

**Approved 2/12/04**

**THE BOROUGH OF MANHATTAN**  
*C. VIRGINIA FIELDS, PRESIDENT*  
**MANHATTAN COMMUNITY BOARD FIVE MINUTES**  
*KYLE MERKER, CHAIR*  
**THURSDAY, JANUARY 8, 2004**

Minutes of the regular Community Board #5 meeting held on **Thursday, January 8<sup>th</sup>, 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**

Susan Baida  
Vikki Barbero  
Philip Beer  
Muriel Bernstein  
Nicholas Bergman  
Aaron Block  
James Collins  
Paul Connolly  
Candy Cook  
William Daly  
David Diamond  
Lorna Duff  
Susanne Esper  
Janelle Farris  
Lola Finkelstein  
Eric Gering  
Robyn Hatcher  
Brian Landeche  
Kyle Merker  
Sharon Paley  
Carmel Reingold  
Connie Ress  
Meile Rockefeller  
Doreen Seligson  
Joel Sesser

Rosalie Shields  
David Siesko  
Maxine Teitler  
Ana Vidal-Kaufman  
Bonnie Williams  
Craig Wilson  
Lawrence Zucker

**Present Part**

Angela Bledsoe  
Kevin Guillet  
John Mills  
Karen Newman  
David Rabin

**Absent**

Alice Adesman  
Judith Breidbart  
Lenise Logan  
Howard Mendes  
Michael Presser  
Mickey Schwartz  
Brad Wilson

**Excused**

Nancy Goshow

Joyce Matz

**Public Members**

Jon Schachter  
Lee Silver  
Jack Taylor  
Joe Tucker

**Public**

Martha Bear Dallis  
David Swinghamer  
Nancy Charnee  
Matthew Bauer  
Reyes Gavilan  
Rich Trautwein  
Elon Green  
Steve Wygoda  
David Glazer

**Elected Officials**

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

Congress Member Carolyn Maloney

**Leah Kane**

Congress Member Jerold Nadler

**Maria Guzman**

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**

**William Daly – Member of Community Board #5 and Representative for the Fashion Center BID** – described the EATS & SEATS program which combines theater and restaurant deals in the Fashion BID area. He also described the BID’s security gate program.

**Jon Schachter – Public Member of Community Board #5 and Citizens Police Academy Alumni Assoc.** – asked for suggestions of non-profits to donate toys and food items to.

**Debra Waxman – Director of Marketing for the Manhattan Theatre Club** – thanked board for its past support and announced that the show “Drowning Crow” was about to start and that reduced price tickets are available. Flyers were on the informational table.

**Matthew Bauer – Madison Square BID** – spoke in support of the Department of City Planning’s small sidewalk café proposal.

**Steve Wygoda – Architect** – asked the Board to support the Department of City Planning’s small sidewalk café proposal and spoke of the additional revenue it would provide to the city and the restaurant industry.

## BUSINESS SESSION

### ● CHAIR’S REPORT ~ *Kyle Merker*

Mr. Merker spoke about attendance requirements for full board and committee meetings and that nine (9) members will be getting letters regarding their attendance. He also reminded members to make sure they sign in at committee meetings and that chairs submit the attendance record to the Community Board Five office. Mr. Merker also asked that anyone not able to meet the attendance commitment of the board, please consider resigning.

### ● DISTRICT MANAGER’S REPORT ~ *Kathy Kinsella*

Ms. Kinsella informed members that new directories were being distributed. She then announced that the loading zone requested for 23<sup>rd</sup> Street location was approved and installed by the Department of Transportation.

Ms. Kinsella then gave a report regarding complaints for the year 2003 that had been handled by the board office. The top agencies that complaints were referred to were: Police 26%; Department of Buildings 12%; Department of Transportation 12%; Sanitation 11.5% and Department of Environmental Protection 6%. She then answered questions from Board Members regarding the City’s 311 Central Complaint System.

### ● Mr. Merker acknowledged Elected Official Representatives present.

### ● VOTE ON MINUTES OF THE DECEMBER 2003 BOARD MEETING

The minutes passed with a vote of 32 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Baida, Barbero, Beer, Bernstein, Bergman, Block, Collins, Connolly, Cook, Daly, Diamond, Duff, Esper, Farris, Finkelstein, Gering, Guillet, Hatcher, Landeche, Paley, Reingold, Ress, Rockefeller, Seligson, Sesser, Shields, Siesko, Teitler, Vidal-Kaufman, Williams, C. Wilson, Zucker. **ABSTENTION:** Merker.

## COMMITTEE REPORTS

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

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

#### *Xavier High School – Student Field Day*

*The Minutes of Community Board #5, Manhattan for December 11, 2003*

WHEREAS, Xavier High School has filed an application to hold student field day on Friday, April 30th, 2004 on 16<sup>th</sup> Street, between 5<sup>th</sup> and 6<sup>th</sup> Avenues; and

WHEREAS, this event is held every year without incident; therefore be it

**RESOLVED**, That Community Board Five **recommends approval** of the application by Xavier High School to hold student field day.

### ***Church of St. Francis of Assisi – Street Festival***

WHEREAS, the Church of St. Francis of Assisi has filed an application to hold a street festival on Sunday, May 23<sup>rd</sup>, 2004 on Broadway, between 31<sup>st</sup> and 32<sup>nd</sup> Streets; and

WHEREAS, this event is held every year without incident; therefore be it

**RESOLVED**, That Community Board Five **recommends approval** of the application by The Church of St. Francis of Assisi to hold a street festival.

The bundled resolutions (2) passed with a vote of 32 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Baida, Barbero, Beer, Bernstein, Bergman, Block, Collins, Connolly, Cook, Daly, Diamond, Duff, Esper, Farris, Finkelstein, Gering, Guillet, Hatcher, Landeche, Paley, Reingold, Ress, Rockefeller, Seligson, Sesser, Shields, Siesko, Teitler, Vidal-Kaufman, Williams, C. Wilson, Zucker. **ABSTENTION:** Merker.

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

### ***Union Square Hospitality Group – Street Festival***

WHEREAS, Union Square Hospitality Group has filed an application to hold a street festival on Saturday, June 5<sup>th</sup> and Sunday, June 6<sup>th</sup>, 2004 on the Madison Avenue, between 23<sup>rd</sup> and 26<sup>th</sup> Streets; and

*WHEREAS, the applicant has amended the request for a street activity from Madison Avenue, between 23<sup>rd</sup> and 26<sup>th</sup> Streets to 26<sup>th</sup> Street, to the 2 blocks, between 5<sup>th</sup> and Park Avenues on the north end of Madison Square Park; and*

WHEREAS, the applicant has agreed to adhere to Community Board Five's Street Activity Policies (attached); therefore be it

**RESOLVED**, That Community Board Five **recommends approval of the amended application** by Union Square Hospitality Group to hold a street festival on **26<sup>th</sup> Street, between 5<sup>th</sup> and Park Avenues on June 5<sup>th</sup> and 6<sup>th</sup>, 2004.**

After much discussion regarding over saturation of the area, the resolution as amended (see italics) passed with a vote of 18 in favor, 14 opposed, 3 abstentions, as follows: **IN FAVOR:** Barbero, Bernstein, Block, Cook, Daly, Duff, Farris, Finkelstein, Gering, Hatcher, Mills, Ress, Sesser, Shields, Siesko, Williams, C. Wilson, Zucker. **OPPOSED:** Baida, Beer, Bergman, Collins, Connolly, Diamond, Esper, Guillet, Paley, Reingold, Rockefeller, Seligson, Teitler, Vidal-Kaufman. **ABSTENTION:** Bledsoe, Landeche, Merker.

At this point in the meeting, Sharon Paley took over the chair.

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

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

### ***ULURP # N 040197 ZRY - Department of City Planning proposed zoning text amendment to permit small sidewalk cafes on selected streets.***

WHEREAS, The New York City Department of City Planning is proposing a zoning text amendment to permit small unenclosed sidewalk cafes on selected streets in Manhattan where sidewalk cafes, both unenclosed and enclosed, are currently prohibited; and

WHEREAS, the amendment would introduce a new category of sidewalk cafes known as "Small" cafes, where tables and chairs would be restricted within an area no greater than 4-1/2 feet wide and not have any barriers; and

WHEREAS, many of the streets where the Small cafes would be permitted are located in the Community Board Five area; and

WHEREAS, the goal of the amendment is to allow for livelier street activity on certain blocks; and

WHEREAS, there is a continuing concern about sidewalk impediments that restrict pedestrian flow and the methods by which the Department of Consumer Affairs calculates the 8 feet required for pedestrian flow when tree pits and subway grates obstruct the sidewalk; and

WHEREAS, individual sidewalk café applications come before Community Board Five for review and the Board has an opportunity to consider the physical conditions and character of the specific location at that time; therefore be it

**RESOLVED**, that Community Board Five **recommends approval** of the proposed text amendment to allow small sidewalk cafes only, on selected streets where zoning currently prohibits sidewalk café's; and be it further

**RESOLVED**, that Community Board Five encourages the Department of City Planning and the Department of Consumer Affairs to revisit the methods used when calculating space that must be available for sidewalk cafes, specifically the distance allowed between a sidewalk café and tree pits, subway grates or other impediments.

**Mr. Diamond then introduced the Chair of City Planning, Amanda Burden, who made a presentation on the zoning proposal. She outlined the size of the new classification of "small cafes" that would be created and the selected streets that they would be allowed on. She also spoke of the Department of Consumer Affairs enforcement of sidewalk café regulations and asked for the Community Board's support. She then turned the presentation over to Vishaan Chakrabarti, Borough Director, who described the areas affected. Shampa Chandra was then introduced and presented a map of the specific streets in Community Board Five that were proposed for the new zoning. Chair Burden then introduced Joe Kennally from the Department of Consumer Affairs who spoke about the application process and enforcement issue related to café operations.**

**The floor was then opened to questions, which included distance calculations, specifically from subway grates and tree pits also street congestions, vendors, and how the streets included in proposal were selected. There were also questions regarding enforcement, smoking regulations and the size of the proposed "small café".**

After extensive discussion, the resolution passed with a vote of 24 in favor, 10 opposed, 1 abstention, 1 present not entitled to vote, as follows: **IN FAVOR:** Baida, Beer, Bernstein, Bledsoe, Block, Collins, Daly, Diamond, Duff, Esper, Farris, Gering, Hatcher, Landeche, Mills, Newman, Paley, Rabin, Ress, Seligson, Sesser, Vidal-Kaufman, C. Wilson, Zucker. **OPPOSED:** Barbero, Bergman, Connolly, Cook, Reingold, Rockefeller, Shields, Siesko, Teitler, Williams. **ABSTENTION:** Merker. **PRESENT NOT ENTITLED TO VOTE:** Finkelstein.

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

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

### ***NYC Parks & Recreation – application for a luge clinic in Union Square Park***

WHEREAS, The New York City Department of Parks and Recreation has applied for a special event permit to hold a luge clinic in Union Square Park on Thursday, January 29, 2004; and

WHEREAS, the event will be held in the northern paved end of the park from 5:00pm until 7:00pm; and

WHEREAS, Set-up for the event will begin at 3:00pm and clean-up would end by 8:00pm; and

WHEREAS, approximately 500 participants/spectators are expected at the event; and

WHEREAS, The event, organized with the U.S. Luge Team, will demonstrate luge techniques utilizing a 5 foot ramp and sleds and hot chocolate will be served; and

WHEREAS, The event was successfully held last year at Van Cortland Park and Prospect Park and is part of the Office of the Mayor's "Cool New York" celebration which runs from January 10, 2004 - February 2, 2004; therefore be it

**RESOLVED**, That Community Board Five **recommends approval** of a special events permit for a NYC Department of Parks and Recreation sponsored luge clinic in Union Square Park on January 29, 2004.

After some discussion, the resolution passed with a vote of 35 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Baida, Barbero, Beer, Bernstein, Bergman, Bledsoe, Block, Collins, Connolly, Cook, Daly, Diamond, Duff, Esper, Farris, Finkelstein, Gering, Hatcher, Landeche, Mills, Newman, Paley, Rabin, Reingold, Ressler, Rockefeller, Seligson, Sessler, Shields, Siesko, Teitler, Vidal-Kaufman, Williams, C. Wilson, Zucker. **ABSTENTION:** Merker.

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

**Mr. Gering introduced Ms. Meile Rockefeller who then presented the following resolution on behalf of the Committee:**

### ***Certificate of Appropriateness – 75 Rockefeller Plaza – installation of new storefront infill, signage and marquee***

WHEREAS, 75 Rockefeller Plaza was constructed in 1946-47, and its exterior was designated as a Landmark as part of the Rockefeller Center complex on April 23, 1985; and

WHEREAS, the Applicant, Hudson United Bank, is a tenant of a portion of the ground floor and desires to change the street access in order to install an Automated Teller Machine accessible twenty-four hours a day; and

WHEREAS, the Applicant has applied to the Landmarks Preservation Commission for consent to replace the existing revolving door and night depository slot with a pair of glass double doors situated within the existing opening; and

WHEREAS, in or about the year 2001, the Applicant had installed two metal signs, each 18” high by 4” deep, that run between the vertical metal mullions and had not obtained consent from the Landmarks Preservation Commission, and now wishes to legalize such signs; and

WHEREAS, although the Applicant did not provide any photographs of the original condition of the façade when built, and photographs of the façade at the time of designation show that the storefront differs from the rest of the façade, and no master plan for the exterior of the building exists, the proposed changes are consistent with the existing character of the façade; therefore be it

**RESOLVED**, that Community Board Five **recommends approval** of the application to install new storefront infill and legalize the existing signage at 75 Rockefeller Plaza.

After some discussion, the resolution passed with a vote of 33 in favor, 2 opposed, 1 abstention, as follows: **IN FAVOR:** Baida, Barbero, Beer, Bernstein, Bergman, Bledsoe, Block, Collins, Connolly, Cook, Daly, Diamond, Duff, Esper, Farris, Finkelstein, Hatcher, Landeche, Mills, Newman, Paley, Rabin, Reingold, Ressler, Rockefeller, Seligson, Shields, Siesko, Teitler, Vidal-Kaufman, Williams, C. Wilson, Zucker. **OPPOSED:** Gering, Sessler. **ABSTENTION:** Merker.

**There being no further business the meeting adjourned at 8:08 PM.**

Respectfully submitted by

Suzanne Esper, Secretary