

**THE BOROUGH OF MANHATTAN**  
*C. VIRGINIA FIELDS, PRESIDENT*  
**MANHATTAN COMMUNITY BOARD FIVE MINUTES**  
*KYLE MERKER, CHAIR*  
**THURSDAY, FEBRUARY 12, 2004**

Minutes of the regular Community Board #5 meeting held on **Thursday, February 12, 2004, at the Fashion Institute of Technology, 227 West 27<sup>th</sup> 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  
Susan Baida  
Philip Beer  
Nicholas Bergman  
Angela Bledsoe  
Aaron Block  
James Collins  
Paul Connolly  
Candy Cook  
William Daly  
David Diamond  
Suzanne Esper  
Janelle Farris  
Eric Gering  
Robyn Hatcher  
Brian Landeche  
John Mills  
Karen Newman  
Sharon Paley  
Michael Presser  
David Rabin  
Carmel Reingold  
Connie Ress  
Meile Rockefeller  
Doreen Seligson  
Joel Sesser  
Rosalie Shields  
Maxine Teitler  
Ana Vidal-Kaufman  
Bonnie Williams

Craig Wilson  
Lawrence Zucker

**Present Part**

Lorna Duff  
Kevin Guillet  
Kyle Merker  
Mickey Schwartz  
Brad Wilson

**Absent**

Vikki Barbero  
Judith Breidbart  
Nancy Goshow  
Lenise Logan  
Howard Mendes  
David Siesko

**Excused**

Muriel Bernstein  
Lola Finkelstein  
Joyce Matz

**Public Members**

Jon Schachter  
Jack Taylor

**Public**

Ann Marie Bashnowski  
Norman Belen  
Edward Belkin

Steve Bryant  
Philip B. Carreon  
Nancy Charnee  
Krikor Djevahirdjian  
Elizabeth Ewell  
Andrew Forsyth  
Elizabeth Geiger  
David Guisinger  
John W. Hyland  
Robert A. Jacobs  
Sheelah Kolhatkar  
Jeffrey B. Lawin  
Yael Martin  
Morgan McLean  
Lito D. Pernia  
Ann Roos  
Barbara Rosenwach  
James Rudolph  
Lisa Schwartz  
Richard Schwartz  
Michael Seo  
April Sepanski  
Tom Sisk  
Susi Snyder  
Hoi-Ming So  
Lisa Wager  
Richard Walsh  
Kelly Williams  
James Yee

**Elected Officials**

Lori Williams  
Borough President C. Virginia Fields  
Jordon Isenstadt  
Senator Liz Krueger  
Joseph Soldevere  
Congress Member Carolyn Maloney  
Leah Kane  
Congress Member Jerold Nadler  
Maria Guzman & Dan Golub  
Assembly Member Richard Gottfried  
Joseph Puma  
Councilmember Margarita Lopez  
Jeremy Rye  
Councilmember Christine Quinn

**Staff**

Kathy Kinsella  
District Manager  
Kim Rodney  
Assistant District Manager  
Cindy Perez  
Community Associate

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

**PUBLIC SESSION**

**Richard Walsh, RA** – asked the Board to support the revocable consent application for a distinctive sidewalk at 110 East 42<sup>nd</sup> Street and described what the logo would look like.

**Yael Martin** – asked the Board to support the application by Promoting Enduring Peace for a special event permit for a cultural event regarding nuclear arms in Bryant Park.

**Kelly Williams** – described problems on 30<sup>th</sup> Street related to the operation of 251 Entertainment Corp., d/b/a Downtime and asked the Board to request the revocation of Downtime’s liquor license.

**Elizabeth Geiger – Flatiron Association** – asked the Board not to support a transfer of the liquor license from Centro Fly to MelBel Enterprises Inc. d/b/a B.E.D.

**Robert Jacobs – Attorney for 251 Entertainment Corp. d/b/a Downtime** – asked the Board to support the renewal of the liquor license for 251 Entertainment Corp., and stated that the establishment operates in accordance with the zoning for the district and that it was the Board's duty to support the application.

**Elizabeth Ewell – GreenKeepers** – introduced the organization, which is a horticultural, vocational rehabilitation program for adults with disabilities.

**Lisa Wager – Fashion Institute of Technology** – offered her assistance to members of the Board.

**Andrew Forsyth** – spoke of the problems local residents are experiencing with Downtime.

**Police Officer Hoi-Ming So** – announced his retirement and introduced his replacement, Police Officer James Rudolph.

**Steve Bryant** – asked the Board to support his application to hold his wedding in Madison Square Park.

**Dan Golub – Representative from Assembly Member Richard Gottfried's Office** – informed the Board that the bill to enforce stipulations to State Liquor Authority passed Assembly for the third time. The bill has not yet passed the Senate.

**April Sepanski** – asked the Board to support her application for a newsstand at 17<sup>th</sup> Street and Broadway.

**Joe Soldevere – Representative from Congress Member Carolyn Maloney's Office** – introduced himself as the District Representative for Community Board Five.

## **BUSINESS SESSION**

### **● VOTE ON MINUTES OF THE JANUARY 2004 BOARD MEETING**

The minutes passed with a vote of 34 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Beer, Bergman, Bledsoe, Block, Collins, Connolly, Cook, Daly, Diamond, Duff, Esper, Farris, Gering, Hatcher, Landeche, Mills, Newman, Paley, Presser, Rabin, Reingold, Ress, Rockefeller, Schwartz, Seligson, Sesser, Shields, Teitler, Vidal-Kaufman, Williams, C. Wilson, Zucker **ABSTENTION:** Merker.

### **● PRESENTATION BY MADISON SQUARE PARK CONSERVANCY FOR A FOOD KIOSK IN MADISON SQUARE PARK**

**Mr. Kyle Merker introduced the matter by explaining that the Board commented on the Request for Proposal (RFP) for this project in December 2003 and that the proposal now before the Board was for the design of the kiosk only. He then introduced Anthony McCarey, Architect, Parks Department, Revenue Division, who gave a brief overview of the proposal. Mr. McCarey then introduced Debbie Landau, Executive Director, Madison Square Park Conservancy, who in turn introduced her team of Architects (Denise Lee and James Wine), and presented the design. The target date for opening the 400 sq. ft. kiosk is June 1, 2004. It will serve simple food (e.g. hamburgers, hotdogs, and shakes). Ms. Landau explained that the sloping roof will be plated with ivy and irrigated through a drip system. The material for the siding will be VM Zinc, coated with a graffiti resistant solution. The signage on the building will be on top of the terrace and a band of lighted lettering will run along the trellis of the building relaying the menu. Ms. Landau informed the Board that this is a privately funded project which will cost about \$125,000.00.**

**A motion was made by Philip Beer to recommend denial based on the design of the structure (a 1940 hamburger shop) not being transferable for possible future uses and that the design is not consistent with the aesthetics of the park and the signage was overwhelming.**

**There were many questions regarding the design and future uses of the kiosk, and the size of the signage, the ivy on the kiosk and the possibility that it could draw rats and become a potential nesting area, the hours and season of operation, and whether wine and beer will be sold.**

**After much discussion, the motion to deny was withdrawn and the following resolution was presented by Lawrence Zucker**

**WHEREAS, Madison Square Park Conservancy has been awarded a concession from the City of New York Parks and Recreation for the construction and operation of a food service kiosk in the southern end of Madison Square Park; and**

WHEREAS, the design of the kiosk is subject to the approval of the Art Commission of the City of New York and the Art Commission takes comments from local community boards for consideration in its review; and

WHEREAS, Community Board Five received a presentation of the design from the concessionaire at its full board meeting on February 12, 2004; and

WHEREAS, the overall design of the structure was not deemed objectionable; and

WHEREAS, The board did express concern regarding signage on the building rooftop and found that it is not consistent with the park's landscape, is intrusive and unnecessarily injects commercialism into the park; and

WHEREAS, the board also had concern regarding the proposed lettering along the edge of the roof and its potential commercial nature; and

WHEREAS, the operator has indicated that they may wish to serve wine and beer, which would require the operator to provide a cordoned off section for alcoholic beverage service; and

WHEREAS, the board is concerned that a requirement to cordon off a section of the tables and chairs may impact on the availability of tables and chairs to the general public and may have an impact on the aesthetic of the concession and of the park; therefore, be it

**RESOLVED**, Community Board Five **recommends approval** of the proposed design for the construction of a kiosk in Madison Square Park with the exception of the signage on the rooftop of the structure, and be it further

**RESOLVED**, that Community Board Five requests that the rooftop signage be eliminated from the design; and be it further

**RESOLVED**, that Community Board Five requests that the text signage on the building's roof edge, be revisited so as not to be as intrusive and commercial; and be it further

**RESOLVED**, that Community Board Five requests notification as early as possible if the operator intends to apply for a license to serve alcoholic beverages, so that the board may express its opinion on the design and impact of the service area and on the license itself.

The resolution passed with a vote of 24 in favor, 11 opposed, 2 abstentions, as follows: **IN FAVOR:** Adesman, Baida, Bledsoe, Block, Collins, Cook, Daly, Diamond, Duff, Esper, Farris, Gering, Hatcher, Mills, Newman, Presser, Ress, Schwartz, Seligson, Sesser, Shields, Vidal-Kaufman, C. Wilson, Zucker. **OPPOSED:** Beer, Bergman, Connolly, Guillet, Landeche, Paley, Rabin, Reingold, Rockefeller, Teitler, Williams. **ABSTENTIONS:** Merker, B. Wilson.

## ● **DISTRICT MANAGER'S REPORT ~ *Kathy Kinsella* — Report Waived**

## ● **MR. MERKER THEN ACKNOWLEDGED THE ELECTED OFFICIAL REPRESENTATIVES PRESENT**

## COMMITTEE REPORTS

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

**Mr. Zucker presented the following bundled resolutions (17):**

#### ***Gramercy Park Neighborhood Assoc., street festival on Saturday, May 15, on Park Avenue South, between 17<sup>th</sup> and 23<sup>rd</sup> Streets***

WHEREAS, Gramercy Park Neighborhood Association has filed an application to hold a street festival on Saturday, May 15<sup>th</sup>, 2004, on Park Avenue South, between 17<sup>th</sup> and 23<sup>rd</sup> Streets; 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 the Gramercy Park Neighborhood Association to hold a street festival.

#### ***14<sup>th</sup> St-Union Square LDC, street festival on Saturday, July 17<sup>th</sup>, on Park Avenue South, between 17<sup>th</sup> and 23<sup>rd</sup> Streets***

WHEREAS, 14<sup>th</sup> Street-Union Square LDC has filed an application to hold a street festival on Saturday, July 17<sup>th</sup>, 2004, on Park Avenue South, between 17<sup>th</sup> and 23<sup>rd</sup> Streets; 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 the 14<sup>th</sup> Street-Union Square LDC to hold a street festival.

***Church of St. John the Baptist, street festival on Saturday, July 10<sup>th</sup>, on Sixth Avenue, between 23<sup>rd</sup> and 33<sup>rd</sup> Streets***

WHEREAS, The Church of St. John the Baptist has filed an application to hold a street festival on Saturday, July 10<sup>th</sup>, 2004, on Sixth Avenue, between 23<sup>rd</sup> and 33<sup>rd</sup> Streets; 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 the Church of St. John the Baptist to hold a street festival.

***Forum's Children Foundation, street festival on Saturday, May 22<sup>nd</sup>, on Avenue of the Americas, between 42<sup>nd</sup> and 56<sup>th</sup> Streets***

WHEREAS, The Forum's Children Foundation has filed an application to hold a street festival on Saturday, May 22<sup>nd</sup>, 2004, on Avenue of the Americas, between 42<sup>nd</sup> and 56<sup>th</sup> Streets; 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 the Forum's Children Foundation to hold a street festival.

***International Immigrants Foundation, Inc., street festival on Sunday, June 20<sup>th</sup>, on Avenue of the Americas, between 34<sup>th</sup> and 56<sup>th</sup> Streets***

WHEREAS, The International Immigrants Foundation, Inc. has filed an application to hold a street festival on Sunday, June 20<sup>th</sup>, 2004, on Avenue of the Americas, between 34<sup>th</sup> and 56<sup>th</sup> Streets; 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 the International Immigrants Foundation, Inc. to hold a street festival.

***USO of Metropolitan NY, street festival on Sunday, July 11<sup>th</sup>, on Avenue of the Americas, between 42<sup>nd</sup> and 56<sup>th</sup> Streets***

WHEREAS, The USO of Metropolitan New York has filed an application to hold a street festival on Sunday, July 11<sup>th</sup>, 2004, on Avenue of the Americas, between 42<sup>nd</sup> and 56<sup>th</sup> Streets; 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 the USO of Metropolitan New York to hold a street festival.

***Avenue of the Americas Association, street festival on Sunday, August 1<sup>st</sup>, on Avenue of the Americas, between 42<sup>nd</sup> and 56<sup>th</sup> Streets***

WHEREAS, The Avenue of the Americas Association has filed an application to hold a street festival on Sunday, August 1<sup>st</sup>, 2004, on Avenue of the Americas, between 42<sup>nd</sup> and 56<sup>th</sup> Streets; 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 the Avenue of the Americas Association to hold a street festival.

***Innovative Community Enterprises, Inc., street festival on Monday, May 31<sup>st</sup>, on Madison Avenue, between 42<sup>nd</sup> and 57<sup>th</sup> Streets***

WHEREAS, The Innovative Community Enterprises, Inc. has filed an application to hold a street festival on Monday, May 31<sup>st</sup>, 2004, on Madison Avenue, between 42<sup>nd</sup> and 57<sup>th</sup> Streets; 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 the Innovative Community Enterprises, Inc. to hold a street festival.

***National Ethnic Coalition of Organizations, street festival on Sunday, July 18<sup>th</sup>, on Madison Avenue, between 42<sup>nd</sup> and 57<sup>th</sup> Streets***

WHEREAS, National Ethnic Coalition of Organizations, Inc. has filed an application to hold a street festival on Sunday, July 18<sup>th</sup>, 2004, on Madison Avenue, between 42<sup>nd</sup> and 57<sup>th</sup> Streets; 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 the National Ethnic Coalition of Organizations, Inc. to hold a street festival.

***The Workmen's Circle, Inc., street festival on Sunday, August 8<sup>th</sup>, on Madison Avenue, between 42<sup>nd</sup> and 57<sup>th</sup> Streets***

WHEREAS, The Workmen's Circle, Inc. has filed an application to hold a street festival on Sunday, August 8<sup>th</sup>, 2004, on Madison Avenue, between 42<sup>nd</sup> and 57<sup>th</sup> Streets; 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 The Workmen's Circle, Inc. to hold a street festival.

***Coalition of Italo-American Assoc. Inc., street festival on Sunday, May 30<sup>th</sup>, on Seventh Avenue, between 47<sup>th</sup> and 59<sup>th</sup> Streets***

WHEREAS, The Coalition of Italo-American Association, Inc. has filed an application to hold a street festival on Sunday, May 30<sup>th</sup>, 2004, on Seventh Avenue, between 47<sup>th</sup> and 59<sup>th</sup> Streets;

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 the Coalition of Italo-American Association to hold a street festival.

***Congress of Racial Equality, street festival on Saturday, August 7<sup>th</sup>, on Seventh Avenue, between 47<sup>th</sup> and 59<sup>th</sup> Streets***

WHEREAS, The Congress of Racial Equality has filed an application to hold a street festival, Saturday, August 7<sup>th</sup>, 2004, on Seventh Avenue, between 47<sup>th</sup> and 59<sup>th</sup> Streets; and

WHEREAS, this event has been held in prior 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 Congress of Racial Equality to hold a street festival.

***NY Young Republicans Club, street festival on Saturday, August 14<sup>th</sup>, on Seventh Avenue, between 47<sup>th</sup> and 59<sup>th</sup> Streets***

WHEREAS, The NY Young Republicans Club has filed an application to hold a street festival on Saturday, August 14, 2004, on Seventh Avenue, between 47<sup>th</sup> and 59<sup>th</sup> Streets; and

WHEREAS, This event was held previously 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 NY Young Republicans Club, to hold a street festival.

***Auxiliary Police Benevolent Assoc., religious ceremony on West 52<sup>nd</sup> Street, between 5<sup>th</sup> and 6<sup>th</sup> Avenues on Sunday, April 18<sup>th</sup>***

WHEREAS, The Auxiliary Police Benevolent Association has applied for a street activity permit for Sunday, April 18<sup>th</sup>, 2004, on West 52<sup>nd</sup> Street, between 5<sup>th</sup> and 6<sup>th</sup> Avenues; and

WHEREAS, This event has been held in prior 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 for a street activity on West 52<sup>nd</sup> Street, between 5<sup>th</sup> and 6<sup>th</sup> Avenues.

***Murray Hill Committee, to hold a block party on Saturday, June 5<sup>th</sup>, on 35<sup>th</sup> Street, between Lexington and Fifth Avenues***

WHEREAS, The Murray Hill Committee has filed an application to hold a block party on Saturday, June 5<sup>th</sup>, 2004, on 35<sup>th</sup> Street, between Lexington and Fifth Avenues; 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; therefore be it

**RESOLVED**, That Community Board Five **recommends approval** of the application by the Murray Hill Committee to hold a block party.

***52 Association for the Handicapped, Inc. D/B/A Children's Leukemia Research Assoc., street festival on Saturday, June 26<sup>th</sup>, on 52<sup>nd</sup> Street, between Lexington and Seventh Avenues***

WHEREAS, The Children's Leukemia Research Association/52 Association for the Handicapped, Inc. has filed an application to hold a street festival on Saturday, June 26<sup>th</sup>, on 52<sup>nd</sup> Street, between Lexington and Seventh Avenues; 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 the Children's Leukemia Research Association/52 Association for the Handicapped, Inc. to hold a street festival.

***Coalition of Asian Pacific American (CAPA), street festival on Sunday, May 2<sup>nd</sup> on East 17<sup>th</sup> Street, between Union Square East and Union Square West***

WHEREAS, The Coalition of Asian Pacific Americans (CAPA) has applied for a street activity permit for Sunday, May 2, 2004, on East 17<sup>th</sup> Street, between Union Square East and Union Square West; and

WHEREAS, This event has been held in prior 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 for a street activity on East 17<sup>th</sup> Street, between Union Square East and Union Square West.

After some discussion, the bundled resolutions (17), passed with a vote of 36 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Beer, Bergman, Bledsoe, Block, Collins, Connolly, Cook, Daly, Diamond, Duff, Esper, Farris, Gering, Guillet, Hatcher, Landeche, Mills, Newman, Paley, Presser, Rabin, Reingold, Ress, Rockefeller, Schwartz, Seligson, Sesser, Shields, Teitler, Vidal-Kaufman, Williams, B. Wilson, C. Wilson, Zucker **ABSTENTION:** Merker.

**Mr. Zucker then introduced the following resolution:**

***The West 47<sup>th</sup>-48<sup>th</sup> Streets Block Association, street festival on Sunday, August 29<sup>th</sup>, on Eighth Avenue, between 47<sup>th</sup> and 57<sup>th</sup> Streets***

WHEREAS, The West 47<sup>th</sup> – 48<sup>th</sup> Streets Block Association has filed an application to hold a street festival on Sunday, August 29<sup>th</sup>, 2004, on Eighth Avenue, between 47<sup>th</sup> and 57<sup>th</sup> 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; therefore be it

**RESOLVED**, That Community Board Five **recommends approval** of the application by The West 47<sup>th</sup> – 48<sup>th</sup> Streets Block Association to hold a street festival on August 29<sup>th</sup>, 2004, on Eighth Avenue, between 47<sup>th</sup> and 57<sup>th</sup> Streets.

After some discussion, the resolution passed with a vote of 36 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Beer, Bergman, Bledsoe, Block, Collins, Connolly, Cook, Daly, Diamond, Duff, Esper, Farris, Gering, Guillet, Hatcher, Landeche, Mills, Newman, Paley, Presser, Rabin, Reingold, Ress, Rockefeller, Schwartz, Seligson, Sesser, Shields, Teitler, Vidal-Kaufman, Williams, B. Wilson, C. Wilson, Zucker. **ABSTENTION:** Merker.

**Mr. Zucker then presented the following resolution:**

***Cipriani Units, LLC – application for sidewalk logo at 110 East 42<sup>nd</sup> Street***

WHEREAS, A request was made by Cipriani Units, LLC for a 52.5" by 31" oval-shaped copper plate embedded sidewalk logo at 110 East 42<sup>nd</sup> Street; and

WHEREAS, Community Board Five has concerns regarding the commercial nature of the distinctive sidewalk logo; and

WHEREAS, Community Board Five feels that the design is inappropriate to be placed in front of the landmarked building; and

WHEREAS, The distinctive sidewalk has already been installed without required permits and authorizations; therefore be it

**RESOLVED**, That Community Board Five **recommends denial** of the application by Cipriani Units, LLC for a distinctive sidewalk; and be it further

**RESOLVED**, That Community Board Five requests that the illegally installed distinctive sidewalk logo be immediately removed.

After some discussion, the resolution passed with a vote of 36 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Beer, Bergman, Bledsoe, Block, Collins, Connolly, Cook, Daly, Diamond, Duff, Esper, Farris, Gering, Guillet, Hatcher, Landeche, Mills, Newman, Paley, Presser, Rabin, Reingold, Ress, Rockefeller, Schwartz, Seligson, Sesser, Shields, Teitler, Vidal-Kaufman, Williams, B. Wilson, C. Wilson, Zucker. **ABSTENTION:** Merker.

**Mr. Zucker then presented the following resolution:**

***Department of Information, Technology & Telecommunication's proposal for Public Pay Telephones***

WHEREAS, the New York City Department of Information Technology and Telecommunications has proposed to amend Section 6-06 of Title 67 of the Rules of the City of New York as related to public pay telephones; and

WHEREAS, the amendment would prohibit payphone companies from installing payphones with advertising enclosures after the effective date of this rule in Community Board Districts 1, 2, 3, 4, 5, 6, 7 and 8, in Manhattan; and

WHEREAS, the proposed amendments would also increase the filing fee for public pay telephone installation, operation and maintenance applications; and

WHEREAS, the amendment would not prevent the installation of new phones in these districts, just phones with advertising enclosures; and

WHEREAS, Community Board Five continues to have concerns regarding pedestrian congestion in our district, which is exacerbated by the presence of large phone enclosures; and

WHEREAS, the board is also concerned with the proliferation of visual clutter on our streets and feels that additional advertising enclosures for phones would add to this condition; therefore, be it

**RESOLVED**, that Community Board Five supports the proposed amendments to the rules regarding public pay telephones that would prohibit the installation of new advertising enclosures; and be it further

***RESOLVED***, that Community Board Five would like this prohibition applied uniformly throughout Manhattan, not just in community board districts 1-8.

After some discussion regarding the impact of large phone structures on pedestrian flow in the Community Board 5 area and questions concerning the proposals limitation to Community Boards 1-8 and a friendly amendment by Farris (see italics), the resolution passed with a vote of 34 in favor, 1 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Beer, Bergman, Bledsoe, Block, Collins, Connolly, Cook, Daly, Diamond, Duff, Esper, Farris, Gering, Guillet, Hatcher, Landeche, Mills, Presser, Rabin, Reingold, Ress, Rockefeller, Schwartz, Seligson, Sesser, Shields, Teitler, Vidal-Kaufman, Williams, B. Wilson, C. Wilson, Zucker. **OPPOSED:** Paley. **ABSTENTION:** Merker.

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

**● JOINT PARKS AND CONSENTS & VARIANCES ~ KEVIN GUILLET, PHILIP BEER, MICKEY SCHWARTZ AND LARRY ZUCKER**

**Mr. William Daly presented the following bundled resolutions (2) on behalf of the Committees:**

***Philippines Independence Day Committee***

WHEREAS, The Philippine Independence Day Council Inc. (Applicant) has made an application to conduct a street fair and cultural program on Madison Avenue between 23rd Street and 28th Street including the area adjacent to the east side of Madison Square Park on Sunday, June 6, 2004; and

WHEREAS, the Applicant has agreed to abide by the Street Activity Permit Guidelines established by Community Board 5 and has submitted all required documentation pursuant thereto; and

WHEREAS, there will be no organized events within the Park boundaries except for Vendor booths, which will be set up on the outer sidewalk on the east side of the Park along Madison Avenue, and the number of vendors will be approximately the same as in past years, and all cooking/food preparation will take place on the east side of Madison Avenue across the street from the Park; and

WHEREAS, the street fair is being expanded on the north side from 26th Street to 28th Street in order to better spread out the vendor locations and reduce the density of people in the activity area, with 26th through 28th Streets remaining open to cross town traffic throughout the event; and

WHEREAS, the Applicant has agreed to increase the number of clean-up personnel on hand and to clean the park area continuously throughout the event; and

WHEREAS, the applicant is aware of the concerns of area residents regarding the noise associated with the amplified sound at such events and has agreed to set up the stage for the cultural program at 24th Street facing north in order to minimize the noise impact on area residents; and

WHEREAS, this event was successfully held in this area for twelve years; therefore, be it

**RESOLVED**, that Community Board Five **recommends approval** of the Philippine Independence Day Council Inc.'s application to conduct a street fair and cultural program on Madison Avenue between 23rd Street and 28th Street including the area adjacent to the east side of Madison Square Park on Sunday, June 6, 2004.

### ***Sikh Cultural Society***

WHEREAS, the Sikh Cultural Society ("the applicant"), has applied for

1. a special events permit for the use of Madison Square Park for a post-parade cultural event on Saturday, April 24, 2004; and
2. A Street Activity permit for Saturday, April 24, 2004 on Madison Avenue, between East 23<sup>rd</sup> and East 25<sup>th</sup> Streets, and

WHEREAS, set-up would begin after 9:00 a.m. and clean-up would end by 6:30 p.m., with the event itself running from noon to 6:00 p.m.; and

WHEREAS, there will be an expected 7,500 attendees at this event; and

WHEREAS, food at the event is distributed free of charge; and

WHEREAS, this event has occurred in Madison Square Park for six of the last eight years, with no complaints registered with Community Board Five last year; and

WHEREAS, the applicant remains aware of the continuing concerns of both the residential community and New York City Parks & Recreation employees about noise, litter, property damage, and security as they relate to the use of Madison Square Park for large-scale special events; and

WHEREAS, the applicant agreed to either move their stage from 23<sup>rd</sup> Street and Madison Avenue northward to 24<sup>th</sup> Street or to stage the speakers from 23<sup>rd</sup> Street to 24<sup>th</sup> Street with lower sound levels; and

WHEREAS, Community Board Five continues to encourage the police to monitor the sound level at events in and around Madison Square Park; and

WHEREAS, the applicant has agreed that the park will be left cleaner than they originally found it; and

WHEREAS, the applicant has agreed to hire additional security to prevent the crowd from entering unauthorized park areas; and

WHEREAS, addressing numerous problems caused by the unparalleled number of street activities in its district, Community Board 5 has adopted guidelines for recommending approval of street activity permit applications; and

WHEREAS, the applicant has agreed to comply with those guidelines, including that participation in the events will not be denied to any group on the basis of age, race, ethnicity, sexual orientation, gender identity or expression or religion; therefore be it

**RESOLVED**, that Community Board Five **recommends approval** of both the Street Activity and Parks Special Event permit applications of the Sikh Cultural Society for their event on Saturday, April 24, 2004.

The bundled resolutions (2) passed with a vote of 32 in favor, 2 opposed, 2 abstentions, as follows: **IN FAVOR:** Adesman, Baida, Beer, Bergman, Bledsoe, Block, Collins, Connolly, Cook, Daly, Esper, Farris, Gering, Guillet, Hatcher, Mills, Newman, Paley, Presser, Rabin, Reingold, Ress, Rockefeller, Schwartz, Seligson, Sesser, Shields, Vidal-Kaufman, Williams, B. Wilson, C. Wilson, Zucker. **OPPOSED:** Landeche, Teitler. **ABSTENTIONS:** Diamond, Merker.

## **● PARKS ~ KEVIN GUILLET AND PHILIP BEER**

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

***Dancing in the Streets – application for interactive sound installation in Union Square Park***

WHEREAS, Dancing in the Streets has requested a permit to erect a temporary art installation below the stairs in the south plaza of Union Square Park; and

WHEREAS, the installation would be in the Park from April 22, 2004 until May 2, 2004; and

WHEREAS, the installation would be a part of the “New Sound New York Festival” on architecture and sound; and

WHEREAS, The installation, called “Sonic Forest ‘04”, is a free standing sound installation comprised of 16 slender aluminum columns (each eight inches high and nine inches wide) that contain audio speakers, lights, and photo-electric sensors that trigger a variety of environmental and acoustical instrument sounds when passersby walk, move or interact with the columns; and

WHEREAS, the sounds coming from the columns are relatively quiet and the volume is adjustable; and

WHEREAS, the sound and lights will be turned off at night; and

WHEREAS, the sponsors of the project will provide 24-hour staff at the installation who will be available to answer questions about the artwork and secure the project overnight; and

WHEREAS, There are no corporate sponsors for this project and no signage will be used; and

WHEREAS, The Applicant is in discussions with the Department of Transportation regarding access to electrical power and does not plan to use a generator; and

WHEREAS, similar projects by the artist have successfully been installed in other City Parks; therefore be it

**RESOLVED**, Community Board Five **recommends approval** of a temporary installation of “Sonic Forest ‘04” in the south end of Union Square Park from April 22 through May 2, 2004.

***Temporary Public Art – Park Avenue Mall, between 50<sup>th</sup> and 54<sup>th</sup> Streets***

WHEREAS, the City of New York Parks & Recreation Department has requested the approval of a temporary art project for the Park Avenue Malls between 50<sup>th</sup> and 54<sup>th</sup> Streets from May through end of August 2004; and

WHEREAS, the proposed project will consist of three sculptures by Bernar Venet, dimensions and specific locations as follows:

1. *Three Indeterminate Lines (2003)* - 9’ x 9’ x 15’, at Park Avenue at 54<sup>th</sup> Street on the south side
2. *Three Indeterminate Lines (2003)* – 8’6” x 8’6” x 14’6”, at Park Avenue between 52<sup>nd</sup> and 53<sup>rd</sup> Streets
3. *Two Indeterminate Lines (2003)* – 7’6” x 8’9” x 10’, at Park Avenue at 50<sup>th</sup> Street on the north side;

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 Bernar Venet to restore the fielding holes upon completion of the project; and

WHEREAS, installation of the project will take place on weekends and abide by the Department of Transportation regulations; therefore, be it

**RESOLVED**, that Community Board Five **recommends approval** of Bernar Venet’s temporary public art project from May through end of August 2004.

After a brief description of the resolution, the bundled resolutions {2} passed with a vote of 31 in favor, 1 opposed, 2 abstentions, as follows:  
**IN FAVOR:** Adesman, Baida, Beer, Bergman, Bledsoe, Block, Collins, Connolly, Cook, Daly, Esper, Farris, Gering, Guillet, Hatcher, Mills, Newman, Paley, Presser, Rabin, Reingold, Ress, Rockefeller, Seligson, Sesser, Shields, Teitler, Vidal-Kaufman, Williams, B. Wilson, Zucker.  
**OPPOSED:** Landeche. **ABSTENTION:** Diamond, Merker.

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

***Lower East Side Ecology Center a.k.a. Outstanding Renewal Enterprises, Inc.***

WHEREAS the Lower East Side Ecology Center, a.k.a. Outstanding Renewal Enterprises, Inc. has applied for a special permit for a demonstration in Union Square Park, on the north plaza, for Sunday, April 25th, 2004

WHEREAS, There is no Green Market on Sundays, and

WHEREAS, The set up, maintenance and clean-up will begin at 9AM and end at 5PM, and

WHEREAS, The expected total number of participants will be 200 people, and

WHEREAS, The Ecology Center will demonstrate to the public the use of organic material and worms in composting, and the safe deconstruction of mechanical waste, such as discarded computers, and

WHEREAS, The demonstration will educate the public on techniques for fighting pollution, and

WHEREAS the event is appropriate for the week of the Earth Day celebration, therefore be it

**RESOLVED**, that Community Board Five recommends approval of the Ecology Center's application to conduct a demonstration at Union Square on Sunday, April 25th, 2004.

***Palestine Action Union Square East – application to hold demonstration in Union Square Park***

WHEREAS, The Palestine Action Union has applied for special events permit for rallies in the southeast triangle of Union Square Park on Saturdays from March 27, 2004 through May 1, 2004; and

WHEREAS, The applicant has held these demonstrations in Union Square Park over the last two years without complaints, leaving the southeast triangle liter-free and undamaged, were non-confrontational in style, and did not exceed thirty participants; and

WHEREAS, The demonstrations are held from 3 pm to 6 pm, requiring no set-up or clean-up time; therefore be it

**RESOLVED**, Community Board Five **recommends approval** of special event permits for the Palestine Action Union to hold demonstrations in the southeast corner of Union Square Park on Saturdays from March 27 through May 1, 2004.

***Nathan Whiting and Dancers – application to hold a dance performance in Madison Square Park***

WHEREAS, The Applicant, Nathan Whiting Dancers, requests to perform a dance exhibition in the south graveled area of Madison Square Park on April 16, 2004 and April 18, 2004; and

WHEREAS, Performances will begin at 6:30pm and end at 7:30pm with minimal set up; and

WHEREAS, There will be as many as 7 dancers with no sound and no stage; and

WHEREAS, The group has previously performed in the park; therefore be it

**RESOLVED**, Community Board Five **recommends approval** the application by the Nathan Whiting Dancers to perform in the south end of Madison Square Park on April 16 and April 18, 2004.

***Mighty Mutts, Inc. – application to hold animal adoption in Union Square Park***

WHEREAS, The Applicant, Mighty Mutts, has applied for special events permits for Fridays and Saturdays for the six month period of January 2004 to June 2004, and

WHEREAS, Mighty Mutts has provided rehabilitation and adoption services for hundreds of dogs and cats, and

WHEREAS, Mighty Mutts has, in fair weather, had a weekly animal adoption location in Union Square Park, providing rehabilitation and adoption services for hundreds of dogs and cats, since 1994, and

WHEREAS, the set-up, maintenance, and clean-up of the applicant's three 2 ½' x 7' tables will begin at 9 a.m. and end no later than 8 p.m., and

WHEREAS, since returning to its location at the southwest corner of the park Mighty Mutt's adoption rates have improved significantly; and

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

**RESOLVED**, that Community Board Five recommends the granting of a permit for the south west corner in Union Square Park to Mighty Mutts for weekend pet adoptions from January to June 2004.

After some discussion of the resolution, the bundled resolutions [4] passed with a vote of 31 in favor, 1 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Beer, Bergman, Bledsoe, Block, Connolly, Cook, Daly, Esper, Farris, Gering, Guillet, Hatcher, Mills, Newman, Paley, Presser, Rabin, Reingold, Ress, Rockefeller, Seligson, Sesser, Shields, Teitler, Vidal-Kaufman, Williams, B. Wilson, C. Wilson, Zucker. **OPPOSED:** Collins. **ABSTENTION:** Diamond.

**Mr. Beer then introduced the following resolution:**

***Compact-Impact – application to hold new product expos in Union Square Park***

WHEREAS, Compact Impact has applied for a special event permit to conduct a new product exposition in Union Square Park for four days, from Saturday, May 15 through Tuesday, May 18, 2004, and

WHEREAS, the applicant proposes to set up two rows of booths in the area adjacent to the Gandhi statue and the Peace Garden, rent the booths to vendors and allow the vendors to sell their products to the public; and

WHEREAS, the exposition will focus on new products that are compact in nature and geared towards the small living spaces typical of urban areas such as New York City; and

WHEREAS, Community Board 5 is concerned with the use of parks as venues for purely commercial events with no clear benefit to the local community; and

WHEREAS, Community Board 5 is concerned with the number of events already taking place in Union Square Park and the detrimental impact the high volume of events taking place in the park has on the surrounding community and the park itself; therefore be it

**RESOLVED**, that Community Board Five **does not support** the application by Compact Impact to conduct a new product exposition in Union Square Park from Saturday, May 15 to Tuesday May 18, 2004.

After some discussion, the resolution passed with a vote of 30 in favor, 3 opposed, 2 abstentions, as follows: **IN FAVOR:** Adesman, Beer, Bergman, Bledsoe, Block, Collins, Connolly, Cook, Daly, Esper, Farris, Gering, Guillet, Landeche, Newman, Paley, Presser, Rabin, Reingold, Ress, Rockefeller, Seligson, Sesser, Shields, Teitler, Vidal-Kaufman, Williams, B. Wilson, C. Wilson, Zucker. **OPPOSED:** Baida, Hatcher, Mills. **ABSTENTIONS:** Diamond, Merker.

**Mr. Beer then introduced the following resolution:**

***Stephen C. Bryant – application to hold a wedding ceremony in Madison Square Park***

WHEREAS, Stephen C. Bryant has requested a special event permit to hold his wedding ceremony in Madison Square Park on Saturday, September 4, 2004; and

WHEREAS, The ceremony would be held just southwest of the reflecting pool between the hours of 5 pm and 6 pm, with an hour each for set-up and clean-up; and

WHEREAS, There will be approximately 75 guests in attendance; and

WHEREAS, No chairs, staging or amplified sound will be used; and

WHEREAS, No food or drink will be served; and

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

**RESOLVED**, Community Board Five **recommends approval** of a special event permit for Stephen C. Bryant to hold a wedding ceremony in Madison Square Park on Saturday, September 4, 2004.

After some discussion, the resolution passed with a vote of 30 in favor, 1 opposed, 4 abstentions, as follows: **IN FAVOR:** Adesman, Baida, Beer, Bergman, Bledsoe, Block, Collins, Connolly, Cook, Daly, Esper, Gering, Guillet, Hatcher, Landeche, Mills, Newman, Paley, Presser, Rabin, Reingold, Ress, Rockefeller, Seligson, Sesser, Teitler, Vidal-Kaufman, B. Wilson, C. Wilson, Zucker. **OPPOSED:** Williams. **ABSTENTIONS:** Diamond, Farris, Merker, Shields.

**Mr. Beer then introduced the following resolution:**

***Promoting Enduring Peace – application to hold a rally in Bryant Park***

WHEREAS, The applicant, Promoting Enduring Peace, originally filed a request for special permit to hold a rally in Bryant Park on May 1, 2004, beginning at 1:00 pm and ending at 3:00 pm with setup at 10:00 am and clean up by 6:00 pm; and

WHEREAS, The event is to educate and promote awareness on nuclear disarmament

WHEREAS, There will be a 10'x15' stage; with several speakers and acoustic music with amplified sound; and

WHEREAS, The applicant is using amplified sound for the event and has agreed to get a sound permit from the New York Police Department; therefore be it

**RESOLVED**, Community Board Five **recommends approval** of Enduring Peace event in Bryant Park on May 1, 2004.

The following resolution passed with a vote of 28 in favor, 1 opposed, 5 abstentions, as follows: **IN FAVOR:** Adesman, Baida, Beer, Bergman, Bledsoe, Connolly, Cook, Daly, Esper, Farris, Gering, Guillet, Hatcher, Mills, Newman, Paley, Presser, Rabin, Reingold, Ress,

Seligson, Sesser, Shields, Teitler, Vidal-Kaufman, B. Wilson, C. Wilson, Zucker. **OPPOSED:** Block. **ABSTENTIONS:** Diamond, Landeche, Merker, Rockefeller, Williams.

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

**Mr. Gering introduced the following resolution:**

### ***N/E/C of East 17th Street and Broadway (Ladies' Mile Historic District), application to construct a metal and glass newsstand***

WHEREAS, the Applicant, James Garretson Architect, and newsstand tenant April Sepanski propose to construct a new newsstand made of metal and glass on the North Eastern corner of 17th street; and

WHEREAS, an application for a newsstand at this location was reviewed by Community Board Five's Consents & Variances Committee in July 2002 and the Community Board recommended denial of the application based on pedestrian congestion at the site; and

WHEREAS, the application was ultimately approved by the Department of Transportation and the Department of Consumer Affairs; and

WHEREAS, the location is with the Ladies' Mile Historic District and approval for construction needs the approval of the Landmarks Preservation Commission; and

WHEREAS, the applicant did provide photographs of the proposed newsstand and the design specifications appear to meet existing sidewalk and height requirements; therefore be it

**RESOLVED**, that Community Board Five recommends approval of the Landmarks application for a Certificate of Appropriateness of the design only, for a newsstand at the N/E/C of 17<sup>th</sup> Street and Broadway, although Community Board Five reiterate its concern regarding pedestrian sidewalk congestion at the location.

After some discussion, the resolution failed with a vote of 8 in favor, 21 opposed, 6 abstentions, as follows: **IN FAVOR:** Block, Collins, Gering, Hatcher, Mills, Newman, Sesser, Williams. **OPPOSED:** Adesman, Baida, Beer, Bergman, Connolly, Cook, Daly, Esper, Guillet, Landeche, Paley, Rabin, Ress, Rockefeller, Seligson, Shields, Teitler, Vidal-Kaufman, B. Wilson, C. Wilson, Zucker. **ABSTENTION:** Bledsoe, Diamond, Farris, Merker, Presser, Reingold.

**The following resolution was then presented from the floor by Sharon Paley:**

WHEREAS, the Applicant, James Garretson Architect, and newsstand tenant April Sepanski propose to construct a new newsstand made of metal and glass on the North Eastern corner of 17th street; and

WHEREAS, an application for a newsstand at this location was reviewed by Community Board Five's Consents & Variances Committee in July 2002 and the Community Board recommended denial of the application based on pedestrian congestion at the site; and

WHEREAS, the application was ultimately approved by the Department of Transportation and the Department of Consumer Affairs; and

WHEREAS, the location is within the Ladies' Mile Historic District and approval for construction needs the approval of the Landmarks Preservation Commission; and

WHEREAS, Landmarks Preservation Commission has the ability to override the approvals of other agencies because of Landmark's jurisdiction; therefore be it

**RESOLVED**, that consistent with its previous resolution **recommending denial**, the Board **recommends denial** of the application because no design is appropriate at this location due to pedestrian congestion.

The resolution passed with a vote of 24 in favor, 8 opposed, 3 abstentions, as follows: **IN FAVOR:** Adesman, Baida, Beer, Bergman, Bledsoe, Block, Connolly, Cook, Daly, Esper, Farris, Guillet, Landeche, Paley, Rabin, Ress, Rockefeller, Seligson, Shields, Teitler, Vidal-Kaufman, B. Wilson, C. Wilson, Zucker. **OPPOSED:** Collins, Gering, Hatcher, Mills, Newman, Reingold, Sesser, Williams. **ABSTENTIONS:** Diamond, Merker, Presser.

**Mr. Gering then presented the following resolution:**

### ***234 5<sup>th</sup> Avenue (Madison Square North Historic District) – application to renovate storefront, includes installation of folding door, framed glass door and awning.***

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

WHEREAS, the application is for a Certificate of Appropriateness application for the renovation of a storefront, including installation of a folding door, framed glass door and awning at 234 5<sup>th</sup> Avenue, and

WHEREAS, the applicant's representative, Elaine Kim, spoke to the board office confirming attendance, yet failed to show at the Community Board Five Landmarks' Committee meeting to present the proposal for review; and

WHEREAS, the applicant had previously requested adjournment on this matter; therefore be it

**RESOLVED**, that Community Board Five **recommends denial** of the Certificate of Appropriateness application for 234 5<sup>th</sup> Avenue in the Madison Square North Historic District, and requests an opportunity to review the application.

The resolution passed with a vote of 30 in favor, 1 opposed, 3 abstentions, as follows: **IN FAVOR:** Adesman, Baida, Beer, Bergman, Block, Collins, Connolly, Cook, Daly, Esper, Farris, Gering, Guillet, Hatcher, Landeche, Mills, Paley, Presser, Rabin, Ress, Rockefeller, Seligson, Sesser, Shields, Teitler, Vidal-Kaufman, Williams, B. Wilson, C. Wilson, Zucker. **OPPOSED:** Newman. **ABSTENTIONS:** Bledsoe, Diamond, Merker.

### **The following resolution was then presented:**

***390 Park Avenue (Lever House) (Individual Landmark), application to replace opaque, one-story, east-facing wall adjacent to the north terrace at the 3<sup>rd</sup> level with a window wall that is transparent from the interior.***

WHEREAS, the owner of Lever House has applied for a Certificate of Appropriateness to replace the east facing wall at the third floor terrace on the East 54th St. side of the building, and

WHEREAS, the use of fritted glass technology will be used to approximate the existing aluminum siding and is minimally reflective, and

WHEREAS, the purpose of the change to glass, is the change of use of the part of the building from a cafeteria service area, which did not require a view, to offices that will require a view, and

WHEREAS, the view of the wall from the street is at most a 6 feet square area, and

WHEREAS, although the glass is only transparent from inside the building, light from within will be visible from outside, the third floor will be all offices that will have visible lights, and therefore the light through the glass would be consistent with the rest of the floor, and

WHEREAS, for all intents and purposes the renovated wall would be indistinguishable from the old wall when viewed from the street, with the exception of the light coming through it, and

WHEREAS, the renovation would be of the same high quality as other renovations that have been done to Lever House over the last eight years, therefore, be it

**RESOLVED**, that Community Board Five **recommends approval** for a Certificate of Appropriateness for 390 Park Avenue (Lever House).

After a brief description, the resolution passed with a vote of 32 in favor, 0 opposed, 2 abstentions, as follows: **IN FAVOR:** Adesman, Baida, Beer, Bergman, Bledsoe, Block, Collins, Connolly, Cook, Daly, Esper, Farris, Gering, Guillet, Hatcher, Landeche, Mills, Newman, Paley, Presser, Rabin, Ress, Rockefeller, Seligson, Sesser, Shields, Teitler, Vidal-Kaufman, Williams, B. Wilson, C. Wilson, Zucker. **ABSTENTIONS:** Diamond, Reingold.

***At this point in the meeting Sharon Paley took over the chair***

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

**Mr. Diamond presented the following resolution:**

***ULURP # C 030470 ZSM – Special permit to allow continuation of a public parking garage at 100 West 57<sup>th</sup> Street***

WHEREAS, Carnegie House Tenants Corporation had filed an application for a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution of the City of New York to allow the continued use of an attended public garage with a maximum capacity or

214 spaces including 65 accessory spaces on portions of the ground floor, cellar and sub-cellar of an existing mixed-use building on property located at 100 West 57<sup>th</sup> Street; and

WHEREAS, the proposed parking garage was last approved by the City Planning Commission on May 12, 1993 for a period of ten years and it has been operating continuously during that time and the building has had a parking garage in the location since 1961; and

WHEREAS, having occupied the existing site for over forty years, the parking garage will not create or contribute any new significant effect on traffic congestion or pedestrian flow; and

WHEREAS, the garage provides a needed amenity to both building residents and the surrounding community; and

WHEREAS, there have been no complaints about the operation of the garage made to the Community Board or to the police; therefore be it

**RESOLVED**, that Community Board Five **recommends approval** of the application for a special permit to continue operation of the parking garage at 100 West 57<sup>th</sup> Street for another ten years.

The resolution passed with a vote of 33 in favor, 0 opposed, 0 abstention, as follows: **IN FAVOR:** Adesman, Baida, Beer, Bergman, Bledsoe, Block, Collins, Connolly, Cook, Daly, Diamond, Esper, Farris, Gering, Guillet, Hatcher, Landeche, Mills, Newman, Paley, Presser, Rabin, Reingold, Ress, Rockefeller, Seligson, Sesser, Shields, Teitler, Vidal-Kaufman, Williams, B. Wilson, C. Wilson.

*At the point in the meeting David Diamond resumed the chair*

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

**The following resolution was presented on behalf of the Committee:**

### ***Joon & Her Corp. – 10 West 32<sup>nd</sup> Street – application for liquor license***

WHEREAS, Joon & Her Corp., located at 10 West 32<sup>nd</sup> Street, has applied for a liquor license; and

WHEREAS, Because of questions and concerns, the applicant was asked at the January Public Safety and Quality of Life Committee meeting to return to the committee in February with answers to questions the Committee posed; and

WHEREAS, there is question as to whether the applicant can apply for a second liquor license if the 2<sup>nd</sup> floor of the establishment is not contiguous with the first floor, and this matter needed clarification; and

WHEREAS, the Committee has concerns regarding the granting of a liquor license to a fifth floor establishment, where patrons would travel between the first floor and fifth floors in either a very small elevator or narrow stairway; and

WHEREAS, The applicant failed to show at the February committee meeting to answer these questions and concerns; therefore be it

**RESOLVED**, That Community Board Five **recommends denial** for a liquor license for Joon & Her Corp., Inc., located at 10 West 32<sup>nd</sup> Street.

After a brief description, the resolution passed with a vote of 33 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Beer, Bergman, Bledsoe, Block, Collins, Connolly, Cook, Daly, Esper, Farris, Gering, Guillet, Hatcher, Landeche, Mills, Newman, Paley, Presser, Rabin, Reingold, Ress, Rockefeller, Seligson, Sesser, Shields, Teitler, Vidal-Kaufman, Williams, B. Wilson, C. Wilson, Zucker.

**ABSTENTION:** Diamond.

**The following resolution was then presented on behalf of the Committee:**

### ***251 Entertainment Corp., d/b/a Downtime Club – 251 West 30<sup>th</sup> Street – application for renewal of liquor license***

WHEREAS, The liquor license for 251 Entertainment Corp, d/b/a Downtime, located at 251 West 30th Street, 3rd floor, is up for renewal in February 2004; and

WHEREAS, Community Board Five passed a resolution two years ago, in February 2002, urging the SLA not to renew and, in fact, to revoke the liquor license for Downtime, and based its decision at the time on numerous complaints and public testimony from the club's neighbors, and information provided by the Midtown South Police Precinct, and

WHEREAS, although during the past two years there has been a diminution in the number of complaints regarding criminal activity inside and outside the club, residents on the block continue to complain about the disorderly behavior of patrons at all hours of the night, as well as loitering and high levels of noise and music emanating from both within and outside of the club; and

WHEREAS, at the Public Safety/Quality of Life Committee meeting on February 9, 2004 regarding this matter, a police representative from the precinct indicated that there had been many, many 911 calls registered regarding noise complaints and disorderly crowds at Downtime; and

WHEREAS, the management of the club had entered into an agreement with area residents in 1997 pursuant to which it was required to take steps to address among other things the issues of noise, disorderly crowds and disruptive behavior by patrons of the club, and since that time management's attempts to abate the nuisance conditions have been minimal. In fact, the club's management has made no effort to control the crowds outside the club and has taken a defensive posture with regard to dealing with complaints, and during the past two years has not made any conciliatory gestures with respect to the residents; and,

WHEREAS, Downtime continues to present a significant and chronic threat to the safety and peace of mind of the residents and produces a negative impact on the quality of life of the residential and commercial community in which it lies, and has continued to cause significant community opposition to its existence; therefore be it

RESOLVED, That Community Board Five once again exhorts the SLA not to renew, but, in fact, to revoke the liquor license for 251 Entertainment Corp., d/b/a Downtime, located at 251 West 30<sup>th</sup> Street.

After some discussion regarding the status of noise violations, the resolution passed with a vote of 30 in favor, 0 opposed, 4 abstentions, as follows: **IN FAVOR:** Adesman, Baida, Beer, Bergman, Bledsoe, Block, Collins, Connolly, Cook, Daly, Esper, Farris, Gering, Guillet, Hatcher, Mills, Newman, Paley, Presser, Reingold, Ress, Rockefeller, Seligson, Sesser, Shields, Teitler, Vidal-Kaufman, Williams, C. Wilson, Zucker. **ABSTENTIONS:** Diamond, Landeche, Rabin, B. Wilson.

**The following resolution was then presented by Suzanne Esper on behalf of the Committee:**

***MelBel Enterprises Inc. – 45 West 21<sup>st</sup> Street – application for liquor license***

WHEREAS, MelBel Enterprises Inc. has applied for an on premises liquor license transfer for the premises located at 45 West 21<sup>st</sup> Street; and

WHEREAS, The applicant intends to do business as B.E.D.'s, a restaurant/lounge which will operate six days a week serving dinner and closing at 5:00 am, with the full kitchen remaining open until closing; and

WHEREAS, The premises consists of 1) 9000 sq. ft. of street level space which contains a kitchen, a dance space, and approximately 20 beds fixed to the floor, and 2) 9000 sq. ft. of basement consisting of storage, offices and a 2500 sq.ft. open area; and

WHEREAS, The kitchen on the street level floor will be expanded, thereby providing additional buffer space against sound which will further protect the residents of the adjacent residential building; and

WHEREAS, The 2500 sq. ft. party space in the basement will be used as a holding area for potential crowds; and

WHEREAS, While the Certificate of Occupancy permits 1275 persons on the street level and 180 persons in the basement, the distribution of the furniture and the enlargement of the kitchen on the street level floor will necessitate a decrease in size of the dance space and impact the occupancy; and

WHEREAS, The currently installed sound system will be downgraded, thereby diminishing the bass level; and

WHEREAS, There will be no live music; and

WHEREAS, No promoters will be used; and

WHEREAS, The premises is within the Community Board Five moratorium area and concerns of the neighborhood have been addressed in an affidavit signed by the applicant and Community Board Five has requested that said affidavit be attached and considered a stipulation to the liquor license; therefore be it

**RESOLVED**, that Community Board Five **recommends approval** of the on premises liquor license transfer for MelBel Enterprises for premises located at 45 West 21<sup>st</sup> Street **with the following stipulations:**

1. In order to maintain the quality of life of the neighborhood and avoid excessive noise on the street, the establishment will:
  - maintain a waiting area inside the premises to alleviate lines outside;
  - discourage the parking of idling cabs, limousines and other vehicles on the street and the parking of loud high-powered sound system bearing cars in front of the premises;

- make sure that the garbage, especially food garbage, be placed on the sidewalk for pickup within a reasonable hour to minimize inconvenience to pedestrians;
  - provide for the cleanup of any litter on the street or sidewalk within 50 feet from either side of the doors of the premises arising as a result of our operation;
2. The establishment will notify the Community Board in writing of any alteration application filed with the SLA immediately upon filing same, so that the Community Board will have an opportunity to consider said alteration application;
  3. The premises will not make any assignment of the lease to the premises without first notifying the Community Board; the buyers shall submit themselves to the Community Board for its approval prior to any assignment being made or agreed to;
  4. The premises will operate a theme restaurant with dancing at this location.

After much discussion, a brief presentation by the applicant and questions regarding the proposed operation of the business and the number of customers and type of entertainment advertised on the Miami website being inconsistent with the presentation being shown, the resolution passed with a vote of 26 in favor, 6 opposed, 2 abstentions, as follows: **IN FAVOR:** Baida, Beer, Bergman, Bledsoe, Block, Collins, Connolly, Cook, Daly, Farris, Gering, Hatcher, Landeche, Mills, Newman, Paley, Presser, Rabin, Ress, Seligson, Sesser, Shields, Vidal-Kaufman, B. Wilson, C. Wilson, Zucker. **OPPOSED:** Adesman, Esper, Guillet, Reingold, Rockefeller, Teitler. **ABSTENTIONS:** Diamond, Williams.

## ● TRANSPORTATION/ENVIRONMENT ~ *DAVID SIESKO*

**The following resolution was presented by John Mills on behalf of the Committee:**

### ***Request for “No Nighttime Parking” on 22<sup>nd</sup> Street, between 5<sup>th</sup> and 6<sup>th</sup> Avenues***

WHEREAS, local residents have requested a change in parking regulations for the north side of West 22nd Street between Fifth and Sixth Avenues; and

WHEREAS, the request is to restrict parking so as to prohibit parking between the hours of 10:00pm to 6:00am.; and

WHEREAS, this request for is being made as part of an effort to address complaints related to nighttime activity and traffic congestion in the area associated with night club patrons in the Flatiron area; and

WHEREAS, West 19th, 20th, 21st and the south side of 22nd Streets already have late night parking restrictions; and

WHEREAS, the 13th Police Precinct supports the request for restricted parking; therefore be it

RESOLVED, that Community Board Five supports the request of the local community to change parking regulations on the north side of West 22nd Street between Fifth and Sixth Avenues by establishing "No Standing from 10:00PM to 6:00AM".

The resolution passed with a vote of 27 in favor, 5 opposed, 2 abstentions, as follows: **IN FAVOR:** Adesman, Baida, Bergman, Collins, Connolly, Cook, Daly, Esper, Farris, Gering, Guillet, Mills, Newman, Paley, Presser, Rabin, Reingold, Rockefeller, Seligson, Sesser, Shields, Teitler, Vidal-Kaufman, Williams, B. Wilson, C. Wilson, Zucker. **OPPOSED:** Beer, Bledsoe, Block, Hatcher, Ress. **ABSTENTIONS:** Diamond, Landeche.

## ● HUMAN SERVICES & YOUTH ~ *PAUL CONNOLLY AND SHARON PALEY*

**Ms. Paley presented the following resolution:**

### ***Dignity In All Schools Act (Intro. 418-A)***

WHEREAS, Numerous students, teachers, administrators and others are harassed in New York City schools, interfering with students' educational performance and emotional or physical well-being and the well-being of the entire school community; and

WHEREAS, It is necessary to establish strong New York City school policies prohibiting harassment for any reason, including but not limited to: a person's actual or perceived race; color; national origin; ethnic group; religion; religious practice; disability; sexual orientation; gender; sex; family composition or circumstance; economic situation; physical characteristic; medical condition or school performance; and

WHEREAS, The “Dignity in All Schools Act” (DASA), is currently before the City Council Education Committee; and

WHEREAS, DASA would prohibit harassment of any person, including but not limited to students, teachers and administrators on school premises or at school functions; and

WHEREAS, DASA would require the chancellor of the City public school system to:

- develop policies and guidelines to create a harassment-free school environment
- determine penalties or disciplinary measures for those found to have violated such policies and guidelines
- indicate when incidents of harassment must be reported to law enforcement authorities
- create employee training programs to raise the awareness and sensitivity of school employees to potential discrimination or harassment and enable employees to prevent and respond to such situations
- raise the awareness and sensitivity of pupils to potential harassment and foster empathetic conduct among students
- appoint the principal of each school as the person responsible for ensuring the dissemination of and training on the anti-harassment policies and guidelines to all school staff and safety committees, students and their parents or guardians
- develop procedures for tracking incidents of harassment and for the prompt reporting of such incidents to the principal, superintendent or other such designee, who must complete an incident report; and

WHEREAS, Under DASA, at the beginning of the school year, the aforementioned policies and guidelines would be mailed to students' parents or guardians and posted in prominent places in the schools in multiple languages; and

WHEREAS, The legislation would also require that no later than July 30<sup>th</sup> of each year, the Department of Education shall publish a statistical summary of all incidents of harassment that occurred during the preceding school year; and

WHEREAS, DASA protects any person who reports harassment to an appropriate school official or participates in any formal proceedings from retaliatory action or civil damages; therefore be it

**RESOLVED**, Community Board Five calls on the City Council Education Committee to move the "Dignity in All Schools Act" through to the full Council for a prompt vote; and be it further

**RESOLVED**, Community Board Five urges the City Council to pass and the Mayor to enact the "Dignity in All Schools Act" in an effort to stop harassment in the New York City school system.

After some discussion, the resolution passed with a vote of 33 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Beer, Bergman, Bledsoe, Block, Collins, Connolly, Cook, Daly, Esper, Farris, Gering, Guillet, Hatcher, Landeche, Mills, Newman, Paley, Presser, Rabin, Reingold, Ress, Rockefeller, Seligson, Sesser, Shields, Teitler, Vidal-Kaufman, Williams, B. Wilson, C. Wilson, Zucker.

**ABSTENTION:** Diamond.

**There being no further business the meeting adjourned at 10:02 PM.**

Respectfully submitted by

Suzanne Esper, Secretary