

**Final as of 1/8/04**

**THE BOROUGH OF MANHATTAN**  
*C. VIRGINIA FIELDS, PRESIDENT*  
**MANHATTAN COMMUNITY BOARD FIVE MINUTES**  
*KYLE MERKER, CHAIR*  
**THURSDAY, DECEMBER 11, 2003**

Minutes of the regular Community Board #5 meeting held on **Thursday, December 11, 2003, 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  
Vikki Barbero  
Phil Beer  
Muriel Bernstein  
Nicholas Bergman  
Aaron Block  
Judith Breidbart  
James Collins  
Paul Connolly  
Candy Cook  
David Diamond  
Suzanne Esper  
Eric Gering  
Brian Landeche  
Kyle Merker  
John Mills  
Sharon Paley  
David Rabin  
Meile Rockefeller  
Doreen Seligson  
Joel Sesser  
Rosalie Shields  
Maxine Teitler  
A. Vidal-Kaufman  
Bonnie Williams  
Craig Wilson

Lawrence Zucker

**Present Part**

Susan Baida  
William Daly  
Connie Ress  
David Siesko

**Absent**

Angela Bledsoe  
Lorna Duff  
Janelle Farris  
Nancy Goshow  
Kevin Guillet  
Robyn Hatcher  
Lenise Logan  
Karen Newman  
Michael Presser  
Mickey Schwartz  
Brad Wilson

**Excused**

Lola Finkelstein  
Joyce Matz  
Howard Mendes  
Carmel Reingold

**Public Members**

Lee Silver

**Public**

Nancy Charnee  
Steve Wygoda  
Sharon Ullman  
Rusty Moore  
Sekou Siby  
Cheryl Cutlip  
Ron Cutlip  
Elizabeth Lucrezio  
Jerome Barth  
Robert Flahive  
Morgan McLean  
Linda Lange  
Lisa Wager  
Gary Pearborn  
William Rice  
John Moon  
Iriana Mutkica

**Elected Officials**

Hon. Richard Gottfried  
Assembly Member  
Bradford Sussman

Borough President C. Virginia Fields

Jordon Isenstadt

Senator Liz Krueger

Micah Kellner

Congress Member Carolyn Maloney

Dan Golub

Assembly Member Richard Gottfried

Amy Hartz

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**

**Hon. Richard N. Gottfried – Assembly Member** – spoke about the street vendors and the explosion in the number of vendors in Community Board #5. He also spoke about the expired State Law that regulated where disabled veterans could sell and where non-veterans were allowed to sell. He also spoke briefly on State Liquor Authority issues and announced that he would sponsor a bill that would enable the State Liquor Authority to take the terms and conditions of liquor licenses that are negotiated between applicants

and the local community included in the terms of the license. He then spoke of his support for Paid Detail Unit program and stated that it is a way to have the bar/club bear the cost of added security for their establishment and that the cost of the program will not be to public tax payers.

**Sharon Ullman – President of the 23<sup>rd</sup> Street Association** – introduced herself on behalf of the proposed Madison/23<sup>rd</sup> Street/Flatiron/Chelsea BID and described the area for the BID and asked for the Board’s support.

**Sekou Siby – Restaurant Opportunity City of NY** – asked the Board to support restaurant workers.

**Steve Wygoda – Architect** – spoke about restaurants in “Red Zones” that don’t have the opportunity to file for a sidewalk café and that the Department of City Planning’s small sidewalk café proposal will address this. He asked the Board to support the proposal to open more streets as eligible to apply for sidewalk cafes.

**Linda Lange – Marble Collegiate Church** – introduced herself and described the church’s programs. She also thanked the Board for its support of the church’s lighting project.

**Jeremy Rye – Representative of Councilmember Christine Quinn** – introduced himself as a new legislative aide for Councilmember Christine Quinn and Community Board Five’s new liaison.

**Lisa Wager – Fashion Institute of Technology** – thanked the Board for moving to the “D” Building space for this month.

## BUSINESS SESSION

### ● CHAIR’S REPORT ~ *Kyle Merker*

Mr. Merker informed Board Members of the Department of City Planning’s Unenclosed Sidewalk Café proposal that came before the Land Use & Zoning Committee in December and will be coming back to that Committee in January, and encouraged board members to attend that meeting.

Mr. Merker then gave a brief explanation of Community Board Five’s By-Laws regarding attendance and explained that numerous attempts were made by the Board to contact Jonathan Morse. Mr. Merker asked for a motion to remove Jonathan Morse from the Board due to lack of attendance, which was so moved. A vote was taken as follows: **29 in favor** (Adesman, Barbero, Beer, Bernstein, Bergman, Block, Breidbart, Collins, Connolly, Cook, Daly, Diamond, Esper, Gering, Landeche, Mills, Paley, Rabin, Ress, Rockefeller, Seligson, Sesser, Shields, Siesko, Teitler, Vidal-Kaufman, Williams, C. Wilson, Zucker), **0 opposed**, **1 abstention** (Merker).

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

Ms. Kinsella reminded Board Members that the January Full Board Meeting will be held in the same space, “D” Building, Katie Murphy Amphitheatre and thanked FIT for accommodating the Board.

Ms. Kinsella then informed members that a calendar of upcoming 2004 committee meetings had been distributed to them.

She then announced that there was a letter on the informational table from Councilmember Bill Perkins with an invitation to the 150<sup>th</sup> Anniversary of Seneca Village on December 14<sup>th</sup>. She then gave a brief history of Seneca Village.

She also announced the Truck Route Management Community Impact Reduction Study outreach workshop to be held at McBurney YMCA on 14<sup>th</sup> Street on December 15<sup>th</sup>.

Ms. Kinsella then wished everyone a Happy Holiday.

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

The minutes passed with a vote of 29 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Beer, Bernstein, Bergman, Block, Breidbart, Collins, Connolly, Cook, Daly, Diamond, Esper, Gering, Landeche, Mills, Paley, Rabin, Ress, Rockefeller, Seligson, Sesser, Shields, Siesko, Teitler, Vidal-Kaufman, Williams, C. Wilson, Zucker. **ABSTENTION:** Merker.

## COMMITTEE REPORTS

### ● TRANSPORTATION/ENVIRONMENT ~ DAVID SIESKO

#### Mr. Siesko presented the following resolution:

##### **Intro # 79 – Department of Sanitation’s increase in fines**

WHEREAS, City Council Intro. 79 seeks to pass a Local Law to amend the administrative code of the City of New York to increase fines for dumping household and commercial refuse into public litter baskets; and

WHEREAS, the amendment reiterates that no person shall deposit household or commercial refuse or liquid waste in an open mesh litter basket placed on the streets by NYC Dept. of Sanitation and also increases fines for repeat offenders; and

WHEREAS, Community Board Five is in agreement with the intent of the legislation and recognizes that residents should not throw household refuse and businesses should not throw commercial refuse, solid or liquid, into baskets meant for general litter from the public, as this contributes to excess refuse in public litter baskets, often resulting in overflowing baskets; and

WHEREAS, household and commercial garbage should be properly sorted for recycling and special needs materials (i.e. hazardous materials and bulk items), which is not accomplished when disposed of in public litter baskets, and

WHEREAS, Community Board Five is in agreement that penalties should increase for repeat offenders; therefore, be it

**RESOLVED**, that Community Board Five supports Intro. 79 and requests passage of this legislation by the New York City Council.

After some questions as to what type of litter would be included in these fines, the resolution passed with a vote of 28 in favor, 1 opposed, 2 abstentions, as follows: **IN FAVOR**: Adesman, Barbero, Beer, Bernstein, Bergman, Block, Breidbart, Collins, Connolly, Cook, Daly, Diamond, Esper, Gering, Landeche, Mills, Paley, Rabin, Ress, Rockefeller, Sesser, Shields, Siesko, Teitler, Vidal-Kaufman, Williams, C. Wilson, Zucker. **OPPOSED**: Seligson. **ABSTENTIONS**: Baida, Merker.

#### Mr. Siesko then introduced the following resolution:

##### **Intro # 528 – Department of Sanitation litter basket collections**

WHEREAS, The City of New York has placed litter baskets on public streets and has an obligation to pick up trash from them at least once a day; and

WHEREAS, recent budget cuts have reduced the frequency of Department of Sanitation trash collection from street litter baskets; and

WHEREAS, overflowing litter baskets are an eyesore on city streets and can create a safety hazard by cluttering the sidewalk and at times making it slippery; and

WHEREAS, uncollected trash is a public health hazard in that it attracts rats, mice and roaches; therefore, be it

**RESOLVED**, that Community Board 5 supports Intro. 528, which requires that all street litter baskets be ~~emptied~~ *collected* at least once a day, excluding Sundays.

After a friendly amendment (Breidbart) (see strikethrough and italics), the resolution passed with a vote of 30 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR**: Adesman, Baida, Barbero, Beer, Bernstein, Bergman, Block, Breidbart, Collins, Connolly, Cook, Daly, Diamond, Esper, Gering, Landeche, Mills, Paley, Rabin, Ress, Rockefeller, Seligson, Sesser, Shields, Siesko, Teitler, Vidal-Kaufman, Williams, C. Wilson, Zucker. **ABSTENTIONS**: Merker.

#### Mr. Siesko then introduced the following resolution:

##### **BIKE RACKS**

WHEREAS, Community Board Five has received ~~an extensive list of sites~~ a list of 27 proposed sites for the placement of City approved bicycle racks; and

WHEREAS, the racks would be installed and maintained by the NYC Department of Transportation; and

WHEREAS, bicycle racks serve the general public by encouraging bicycling, an environmentally friendly form of transportation, and by providing a place to secure one's bicycle so that it is not affixed to, or risks damaging, private property; and

WHEREAS, generally, bike racks should be in easily located points of public access; and

WHEREAS, Community Board Five has issues of pedestrian congestion in many locations in its district and these areas would not be appropriate for the placement of bike racks as additional side walk furniture; therefore be it

**RESOLVED**, that *while* Community Board Five generally supports the placement of bike racks in the Community Board Five district, ~~with the exception of the following locations from the currently proposed list~~ *due to heavy pedestrian congestion, we* **object to the placement of bike racks at the following locations:**

- #3 On 7th Ave TGIF - W 51 St W 50 St - E/S - Small Rack
- #5 W 47 St at Duffy Square - 7 Ave Broadway - N/S - Small Rack
- #6 1553 Broadway - W 47 St W 46 St - W/S - Small Rack
- #8 On Broadway - W 44 St W 43 St - W/S - Small Rack
- #10 Opp 202 W 40 St - 8 Ave 7 Ave - N/S - Small Rack
- #11 206 W 40 St - 8 Ave 7 Ave - S/S - Small Rack
- #12 526 7 Ave - W 39 St W 38 St - W/S - Small Rack
- #13 1250 Broadway - Broadway 5 Ave - S/S - Small Rack
- #18 1440 Broadway - W 41 St W 40 St - E/S - Small Rack
- #20 1250 Broadway - W 49 W 50 St - E/S - Small Rack
- #22 1553 Broadway - W 47 St W 46 St - W/S - Small Rack
- #25 200 W 37 St - 7 Ave 8 Ave - S/S - Small Rack

~~and, be it further~~

~~**RESOLVED**, that Community Board Five objects to the placement of racks at the specific locations listed above, due to heavy pedestrian congestion at those locations.~~

After some discussion and friendly amendments (Diamond) (see strikethrough and italics), the resolution as amended passed with a vote of 29 in favor, 0 opposed, 1 abstention, as follows : **IN FAVOR** : Adesman, Baida, Barbero, Beer, Bernstein, Bergman, Block, Breidbart, Collins, Connolly, Cook, Daly, Diamond, Esper, Gering, Landeche, Mills, Paley, Rabin, Rockefeller, Seligson, Sesser, Shields, Siesko, Teitler, Vidal-Kaufman, Williams, C. Wilson, Zucker. **ABSTENTION** : Merker.

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

***Vision 42, proposal for AN auto free light rail on 42<sup>nd</sup> Street***

WHEREAS, the walking environment on 42nd Street is becoming increasingly more congested and uninviting with the completion of each new development along this famous artery; and

WHEREAS, more development projects will be inevitably planned or will be under construction in the vicinity of 42nd Street; and

WHEREAS, the M42 cross-town bus is among the slowest in the city, averaging only 3.6 mph according to a recent Straphangers Campaign survey (as compared to a city-wide average bus speed of 7.5 mph); and

WHEREAS, other major cities in the U.S. (such as San Diego, Dallas, Memphis, Portland, Houston and Los Angeles) and throughout the world have introduced modern, low-floor light rail or bus rapid transit lines in dedicated rights of way and increased pedestrian space and even created auto-free streets in their cores; and

WHEREAS, three discrete environmental impact studies along 42nd Street have been initiated by separate public agencies -- MTA/NYCEDC for Hudson Yards, the NYSPSC for the Con Ed site and the UN expansion and NYSESDC for One Bryant Park -- and each will include its own traffic and air quality analysis; and

WHEREAS, none of these studies include consideration of enhanced cross-town surface transit or increased space for pedestrians; therefore be it

**RESOLVED**, that Manhattan Community Board Five requests that Mayor, the Governor and other appropriate officials authorize the coordination and integration of these segmented studies into a comprehensive review of a wide range of cross-town surface transit options along the full length of 42nd Street, river-to-river, including surface light rail and bus rapid transit coupled with a variety of pedestrian enhancements.

After some questions regarding what entity was conducting the studies mentioned and what entity would be responsible for integrating them, the resolution 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, Cook, Diamond, Esper, Gering, Landeche, Mills, Paley, Rabin, Rockefeller, Seligson, Sesser, Shields, Siesko, Teitler, Vidal-Kaufman, Williams, C. Wilson, Zucker. **ABSTENTION:** Merker.

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

**Mr. Zucker presented the following bundled resolutions (3):**

### ***Encore Community Services – Street Festival***

WHEREAS, Encore Community Services has filed an application to hold a street festival on October 30<sup>th</sup>, 2004 on 52<sup>nd</sup> Street, between 7<sup>th</sup> and Madison 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 Encore Community Services.

### ***Project Dance – Street Festival***

WHEREAS, The Lamb's Church/Theater has filed an application to hold a Block Party on April 24, 2004, on 44<sup>th</sup> Street, between 6<sup>th</sup> Avenue and Broadway; and

WHEREAS, this event was held previously without incident; therefore be it

**RESOLVED**, That Community Board Five **recommends approval** of the application by The Lamb's Church/Theater to hold a block party.

### ***Knights of Vartan – Street Festival***

WHEREAS, Knights of Vartan has filed an application to hold an event on April 25<sup>th</sup>, 2004, on Broadway between West 43<sup>rd</sup> and 44<sup>th</sup> Streets; and

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

**RESOLVED**, That Community Board Five **recommends approval** for the application for a commemorative ceremony for Knights of Vartan.

The bundled resolutions (3) 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, Cook, Diamond, Esper, Gering, Landeche, Mills, Paley, Rabin, Rockefeller, Seligson, Sesser, Shields, Siesko, Teitler, Vidal-Kaufman, Williams, C. Wilson, Zucker. **ABSTENTION:** Merker.

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

***BSA #'s 371-03 BZ and 372-03 BZ, - applications for physical culture establishment at 655-663 Fifth Avenue.***

WHEREAS, An application for a special permit has been made by Cornelia Beauty and Wellness LLC for a physical culture establishment at 655, 663 Fifth Avenue; and

WHEREAS, The application is for the use of the eighth floor and roof of 655 and 663 Fifth Avenue as a physical culture establishment, with the wall separating the eighth floors of the buildings demolished, creating a single contiguous space; and

WHEREAS, This establishment would occupy 16,500 square feet; therefore, be it

**RESOLVED**, That Community Board Five **recommends approval** of the application for a physical culture establishment at 655, 663 Fifth Avenue.

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, Breidbart, Collins, Connolly, Cook, Diamond, Esper, Gering, Landeche, Mills, Paley, Rabin, Rockefeller, Seligson, Sesser, Shields, Siesko, Teitler, Vidal-Kaufman, Williams, C. Wilson, Zucker. **ABSTENTION:** Merker. **PRESENT NOT ENTITLED TO VOTE:** Block.

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

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

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

***BSA # 337-03 BZ, application for a variance at 340 Madison Avenue***

WHEREAS, the Applicant, 340 Madison Owner LLC, has requested a variance pursuant to Section 72-21 of the Zoning Resolution to permit the transfer of floor area across a zoning district boundary and to enlarge the height of the street wall beyond what is permitted along Madison Avenue, and

WHEREAS, 340 Madison Avenue is a merged zoning lot made up of seven zoning lots combined into one structure, part of which is located in a C5-3 (MiD/G) zoning district and part of which is located in a C5-2.5 (MiD) zoning district and a portion of which is located in the Grand Central Subdistrict, and

WHEREAS, the building is 73 years old, functionally obsolete and burdened with irregularly shaped floor plates and is overbuilt in both zoning districts, and

WHEREAS, the Applicant proposes to convert the building into a modern office building by creating regularly shaped floor plates of approximately 30,800 square feet for the first 15 floors of the building, enlarging floors 16-21 at the southeastern corner of the building and add a series of setbacks that would allow the introduction of a modern glass facade, and

WHEREAS, the Applicant proposes to retain the 188 foot street wall height that currently exists in the base of the building, which is 38 feet higher than the zoning requirement of a 150 foot maximum street wall along Madison Avenue and along both East 43<sup>rd</sup> and 44<sup>th</sup> Streets for a distance of 125 feet from the intersection, and

WHEREAS, the Applicant proposes to move floor area from the mid-block portion to the avenue portion of the Merged Zoning Lot to fully address the physical limitations of the building, and

WHEREAS, the Applicant cannot realize a sufficient financial return from the building as it is currently configured; and

WHEREAS, the Applicant has made a convincing case that:

- 1) there are unique physical conditions inherent in the Zoning Lot which create practical difficulties and unnecessary hardship in complying with the floor area bulk limitations of the Zoning Resolution; and
- 2) a grant of variance is necessary to enable the owner to realize a reasonable return from the zoning lot; and
- 3) the variance would not alter the essential character of the neighborhood or district in which the Zoning Lot is located; would not impair the appropriate use and development of adjacent property; and would not be detrimental to the public welfare; and
- 4) the variance is the minimum variance necessary to afford relief; therefore be it

**RESOLVED**, that Community Board Five **recommends approval** of the variance to transfer floor area from the midblock to Madison Avenue and the variance to allow a higher street wall than is typically permitted in the Grand Central Subdistrict at 340 Madison Avenue.

After some discussion, the resolution passed with a vote of 26 in favor, 0 opposed, 1 abstention, 1 present not entitled to vote, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Bergman, Breidbart, Collins, Connolly, Cook, Diamond, Esper, Gering, Landeche, Paley, Rabin, Rockefeller, Seligson, Sesser, Shields, Siesko, Teitler, Vidal-Kaufman, Williams, C. Wilson, Zucker. **ABSTENTION:** Merker. **PRESENT NOT ENTITLED TO VOTE:** Block.

## ● **JOINT PARKS & LANDMARKS ~ KEVIN GUILLET, PHIL BEER, JOYCE MATZ & ERIC GERING**

**Mr. Beer presented the following resolution on behalf of the Joint Committees:**

### ***Final Design Proposal for the Reconstruction of Hechscher Playground (Central Park) and adjacent landscape***

WHEREAS, The Central Park Conservancy has submitted a plan for Final Approval for the reconstruction of the historic Hechscher Playground landscape in the southwest region of Central Park between the West and Center Park Drives, south of the 65<sup>th</sup> Street Traverse; and

WHEREAS, this is a 30 acre site, including 2 acres of playground area and is the site of the first playground in Central Park; and

WHEREAS, the total budget for the project is \$7,000,000, of which \$2,500,000 is budgeted for renovation of the playground and \$4,500,000 is budgeted for the other improvements described below; and

WHEREAS, the monies to complete the playground portion of the project have been secured and approximately one third of the monies required for the remainder of the project have been secured; and

WHEREAS, it is anticipated that the public review process will be completed in January 2004 and work on the playground will commence in early spring of 2004, taking 6-8 months to complete and requiring that the playground be closed for the spring and summer of 2004; and

WHEREAS, it is anticipated that the remaining needed funds will be raised by the fall of 2004, which will allow work on the remainder of the project to commence and be completed by the spring of 2005; and

WHEREAS, the scope of the work will consist of the following:

#### Playground

- Re-establish and restore open passageway of Hechscher Building as main playground entrance
- Establish transition landscapes for play swings, picnic area and secondary playground entrances
- Enhance central open space with a variety of play surfaces, including three circular areas to be carpeted with artificial turf, a surface that has never been used in Central Park before, additional shade trees, new trellis and benches
- Renovate school-age playground, re-activate water features, reconstruct original play components, address safety and accessibility requirements and install safety surfacing
- Renovate pre-school playground, construct water feature, install small play, tire swings and age-appropriate climbing equipment
- Install uniform vocabulary of site details and furnishings, including fencing, benches, drinking fountains, trash receptacles and site lighting

- Establish new landscape plantings
- Add restrooms for use by playground users while maintaining separate restrooms for the general public

Ball fields

- Reconstruct all ball fields (5 softball, 1 practice)
- Construct new drainage and irrigation infrastructure
- Replace associated equipment and site furnishings

Landscape

- Integrate park and playground with changes to path alignments, grading, detailing and planting
- Reconstruct paths with standard vocabulary of park materials and site furnishings
- Remove desire lines and redundant paths, realigning paths to create a logical circulation system
- Renovate existing drainage system
- Install water supply and irrigation system to maintain plantings
- Create a well defined landscaped terminus for the Bridle Path
- Establish more varied landscape plantings for seasonal interest; and

WHEREAS, because of the Landmark status of Central Park the Community Board is concerned with the proposed introduction of artificial turf, a surface that has never been used in Central Park before, and has requested that its use be kept to a minimum and that it not be introduced into any other areas of the park without further public review; therefore be it

**RESOLVED**, That Community Board Five **supports** the Central Park Conservancy’s plan for the reconstruction of the historic Heckscher Playground landscape in the southwest region of Central Park between the West and Center Park Drives, south of the 65<sup>th</sup> Street Traverse.

After some questions regarding planning of bathroom location, the resolution 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, Cook, Diamond, Esper, Gering, Landeche, Mills, Paley, Rabin, Rockefeller, Seligson, Sesser, Shields, Siesko, Teitler, Vidal-Kaufman, Williams, C. Wilson, Zucker. **ABSTENTION:** Merker.

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

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

***Certificate of Appropriateness – 14 West 23<sup>rd</sup> Street (Ladies’ Mile Historic District)***

WHEREAS, the application is for a certificate of appropriateness at 14 West 23<sup>rd</sup> Street, built in 1857 as a residence (birthplace of Edith Wharton, 1/24/1862) and altered in the commercial style in 1892 by George H. Budlong, in the Ladies Mile Historic District; and

WHEREAS, the applicant proposes to replace the existing non-compliant windows at the second floor; and

WHEREAS, the applicant’s proposal includes:

- reproducing the window mullion lines of the similar historic windows existing next door, as can be seen in the historic photographs provided by the applicant
- painting the applied wood window moldings approved Landmarks Preservation Commission colors, appropriate to the Ladies Mile Historic District; and
- verifying the window molding details at the shop drawing phase of the window molding production in consultation with Landmarks Preservation Commission staff; therefore be it

**RESOLVED**, that Community Board Five **recommends approval** of the application for a Certificate of Appropriateness to application to replace the existing windows at the second floor of 14 West 23<sup>rd</sup> Street.

The resolution 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, Cook, Diamond, Esper, Gering, Landeche, Mills, Paley, Rabin, Rockefeller, Seligson, Sesser, Shields, Siesko, Teitler, Vidal-Kaufman, Williams, C. Wilson, Zucker. **ABSTENTION:** Merker.

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

## ● **BUSINESS IMPROVEMENT DISTRICT ~ KYLE MERKER**

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

### ***Establishment of a Business Improvement District in the Madison/23<sup>rd</sup> Street/Flatiron/Chelsea area***

WHEREAS, A group of real estate owners, retailers, and business professionals have sponsored a plan for the establishment of the Madison/23<sup>rd</sup>/Flatiron/Chelsea Business Improvement District pursuant to Section 25-405.a of the Administrative Code of New York; and

WHEREAS, The plan was presented to the BID committee of Community Board Five in conjunction with a Public Hearing on December 9, 2003; and

WHEREAS, The committee explored and reviewed the reasons for and the organization of the BID including its financials; and

WHEREAS, The proposed BID comprises an area generally centered around Madison Square Park, primarily the area from West 21<sup>st</sup> street to West 29<sup>th</sup> Street, 6<sup>th</sup> Avenue to Park Avenue South and Park Avenue South to Lexington Avenue from East 22<sup>nd</sup> Street to East 26<sup>th</sup> Street, and East 23<sup>rd</sup> Street to Third Avenue; and

*WHEREAS, It is Community Board Five's understanding that the Union Square Partnership will be expanding its northern boundary to meet the south boundary of the Madison/23<sup>rd</sup> Street/Flatiron/Chelsea BID; and*

WHEREAS, The proposed BID calls for program areas to include Maintenance and Supervision, Safety and Security, Identity and Marketing, and Homeless Outreach; and

WHEREAS, The total proposed BID annual budget is \$1,680,000; and

WHEREAS, The proposed district plan includes Community Board Five representation on the Board of Directors; and

WHEREAS, The sponsors have requested that Community Board Five approve the establishment of the proposed BID; therefore, be it

**RESOLVED**, That Community Board Five **approves** the establishment of the Madison/23<sup>rd</sup> Street/Flatiron/Chelsea Business Improvement District (BID) with the following stipulations:

1. that an overall streetscape, signage program, awning guidelines and other appropriate plans for the improvement of the district be developed and presented to Community Board Five;
2. that the name and graphic image of the BID be thoughtfully reconceived to reflect the nature of the district;
3. that the BID will consult with Community Board Five prior to the selection and placement of all future street furniture, including but not limited to planters, news boxes, streetlights, kiosk information booths etc;
4. *that if the Union Square Partnership is not successful in the expansion of its BID area north to 20<sup>th</sup> Street within a year, that the Madison/23<sup>rd</sup> Street/Flatiron/Chelsea area BID consider including 20<sup>th</sup> Street in its BID area.*

5. that Community Board Five reserves the right to withdraw from support of the BID should substantive changes of mission take place.

After some questions regarding the boundaries of the BID and a friendly amendment (Barbero) (see italics), the resolution passed with a vote 26 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Bergman, Block, Breidbart, Collins, Connolly, Cook, Esper, Gering, Landeche, Mills, Paley, Rabin, Rockefeller, Seligson, Sesser, Shields, Teitler, Vidal-Kaufman, Williams, C. Wilson, Zucker. **ABSTENTION:** Merker.

**There being no further business the meeting adjourned at 8:25 PM.**

Respectfully submitted by

Suzanne Esper, Secretary