

THE BOROUGH OF MANHATTAN
C. VIRGINIA FIELDS, PRESIDENT
MANHATTAN COMMUNITY BOARD FIVE MINUTES
KYLE MERKER, CHAIR
THURSDAY, JULY 10, 2003

Minutes of the regular Community Board #5 meeting held on **Thursday, July 10, 2003, at the Fashion Institute of Technology, 227 West 27th Street, "A" Building, 8th Floor, 6:00p.m.** Kyle Merker, Chair, presiding. The tapes of the bull meeting are available in the Board Office.

Members Present

Alice Adesman
Vikki Barbero
Philip Beer
Aaron Block
James Collins
Candy Cook
Lorna Duff
Suzanne Esper
Janelle Farris
Eric Gering
Nancy Goshow
Kevin Guillet
Robyn Hatcher
Kyle Merker
John Mills
Karen Newman
Sharon Paley
Carmel Reingold
Connie Ress
Meile Rockefeller
Doreen Seligson
Joel Sesser
Rosalie Shields
David Siesko
Maxine Teitler
Michael Utevsy
A. Vidal-Kaufman
Brad Wilson
Craig Wilson

Lawrence Zucker

Present Part

Angela Bledsoe
William Daly
Lola Finkelstein
Michael Presser
Mickey Schwartz

Absent

Susan Baida
Judith Breidbart
Paul Connolly
David Diamond
George Elkins
Brian Landeche
Lenise Logan
Howard Mendes
Jonathan Morse
David Rabin

Excused

Nicholas Bergman
Muriel Bernstein
Joyce Matz
Bonnie Williams

Public Members

Jon Schachter

Public

Matthew Bauer
John Hunt
Sien Mittiora
Stewart Borowsky
Paulina Danilczyk
Anna Peterson
Jared Bernatt
Michael Martone
Kitt Barnes
Patrick Lappin
Shujib Yagil
Ross Moskowitz
Pat Kirshner
Elon Green
Lucia Chen
David Sinclair
Michele Weiss
Ken Keltah
Pamela Kraft
Frank Angelino
Curtis Venn
Matt Markowitz
Anthony Rosell
David Weinberg
Breck Perkins
Lisa Chapman
John Druckman
David Mashaal
Alex Garamvolgyl
Kwan Chan

Elected Officials

Hon. Jonathan Bing
Assembly Member

Lori Williams
Borough President C. Virginia Fields

Minna Elias
Congressmember Carolyn Maloney

Leah Kane
Congress Member Jerrold Nadler

Maria Guzman
Assembly Member Richard Gottfried

Sara Hale-Stern
Senator Liz Krueger

Guy Margalith
Councilmember Christine Quinn

Staff

Kathy Kinsella
District Manager

Cindy Perez
Community Associate

Carla Mapelli
Community Assistant

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

PUBLIC SESSION

Matthew Bauer – Madison Avenue BID – introduced himself and announced that the BID is expanding its boundaries south to 57th Street into the Community Board Five area.

Stewart Borowsky – asked the Board’s support for his application to hold his wedding reception in Union Square Park.

Pat Kirshner – as a resident of 113 West 28th Street, she spoke in support of the building owner’s application for a zoning variance to permit residential use in an M 1-6 District for the remaining commercial units in the building.

Paulina Danilczyk – spoke about the importance of her application for her wedding in Union Square Park and asked for the Board’s support.

Assembly Member Jonathan Bing – spoke of his experience as a new Assembly Member in Albany and how pleased he is to be representing part of the Community Board Five area. The Assembly Member then took questions from the Board regarding the expiration of the vending law.

David W. Sinclair – asked the Board to support the application for conversion at 111-113 West 28th Street and spoke of the benefits to the building that would result from a conversion.

Michele Weiss – announced the 1st annual Avon walk for breast cancer and asked for volunteers to come out and support the walkers.

Frank Angelino – stated that the conversion of 111-113 West 28th Street would not be inconsistent with other uses on the block and that there is a substantial number of residences in the immediate area.

Jared Bernatt – thanked the Board for the opportunity to speak and asked that the Board deny the application for a newsstand at the N/W/C of 48th Street and Broadway due to the impact it would have on heavy pedestrian flow at the site. He also spoke of a heavy concentration of sidewalk furniture in the immediate area.

Ann F. Peterson – spoke in opposition to the newsstand at 48th Street and Broadway and cited pedestrian congestion in the area.

Ross Moskowitz – spoke against the application for a newsstand at 48th Street and Broadway and reminded the Board that it had previously denied an application at the same location.

Maria Guzman – Representative for Assembly Member Richard Gottfried’s Office – introduced herself to the Board as the recently reassigned representative to Community Board Five.

Breck Perkins – asked for the Board’s support of the application for variance at 111-113 West 28th Street and spoke of the financial hardship the building faces and the relief the conversion would bring.

Lisa Chapman – spoke of 111-113 West 28th Street’s close proximity to a residential district and asked the Board to support the conversion of the remaining units so that a plan for repairs and an elevator can be put into action.

David Weinberg – New York City Coalition to End Lead Poisoning – asked the Board to support Intro 101 for a new lead paint law in New York City. He stated that four thousand children suffered lead poisoning in 2002 and the need for the law is overwhelming.

BUSINESS SESSION

● CHAIR’S REPORT ~ *Kyle Merker*

Mr. Merker reported that he is serving on the Borough Board’s subcommittee regarding problems related to the State Liquor Authority. He also informed the Board that the Borough Board is taking up a resolution regarding the SLA at its next meeting.

Mr. Merker then introduced new Board Members Craig Wilson, Ana Vidal-Kaufman, Lorna Duff and Joel Sesser, and asked them each to say a few words about themselves.

● DISTRICT MANAGER’S REPORT ~ *Kathy Kinsella*

Ms. Kinsella thanked members for helping with posting. She then informed the Board of the Community Board Five's new website – cb5manhattan.org. She also stated that a new member's directory was being distributed.

Ms. Kinsella then announced that information on the Charter Revision's public schedule for July was available on the table and that two provisions that the Charter Commission is proposing are: (1) Reform for procurement in the City and (2) Non-Partician elections.

She then informed the board that a memo was sent via e-mail regarding Borough Consultations annual meeting on budget issues. She asked that members save the dates, especially the Wednesday, September 17 meeting with individual agencies.

Ms. Kinsella informed the Board that an updated version of the By-laws was available. She also announced that plastic recycling resumed as of July 1 and notices will be sent to all residents or building owners by the Department of Sanitation.

She then wished everyone a nice summer.

● VOTE ON MINUTES OF THE JUNE 2003 BOARD MEETING

The minutes passed with a vote of 34 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Beer, Bledsoe, Block, Collins, Cook, Daly, Duff, Esper, Farris, Finkelstein, Gering, Goshow, Guillet, Hatcher, Mills, Newman, Paley, Presser, Reingold, Ress, Rockefeller, Schwartz, Seligson, Sesser, Shields, Siesko, Teitler, Utevsky, Vidal-Kaufman, Wilson, Wilson, Zucker. **ABSTENTION:** Merker.

COMMITTEE REPORTS

● CONSENTS & VARIANCES ~ MICKEY SCHWARTZ & LAWRENCE ZUCKER

Mr. Schwartz presented the following bundled resolutions regarding 3 newsstand applications:

Newsstand applications #1139432, at the S/E/C of 7th Avenue and West 49th Street and #1139428, at the N/W/C of Broadway and West 48th Street

WHEREAS, An application has been made by Mahmud Sapan for the operation of two (2) newsstands, at the N/W/C of Broadway and West 48th Street and at the S/E/C of 7th Avenue and West 49th Street; and

WHEREAS, There is heavy pedestrian congestion at these locations; and

WHEREAS, Placement of newsstands at these locations would have a severe negative impact on pedestrian flow; therefore be it

RESOLVED, Community Board Five **recommends denial** of the applications for newsstands at the above referenced locations.

Newsstand application #1141590, at the S/E/C of Broadway and West 58th Street

WHEREAS, An application has been made by Choudhury Nabi for the operation of a newsstand, at the S/E/C of Broadway and West 58th Street; and

WHEREAS, There is heavy pedestrian congestion at these locations; and

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

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

The bundled resolutions for (3) newsstands passed with a vote of 32 in favor, 2 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Beer, Bledsoe, Block, Collins, Cook, Daly, Duff, Esper, Farris, Finkelstein, Gering, Goshow, Guillet, Mills, Paley, Presser, Reingold, Ress, Rockefeller, Schwartz, Seligson, Sesser, Shields, Siesko, Teitler, Utevsky, Vidal-Kaufman, Wilson, Wilson, Zucker. **OPPOSED:** Hatcher, Newman. **ABSTENTION:** Merker.

Mr. Schwartz then introduced the following resolution:

BSA # 209-03BZ Special Permit Application for a physical culture establishment at 150 Central Park South

WHEREAS, An application has been made for a special permit for a physical culture establishment at 150 Central Park South; and

WHEREAS, The application is for the use of portions of the cellar, first floor and second floor; therefore, be it

RESOLVED, That Community Board Five **recommends approval** of the application for a physical culture establishment at 150 Central Park South.

The resolution passed with a vote of 34 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Beer, Bledsoe, Block, Collins, Cook, Daly, Duff, Esper, Farris, Finkelstein, Gering, Goshow, Guillet, Hatcher, Mills, Newman, Paley, Presser, Reingold, Ress, Rockefeller, Schwartz, Seligson, Sesser, Shields, Siesko, Teitler, Utevsky, Vidal-Kaufman, Wilson, Wilson, Zucker. **ABSTENTION:** Merker.

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

Distinctive Sidewalk – 210 Central Park South Incorp. – 210 Central Park South

WHEREAS, an application has been made by 210 Central Park South Incorp. for a distinctive sidewalk at 210 Central Park South; and
WHEREAS, the sidewalk will be tinted concrete with a 30” scored pattern and a granite curb, and

WHEREAS, the materials to be used will be tested and required to conform to the Department of Transportation's slip resistance regulations; therefore, be it

RESOLVED, that Community Board Five **recommends approval** of the application for a distinctive sidewalk at 210 Central Park South, with the understanding that the materials meet anti-slip regulations.

Distinctive Sidewalk – Vornado Realty Trust – 640 Fifth Avenue on 51st Street.

WHEREAS, an application has been made by Vornado Realty Trust for a distinctive sidewalk at 640 Fifth Avenue on 51st Street; and

WHEREAS, the application is for an inlaid paver with the address “640”, and

WHEREAS, the materials to be used will be tested and required to conform to the Department of Transportation's slip resistance regulations; therefore, be it

RESOLVED, That Community Board Five **recommends approval** of the application for a distinctive sidewalk at 640 Fifth Avenue on 51st Street, with the understanding that the materials meet anti-slip regulations.

After some discussion regarding the nature of the distinction of the sidewalk, the bundled resolutions (2) passed with a vote of 34 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Beer, Bledsoe, Block, Collins, Cook, Daly, Duff, Esper, Farris, Finkelstein, Gering, Goshow, Guillet, Hatcher, Mills, Newman, Paley, Presser, Reingold, Ress, Rockefeller, Schwartz, Seligson, Sesser, Shields, Siesko, Teitler, Utevsky, Vidal-Kaufman, Wilson, Wilson, Zucker. **ABSTENTION:** Merker.

Mr. Schwartz then introduced the following resolution:

Distinctive Sidewalk – Sheraton New York Hotel & Towers – 811 Seventh Avenue.

WHEREAS, an application has been made by Sheraton New York Hotel & Towers for a distinctive sidewalk at 811 Seventh Avenue; and

WHEREAS, the proposal includes replacement of existing concrete sidewalk and curb with new concrete sidewalk and curb, construction of new granite paver entry feature on West 53rd Street, repair of existing entry features on Seventh Avenue and West 52nd Street and the installation of water proofing below sidewalk sections, and

WHEREAS, entry details will include brass Sheraton logos, and

WHEREAS, the materials to be used will be tested and required to conform to the Department of Transportation's slip resistance regulations; therefore, be it

RESOLVED, that Community Board Five **recommends approval** of the application for a distinctive sidewalk at 811 Seventh Avenue, with the understanding that the materials meet anti-slip regulations.

After some discussion, the resolution passed with a vote of 33 in favor, 0 opposed, 1 abstaining, 1 present not entitled to vote, as follows: **IN FAVOR:** Adesman, Barbero, Beer, Bledsoe, Block, Collins, Cook, Daly, Duff, Esper, Farris, Finkelstein, Gering, Goshow, Guillet, Hatcher, Mills, Newman, Paley, Presser, Reingold, Ress, Rockefeller, Schwartz, Seligson, Sesser, Shields, Siesko, Teitler, Utevsky, Vidal-Kaufman, C. Wilson, Zucker. **ABSTENTION:** Merker. **PRESENT NOT ENTITLED TO VOTE:** B. Wilson.

Mr. Schwartz then introduced the following resolution:

License # 0851080– Unenclosed Sidewalk Café (Futaba Corp., Inc. d/b/a Choshi Japanese Restaurant) – 77 Irving Place

WHEREAS, Futaba Corp., Inc. d/b/a Choshi Japanese Restaurant has filed a renewal application for an unenclosed sidewalk café for 7 tables and 14 seats at 77 Irving Place; and

WHEREAS, Community Board Five has received no complaints regarding the operation of this café; therefore be it

RESOLVED, That Community Board Five **recommends approval** of the renewal application by Futaba Corp., Inc. d/b/a Choshi Japanese Restaurant, for an unenclosed sidewalk café at 77 Irving Place.

The resolution passed with a vote of 34 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Beer, Bledsoe, Block, Collins, Cook, Daly, Duff, Esper, Farris, Finkelstein, Gering, Goshow, Guillet, Hatcher, Mills, Newman, Paley, Presser, Reingold, Ress, Rockefeller, Schwartz, Seligson, Sesser, Shields, Siesko, Teitler, Utevsky, Vidal-Kaufman, B. Wilson, C. Wilson, Zucker. **ABSTENTION:** Merker.

Mr. Schwartz then introduced the following resolution:

License # 1106441– Unenclosed Sidewalk Café (Wall’s Coffee Shop) – 574 Sixth Avenue

WHEREAS, Wall’s Coffee Shop has filed a renewal application for an unenclosed sidewalk café for 7 tables and 14 seats at 574 Sixth Avenue; and

WHEREAS, Community Board Five takes its role in the review of sidewalk café applications seriously; and

WHEREAS, the applicant refused to attend a committee meeting to discuss the application and answer questions as to the café’s operation; and

WHEREAS, there is a history of neighborhood opposition to a café at that location and

WHEREAS, there is heavy pedestrian congestion on Sixth Avenue, and a subway entrance on the corner of 16th Street from which there is heavy pedestrian flow; and; therefore be it

RESOLVED, That Community Board Five **recommends denial** of the renewal application by Wall’s Coffee Shop, for an unenclosed sidewalk café at 574 Sixth Avenue.

After some discussion, the resolution passed with a vote of 30 in favor, 4 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Beer, Bledsoe, Block, Collins, Cook, Daly, Esper, Farris, Finkelstein, Gering, Goshow, Guillet, Mills, Paley, Presser, Reingold, Ress, Rockefeller, Schwartz, Seligson, Sesser, Shields, Siesko, Teitler, Utevsky, Vidal-Kaufman, B. Wilson, C. Wilson. **OPPOSED:** Duff, Hatcher, Newman, Zucker. **ABSTENTION:** Merker.

Mr. Schwartz then introduced the following resolution:

Tiffany & Co., application to install planters in front of 727 Fifth Avenue

WHEREAS, A request was made by Tiffany & Co. to install planters in front of the entrance to 727 5th Avenue, and

WHEREAS, The planters will be 2" thick cast stone, white, precast concrete; therefore, be it

RESOLVED, That Community Board Five **recommends approval** of the application by Tiffany & Co. to install planters at 727 5th Avenue.

After much discussion regarding the use of planters as a security measure and their impact on pedestrian flow, the resolution failed with a vote of 9 in favor, 25 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Daly, Duff, Farris, Goshow, Hatcher, Mills, Newman, Zucker. **OPPOSED:** Barbero, Beer, Bledsoe, Block, Collins, Cook, Esper, Finkelstein, Gering, Guillet, Paley, Presser, Reingold, Ress, Rockefeller, Schwartz, Seligson, Sesser, Shields, Siesko, Teitler, Utevsky, Vidal-Kaufman, B. Wilson, C. Wilson. **ABSTENTION:** Merker.

A motion was then made from the floor (Shields) for the following substitute resolution for Tiffany & Co:

WHEREAS, A request was made by Tiffany & Co. to install planters in front of the entrance to 727 5th Avenue, and
WHEREAS, Community Board Five has concerns regarding the impact the planters would have on pedestrian flow; therefore, be it
RESOLVED, That Community Board Five **recommends denial** of the application by Tiffany & Co. to install planters at 727 5th Avenue.

The substitute resolution passed with a vote of 25 in favor, 9 opposed, 1 abstention, as follows: **IN FAVOR:** Barbero, Beer, Bledsoe, Block, Collins, Cook, Esper, Finkelstein, Gering, Guillet, Paley, Presser, Reingold, Ress, Rockefeller, Schwartz, Seligson, Sesser, Shields, Siesko, Teitler, Utevsky, Vidal-Kaufman, B. Wilson, C. Wilson. **OPPOSED:** Adesman, Daly, Duff, Farris, Goshow, Hatcher, Mills, Newman, Zucker. **ABSTENTION:** Merker.

Mr. Schwartz then presented the following resolution:

Olympic Tower Condominium, application to install planters at 641 Fifth Avenue, along East 51 Street.

WHEREAS, A request was made by Olympic Tower Condominium to install planters at 641 5th Avenue, along East 51 Street, and
WHEREAS, Community Board Five has concerns regarding the impact the planters would have on pedestrian flow; therefore, be it
RESOLVED, That Community Board Five **recommends denial** of the application by Olympic Tower Condominium to install planters at 641 5th Avenue, along East 51 Street.

The resolution passed with a vote of 29 in favor, 3 opposed, 1 abstention, 1 present not entitled to vote, as follows: **IN FAVOR:** Adesman, Barber, Beer, Bledsoe, Collins, Cook, Daly, Duff, Esper, Farris, Gering, Guillet, Hatcher, Paley, Presser, Reingold, Ress, Rockefeller, Schwartz, Seligson, Sesser, Shields, Siesko, Teitler, Utevsky, Vidal-Kaufman, B. Wilson, C. Wilson, Zucker. **OPPOSED:** Goshow, Mills, Newman. **ABSTENTION:** Merker. **PRESENT NOT ENTITLED TO VOTE:** Block.

● LAND USE & ZONING ~ MICHAEL UTEVSKY

Mr. Utevsky presented the following resolution:

BSA # 148-03-BZ Application for Variance for Residential Use in M1-6 District at 111-113 West 28th Street.

WHEREAS, two adjoining three-story buildings at 111 and 113 West 28th Street, between Sixth and Seventh Avenues, are located in an M1-6 manufacturing district, on the block that contains New York City's wholesale flower market; and

WHEREAS, the two buildings are currently occupied on the ground floor and basement by commercial uses related to the flower market, contain two legalized "loft law" residential condominium units on the second and third floors of 113 West 28th Street, and the upper floors of 111 are vacant; and

WHEREAS, the owner of the buildings desires to build two additional floors plus a penthouse on top of the existing buildings and convert all upper floors to residential use, and has applied to the Board of Standards and Appeals for a variance to allow residential use; and

WHEREAS, this Board is concerned that the continuing conversion of properties to residential uses in this area will contribute to the decline of wholesale and manufacturing uses, ~~including the wholesale purveying of caps, handbags and gifts, and in particular~~ the wholesale flower market, in the following ways, among others:

- that the current uses of the sidewalks and streets by manufacturers and wholesalers for loading, unloading, and the display and movement of merchandise are inconsistent with residential uses of the sidewalks and streets;
- that the early morning hours of operation of the flower market are inconsistent with residential uses; and

--that an increased residential population on the block will attract retail businesses aimed at a residential market to replace the existing wholesale businesses; and

WHEREAS, the Board believes that the variance sought by the applicant will contribute to the change of the essential character of the neighborhood; and

WHEREAS, the Board believes that 111-113 West 28th Street is similar to most of the other buildings on the block and does not have “unique” physical conditions, as required for a variance; now, therefore, be it

RESOLVED, that Community Board Five **does not approve** the application for a variance for residential use for the existing buildings plus two additional stories and penthouse at 111-113 West 28th Street.

After a brief presentation from Mr. Utevsy and a friendly amendment (see strikethrough and italic), the resolution passed with a vote of 18 in favor, 15 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Beer, Bledsoe, Cook, Esper, Newman, Paley, Reingold, Ress, Rockefeller, Seligson, Siesko, Teitler, Utevsy, Vidal-Kaufman, B. Wilson, C. Wilson. **OPPOSED:** Block, Collins, Daly, Duff, Farris, Gering, Goshow, Guillet, Hatcher, Mills, Presser, Schwartz, Sesser, Shields, Zucker. **ABSTENTION:** Merker.

● **PARKS ~ KEVIN GUILLET**

Mr. Guillet presented the following resolution:

Union Square Celebrates “Back to School”

WHEREAS, the 14th Street/ Union Square LDC has applied for a special event permit to hold a “Union Square Celebrates Back to School” event on Saturday, September 6, 2003; and

WHEREAS, the event would be held in the plaza at the southern end of the park; and

WHEREAS, set-up will begin no earlier than 9:00 am, the event itself will run from noon to 3:00 pm, and clean-up will conclude no later than 6:00 pm; and

WHEREAS, the event will consist of musical and stage performances by students from New York University and The New School; and

WHEREAS, the event is intended to welcome back returning college students who reside in and around the Union Square area during the school year and introduce them to the local businesses and public amenities of the Union Square area; and

WHEREAS, approximately 400-800 spectators are expected throughout the course of the event; and

WHEREAS, the applicant will distribute discount shopping cards which are good for use at local businesses for the week following the event to students who present valid student identification; and

WHEREAS, the applicant will use amplified sound for the event and has agreed to get a sound permit from the NYPD; and

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

RESOLVED, that Community Board Five recommends approval of a special events permit for Union Square Business Improvement District to hold a “Union Square Celebrates Back to School” event on Saturday, September 6, 2003.

The resolution passed with a vote of 31 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Beer, Bledsoe, Collins, Cook, Daly, Duff, Esper, Farris, Gering, Goshow, Guillet, Hatcher, Merker, Mills, Newman, Presser, Reingold, Ress, Rockefeller, Seligson, Sesser, Shields, Siesko, Teitler, Utevsy, Vidal-Kaufman, B. Wilson, C. Wilson, Zucker. **ABSTENTION:** Merker.

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

Mr. Guillet then introduced the following resolution:

STEWART BOROWSKY WEDDING RECEPTION IN UNION SQUARE PARK

WHEREAS, Stewart Borowsky has applied for a special event permit to hold a wedding reception in Union Square Park on Saturday, October 18, 2003; and

WHEREAS, the event would be held in the “pit” area at the northern end of the park between the children’s playgrounds, in the area occupied by the concessionaire operating as Luna Park during the summer months; and

WHEREAS, Luna Park will have shut down for the season and will have vacated the pit area by the time this event is scheduled to occur *and the applicant will not interfere with the operation of Luna Park*; and

WHEREAS, set-up will begin either the night before or from 2:00 to 4:00 pm the day of the event and will involve vehicles driving onto Park land to deliver equipment, the event itself will run from 6:00 to 10:00 pm, and the clean-up will conclude no later than midnight; and

WHEREAS, the event is a private party celebrating the nuptials of Stewart Borowsky who has been a Greenmarket farmer for 10 years; and

WHEREAS, the event will involve either a DJ or a band, catered food, which will be prepared off-site, tables and chairs rented for the occasion and a tent covering half of the pit area; and

WHEREAS, approximately 150 guests are expected to attend the party; and

WHEREAS, the applicant will hire a clean-up crew to clean up the area after the party; and

WHEREAS, Community Board Five is concerned with both the number and type of special events occurring in Union Square; and

WHEREAS, the Community Board views this event as a private affair on public park land that is not open to the public and does not provide any benefit to the Union Square community at large; and

WHEREAS, the Community Board is concerned that holding such an event in Union Square Park would set a precedent that Union Square Park is available to rent as an event space for private affairs; and

WHEREAS the Community Board is concerned that to allow Union Square Park to be used as a private party event space creates unfair competition for the surrounding restaurants that have been integral to the revitalization of the Union Square Park area; therefore be it

RESOLVED, Community Board Five recommends denial of a special events permit for Stewart Borowsky to hold a wedding reception in the pit area of Union Square Park on Saturday, October 15, 2003.

After much discussion regarding the use of park for a private event, and a friendly amendment (see italics) the resolution failed with a vote of 15 in favor, 17 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Beer, Collins, Cook, Esper, Farris, Guillet, Merker, Rockefeller, Seligson, Siesko, Teitler, Vidal-Kaufman, B. Wilson. **OPPOSED:** Bledsoe, Block, Daly, Duff, Gering, Goshow, Hatcher, Mills, Newman, Presser, Reingold, Ress, Sesser, Shields, Utevsky, C. Wilson, Zucker. **ABSTENTION:** Paley.

The following resolution was then presented from the floor by Michael Utevsky:

WHEREAS, Stewart Borowsky has applied for a special event permit to hold a wedding reception in Union Square Park on Saturday, October 18, 2003; and

WHEREAS, the event would be held in the “pit” area at the northern end of the park between the children’s playgrounds, in the area occupied by the concessionaire operating as Luna Park during the summer months; and

WHEREAS, Luna Park will have shut down for the season and will have vacated the pit area by the time this event is scheduled to occur; and

WHEREAS, set-up will begin either the night before or from 2:00 to 4:00 pm the day of the event and will involve vehicles driving onto Park land to deliver equipment, the event itself will run from 6:00 to 10:00 pm, and the clean-up will conclude no later than midnight; and

WHEREAS, the event is a private party celebrating the nuptials of Stewart Borowsky who has been a Greenmarket farmer for 10 years; and

WHEREAS, the event will involve either a DJ or a band, catered food, which will be prepared off-site, tables and chairs rented for the occasion and a tent covering half of the pit area; and

WHEREAS, approximately 150 guest are expected to attend the party; and

WHEREAS, the applicant will hire a clean-up crew to clean up the area after the party; and

WHEREAS, Community Board Five is concerned with both the number and type of special events occurring in Union Square, and
WHEREAS, the applicant has a special connection to Union Square Park, and
WHEREAS, the applicant will request a sound permit from the Police Department and abide by its terms, and
WHEREAS, the applicant will leave the park cleaner than it was found, and
WHEREAS, Community Board approval of this application is not intended to create a precedent for future events, therefore be it
RESOLVED, Community Board Five recommends approval for a special events permit for Stewart Borowsky to hold a wedding
reception in the pit area of Union Square Park on Saturday, October 15, 2003.

The resolution passed with a vote of 19 in favor, 12 opposed, 1 abstention, as follows: **IN FAVOR:** Beer, Block, Collins, Daly, Duff, Gering, Goshow, Hatcher, Mills, Newman, Presser, Reingold, Ress, Seligson, Sesser, Shields, Utevsky, C. Wilson, Zucker. **OPPOSED:** Adesman, Barbero, Cook, Esper, Farris, Guillet, Merker, Rockefeller, Siesko, Teitler, Vidal-Kaufman, B. Wilson. **ABSTENTIONS:** Paley.

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

● **JOINT PARKS AND LANDMARKS AND TRANSPORTATION ~ KEVIN GUILLET, JOYCE MATZ AND DAVID SIESKO**

Mr. Guillet presented the following resolution on behalf of the Committees:

CENTRAL PARK SOUTH LIGHTING PROPOSAL

WHEREAS, the Central Park Conservancy has proposed a project to reconstruct the pedestrian and street lights on Central Park South between Grand Army Plaza and Columbus Circle; and

WHEREAS, the reconstruction will consist of replacing current light fixtures on both sides of the street with new fixtures that incorporate some of the features of the historic "Fifth Avenue" light fixtures while still meeting all DOT requirements; and

WHEREAS, the number of light fixtures on the south (residential) side of the street will remain unchanged and the number of fixtures of the north (park) side of the street will increase from 13 to 26 and the north side fixtures will provide both street lighting and lighting for the pedestrian walkway; and

WHEREAS, shielding will be used so that light does not intrude into residences on the southside of Central Park South, and

WHEREAS, Con Ed will hard wire for all the new fixtures on the north side of the street with minimal construction and disturbance to traffic flow, and the construction, once commenced, will last about one month in duration; and

WHEREAS, the project is being funded on a 50/50 basis from public funds and private donations; therefore be it

RESOLVED, Community Board Five recommends approval of the proposal by the Central Park Conservancy to reconstruct the pedestrian and streetlights on Central Park South between Grand Army Plaza and Columbus Circle.

After some discussion, the resolution passed with a vote of 30 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Bledsoe, Block, Collins, Cook, Daly, Duff, Esper, Farris, Gering, Goshow, Guillet, Hatcher, Mills, Newman, Paley, Reingold, Ress, Rockefeller, Seligson, Sesser, Shields, Siesko, Teitler, Utevsky, Vidal-Kaufman, B. Wilson, C. Wilson, Zucker. **ABSTENTION:** Merker.

● **LANDMARKS ~ JOYCE MATZ**

Mr. Gering presented the following bundled resolutions (3) on behalf of the Committee:

29 West. 19th Street – application to install storefront infill, construct rear yard addition and 1-story rooftop addition

Whereas, The applicant is proposing to restore an existing building facade, in the Ladies Mile Historic District, in a sensitive way to its more historic conditions, including cleaning and pointing stone, replacing windows with wood, landmark friendly windows and restoring cornice moldings; and

Whereas, The applicant is willing to remove a non-conforming "Park" sign from its facade; and

Whereas, The applicant is proposing a rooftop addition of approximately 2,000 square feet along with some additional enlargement at the rear, both of which will be somewhat visible from the street (although not directly in front on 19th Street or westerly along 19th Street); and

Whereas, The applicant will be refacing with brick to improve the look of the existing exposed part wall adjacent to an open parking lot next door; therefore be it

Resolved, That Community Board Five recommends approval of this application for a facade renovation, and rooftop and rear addition.

689 Fifth Avenue – The Aeolian Building, an application to install storefront infill (Zara International)

Whereas, The applicant is proposing to alter the non-historic ground floor storefront (the present location of "Façonnable") of the recently designated (December 2002) Aeolian Building; and

Whereas, The applicant is seeking to demolish parts of the existing storefront facing Fifth Avenue and East 54th Street, eliminating the existing arcade; and

Whereas, The existing windows along fifth Avenue and along 54th Street are proposed to be enlarged; and

Whereas, The fabric awnings are proposed to be replaced with more appropriately scaled fabric awnings; and

Whereas, The new storefront will have no exterior roll-down security gates; and

Whereas, There is historic precedent for bringing the facade out to the street line with the entry at the corner; therefore be it

Resolved, That Community Board Five recommends approval of this application for a storefront alteration.

1260 Broadway – Application to install storefront infill and signage (Washington Mutual)

Whereas: The applicant is proposing to modify the storefront infill of an existing 1897 Beaux-Arts building; and

Whereas, The existing unsightly ventilation grilles will be replaced with more architecturally integrated louvers at three window bays; and

Whereas, The applicant seeks to install non-internally illuminated signage (illuminated by small recessed spotlight) at four window bays; and

Whereas, The applicant proposes to restore the original granite bulkheads at the _____ window bays; and

Whereas, There will be no exterior roll-down security gates; and

Whereas, The applicant proposes to remove the existing exterior lighting fixtures if permitted; therefore be it

Resolved, That Community Board Five recommends approval of this application for a storefront and signage modification.

The three bundled resolutions passed with a vote of 28 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Block, Collins, Cook, Duff, Esper, Farris, Gering, Goshow, Guillet, Hatcher, Mills, Newman, Paley, Reingold, Ress, Rockefeller, Seligson, Sesser, Shields, Siesko, Teitler, Utevsy, Vidal-Kaufman, B. Wilson, C. Wilson, Zucker. **ABSTENTION:** Merker.

● PUBLIC SAFETY & QUALITY OF LIFE ~ VIKKI BARBERO

Ms. Barbero presented the following resolution:

Police Department request for removal of phones on 8th Avenue, from 29th to 31st Streets

Whereas, The area of 8th Avenue between 29th and 31st Streets has 22 phones located in a two (2) block area; and

Whereas, The Northeast corner of 8th Avenue and 30th Street has three (3) phone banks in close proximity of one another; and

Whereas, The Midtown South precinct has effected numerous arrests of drug dealing and drinking in and around the phone booths; and

Whereas, The precinct has received numerous complaints from both the business and residential communities in this area; and

Whereas, The Commanding Officer of Midtown Precinct South has requested Community Board Five support the recommendation that the number of phone booths in this area be reduced; therefore be it

RESOLVED, That Community Board Five recommends that the number of phone booths in the area of 8th Avenue between 29th and 31st Streets be reduced in order to help curtail the problems involving drug dealing and drinking in and around the phone booths.

The resolution passed with a vote of 29 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Beer, Block, Collins, Cook, Duff, Esper, Farris, Gering, Goshow, Guillet, Hatcher, Mills, Newman, Paley, Reingold, Ress, Rockefeller, Seligson, Sesser, Shields, Siesko, Teitler, Utevsky, Vidal-Kaufman, B. Wilson, C. Wilson, Zucker. **ABSTENTION:** Merker.

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

Ms. Paley presented the following resolution:

INTRO 101 – LEAD POISONING

WHEREAS, Lead poison that accumulates in blood, bone, and soft tissue can damage the brain, kidneys, central nervous system, and blood-forming organs, and

WHEREAS, Infants and children are particularly susceptible to harm from lead poisoning; and

WHEREAS, The primary source of childhood lead poisoning is the ingestion of lead dust and lead chips from the deterioration of lead-based painted surfaces; and

WHEREAS, Each year, more than 4,000 New York City children are diagnosed with lead poisoning; and

WHEREAS, Workers involved in the repair, renovation, or demolition of structures with lead paint are also put at risk, if such work is undertaken without adequate safety measures; and

WHEREAS, The City's most recent lead paint law (Local Law 38 of 1999) was unanimously struck down by the New York State Court of Appeals; and

WHEREAS, Since the Court's decision, the City's lead poisoning law has reverted to one passed in 1982, which advocates, landlords, and tenants agree is untenable; and

WHEREAS, Lead poisoning legislation (Intro 101) is currently before the City Council's Housing Committee; and

WHEREAS, Intro 101 is a more specific and comprehensive lead poisoning law than the one recently struck down by the Court; therefore be it

RESOLVED, Community Board Five urges Speaker Miller to take whatever steps necessary to immediately bring Intro 101 to a vote before the entire City Council.

The resolution passed with a vote of 28 in favor, 1 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Beer, Block, Collins, Cook, Duff, Esper, Farris, Gering, Goshow, Guillet, Hatcher, Mills, Newman, Paley, Reingold, Ress, Seligson, Sesser, Shields, Siesko, Teitler, Utevsky, Vidal-Kaufman, B. Wilson, C. Wilson, Zucker. **OPPOSED:** Rockefeller. **ABSTENTION:** Merker.

Ms. Paley then introduced the following resolution:

West Midtown Homelessness

WHEREAS, Community Board Five is committed to ending homelessness within its boundaries and in the City of New York; and

WHEREAS, The "West Midtown Homeless Service Providers" (WMHSP) is a neighborhood coalition comprised of leading organizations in homeless services; and

WHEREAS, WMHSP has identified a significant number of chronic homeless within the boundaries of Community Board Five; and

WHEREAS, The coalition has devised a neighborhood-based strategy to end chronic street homelessness in and around Community Board Five; and

WHEREAS, Using this strategy WMHSP will attempt to place 200 (66%) of West Midtown's chronic homeless individuals into housing by February 2006; and

WHEREAS, The WMHSP plan calls for the development of an innovative Housing Placement Center; and

WHEREAS, The success of the WMHSP strategy requires that the Department of Homeless Services (DHS) and the Department of Health and Mental Hygiene (DHMH):

- work cooperatively and synchronize their outreach teams
- modify contracts to enhance outreach efforts

- encourage their contractors to share information
- support the development of an interagency database; and

WHEREAS, WMHSP will ensure that all aspects of this program, including the proposed interagency database, are compliant with the Health Insurance Portability and Accountability Act (HIPAA) which mandates confidentiality of personal, private, and medical information; therefore be it

RESOLVED, Community Board Five fully supports the WMHSP and its mission, including the development of a Housing Placement Center; and be it further

RESOLVED, Community Board Five requests that Department of Homeless Services and Department of Health and Mental Hygiene ensure that the initiatives outlined by West Midtown Homeless Services Providers are implemented and funded.

The resolution passed with a vote of 29 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Beer, Block, Collins, Cook, Duff, Esper, Farris, Gering, Goshow, Guillet, Hatcher, Mills, Newman, Paley, Reingold, Ress, Rockefeller, Seligson, Sesser, Shields, Siesko, Teitler, Utevsky, Vidal-Kaufman, B. Wilson, C. Wilson, Zucker. **ABSTENTION:** Merker.

● TRANSPORTATION/ENVIRONMENT ~ *DAVID SIESKO*

Mr. Siesko presented the following resolution:

BIKE LANE ON EIGHTH AVENUE

Whereas, New York City has installed well-designed bike lanes along Hudson Street south of 14th Street and Central Park West north of Columbus Circle; and

Whereas linking these lanes with similar lanes on Eighth Avenue, which is the shared border of Community Board Four and Community Board Five, has been proposed by Community Board Four; and

Whereas, providing bike lanes improves the safety and attractiveness of bicycle transportation in Manhattan; and

Whereas, encouraging travel by bike rather than by car or taxi reduces emissions and traffic congestion; and

Whereas, CB5 recognizes that bike lanes may not be feasible for segments of Eighth Avenue, particularly near Penn Station and the Port Authority Bus Terminal; therefore, be it

Resolved, that CB5 supports the placement of bike lanes on Eighth Avenue in principal and requests that the NYC Department of Transportation conduct a study to determine where and to what extent these lanes may be feasible.

The resolution passed with a vote of 28 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Beer, Block, Collins, Cook, Duff, Esper, Farris, Gering, Goshow, Hatcher, Mills, Newman, Paley, Reingold, Ress, Rockefeller, Seligson, Sesser, Shields, Siesko, Teitler, Utevsky, Vidal-Kaufman, B. Wilson, C. Wilson, Zucker. **ABSTENTION:** Merker.

Mr. Siesko then presented the following resolution:

RELOCATION OF BUS LAYOVER TO PARK AVE. SOUTH

Whereas, the NYC Department of Transportation has put forth a proposal to relocate a bus layover area from its current location on the west side of Madison Avenue from 23rd Street to 26th Street adjacent to Madison Square Park, to the west side of Park Avenue South between 24th and 25th streets; and

Whereas, Community Board Five has supported and advocated for the development of a plan to move the buses off Madison Square Park for many years; and

Whereas, the NYC Dept. of Parks and Recreation has recently completed the renovation of Madison Square Park increasing the volume of users and enjoyment of the park and the Parks Department supports the DOT proposal; and

Whereas, commercial tenants on the west side of Park Avenue between 24th and 25th streets as well as the 23rd Street Association support this proposal; and

Whereas, DOT recognizes the community's desire to move all bus layover areas from around all sides of the park and views this proposal as step one of the long-term goal to address the community's concern; therefore be it

Resolved, that CB5 supports and applauds the Department of Transportation's plan to move the layover area to Park Avenue South and encourages DOT to continue to view alternative parking locations for buses that layover on streets adjacent to Madison Square Park.

The resolution passed with a vote of 27 in favor, 0 opposed, 1 abstention as follows: **IN FAVOR:** Adesman, Barbero, Beer, Collins, Cook, Duff, Esper, Farris, Gering, Goshow, Guillet, Hatcher, Mills, Paley, Reingold, Ress, Rockefeller, Seligson, Sesser, Shields, Siesko, Teitler, Utevsky, Vidal-Kaufman, B. Wilson, C. Wilson, Zucker. **ABSTENTION:** Merker.

Mr. Siesko then introduced the following resolution:

J&P Limousine Inc., "For Hire Base" station license at 8 West 38th Street

WHEREAS, The applicant, J&P Limousine, has applied for renewal of a For Hire Base Station License at 8 West 38th Street; and

WHEREAS, Community Board Five takes its advisory role to the Taxi and Limousine Commission seriously; and

WHEREAS, the applicant was invited to but did not attend the CB5 Transportation Committee meeting to discuss the application and answer questions that the committee had relating, but not limited to: traffic congestion, sidewalk congestion and noise; therefore, be it

RESOLVED, that Community Board 5 **does not support** the application by J&P Limousine for renewal of a For Hire Base Station License at 8 West 38th Street.

The resolution passed with a vote of 27 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Beer, Collins, Cook, Duff, Esper, Farris, Gering, Goshow, Guillet, Hatcher, Mills, Paley, Reingold, Ress, Rockefeller, Seligson, Sesser, Shields, Siesko, Teitler, Utevsky, Vidal-Kaufman, B. Wilson, C. Wilson, Zucker. **ABSTENTION:** Merker.

● CITY SERVICES AND BUDGET ~ BRAD WILSON

The following item was presented by Mr. Wilson:

FY 2005 Statement of District Needs

INTRODUCTION

Manhattan Community Board Five represents the central business districts of New York City including midtown Manhattan. We also represent residential areas with diverse needs. Our district is the center of New York's tourism industry. Times Square, the Empire State Building and three of the region transportation hubs; Grand Central Station, Penn Station, and the Port Authority Terminal, all fall within or lie on the border of CB5. The majority of New York City's more than 50 million visitors each year will walk our streets. We must continuously accommodate the business community, tourism, and our residents.

Manhattan Community Board Five recognizes the need to provide safety and security to our citizens as the top priority for the city in the future. We commend the heroic efforts of the Fire and Police departments. Terrorism continues to be a real threat in our district. The majority of the city's landmarks and tourist attractions are within our Board. We believe that all City Departments should focus on developing emergency information channels and a civil defense program.

We are aware of the new budget constraints that world events and economic reality have brought to our city. We feel greater audit and oversight of non-mayoral agencies is recommended. Reduction of waste, mismanagement and corruption should be a major tool in reducing the cost of government through improved efficiency rather than reduced services. Computerization of the government can also improve efficiency and service levels while reducing the cost of government.

Everyday our district faces extreme congestion. Both vehicular and pedestrian traffic is already at intolerable levels. It is critical to both the quality of life in our area, and the impression we make on the tourists who visit our city, that all city services focus on minimizing this congestion and its negative effects. Many of our needs are simple: improve traffic control, limit emissions from trucks and buses on our streets, enforce parking regulations throughout our district, improve pedestrian flow, enforce laws and regulations restricting street peddling, and consider limiting the size of trucks permitted in these congested areas.

We are privileged to have several Business Improvement Districts in our area and we feel they are successful in providing better services within their borders. We endorse the BIDs and the work they have been doing and are encouraged by the Mayor's willingness to allow increases in the BID budgets. However, the city should not reduce service in the BID areas in expectation of the BIDs covering

the shortfall. BIDs should provide supplemental services to those already provided by the city and should not be used to reduce the cost of basic city services. Many areas within our district, which are not covered by the BIDs, are poorly maintained and unacceptably dirty. These areas should be provided with additional trash baskets, improved trash basket pickup, more frequent street cleaning and better sanitation enforcement.

Construction continues throughout our district. Midtown has seen record development and we anticipate additional growth in this heavily congested area. Residential and office towers are springing up on Sixth, Seventh and Eighth Avenues. Concern for safety, cleanliness, and the effects of these projects on pedestrian and traffic flow still top our districts needs. We continue to push for increased inspection and fines as both an enforcement tool and a revenue source. Accident sites should be closely scrutinized but accident prevention should be a higher priority.

At the same time the libraries, parks, museums, and other institutions serving our area are vital to the cultural health of the City and our district's ability to maintain the tourism that is essential to our economic future. We must act as guardians of these institutions and vigorously defend them from neglect and the ravages of budget cutbacks.

EDUCATION

The overall success of the City's schools has a great impact on our community and the lives of all New Yorkers. The inadequacy of the City's education system hinders the City's job development, economy and anti-crime efforts. Adequate funds for qualified teachers in all classrooms, after-school enhancement programs, proper class size, and tutoring at the primary level is necessary. Class size should be kept small enough to allow learning. Capital must be provided to ensure the renovation or replacement of decaying schools. A better system for controlling costs of school operations is critical. Graft and corruption must be routed out of our school construction programs. The Board opposes school vouchers, which allows city funds to be used to support private institutions. We feel a better solution would be to improve city schools so that vouchers to send students to private schools would be unnecessary.

POLICE

Because the Community Board Five district represents New York City to much of the world, we believe it is essential that this district be safe for its residents and visitors. Police effectiveness is determined by the officers who are available to make arrests or deter crime through their presence. Assigning officers to non-patrol administrative duties reduces police effectiveness and increases costs. We continue to press for further civilianization of administrative functions in the Police Department.

We urge that officer deployment be assigned by volume, not by precinct, so that large, busy precincts are not understaffed as compared to smaller, quieter precincts. We also support the computerization of our precincts to increase efficiency.

Community Board 5 would like to see Cabaret units reinstated in all precincts.

With two police precincts in our district responsible for the return of all items lost in taxicabs, an undue burden is placed on personnel and facility in these precincts. The Taxi lost and found system must be returned to the Taxi and Limousine Commission.

Due to the incredible pedestrian volume in our district, we feel stronger enforcement of street peddler laws is critical to reduce congestion on our sidewalks. *Community Board Five would like to see stricter enforcement of laws regarding counterfeit goods.*

We need aggressive enforcement of laws regarding bicyclists and bike lanes; police bicycle officers should be increased to combat this problem.

There is a pressing need for an increase in the number of traffic control agents. Direction of traffic and traffic enforcement with particular emphasis on the problems of double parking, illegal standing, and street vendors, must become a top priority throughout our district.

We would like to see better implementation of the use of noise meters and enforcement of the noise code by the Police.

FIRE DEPARTMENT

As in the Police Department, we urge a continued increase in civilianization of the Fire Department to make more informed personnel available for line duties and a significant reduction in uniformed personnel doing clerical or administrative work. In-house facilities in station houses in our district need renovation and repair and the department is in need of equipment such as printers, hazmat suits and other outdated equipment. A media campaign is needed to alert the public to the importance of allowing emergency vehicles the right-of-way on our streets. In addition, an increase in adequately trained personnel in the emergency (911) system is sorely needed.

While the Fire Department has been successful in obtaining donations to support the smoke detector distribution program, we believe the city should also provide funding to ensure this program is fully executed.

DEPARTMENT OF BUILDINGS

The City's construction code must be brought up to date. Rules must be modernized to facilitate sound construction at the lowest possible cost. Recommendations to allow use of new materials in New York City should be adopted without further delay.

We encourage DOB to vigorously pursue the collection of fines from repeat violators through increased inspection, additional plan examiners, and reduction of self-certification. An increased emphasis on site safety and hazardous material enforcement is needed in our district.

Inspection and enforcement of sites is critical to reduce collapse and scaffold failures in our district.

MAYOR'S OFFICE OF MIDTOWN ENFORCEMENT

We find the Mayor's Office of Midtown Enforcement (OME) critical to a safe environment in all of the Midtown districts. OME does an invaluable job of controlling illegal activities in Manhattan from 14th to 59th Streets. The activities of personnel in this agency are also revenue generating and should not be cut.

The new downtown location should be reviewed; a location more centrally located may improve response time and efficiency.

ENVIRONMENTAL CONTROL BOARD

Community Board 5 feels strongly that this Department needs to be carefully reviewed. More efficient handling of summons and complaints and reduced dismal rates are critical to ensure that enforcement is taken seriously.

ECONOMIC DEVELOPMENT

The EDC must focus on the danger of the current economic downturn and ways to reverse the loss of businesses in downtown. As the Trade Center site is redeveloped, EDC will need to focus on developing programs to ensure the space is occupied to revitalize the area.

New York City must develop a long-term plan for economic development. Training programs for welfare recipients moving to work are essential to integrating this group into the work force. New York sorely needs a marketing plan that will bring technical, service, and professional jobs while protecting our small manufacturing base that will afford employment opportunities to the thousands of unemployed New Yorkers. A cost/benefit analysis should be conducted before any subsidies or tax breaks are granted to retain or attract corporations to the City. Furthermore, a corporation that is granted a subsidy but which fails to fulfill its part of the contract should be penalized.

HEALTH

~~We feel the Department of Health should focus on developing systems to respond to potential terrorist threats from bio-terrorism to "dirty" bombs. Materials should be produced in multiple languages to recognize the number of non-English speaking residents and tourist that may be affected by a terrorist act or new communicable diseases like SARS and this collateral must be distributed adequately. We continue to urge caution in the use of potentially dangerous chemicals for mosquito control.~~

The Board recognizes the tremendous efforts of the Health & Hospital Corporation to keep costs in line. In spite of that, HHC continually faces a deficit. In light of this known condition we feel that the City should look for permanent funding instead of stopgap measures previously used to address the HHC budget.

Being in the catchment area for Bellevue Hospital, the district depends on the Hospital for a wide range of services including emergency and outpatient care. The hospital should receive its fair share from the revenue it generates. Bellevue needs adequate funding and equipment to provide:

- Treatment for non-English speaking and hearing-impaired patients
- Care for the victims of violent assault
- Care for AIDS patients
- Continuation of the TB program
- Enhancement of AIDS/HIV services in psychiatry

- Prison health care improvements
- Increased pharmacy access
- Patient education/counseling
- Asthma treatment programs

We feel the Department of Health should focus on developing systems to respond to potential terrorist threats from bio-terrorism to “dirty” bombs. Materials should be produced in multiple languages to recognize the number of non-English speaking residents and tourist that may be affected by a terrorist act or new communicable diseases like SARS and this collateral must be distributed adequately. We continue to urge caution in the use of potentially dangerous chemicals for mosquito control.

HOUSING PRESERVATION AND DEVELOPMENT

Once again, Manhattan Community Board Five recommends that the Mayor appoint a special independent commission of experts to study the administration of housing programs. The Commission should be given an open mandate to study the City’s housing and then make recommendations that will result in the construction, renovation and restoration of needed housing more quickly and more efficiently than under existing programs, and at the lowest practical cost.

Conditions still exist that endanger the health and safety of the City’s residents and jeopardize the integrity of many buildings. Code enforcement inspectors should be increased to obviate the need for the self-certification program of residential building owners. Further, building owners should be required to pay the City a fee for annual inspections. HPD’s litigation bureau staff should be increased. We encourage HPD (along with DOB and Corporation Counsel) to vigorously pursue the collection of fines from repeat violators.

During the course of the inquiry into City housing programs, we recommend that existing programs be continued and that City agencies responsible for housing be encouraged to consult with the Economic Development Corporation (EDC) concerning techniques that have, in recent years, moved building projects through to completion with minimal delays caused by bureaucratic red tape. We particularly recommend that a study be undertaken of the feasibility of having the responsibility for most housing programs reside with a quasi-public agency.

SANITATION

Board Five requires constant street sweep-up and basket trucks because of its high concentration of commercial activity, public areas, traffic congestion and escalating residential population. Streets in the non-BID sections of Midtown are unacceptably dirty. Trash baskets overflow or are missing. Constituents frequently call the Board office to complain about this problem. Failure to allocate the necessary equipment and personnel is self-defeating. More litter baskets will help keep the area cleaner as well. Damaged litter baskets should be replaced throughout the district. We believe that additional basket trucks and crews are necessary in the CB5 area.

Board five feels there is a continuing need for recycling and supports the recycling efforts. The Department of Sanitation should look for ways to make recycling more economically sound. Strict enforcement of pick-up rules must be imposed to prevent diversion of recyclables to illegal operators. Waste prevention should be vigorously pursued. The City Council should adopt laws that regulate the type of packaging allowed in New York City, thus reducing the proliferation of non-degradable packaging. The City should study practical uses of waste materials and vigorously pursue utilization of recycled materials by City agencies that will allow the Department of Sanitation to realize significant savings in the cost of waste pick-up and disposal and allow the reinstatement of full recycling.

Reasonable “clean-up bonds” should be required for parades as they are for street fairs. No use of public streets or parks should be permitted unless the City is guaranteed that there will be no additional cost of clean up.

Additional sanitation enforcement agents and sanitation officers are needed. Since enforcement positions are revenue producing, it is economically advantageous to increase their numbers. The lack of enforcement is a particular problem at our many construction sites.

Care should be taken to cover blocks or routes that are missed due to holidays or schedule challenges. These missed pickups must be promptly addressed and rescheduled.

HUMAN SERVICES (Dept of Homeless Services, Human Resources Administration and Dept. for the Ageing)

There is a need for basic services for the homeless, affordable quality housing, preventive mental health services, childcare, foster care and improved shelter programs. We support monitoring and addressing the increasing demands brought about by changes in the welfare system – homelessness in particular remains a terrible problem citywide and especially in the CB5 area. In recent months this

problems seems to be increasing in our district. Increased funding to serve this population is necessary. Restore funds for drop in centers and outreach programs.

Community Board Five strongly supports initiatives to reduce overhead and streamline the administration and delivery of social services, however, reductions in personnel in divisions responsible for child welfare, public assistance, medical assistance and adult services should not place a burden on the poor, needy and disadvantaged.

DEPARTMENT OF TRANSPORTATION

The poor condition of sidewalks and streets is a major, serious pedestrian and traffic hazard in the City's central business district. We continue to request better maintenance. Prompt repair of potholes, cracks, replacement of street signs and the painting of lane markings are essential and should not be delayed. All repairs must be complete and flush with existing pavement.

The City should limit hours of operation and access to certain streets for large trucks in Midtown; this would reduce peak hour congestion and air pollution. Car-pooling restrictions should be reviewed and put back in place where appropriate to reduce congestion during peak periods.

The muni-meter program has been well received in our district and we support expansion of this program, which has potential to reduce cost, improve enforcement and increase revenue.

Traffic

Traffic problems continue to plague our district. There is still a pressing need for more traffic and parking control agents and Police Officers. The recent budget has reduced the number of Police Officers focused on parking and traffic enforcement. Any reduction in police enforcement should be matched by an increase in Traffic Control Officers. Laws against double parking, blocking intersections and blocking bus stops, should be vigorously enforced and ample staffing levels should be maintained to allow consistent parking enforcement throughout our district.

The City should undertake programs to discourage the use of private vehicles in Midtown. These programs should address the problems faced by emergency vehicles attempting to get through our crowded streets.

Late Night Towing

Community Board Five has a continuing problem of noise and traffic caused by the proliferation of discos and nightclubs. The Traffic department's revenue producing "Hit Squad" of Traffic Enforcement Agents, who work at trouble spots during the hours of 11:00 p.m. to 4:00 a.m., should be continued. We also support nighttime towing and ticketing.

Bicycles

Unsafe bicyclists continue to present serious traffic problems. We need enforcement of traffic laws in regards to bicycles to protect both the bicyclists and pedestrians.

CULTURAL AFFAIRS

We strongly favor increases in the City's cultural affairs budget, not just for the Cultural Institutions Group, but also the Program Groups, which represent hundreds of large, medium and small arts organizations in neighborhoods of the City. We urge the development of a comprehensive plan for the arts that will maximize the potential of these activities and their links to tourism and business. Efforts to support our cultural programs are critical in light of a continuing drop in attendance and lower private donations due to the economy.

PARKS

Community Board Five places a high priority on the Parks in our district. We need our Parks to be clean and well maintained. Renovations promised must be carried out with input from the community and kept consistent with agreed-upon plans. If changes need to be made after an approved project has begun, community input should be sought.

There is a need for additional active children's play space in CB5; specifically in Union Square Park. Both Union Square Park and Madison Square Park require full-time staff. Local business and community support should be fostered and used to help with park maintenance, but we disagree with placing management of parks in private hands.

DEPARTMENT OF CITY PLANNING

With increased pedestrian usage in our district comes the need for more sidewalk area. At many hours of the day, Midtown sidewalks are overcrowded, creating a safety hazard. Coordination with the Department of Transportation and the Department of Buildings is needed to ensure that construction in Times Square and other crowded areas include setbacks at the street level to allow for more sidewalk space.

The zoning and building regulations for new construction are outdated. They are inadequate for dealing with modern building usage and do not reflect the accommodations necessary for integration of new buildings into the Midtown environment.

Pedestrian circulation requirements should be strengthened and expanded. All large new buildings (including so-called "as-of-right" developments) should undergo a discretionary review process designed to ensure that pedestrian and vehicle traffic will not be adversely affected by the new development. Included in this review should be a greater emphasis on the needs of persons with disabilities. Mid-block pedestrian passageways with appropriate safeguards should be a goal for every standard block in Midtown.

All buildings must be designed to accommodate present day recycling requirements including on-site accommodation for sorting, separation and storage as well as adequate off-street loading facilities. Loading facilities should accommodate trucks with 75-foot trailers and provide ample room to turn around inside the building so that trucks can both head in and head out for deliveries and pickups.

Present building regulations do not provide for any accommodation for the many small trucks and vans that clog our streets by double parking. Many large tenants employ fleets of car service vehicles, which line the streets waiting for their designated passengers. New buildings should be required to accommodate this usage with on-site facilities and a plan to minimize traffic disruption.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Safety of our water supply and air quality monitoring is a stronger need today. With the wear and tear on the infrastructure even more acute, and the crush of pedestrians and vehicles on our streets, sewer and water main maintenance are of paramount importance. Water main breaks have caused extensive damage in our district resulting in the expenditure of tens of millions of dollars, the loss of business and major disruptions to residents' and visitors' lives. We ask that DEP support efforts to remove polluting and noisy tour buses from our streets. We also urge the Department of Environmental Protection to work more closely with Community Boards and community groups in cases concerning extreme noises from clubs playing music too loudly. Additional inspectors to respond to complaints who are specialized in measuring noise are necessary.

LIBRARIES

We believe libraries are essential to the education and development of the people in our district. Community Board Five includes two neighborhood branch libraries, three central branch libraries and two research libraries within its area. The New York Public Library continues to need additional funding to meet the demand for increased materials and hours of service. We believe that the budget for the libraries should be increased particularly to fund the book budget, the connecting libraries to schools program, and the hours of service.

We request expansion of the libraries website, additional technological training and on-line access to referenced materials. With the increased technological services offered by the library, additional funds are needed for computer equipment, maintenance, support and public training. In addition, sufficient funding levels for library building maintenance and security are essential.

LANDMARKS

Throughout our district we have significant landmark buildings and Historic Districts. We are requesting funding for strict landmark enforcement. We also believe all landmark violations should result in significant fines.

YOUTH (Dept. of Youth and Community Development and Administration for Children Services)

A summer jobs program is vital to the city. It provides real on the job experience, preparation for future employment, and helps to lower the City's teen unemployment rate, which is 10% higher than the national rate. Therefore, Community Board Five urges New York City to establish a permanent summer youth job program.

Adequate funding for the Department of Youth and Community Development and the Administration for Children's Services is necessary. We specifically ask for increased funding for programs serving children at risk.

DEPARTMENT OF CONSUMER AFFAIRS

Community Board 5 applauds the active role DCA has taken in streamlining licensing and improving enforcement.

311 COMPLAINT CENTER

Community Board Five supports this initiative but feels that frequent reporting to the districts and board offices should be required. Calls should always be handled professionally and the number of transfers, particularly to departments that are closed, should be reduced. Follow up should be required on completed calls.

TIMES SQUARE

With terrorist threats, continuing construction, tourism and the increasing popularity of the Times Square area, safety has become a major concern. More resources should be made available in Times Square to assure that traffic moves smoothly, construction sites are safe, pedestrian flow is unimpeded by barriers and dangerous or defective sidewalks and people can move through the streets safely. CB 5 urges the City to adopt a moratorium on the erection of any new permanent impediments to pedestrian circulation (including but not limited to newsstands, kiosks, telephone booths, statuary, lighting poles, sidewalk cafes and signposts) in the bow tie area, between Broadway and Seventh Avenue, from 42nd to 48th Streets, except for such items designed to reduce congestion. Current temporary changes to pedestrian walkways and flow should be made permanent.

In addition, unlicensed peddlers have been congregating in increasing numbers in the area and should be discouraged. Businesses that demand onlookers or waiting patrons standing on sidewalks and blocking pedestrian flow should be required to present plans to the Community Board before they are allowed to use public amenities for their private commerce.

After some discussion and friendly amendments (see italics and strikethrough), the item passed with a vote of 29 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Beer, Block, Collins, Cook, Duff, Esper, Farris, Gering, Goshaw, Guillet, Hatcher, Mills, Newman, Paley, Reingold, Ress, Rockefeller, Seligson, Sesser, Shields, Siesko, Teitler, Utevsky, Vidal-Kaufman, B. Wilson, C. Wilson, Zucker. **ABSTENTION:** Merker.

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

Respectfully submitted,

Suzanne Esper, Secretary