FIVE MINUTES
KYLE MERKER, CHAIR
THURSDAY, MARCH 11, 2004

Minutes of the regular Community Board #5 meeting held on **Thursday, March 11th, 2004, at the Fashion Institute of Technology, 227 West 27th Street, "D" Building, Katie Murphy Amphitheatre, 6:00p.m.** Kyle Merker, Chair, presiding. The tapes of the full meeting are available in the Board Office.

Members Present

Alice Adesman
Vikki Barbero
Phillip Beer
Muriel Bernstein
Nicholas Bergman
Aaron Block
Judith Breidbart
James Collins
Paul Connolly
William Daly
David Diamond
Lorna Duff
Suzanne Esper
Janelle Farris
Lola Finkelstein
Eric Gering
Brian Landeche
Howard Mendes
Kyle Merker
John Mills
Michael Presser
Carmel Reingold
Miele Rockefeller
Maxine Teitler
Bonnie Williams

Present Part

Susan Baida

Nancy Goshow
Karen Newman
David Rabin
Mickey Schwartz
David Siesko

Absent

Kevin Guillet
Robyn Hatcher
Lenise Logan
Sharon Paley
Connie Ress
Doreen Seligson
Joel Sesser
Rosalie Shields
Ana Vidal-Kaufman
Brad Wilson
Craig Wilson
Lawrence Zucker

Excused

Angela Bledsoe
Candy Cook
Joyce Matz

Public Members

Jon Schachter
Jack Taylor

Public

Ernest Ogden
Michael Martone
Michele Golden
Richard Gavilan
Barbara Hair
Caroline Lohmann
Amy V. Kaufman
John Herrold
Nancy Charnee
Janet Checkman
Gurtz Abar
Margery Perlmutter
Morgan McLean

Elected Officials

Lori Williams
Borough President C. Virginia Fields
Jordon Isenstadt
Senator Liz Krueger

Joe Soldevene

Congress Member Carolyn Maloney

Leah Kane

Congress Member Jerold Nadler

Maria Guzman

Assembly Member Richard Gottfried

Jeremy Rye

Councilmember Christine Quinn

Rafael Escano

NYC Comptroller Office

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, Kyle Merker presiding.

PUBLIC SESSION

Michele Golden – Flatiron Alliance – objected to the Greenwich Village Chelsea Chamber of Commerce Street Fair application before the Board and asked that the Board not support this application. She suggested that other streets be considered due to the nature of the block and nearby congestion.

Ernest Ogden – DOE Fund. – informed the Board that this was a street cleaning program in New York City that has expanded into Community Board Five area. The DOE Fund is also available for private clean up.

Christian Paro – NYC Parks & Recreation – introduced himself as the new District Manager for Parks in the Community Board Five area.

Vikki Barbero – Member of Community Board Five – announced the March for Women Lives on Sunday, April 25, 2004. She explained that this was a pro-choice march on Washington DC and distributed flyers.

Suzanne Esper – Member of Community Board Five – announced that she would not be reapplying to the Board and this would be her last meeting. She commended the Board and said that she would miss everyone.

BUSINESS SESSION

● CHAIR’S REPORT ~ *Kyle Merker*

Mr. Merker informed the Board that two members have decided not to renew their membership; Kevin Guillet and Suzanne Esper, due to work commitments. He then announced that Brad Wilson has resigned also due to work commitments.

He then informed the Board that due to the resignation of these members, there are vacancies for Treasurer and Secretary. He then suggested that because Community Board Five’s election cycle starts next month, the vacancies can be filled then. Until then Maxine Teitler will fulfill the role of Secretary.

Additionally, the City Services & Budget Committee Chair will need to be filled. He then informed that Arts, Culture & Tourism Committee will be disbanded and all members will be reassigned to another committee. Mr. Merker then thanked all the members who did renew their membership.

Mr. Merker then announced the upcoming March 22nd BID meeting.

Mr. Merker then spoke of the proposed rezoning of part of the Ladies’ Mile Historic District from M1 to C6 to allow As of Right residential development. That matter will come before the Board in April.

Mr. Merker then informed the Board that Florence Van Peavey a Public Member for many years, passed away. He gave a brief history of her time on the Board, and her many activities in women’s groups around the country. She died at the age of 98.

● DISTRICT MANAGER’S REPORT ~ *Kathy Kinsella*

Ms. Kinsella informed the Board that she attended and testified at the hearing sponsored by the Department of Information Technology and Telecommunications regarding the proposed amendment to the rules regarding pay telephones.

She then announced an affordable housing opportunity at 8th Avenue. Flyers with details were available on the table.

● VOTE ON MINUTES OF THE FEBRUARY 11, 2004 BOARD MEETING

The minutes passed with a vote of 25 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Beer, Bernstein, Bergman, Block, Breidbart Collins, Connolly, Daly, Diamond, Duff, Esper, Farris, Finkelstein, Gering, Landeche, Mendes, Presser, Reingold, Rockefeller, Schwartz, Siesko, Teitler, Williams. **ABSTENTION:** Merker.

COMMITTEE REPORTS

● HUMAN SERVICES & YOUTH ~ *PAUL CONNOLLY AND SHARON FRIEDMAN*

Mr. Connolly presented the following resolution:

“Downed Animal” Protection Bill – S5735

WHEREAS, Non-ambulatory or “downed” animals are any domestic animal raised for commercial or subsistence purposes that are unable to stand or walk without assistance; and

WHEREAS, In December 2003, mad cow disease was found in a downed cow; and

WHEREAS, Downed animals are usually afflicted with a myriad of ailments including, but not limited to, mad cow disease, hepatitis, gangrene, pneumonia, enteritis or malignant lymphoma and are more likely to harbor bacterial contamination than walking livestock; and

WHEREAS, No federal or New York State law currently prohibits the slaughter of downed animals or prevents these animals from entering the US food supply; and

WHEREAS, Senate Bill 5735, the “Downed Animal” Protection Bill, is currently in the Agriculture Committee of the State Senate; and

WHEREAS, Bill S5735 would prohibit any person from transporting, holding, buying, selling, giving, receiving or marketing a non-ambulatory or “downed” animal; and

WHEREAS, S5735 requires a downed animal be ~~humanly euthanized or~~ given veterinary treatment or *humanly euthanized* without undue delay; and

WHEREAS, S5735 would prohibit any downed animal from being dragged or pushed with a tractor, forklift or other equipment; and

WHEREAS, S5735 would prevent downed animals from being slaughtered and sold for human consumption; and

WHEREAS, Public health is of great concern to Community Board Five; therefore be it

RESOLVED, Community Board Five urges the State Senate and Assembly to pass and for the Governor to enact Bill S5735, the “Downed Animal” Protection Bill.

After some discussion and a friendly amendment by Williams (see strikethrough and italics), the resolution passed with a vote of 25 in favor, 0 opposed, 2 abstentions, as follows: **IN FAVOR:** Adesman, Barbero, Bernstein, Bergman, Block, Breidbart, Collins, Connolly, Daly, Diamond, Duff, Esper, Farris, Finkelstein, Gering, Landeche, Mendes, Mills, Presser, Reingold, Rockefeller, Schwartz, Siesko, Teitler, Williams. **ABSTENTIONS:** Beer, Merker.

Mr. Connolly then introduced the following resolution:

Grand Central Neighborhood Social Services Corp. – New Drop-in center at 120 East 32nd Street

WHEREAS, Grand Central Neighborhood Social Services Corporation seeks to relocate to a currently vacant building at 120 East 32nd Street (between Lexington and Park Avenues) which is in Manhattan Community Board Five; and

WHEREAS, this block has no known residences; and

WHEREAS, the organization provides immediate assistance to over 400 homeless people in East midtown on a 24-hour a day basis; and

WHEREAS, The facility being moved to Board Five is a drop-in center for single, homeless adults, providing basic needs and social services; and

WHEREAS, The facility is not equipped with beds, but often moves people to churches, synagogues or other institutions with shelters; and

WHEREAS, the operation is in a secure facility and all operations, including queuing, will be indoors; and

WHEREAS, Grand Central Neighborhood Social Services Corporation have agreed to reach out to their new neighbors and the local police precinct; and

WHEREAS, the organization will create an advisory committee composed of community representatives and a liaison from Community Board Five; and

WHEREAS, the organization has a very close and long established relationship with the Grand Central Partnership; and

WHEREAS, there are no known complaints regarding the operation of this facility in its current location; therefore be it

RESOLVED, Community Board Five welcomes the Grand Central Neighborhood Social Services Corporation to the district and looks forward to their participation in the community.

After some discussion, the following resolution passed with a vote of 25 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Beer, Bernstein, Bergman, Block, Breidbart, Collins, Connolly, Daly, Diamond, Duff, Esper, Farris, Finkelstein, Gering, Landeche, Mendes, Mills, Presser, Reingold, Rockefeller, Schwartz, Teitler, Williams. **ABSTENTION:** Merker.

The following resolution was then introduced by Mr. Connolly:

Budget Cuts to Medicaid

WHEREAS, The Medicaid program currently provides healthcare to the neediest members of our community including working adults, children, seniors, the disabled and mentally ill; and

WHEREAS, The \$1.45 billion in cuts to the Medicaid program in the proposed 2004-5 State budget would most likely increase the number of uninsured in our community, decrease access to long-term care services for our elderly and disabled, unduly restrict access to needed drug therapy, and eliminate some so-called “optional” health services; and

WHEREAS, These proposed cuts would have a long term impact to New York City by reducing funding to important health facilities and providers in the City and the Community Board Five area, causing layoffs for healthcare workers; and

WHEREAS, the proposed cuts would significantly hurt hospitals and other healthcare institutions that are already in financial crisis; and

WHEREAS, The proposed cuts would impact the quality of care all New Yorkers receive and cause those denied coverage to seek treatment for routine illnesses in emergency rooms instead of at primary care providers; and

WHEREAS, Community Board Five recognizes the financial strain increased Medicaid costs place on the State and the municipalities; and

WHEREAS, there are alternatives to reduce City and State Medicaid expenditures, such as making health and long-term care insurance more affordable, importing drugs, consolidating New York's pharmaceutical purchases, extending the temporary increase in federal reimbursement rate expiring June 30, 2004 and revising the federal funding formula; therefore be it

RESOLVED, Community Board Five urges the Governor and State Legislature:

- to reduce, to the greatest extent possible, the proposed Medicaid cuts and to consider other options to control Medicaid spending;
- to ensure that any Medicaid cutbacks do not disproportionately impact one sector of the population; and,
- in establishing a Medicaid drug formulary, to provide a consumer friendly appeal process and give final authority over a patient's medication to the prescribing physician.

After some discussion the resolution passed with a vote of 26 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Bergman, Block, Breidbart, Collins, Connolly, Daly, Diamond, Duff, Esper, Farris, Finkelstein, Gering, Landeche, Mendes, Mills, Presser, Reingold, Rockefeller, Schwartz, Teitler, Williams. **ABSTENTION:** Merker.

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

Mr. Zucker presented the following bundled resolutions (15):

Brazilian American Cultural Center, Inc. - street festival on Avenue of the Americas, between 42nd and 56th Street and on 46th Street, between 5th and 7th Avenues

WHEREAS, Brazilian American Cultural Center, Inc. has filed an application to hold a street festival on Sunday, September 5th, 2004, on Avenue of the Americas, between 42nd and 56th Streets and on 46th Street, between 5th & 7th Avenues; and

WHEREAS, This event has been held for 20 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 Brazilian American Cultural Center, Inc. to hold a street festival on Sunday, September 5th, 2004, on Avenue of the Americas, between 42nd and 56th Streets on 46th Street between 5th and 6th Avenues.

Global Role Models, Inc. - street festival on Avenue of the Americas, between 42nd and 56th Streets

WHEREAS, Global Role Models, Inc. has filed an application to hold a street festival on Sunday, October 17, 2004, on Avenue of the Americas, between 42nd and 56th Streets; and

WHEREAS, This event has been held for 12 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 Global Role Models, Inc. to hold a street festival on Sunday, October 17, 2004, on Avenue of the Americas, between 42nd and 56th Streets.

Mid-Town North Precinct Community Council, street festival on Eighth Avenue, between 42nd and 57th Streets

WHEREAS, The Midtown North Precinct Community Council has filed an application to hold a street festival, Saturday, October 16, 2004, on Eighth Avenue, between 42nd and 57th Streets; and

WHEREAS, This event has been held for 3 years without incident; therefore be it

RESOLVED, That Community Board Five **recommends approval** of the application by Midtown North Precinct Community Council to hold a street festival on Saturday, October 16, 2004, on Eighth Avenue, between 42nd and 57th Streets.

Big Apple Performing Arts, street festival on Sunday, September 12th, on Seventh Avenue, between 47th and 59th Streets

WHEREAS, Big Apple Performing Arts has filed an application to hold a street festival on Sunday, September 12, 2004, on Seventh Avenue, between 47th and 59th Streets; and

WHEREAS, The applicant has agreed to amend the application from Seventh Avenue, between 47th and 59th Streets to Seventh Avenue, between 47th and 57th Streets; and

WHEREAS, This event has been held for the last 5 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 Big Apple Performing Arts, to hold a street festival on Sunday, September 12, 2004, on Seventh Avenue, between 47th and 57th Streets.

The Alliance of Guardian Angels, Inc., street festival on Seventh Avenue, between 47th and 59th Streets

WHEREAS, The Alliance of Guardian Angels, Inc. has filed an application to hold a street festival on Saturday, September 25, 2004, on Seventh Avenue, between 47th and 59th Streets; and

WHEREAS, The applicant has agreed to amend the application from Saturday, September 25th, 2004, on Seventh Avenue, between 47th and 59th Streets to Saturday, September 4th, 2004, on Seventh Avenue, between 47th to 57th Street; and

WHEREAS, This event has been held for 6 years without incidents; 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 amended application for a street festival by the Alliance of Guardian Angels, Inc. on Saturday, September 4th, 2004, on Seventh Avenue, between 47th to 57th Street.

Holy Innocents, street festival on Seventh Avenue, between 47th and 59th Streets

WHEREAS, Holy Innocents has filed an application to hold a street festival on Sunday, October 31st, 2004, on 7th Avenue, between 47th and 59th Streets; and

WHEREAS, The applicant has agreed to amend the applicant from 7th Avenue, between 47th and 59th Streets to 7th Avenue, between 47th and 57th Streets; and

WHEREAS, This event is held has been held for the past 9 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 amended application by Holy Innocents to hold a street festival on Sunday, October 31st, 2004 from 7th Avenue, between 47th and 57th Streets.

Mid-Town South Police Community Council, street festival on Sixth Avenue, between 34th and 42nd Streets

WHEREAS, The Mid-Town South Police Community Council has filed an application to hold a street festival on Saturday, October 2nd, 2004, on Sixth Avenue, between 34th and 42nd Streets; 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;

WHEREAS, the event has been held for the past 2 years without incident, therefore be it

RESOLVED, That Community Board Five **recommends approval** of the application by the Mid-Town South Police Community Council to hold a street festival Saturday, October 2nd, 2004, on Sixth Avenue, between 34th and 42nd Streets.

St. Bartholomew's Church, street festival on Park Avenue, between 47th and 57th Streets

WHEREAS, St. Bartholomew's Church has filed an application to hold a street festival on Sunday, September 26, 2004, on Park Avenue, between 47th and 57th Streets; and

WHEREAS, This event was held before 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 St. Bartholomew's Church, to hold a street festival on Sunday, September 26, 2004, on Park Avenue, between 47th and 57th Streets.

Gramercy Park Block Association, street festival on Park Avenue South, between 17th and 23rd Streets

WHEREAS, The Gramercy Park Block Association has filed an application to hold a street festival on Saturday, October 9, 2004, on Park Avenue South, between 17th and 23rd Streets; and

WHEREAS, This event has been held for the last 6 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 the Gramercy Park Block Association to hold a street festival on Saturday, October 9, 2004, on Park Avenue South, between 17th and 23rd Streets.

The Manhattan Republican Club, street festival on Park Avenue South, between 17th and 23rd Streets

WHEREAS, The Manhattan Republican Club has filed an application to hold a street festival on Saturday, October 30th, 2004, on Park Avenue South, between 17th and 23rd Streets; and

WHEREAS, This event has been held for 6 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 The Manhattan Republican Club, to hold a street festival on Saturday, October 30th, 2004, on Park Avenue South, between 17th and 23rd Streets.

American Diabetes Association, street festival on Madison Avenue, between 42nd and 57th Streets

WHEREAS, American Diabetes Association has filed an application to hold a street festival on Saturday, November 6th, 2004, on Madison Avenue, between 42nd and 57th Streets; and

WHEREAS, This event has been held for 16 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 American Diabetes Association to hold a street festival on Saturday, November 6th, 2004, on Madison Avenue, between 42nd and 57th Streets.

Cathedral of St. Patrick's – Archdiocese of NY- Young Adults, street festival on Sunday, November 14th, on Madison Avenue, between 42nd and 57th Streets.

WHEREAS, Cathedral of St. Patrick's Archdiocese of NY Young Adults has filed an application to hold a street festival on Sunday, November 14, 2004, on Madison Avenue, between 42nd and 57th Streets; and

WHEREAS, this event has been held for 7 years without reported 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 Cathedral of St. Patrick's Archdiocese of NY Young Adults to hold a street festival on Sunday, November 14, 2004, on Madison Avenue, between 42nd and 57th Streets.

NYU College of Dentistry, to hold a public service event for oral cancer screening at 6 East 43rd Street, between 5th and Madison Avenues.

WHEREAS, The NYU College of Dentistry has applied for a permit to hold a public service event for oral cancer screening at 6 East 43rd Street, between Fifth and Madison Avenues on Thursday, April 15th, 2004; and

WHEREAS, this event has been held for the last 3 years without incident; therefore, be it

RESOLVED, That Community Board Five **recommends approval** of the application by NYU College of Dentistry for a public service event for an oral screen cancer screening at 6 East 43rd Street, between Fifth and Madison Avenues on Thursday, April 15th, 2004.

FIT Dorm Council, to hold a block party on 27th Street, between 7th and 8th Avenues.

WHEREAS, F.I.T. Dorm Council has filed an application to hold a block party on Saturday, May 1, 2004, on 27th Street, between Seventh and Eighth Avenues; and

WHEREAS, This event has been held for 15 years without incident; therefore be it

RESOLVED, That Community Board Five **recommends approval** of the application by the F.I.T. Dorm Council to hold a block party on Saturday, May 1, 2004, on 27th Street, between Seventh and Eighth Avenues.

Taste of Times Square, street activity on West 46th Street, between Broadway and 9th Avenue

WHEREAS, Taste of Times Square has filed an application to hold a street festival on Monday, June 14th, 2004, on West 46th Street, between Broadway and 9th Avenue; and

WHEREAS, This event is held every year 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 Taste of Times Square to hold a street festival on Monday, June 14th, 2004, on West 46th Street, between Broadway and 9th Avenue.

The bundled resolutions (15) passed with a vote of 26 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Bergman, Block, Breidbart, Collins, Connolly, Daly, Diamond, Duff, Esper, Farris, Finkelstein, Gering, Landeche, Mendes, Mills, Presser, Reingold, Rockefeller, Schwartz, Teitler, Williams. **ABSTENTION:** Merker.

Mr. Schwartz informed the Board that a resolution to deny a Revocable Consent application for 1285 Avenue of the Americas for security bollards failed in Committee by a vote of 5 in favor, 4 opposed, 1 abstention, so no resolution was brought before the Board. However, the applicant has agreed to write a letter to the Department of Transportation informing them that they (applicant) were advised to contact the Counter-Terrorism Division of the New York City Police Department to obtain a threat and risk assessment report and that they will come back before Community Board Five after they obtain this report to seek the Board's approval.

● **PARKS ~ PHIL BEER**

Mr. Beer presented the following bundled resolutions (5):

Madison Square Park Conservancy - Kids Programming

WHEREAS, Madison Square Park Conservancy has applied for a special event permit to hold daytime entertainment programs for children in Madison Square Park; and

WHEREAS, The programs will be held in the center oval of the Park on successive Tuesdays and Thursdays from June 1, 2004 through August 19, 2004; and

WHEREAS, Each event, including set-up and clean-up, will begin at 9:30 a.m. and end at noon; and

WHEREAS, At the events, performers will entertain children with music and theatre pieces; and

WHEREAS, There will be no admission charged for any of the events; and

WHEREAS, T-shirts will be sold at the events, the proceeds of which will benefit the applicant and its work on behalf of the Park; and
WHEREAS, Similar programs have been conducted for several years and were well received and attended; therefore be it
RESOLVED, Community Board Five **recommends approval** of a special event permit for the Madison Square Park Conservancy to hold children's entertainment programs on Tuesdays and Thursdays during June, July and August 2004 in Madison Square Park.

Madison Square Park Conservancy – Evening Programming

WHEREAS, Madison Square Park Conservancy has applied for a special event permit to hold evening entertainment in Madison Square Park; and
WHEREAS, The programs will be held in the center oval of the park on successive Wednesdays from June 23, 2004 through August 11, 2004; and
WHEREAS, Each event will begin at 7:00 p.m. and end at 8:00 p.m., with clean-up ending no later than 9:00 p.m. and set-up beginning around noon; and
WHEREAS, Each Wednesday night, a musical artist will perform for adults and families who live and work in the vicinity; and
WHEREAS, There will be no admission charged for the events; and
WHEREAS, Food may be sold at the events, as will t-shirts, the proceeds of which will benefit the applicant and its work on behalf of the Park; and
WHEREAS, The applicant is aware of the concerns of area residents regarding amplified sound at Park events and has agreed that any sound amplification required will adhere to the parameters of the permit the applicant will obtain from the NYPD; and
WHEREAS, Similar programs have been conducted for several years and were very well received and attended; therefore be it
RESOLVED, Community Board Five **recommends approval** of a special event permit for the Madison Square Park Conservancy to hold evening entertainment programs on Wednesdays during June, July and August 2004 in Madison Square Park.

Madison Square Park Conservancy – Spring Playground Festival

WHEREAS, Madison Square Park Conservancy has applied for a special event permit to hold a spring playground festival in Madison Square Park; and
WHEREAS, The festival will be held on Friday, June 4, 2004, in the playground and the surrounding lawns and by the reflecting pool; and
WHEREAS, The event will begin at 2:00 p.m. and end at 5:00 p.m.; and
WHEREAS, Set-up will begin at noon and clean-up will be complete by 6:00 p.m.; and
WHEREAS, Activities at the festival will include face painting, crafts projects and temporary tattoo applications; and
WHEREAS, There will be no admission charged for the event; and
WHEREAS, T-shirts will be sold at the events, the proceeds of which will benefit the applicant and its work on behalf of the Park; and
WHEREAS, This program has been held previously and was well received and attended; therefore be it
RESOLVED, Community Board Five **recommends approval** of a special event permit for the Madison Square Park Conservancy to hold a playground festival on June 4, 2004 in Madison Square Park.

Madison Square Park Conservancy – Cocktail Reception

WHEREAS, Madison Square Park Conservancy has applied for a special event permit to hold a cocktail reception in Madison Square Park; and
WHEREAS, The cocktail reception will be held in southern gravel area of the Park on Monday, May 24, 2004; and
WHEREAS, The event will begin at 6:00 p.m. and end at 7:00 p.m.; and
WHEREAS, Set-up for the reception will begin at 2:00 p.m. and clean-up will be complete by 7:30 p.m.; and
WHEREAS, The event is a short cocktail hour with appetizers and drinks being served before a benefit dinner for the Conservancy; and
WHEREAS, The gravel area of the Park will be cordoned off for the approximately 200 attendees; and
WHEREAS, No music will be played during the event; and

WHEREAS, Community Board Five approved an application for a similar event last year; therefore be it

RESOLVED, Community Board Five **recommends approval** of a special event permit for the Madison Square Park Conservancy to hold a cocktail reception on May 24, 2004 in Madison Square Park.

Heritage of Pride – rally in Bryant Park

WHEREAS, Heritage of Pride has applied for a permit for a rally in Bryant Park for Sunday, June 20th, 2004; and

WHEREAS, The event will draw an estimated 5,000 spectators; and

WHEREAS, The event is free and open to the public; and

WHEREAS, The applicant has insurance and has made provisions for on-site medical services and on-site security; and

WHEREAS, Affordable merchandise will be for sale and program brochures will be distributed; and

WHEREAS, This event provides information and entertainment in order to raise awareness about issues of civil rights for gay, lesbian, bisexual, and transgender Americans by celebrating the anniversary of the Stonewall Riots of 1969; and

WHEREAS, Community Board Five has approved applications for this same rally in Bryant Park annually since 1998; and

WHEREAS, The Community Board has received no complaints regarding this event; therefore be it

RESOLVED, that Community Board Five **recommends approval** of the application by Heritage of Pride for a rally in Bryant Park on Sunday, June 20th, 2004.

After some discussion, the bundled resolutions (5) passed with a vote of 28 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Bergman, Block, Breidbart, Collins, Connolly, Daly, Diamond, Duff, Esper, Farris, Finkelstein, Gering, Goshow, Landeche, Mendes, Mills, Newman, Presser, Reingold, Rockefeller, Schwartz, Teitler, Williams. **ABSTENTION:** Merker.

Mr. Beer then introduced the following resolution:

Partnership for the Homeless- Miniature Golf Classic in Union Square

WHEREAS, The Partnership for the Homeless has applied for a special event permit to hold a miniature golf fundraising event in Union Square Park; and

WHEREAS, The Event will be held in the north plaza in side vented tents (three (3) 100' tents) on Tuesday June 8, 2004; and

WHEREAS, The event will coincide with the Buick Golf Classic; and

WHEREAS, event, including set-up and clean-up, will begin at 7:00 a.m. and end at 9:30pm; and

WHEREAS, Children will be allowed to play from 2:30pm-4pm for free and ticketed guests will play from 4:00pm to 7:00pm; and

WHEREAS, there will be one signage banner of 3' x 50' along the tent; and

WHEREAS, there will be amplified sound within the tents and security for the tents will be coordinated; therefore be it

RESOLVED, Community Board Five **recommends approval** of a special event permit for the Partnership for the Homeless to hold a miniature golf event on Tuesday June 8, 2004, in Union Square Park.

After some discussion the resolution passed with a vote of 27 in favor, 0 opposed, 1 abstention, 1 present not entitled to vote, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Bergman, Block, Breidbart, Collins, Connolly, Daly, Diamond, Duff, Esper, Farris, Finkelstein, Gering, Goshow, Landeche, Mendes, Mills, Newman, Presser, Reingold, Rockefeller, Teitler, Williams. **ABSTENTION:** Merker. **PRESENT NOT ENTITLED TO VOTE:** Schwartz.

Mr. Beer then presented the following resolution:

Eileen Lynch – wedding ceremony in madison Square Park

WHEREAS, Eileen Lynch has requested a special event permit to hold her wedding ceremony in Madison Square Park on Saturday, June 26, 2004; and

WHEREAS, The ceremony would be held just southwest of the reflecting pool between the hours of 8pm and 8:20pm, with a 1/2 hour each for set-up and clean-up; and

WHEREAS, There will be approximately 80 guests in attendance; and

WHEREAS, 6 folding chairs will be set up for elderly guests, no staging or amplified sound will be used; and

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WHEREAS, No food or drink will be served; and

WHEREAS, The applicant understands that by holding her wedding ceremony in the Park, it will be a public event and she will not be able to restrict attendance; therefore be it

RESOLVED, Community Board Five **recommends approval** of a special event permit for Eileen Lynch to hold a wedding ceremony in Madison Square Park on Saturday, June 26, 2004.

The resolution passed with a vote of 26 in favor, 0 opposed, 2 abstentions, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Bergman, Block, Breidbart, Collins, Connolly, Daly, Diamond, Duff, Esper, Finkelstein, Gering, Goshow, Landeche, Mendes, Mills, Newman, Presser, Reingold, Rockefeller, Teitler, Williams. **ABSTENTIONS:** Farris, Merker.

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

Mr. Gering introduced Mr. Nicholas Bergman who then presented the following resolution on behalf of the Committee:

699-703 FIFTH AVENUE A.K.A. 2-12 EAST 55TH STREET (ST. REGIS HOTEL) (INDIVIDUAL LANDMARK) – TO INSTALL STOREFRONT INFILL

WHEREAS, the owner of 703 Fifth Avenue, the St. Regis Hotel, has applied for a Certificate of Appropriateness to install new storefront infill at this designated individual landmark; and

WHEREAS, the proposal is to alter one bay to the Fifth Avenue side of the building; and

WHEREAS, the project's architect is coordinating with the neighboring storefront project directly to its south, partially in the same building, so that there will be a consistent design, and

WHEREAS, the stone around the bay will be replaced and will run around both storefronts, thereby further providing consistency; and

WHEREAS, the storefront will be of minimalist style with a glass front containing signage that is within the maximum size allowed and will be applied on the inside of the glass only; and

WHEREAS, the original character of the building has been compromised over the years and this proposal, although not in keeping with the original exterior design of the building, does not further detract from that character since it is consistent with the neighboring storefront design, and

WHEREAS, the proposed design is similar to other Fifth Avenue boutiques in the surrounding area; therefore, be it

RESOLVED, that Community Board Five **recommends approval** of the certificate of Appropriateness for new storefront infill at 703 Fifth Avenue.

After a brief explanation of the proposal, a display of renderings and questions regarding the uniformity of the design, the resolution passed with a vote of 23 in favor, 4 opposed, 1 abstention as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Bergman, Block, Breidbart, Connolly, Daly, Duff, Esper, Farris, Goshow, Landeche, Mendes, Mills, Newman, Presser, Reingold, Rockefeller, Teitler, Williams. **OPPOSED:** Collins, Diamond, Finkelstein, Gering. **ABSTENTION:** Merker.

● **MR. MERKER ANNOUNCED ELECTED OFFICIAL'S REPRESENTITIVES ATTENDING THE MEETING.**

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

Mr. Diamond presented the following resolution:

Application by 260 Park Avenue South LLC for an authorization waiving use regulations pursuant to section 15-21 of the zoning resolution at 48 East 21st Street

WHEREAS, the Applicant, 260 Park Avenue South LLC, has applied to the Department of City Planning for authorization to waive the use requirements pertaining to 48 East 21st Street, and permission to covert floors 2 – 12 to residential usage and to construct a two-story rooftop addition; and

WHEREAS, a 48 East 21st Street is a vacant 12-story commercial building located within an M1-5B zoning district, and current zoning requires that 66% of the building's total floor area be set aside for commercial or manufacturing uses; and

WHEREAS, the Applicant plans to convert 48 East 21st Street to residential usage in conjunction with an as-of-right conversion of the adjacent building, 260 Park Avenue South; and

WHEREAS, Section 15-20 of the Zoning Resolution permits conversion of non-residential buildings to residential use if the building is within a Landmark District and a Certificate of Appropriateness has been issued by the Landmarks Preservation Commission; and

WHEREAS, 48 East 21st Street is within the Ladies Mile Historic District, and the Applicant has received a Certificate of Appropriateness for the proposed alterations and has entered into a Restrictive Declaration for the preservation and maintenance of the building; and

WHEREAS, the Community Board has previously recommended approval of a variance to permit the transfer of approximately 4700 square feet of floor area from 48 East 21st Street to the adjacent building at 260 Park Avenue South; and

WHEREAS, the proposed residential usage is in keeping with the mixed-use character of the neighborhood; therefore be it

RESOLVED, that Community Board Five **recommends approval** of the authorization waiving the use restrictions.

After some discussion, the resolution passed with a vote of 26 in favor, 1 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Bergman, Block, Breidbart, Collins, Connolly, Daly, Diamond, Duff, Esper, Farris, Finkelstein, Gering, Goshow, Landeche, Mills, Newman, Presser, Reingold, Rockefeller, Teitler, Williams. **OPPOSED:** Mendes. **ABSTENTION:** Merker.

Mr. Diamond introduced Ms. Meile Rockefeller who presented the following resolution:

Application to modify the special permit for an urban plaza at 5-19 East 49th Street (Tower 49) – for the installation of an open air café, circular planter and movable seating.

WHEREAS, Tower 49 is an office building located at 12 East 49th Street, mid-block between 5th and Madison Avenues and between 48th and 49th Streets, which was built in 1984 and received a floor area bonus for having open public plazas and other amenities; and

WHEREAS, The open plaza on 48th Street has fixed benches on the eastern and western ends but lacks any seating or other amenities in the middle of the plaza and, as a result, is underutilized; and

WHEREAS, the building owner is in the process of applying to modify its Special Permit to provide:

- an open air café in the north-west corner of the 48th Street plaza, consisting of 12 tables and 44 seats, for use by Savannah Steak
- a new circular planter in the middle of the plaza, 22 feet in diameter, with seating around the perimeter
- 30 movable chairs and 6 movable tables in the eastern portion of the plaza, for use by the public
- additional lighting around the central planter and lighting for the periphery trees that will shine upward through the trees
- additional trash receptacles in the public plaza
- new signage clearly visible from the sidewalk informing pedestrians about the permitted public use of the plaza and through-block walkway;

and

WHEREAS, The new amenities will contain three signs near the sidewalk to inform the public of the public nature of the plaza and the through-block walkway in the building, to supplement the one existing sign on the building which is difficult to notice; and

WHEREAS, All of the proposed changes will help activate an underused plaza that is located in a densely populated commercial district which would benefit from additional public amenities; and

WHEREAS, Community Board Five passed a resolution for the same project in July, 2001 (with the exception of the additional trash receptacles which have been added since then) which was not executed due to a change in the restaurant operator; therefore be it

RESOLVED, That Community Board Five approves the proposed modifications to the urban plaza at 5-19 East 49th Street.

After some discussion the resolution passed with a vote of 27 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Bergman, Block, Breidbart, Collins, Connolly, Daly, Diamond, Duff, Esper, Farris, Finkelstein, Gering, Goshow, Landeche, Mendes, Mills, Newman, Presser, Reingold, Rockefeller, Teitler, Williams. **ABSTENTION:** Merker.

● PUBLIC SAFETY & QUALITY OF LIFE ~ VIKKI BARBERO

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

PhoenixFlight Ent. – application for a cabaret license at 265 West 37th Street a.k.a. 550 8th Avenue

WHEREAS, Phoenixflight Ent., d/b/a Passion, located at 265 West 37th Street, mezzanine level, has applied for a cabaret license; and

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WHEREAS, Passion, a topless bar that has been operating at this location for several years in this manufacturing district, was purchased a year ago by the applicant, Peter Flores who informed the committee that he plans to use the cabaret license for performance dancing; and,

WHEREAS, No complaints have been received by Community Board Five or by the Fashion Center BID regarding the operation of this establishment; and

WHEREAS, On February 14, 2004, a police officer from Midtown South Precinct issued a summons at this location for “operating a disorderly premises” based on the officer’s assertion that a female dancer had engaged in lewd behavior with a male patron; and

WHEREAS, This summons is returnable in court the week of March 14th, 2004; and

WHEREAS, The offense described in the above summons is listed in the Administrative Code of the City of New York as a reason for the commissioner of the Department of Consumer Affairs to refuse to issue a cabaret license; and

WHEREAS, The Police Department has not reported any other infractions of a criminal nature to Community Board Five; therefore be it

RESOLVED, That Community Board Five recommends the granting of a cabaret license for Phoenixflight Entertainment, d/b/a Passion, located at 265 West 37th Street **on the sole condition that the Criminal Court summons issued at Passion as described above is dismissed; should the summons not be dismissed the Board does not support this application.**

After much discussion and questions regarding the nature of the summons and the Community Board’s position if it is not dismissed, there was a friendly amendment (see italics) and the resolution passed with a vote of 24 in favor, 3 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Bergman, Block, Breidbart, Collins, Connolly, Daly, Diamond, Duff, Esper, Farris, Finkelstein, Gering, Goshow, Landeche, Mills, Newman, Presser, Rockefeller, Teitler. **OPPOSED:** Mendes, Reingold, Williams. **ABSTENTION:** Merker.

Ms. Barbero then introduced the following resolution:

Arezzo, LLC, 46 West 22nd Street – Transfer of Liquor License

WHEREAS, Arezzo, located at 46 West 22nd Street, LLC has applied for transfer of the premises’ liquor license; and

WHEREAS, This location falls within CB 5’s Moratorium area (20th, 21st, and 22nd Streets, between 5th and 6th Avenues); and

WHEREAS, Arezzo has been operating in excellent standing as an upscale Italian restaurant for the past four years; and

WHEREAS, The restaurant has an occupancy of 74 and a total square footage of 2,950 square feet; and

WHEREAS, The applicant, Benito Meluzio, has assured the community board that the restaurant will continue to be operated in the same manner with the same name, chef, staff and hours of operation (11:00 a.m. to kitchen closing 11:00 p.m., Monday –Saturday); and

WHEREAS, The applicant has agreed to sign a letter stating that he will do business only as a restaurant; therefore be it

RESOLVED, That Community Board #5 **recommends approval** of the transfer of the liquor license for Arezzo LLC, located at 46 West 22nd Street **providing a letter is received attesting to the above agreement.**

The resolution passed with a vote of 27 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Bergman, Block, Breidbart, Collins, Connolly, Daly, Diamond, Duff, Esper, Farris, Finkelstein, Gering, Goshow, Landeche, Mendes, Mills, Newman, Presser, Reingold, Rockefeller, Teitler, Williams. **ABSTENTION:** Merker.

● **TRANSPORTATION/ENVIRONMENT ~ DAVID SIESKO**

Mr. Mills presented the following resolution on behalf of the Committee:

NYC Taxi and Limousine Commission’s proposal for 900 new taxi medallions

WHEREAS, the Bloomberg Administration has proposed increasing the number of taxi medallions by 900 over a three year period; and

WHEREAS, the streets of Community Board 5 are already severely congested, especially during rush hour; and

WHEREAS, the addition of 300 taxis per year over the next three years will add to congestion and pollution on the streets of Community Board Five; and

WHEREAS, very few of the taxis on the road today use clean fuel technology, *contain child safety seats, have power assist doors* and are wheelchair accessible; therefore, be it

RESOLVED, Community Board Five recommends that only the first 300 medallions be approved and an examination be performed after one year on the impact of these additional taxis have on vehicular traffic, air quality, pedestrian traffic and consumer demand for

cabs. Additionally, this study should examine increasing the yearly licensing fee as an alternative to new medallions as a way to raise revenue for the city; and be it further

RESOLVED, Community Board Five recommends that all new taxis be wheelchair accessible and be clean fuel hybrid vehicles.

After some questions and a friendly amendment (see italics) the resolution passed with a vote of 26 in favor, 2 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Bergman, Block, Breidbart, Collins, Connolly, Daly, Diamond, Duff, Esper, Farris, Finkelstein, Gering, Landeche, Mendes, Mills, Newman, Presser, Rabin, Reingold, Teitler, Williams. **OPPOSED:** Goshow, Rockefeller. **ABSTENTION:** Merker.

Mr. Mills then presented the following resolution:

ADA Accessibility for subways

WHEREAS, the current agreement between state and federal government agencies and the Eastern Paralyzed Veterans Association and Disabled in Action calls for 100 key subway stations (out of 468 stations) in New York City to be made fully accessible by 2020; and

WHEREAS, the criteria for a key station are prescribed by the Federal Transit Administration as:

- rider ship volume exceeds the system average;
- station includes multi-platform transfers which require movement up or down;
- station serves as an inter-modal transfer point to bus, commuter rail or ferry;
- station is the terminal point on the line;
- station is proximate to key destination points such as schools, hospitals, recreational facilities, airports, etc; and

WHEREAS, the designation of key stations does not take in to account the rapid development and changes of neighborhoods in New York City; therefore, be it

RESOLVED, that Community Board Five calls for the MTA and appropriate government agencies to create a task force to develop a comprehensive concrete plan and timetable for making New York City's subway system fully accessible; and be it further

RESOLVED, that the commission should include engineering experts and a diverse group of people with disabilities and elected officials; and be it further

RESOLVED, that said plan should include a complete report of all stations that cannot be made fully accessible for physical or economic reasons.

The resolution passed with a vote of 27 in favor, 0 opposed, 2 abstentions, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Bergman, Block, Breidbart, Collins, Connolly, Daly, Diamond, Duff, Esper, Farris, Finkelstein, Gering, Goshow, Landeche, Mendes, Mills, Newman, Presser, Rabin, Rockefeller, Teitler, Williams. **ABSTENTIONS:** Merker, Reingold.

There being no further business the meeting adjourned at 7:50 PM.

Respectfully submitted by

Suzanne Esper, Secretary