

**THE BOROUGH OF MANHATTAN**  
*C. VIRGINIA FIELDS, PRESIDENT*  
**MANHATTAN COMMUNITY BOARD FIVE MINUTES**  
*KYLE MERKER, CHAIR*  
**THURSDAY, MARCH 13, 2003**

Minutes of the regular Community Board #5 meeting held on **Thursday, March 13, 2003, at the Fashion Institute of Technology, 227 West 27<sup>th</sup> Street, "A" Building, 8<sup>th</sup> Floor, 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  
 Philip Beer  
 Angela Bledsoe  
 Aaron Block  
 Judith Breidbart  
 Paul Connolly  
 William Daly  
 David Diamond  
 Janelle Farris  
 Lola Finkelstein  
 Sharon Friedman  
 Eric Gering  
 Nancy Goshow  
 Kevin Guillet  
 Scott Isebrand  
 Joyce Matz  
 Howard Mendes  
 Kyle Merker  
 John Mills  
 Michael Presser  
 Doreen Seligson  
 Rosalie Shields  
 David Siesko

Maxine Teitler  
 Michael Utevsky  
 Lawrence Zucker

**Present Part**

Susan Baida  
 Muriel Bernstein  
 Lenise Logan  
 David Rabin  
 Connie Ress

**Excused**

Bonnie Williams

**Absent**

Candy Cook  
 George Elkins  
 Suzanne Esper  
 Brian Landeche  
 Michael Pollok  
 Carmel Reingold  
 Mickey Schwartz  
 Brad Wilson

**Public Members**

Jon Schachter  
 Jack Taylor  
 Joe Tucker

**Public**

Ade Rasul  
 Jo Shane  
 Peter Samuels  
 Lucia Chen  
 Shazia Ahmed  
 Don Lasker  
 Ashley Cross  
 J. Zaslihski  
 M. Rockefeller  
 Horatio Francis  
 Morgan McLean  
 Elbeth Shamsid-Dbon

**Elected Officials**

Brad Sussman  
 Borough President C. Virginia Fields  
 Lori Williams  
 Borough President C. Virginia Fields

**Minnia Elias**

Congress Member Carolyn Maloney

**Leah Kane**

Congress Member Jerrold Nadler

**Dan Golub**

Assembly Member Richard Gottfried

**Sara Hale-Stein**

Senator Liz Krueger

**Emily Negrau**

Councilmember Christine Quinn

**Nuris Rodriguez**

Councilmember Margarita Lopez

**Staff**

**Kathy Kinsella**

District Manager

**Kim Rodney**

Assistant District Manager

**Cindy Perez**

Community Associate

**PUBLIC SESSION**

**At 6:10 p.m., the Full Board meeting of Manhattan Community Board Five was called to order, Kyle Merker presiding.**

**Lucia Chen – The Mid-Manhattan Library** – spoke of cuts to the libraries’s budget.

**Jo Shane** – asked the board to oppose a liquor license at 16 West 30<sup>th</sup> Street.

**Elbeth Shamsid-Dbon-** asked the board to support the Muslim Foundation of America Inc’s application for September 28<sup>th</sup> .

**Ade A. Rasul** - asked the board to support the street activity permit for the Muslim Foundation of America, Inc. He also stated that this was the organization’s 18<sup>th</sup> year of holding this event.

**Lori Williams – Borough President C. Virginia Fields office** - introduced herself as the Borough President’s new liaison to Community Board Five.

**Howard Alan Zipser – Attorney for the Center for Jewish History** - described the application by the Center for Jewish History for a variance and spoke of the neighboring buildings request to come to an agreement to preserve the lot line windows of their building.

**Bruce Sloudin – President, Center for Jewish History** - described the negotiation around the lot line windows of the building next door to the Center for Jewish History as friendly and positive.

**Don Lasken – Architect, Center for Jewish History** - described the details of the application by the Center for Jewish History as it relates to the zoning setback requirement.

**Janet Calvo** – spoke of the residents request to negotiate with the Center for Jewish History for a niche in the museum's rear construction so as to preserve one row of lot line windows.

**Peter Samuels** – spoke of the relationship between the residential building and the museum and stated that both sides have worked out an agreement regarding the lot line windows.

## **PUBLIC HEARING ON THE MAYOR'S PRELIMINARY BUDGET:**

**There were no speakers in the public hearing session.**

## **BUSINESS SESSION**

### **● CHAIR'S REPORT ~ *Kyle Merker***

Mr. Merker informed the Board that Public Member Juliette Gordon was in critical but stable condition due to a fire in her building and asked members to sign a card being passed around.

Mr. Merker then announced that Scott Isebrand was not reapplying to Community Board Five for membership. He thanked him for his service to the Board and wished him luck.

Mr. Merker then announced that 2 Columbus Circle is expected to be certified in March and will be coming to the Land Use & Zoning in April.

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

Ms. Kinsella announced that the Mayor's 311 Call System is in place as a centralized complaint center for the city and that the District Managers of the Community Boards have been invited to tour the facility.

She then announced that Carla Mapelli had been rehired as a part-time Community Assistant in the Community Board Five office.

### **● VOTE ON MINUTES OF THE FEBRUARY 13, 2003, BOARD MEETING**

The minutes passed with a vote of 28 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Beer, Bernstein, Bledsoe, Block, Breidbart, Connolly, Daly, Diamond, Farris, Finkelstein, Friedman, Gering, Goshow, Guillet, Isebrand, Matz, Mendes, Mills, Presser, Rabin, Seligson, Shields, Siesko, Teitler, Utevsky, Zucker. **ABSTENTION:** Merker.

### **● PARLIAMENTARY REPORT ~ *Vikki Barbero***

Ms. Barbero announced that a committee had been formed and met to draft a revision of the Community Board Five Bylaws, as per her memo of February 21. The Bylaws were last revised in 1999. A draft of the revision was distributed. Discussion and vote on the revisions will take place at the May meeting. She then asked that anyone with questions/comments get in touch with her.

**Mr. Merker then recognized the Elected Official representatives present.**

## COMMITTEE REPORTS

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

**Mr. Zucker presented the following bundled resolution (13):**

#### ***Auxiliary Police Benevolent Association - Street Activity Permit Application.***

WHEREAS, The Auxiliary Police Benevolent Association has applied for a street activity permit for April, 27, 2003, on East 36<sup>th</sup> Street, between 5<sup>th</sup> and Madison Avenues; and

WHEREAS, This event has been held in prior years without incident; therefore, be it

**RESOLVED**, That Community Board Five **recommends approval** of the application by the Auxiliary Police Benevolent Association for a street activity on East 36<sup>th</sup> Street, between Fifth and Madison Avenues.

#### ***F.I.T. Dorm Council - Street Activity Permit Application***

WHEREAS, F.I.T. Dorm Council has filed an application to hold a block party on May 3, 2003, on 27<sup>th</sup> Street, between Seventh and Eighth 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 the F.I.T. Dorm Council to hold a block party.

#### ***Murray Hill Committee – Street Activity Permit Application***

WHEREAS, The Murray Hill Neighborhood Association has filed an application to hold a block party on June 7, 2003, on 35<sup>th</sup> Street, between Lexington and Fifth 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 the Murray Hill Neighborhood Association to hold a block party.

#### ***Taste of Times Square – Street Activity Permit Application***

WHEREAS, Taste of Times Square has filed an application to hold a street festival on June 16, 2003, on West 46<sup>th</sup> Street, between Broadway and Ninth Avenues; and

WHEREAS, This event was held before without incident; therefore be it

**RESOLVED**, That Community Board Five **recommends approval** of the application by the Taste of Times Square to hold a street festival.

#### ***Congress of Racial Equality – Street Activity Permit Application***

WHEREAS, The Congress of Racial Equality has filed an application to hold a anniversary celebration and trade show, August 9, 2003, on Seventh Avenue, between 45<sup>th</sup> and 57<sup>th</sup> Streets; and

WHEREAS, this event has been held in prior years without incident; therefore be it

**RESOLVED**, That Community Board Five **recommends approval** of the application by Congress of Racial Equality to hold an anniversary celebration and trade show.

***The Workmen’s Circle, Inc. – Street Activity Permit Application***

WHEREAS, The Workmen’s Circle, Inc. has filed an application to hold a street festival on August 10, 2003, on Madison Avenue, between 42<sup>nd</sup> and 57<sup>th</sup> Streets; and

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

**RESOLVED**, That Community Board Five **recommends approval** of the application by The Workmen’s Circle, Inc. to hold a street festival.

***NY Young Republican Club – Street Activity Permit Application***

WHEREAS, The NY Young Republican Club has filed an application to hold a street festival on August 16, 2003, on Seventh Avenue, between 45<sup>th</sup> and 57<sup>th</sup> Streets; and

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

**RESOLVED**, That Community Board Five **recommends approval** of the application by NY Young Republican Club, to hold a street festival.

***Big Apple Performing Arts – Street Activity Permit Application***

WHEREAS, Big Apple Performing Arts has filed an application to hold a street festival on September 6, 2003, on Seventh Avenue, between 45<sup>th</sup> and 57<sup>th</sup> Streets; and

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

**RESOLVED**, That Community Board Five **recommends approval** of the application by Big Apple Performing Arts, to hold a street festival.

***Gramercy Park Block Association – Street Activity Permit Application***

WHEREAS, The Gramercy Park Block Association has filed an application to hold a street festival on October 11, 2003, on Park Avenue South, between 17<sup>th</sup> and 23<sup>rd</sup> Streets; therefore be it

**RESOLVED**, That Community Board Five **recommends approval** of the application by the Gramercy Park Block Association to hold a street festival.

***Midtown North Precinct Community Council – Street Activity Permit Application***

WHEREAS, The Midtown North Precinct Community Council has filed an application to hold a street festival, October 18, 2003, on Eighth Avenue, between 42<sup>nd</sup> and 57<sup>th</sup> Streets; and

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

**RESOLVED**, That Community Board Five **recommends approval** of the application by Midtown North Precinct Community Council to hold a street festival.

***American Diabetes Association – Street Activity Permit Application***

WHEREAS, American Diabetes Association has filed an application to hold a street festival on November 01, 2003, on Madison Avenue, between 42<sup>nd</sup> and 57<sup>th</sup> Streets; and

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

**RESOLVED**, That Community Board Five **recommends approval** of the application by American Diabetes Association to hold a street festival.

***The Manhattan Republican Club – Street Activity Permit Application***

WHEREAS, The Manhattan Republican Club has filed an application to hold a street festival on November 8, 2003, on Park Avenue South, between 17<sup>th</sup> and 23<sup>rd</sup> Streets; therefore be it

**RESOLVED**, That Community Board Five **recommends approval** of the application by The Manhattan Republican Club, to hold a street festival.

***Cathedral of St. Patrick's Archdiocese of NY Young Adults – Street Activity Permit Application***

WHEREAS, Cathedral of St. Patrick's Archdiocese of NY Young Adults has filed an application to hold a street festival on November 16, 2003, on Madison Avenue, between 42<sup>nd</sup> and 57<sup>th</sup> Streets; and

WHEREAS, this event has been held in prior years without reported incident; therefore be it

**RESOLVED**, That Community Board Five **recommends approval** of the application by Cathedral of St. Patrick's Archdiocese of NY Young Adults.

The bundled resolutions (13) passed with a vote of 28 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Beer, Bernstein, Bledsoe, Block, Breidbart, Connolly, Daly, Diamond, Farris, Finkelstein, Friedman, Gering, Goshow, Guillet, Isebrand, Matz, Mendes, Mills, Presser, Rabin, Seligson, Shields, Siesko, Teitler, Utevsky, Zucker. **ABSTENTION:** Merker.

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

***Avenue of the Americas Association – Street Activity Permit Application***

WHEREAS, The Avenue of the Americas Association has filed an application to hold a street festival on August 03, 2003, on Avenue of the Americas, between 42<sup>nd</sup> and 56<sup>th</sup> Streets; and

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

**RESOLVED**, That Community Board Five **recommends approval** of the application by the Avenue of the Americas Association to hold a street festival.

***Brazilian American Cultural Center, Inc. – Street Activity Permit Application***

WHEREAS, Brazilian American Cultural Center, Inc. has filed an application to hold a street festival on August 31, 2003, on Avenue of the Americas, between 42<sup>nd</sup> and 56<sup>th</sup> Streets and 46<sup>th</sup> Street, between 5<sup>th</sup> & 7<sup>th</sup> Avenues; and

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

**RESOLVED**, That Community Board Five **recommends approval** of the application by Brazilian American Cultural Center, Inc. to hold a street festival.

***Global Role Models, Inc. – Street Activity Permit Application***

WHEREAS, Global Role Models, Inc. has filed an application to hold a street festival on October 19, 2003, on Avenue of the Americas, between 42<sup>nd</sup> and 56<sup>th</sup> Streets; and

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

**RESOLVED**, That Community Board Five **recommends approval** of the application by Global Role Models, Inc. to hold a street festival.

After comments that Avenue of the Americas is over burdened with street fairs (14 per year), discussion ensued regarding the distribution of street fairs within Community Board Five area. The bundled resolutions (3) then passed with a vote of 27 in favor, 0 opposed, 2 abstentions, as follows: **IN FAVOR:** Adesman, Barbero, Beer, Bernstein, Bledsoe, Block, Breidbart, Connolly, Daly, Diamond, Farris, Finkelstein, Friedman, Gering, Goshow, Guillet, Isebrand, Matz, Mendes, Mills, Presser, Rabin, Seligson, Siesko, Teitler, Utevsky, Zucker. **ABSTENTIONS:** Merker, Shields.

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

***Ancient Order of Hibernians – Street Activity Permit Application***

WHEREAS, The Ancient Order of Hibernians has applied for a permit to hold a street festival on September 20, 2003, on Avenue of the Americas, between 42<sup>nd</sup> and 56<sup>th</sup> Streets; and

WHEREAS, Community Board Five had asked the applicant to provide documentation of a non-discrimination policy on official organizational letterhead; and

WHEREAS, The applicant has refused to submit such documentation; therefore, be it

**RESOLVED**, That Community Board Five **recommends denial** of the application by Ancient Order of Hibernians for a street activity on September 21, 2002, based on the lack of the above documentation.

After some discussion regarding the applicant's repeated refusal to sign a statement of non-discrimination, the resolution passed with a vote of 29 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Bledsoe, Block, Breidbart, Connolly, Daly, Diamond, Farris, Finkelstein, Friedman, Gering, Goshow, Guillet, Isebrand, Matz, Mendes, Mills, Presser, Rabin, Seligson, Shields, Siesko, Teitler, Utevsky, Zucker. **ABSTENTION:** Merker.

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

***New York is Book Country – Street Activity Permit Application***

WHEREAS, New York Is Book Country has filed an application to hold a 25<sup>th</sup> Anniversary book fair on September 21, 2003, on Fifth Avenue, between 40<sup>th</sup> and 57<sup>th</sup> Streets and 52<sup>nd</sup> and 53<sup>rd</sup> Streets, between Madison and 6<sup>th</sup> Avenues; and

WHEREAS, This event has been held in prior years without incident; and

WHEREAS, The applicant is requesting an expansion of the event for this year only; therefore be it

**RESOLVED**, That Community Board Five **recommends approval** of the application by New York Is Book Country to hold a street festival.

After some discussion regarding the extension of the event from previous years is for this year only, and that a portion of the proceeds will be donated to the library, the resolution passed with a vote of 29 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Bledsoe, Block, Breidbart, Connolly, Daly, Diamond, Farris, Finkelstein, Friedman, Gering, Goshow, Guillet, Isebrand, Matz, Mendes, Mills, Presser, Rabin, Seligson, Shields, Siesko, Teitler, Utevsky, Zucker. **ABSTENTION:** Merker.

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

***The Alliance of Guardian Angels – Street Activity Permit Application***

WHEREAS, The Alliance of Guardian Angels, Inc. has filed an application to hold a street festival on September 27, 2003, on Seventh Avenue, between 45<sup>th</sup> and 57<sup>th</sup> Streets; therefore be it

**RESOLVED**, That Community Board Five **recommends approval** of the application by the Alliance of Guardian Angels, Inc. to hold a street festival on September 27, 2003.

Extensive discussion ensued regarding the event date conflicting with Roshashana and if the Board should consider religious holidays when considering applications. The resolution passed with a vote of 22 in favor, 6 opposed, 2 abstentions, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bledsoe, Block, Connolly, Daly, Diamond, Farris, Friedman, Gering, Goshow, Guillet, Isebrand, Mendes, Mills, Presser, Rabin, Siesko, Utevsky, Zucker. **OPPOSED:** Breidbart, Finkelstein, Matz, Seligson, Shields, Teitler. **ABSTENTIONS:** Bernstein, Merker.

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

***Muslim Foundation of America Inc. – Street Activity Permit Application***

WHEREAS, The Muslim Foundation of America, Inc. has applied for a permit to hold a street festival on September 28, 2003, on 23<sup>rd</sup> to 26<sup>th</sup> Streets and Madison Avenue; and

WHEREAS, This event is held every year without incident; ~~and~~

~~WHEREAS, The applied for date coincides with Roshashana;~~ therefore, be it

**RESOLVED**, That Community Board Five **recommends approval** of the application by Muslim Foundation of America, Inc to hold a street festival ~~on the condition that the event is changed to a date that does not conflict with Roshashana~~ *on September 28, 2003.*

After much discussion regarding the condition that the street festival be moved to another day, an amendment was made to remove the condition for approval (see strikethrough and italics). The amendment passed with a vote of 25 in favor, 2 opposed, 3 abstentions, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bledsoe, Block, Connolly, Daly, Diamond, Farris, Friedman, Gering, Goshow, Guillet, Isebrand, Mendes, Merker, Mills, Presser, Rabin, Seligson, Shields, Siesko, Utevsky, Zucker. **OPPOSED:** Breidbart, Teitler. **ABSTENTIONS:** Bernstein, Finkelstein, Matz.

After further discussion, the amended resolution to approve the date the applicants originally applied for passed with a vote of 23 in favor, 5 opposed, 2 abstentions, as follows: **IN FAVOR:** Adesman, Baida, Barbero, beer, Bledsoe, Block, Connolly, Daly, Diamond, Farris, Friedman, Gering, Goshow, Guillet, Isebrand, Mendes, Mills, Presser, Rabin, Shields, Siesko, Utevsky, Zucker. **OPPOSED:** Breidbart, Finkelstein, Matz, Seligson, Teitler. **ABSTENTIONS:** Bernstein, Merker.

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

***St. Bartholomew's Church – Street Activity Permit Application***

WHEREAS, St. Bartholomew's Church has filed an application to hold a street festival on September 28, 2003, on Park Avenue, between 47<sup>th</sup> and 57<sup>th</sup> Streets; ~~and~~ therefore be it

WHEREAS, ~~The applicant has agreed to move the date of the event so as not to conflict with Roshashana~~

**RESOLVED**, That Community Board Five **recommends approval** of the application by St. Bartholomew's Church, to hold a street festival ~~with the understanding that the applicant will work with the City to find a date that does not conflict with Roshashana~~ *on September 28, 2003.*

After discussions and a friendly amendment(see strikethrough and italics) to remove the caveat of seeking an alternate date, the resolution passed with a vote of 24 in favor, 5 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Bledsoe, Block, Connolly, Daly, Diamond, Farris, Friedman, Gering, Goshow, Guillet, Isebrand, Mendes, Mills, Presser, Rabin, Shields, Siesko, Utevsky, Zucker. **OPPOSED:** Breidbart, Finkelstein, Matz, Seligson, Teitler. **ABSTENTION:** Merker.

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

***Holy Innocents – Street Activity Permit Application***

WHEREAS, Holy Innocents has filed an application to hold a street festival on November 09, 2003, on 7<sup>th</sup> Avenue, between 45<sup>th</sup> and 57<sup>th</sup> Streets; and

WHEREAS, The applicant has agreed to amend their application to hold the street festival on Seventh Avenue, between 47<sup>th</sup> and 56<sup>th</sup> Street; and

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

**RESOLVED**, That Community Board Five **recommends approval of the amended application** by Holy Innocents to hold a street festival on November 9, 2003, on Seventh Avenue, between 47<sup>th</sup> and 56<sup>th</sup> Street.

After some discussion the resolution passed with a vote of 30 in favor, 0 opposed, 0 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Bledsoe, Block, Breidbart, Connolly, Daly, Diamond, Farris, Finkelstein, Friedman, Gering, Goshow, Guillet, Isebrand, Matz, Mendes, Merker, Mills, Presser, Rabin, Seligson, Shields, Siesko, Teitler, Utevsky, Zucker.

**Mr. Zucker then presented the following bundled resolutions (4):**

***Application # 1131059, S/E/C of Broadway and West 43<sup>rd</sup> Street***

WHEREAS, An application has been made by Mr. Mahmud Ahmed to operate a newsstand at the S/E/C of Broadway and West 43<sup>rd</sup> Street; and

WHEREAS, There is heavy pedestrian congestion at this location; and

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

WHEREAS, Community Board Five has a moratorium on any new street furniture, including newsstands, in the Times Square area, based on the area's dangerous congestion level; therefore be it

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

***Application # 1130695, N/E/C of West 44<sup>th</sup> Street and Broadway***

WHEREAS, An application has been made by Mr. Abdul Hannan to operate a newsstand at the N/E/C of West 44<sup>th</sup> Street and Broadway; and

WHEREAS, There is heavy pedestrian congestion at this location; and

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

WHEREAS, Community Board Five has a moratorium on any new street furniture, including newsstands, in the Times Square area, based on the area's dangerous congestion level; therefore be it

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

***Application # 1131066, N/E/C of Broadway and West 42<sup>nd</sup> Street***

WHEREAS, An application has been made by Mr. Abdul Hannan to operate a newsstand at the N/E/C of Broadway and West 42<sup>nd</sup> Street; and

WHEREAS, There is heavy pedestrian congestion at this location; and

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

WHEREAS, Community Board Five has a moratorium on any new street furniture, including newsstands, in the Times Square area, based on the area's dangerous congestion level; therefore be it

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

***Application # 1130634, N/W/C of West 47<sup>th</sup> Street and 7<sup>th</sup> Avenue***

WHEREAS, An application has been made by Mr. Mahmud Ahmed to operate a newsstand at the N/W/C of West 47<sup>th</sup> Street and 7<sup>th</sup> Avenue; and

WHEREAS, There is heavy pedestrian congestion at this location; and

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

WHEREAS, Community Board Five has a moratorium on any new street furniture, including newsstands, in the Times Square area, based on the area's dangerous congestion level; therefore be it

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

The resolution passed with a vote of 29 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Bledsoe, Block, Breidbart, Connolly, Daly, Diamond, Farris, Finkelstein, Friedman, Gering, Goshaw, Guillet, Isebrand, Matz, Mendes, Mills, Presser, Rabin, Seligson, Shields, Siesko, Teitler, Utevsky, Zucker.  
**ABSTENTION:** Merker.

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

***Cosi Inc., 700 Sixth Avenue – Unenclosed sidewalk café application (10 Tables/20 seats)***

WHEREAS, Cosi Inc., 700 Sixth Avenue has submitted an application for an unenclosed sidewalk café (10 tables/20 seats); and

WHEREAS, There is heavy pedestrian congestion at this location and placement of an unenclosed sidewalk café at this location would have a severe negative impact on pedestrian flow; therefore be it

**RESOLVED**, That Community Board Five **recommends denial** of the application by Cosi Inc., 700 Sixth Avenue.

After some discussion regarding pedestrian congestion, the resolution passed with a vote of 30 in favor, 0 opposed, 0 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Bledsoe, Block, Breidbart, Connolly, Daly, Diamond, Farris, Finkelstein, Friedman, Gering, Goshow, Guillet, Isebrand, Matz, Mendes, Merker, Mills, Presser, Rabin, Seligson, Shields, Siesko, Teitler, Utevsky, Zucker.

● **LAND USE & ZONING ~ MICHAEL UTEVSKY**

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

***Center for Jewish History, 18 West 17<sup>th</sup> Street – Application for variance in setback requirement***

WHEREAS, The Applicant, The Center for Jewish History, is a not-for-profit consortium of scholarly and educational organizations devoted to the cultural and historical legacy of the Jewish people, which houses its facilities in several adjoining buildings on West 16<sup>th</sup> and 17<sup>th</sup> Streets, between 5<sup>th</sup> and 6<sup>th</sup> Avenues; and

WHEREAS, The Applicant desires to add a 6-story addition to its existing 6-story building at 18 West 17<sup>th</sup> Street for use as library storage, and, in order to gain additional storage area on each new floor, the Applicant has applied to the Board of Standards and Appeals for a variance from the requirement that the upper floors must be set back from the street; and

WHEREAS, The Applicant's proposed 12-story street wall would be consistent with the two buildings on either side of the building for which the variance is requested; and

WHEREAS, The Applicant has agreed to keep its roof free of mechanical equipment and to locate its air conditioning unit in an insulated room within the new addition; and

WHEREAS, The proposed addition will result in the closure of lot line windows in six apartments located in an adjoining building, but the Applicant has agreed to re-design the rear of its addition to leave open one line of such lot-line windows, provided that the adjoining cooperative apartment owners reimburse the Applicant for the additional construction costs involved in such redesign and for its loss of space; and

WHEREAS, The Board believes that a fair offer by the Applicant would be to request reimbursement solely for its additional construction costs and not for its loss of space, which offer would be consistent with the prior dealings between the parties at the time the existing building was constructed; and

WHEREAS, The Applicant has shown itself to be sensitive to the concerns of its neighbors and has offered to consult with them on matters of mutual concern, including security; now, therefore, be it

**RESOLVED**, That Community Board Five **approves** the requested variance in setback requirements ~~on the condition~~ **with the understanding** that the Applicant ~~modify~~ *has modified* its position and *is offering to* redesign the rear of its addition to leave one line of lot-line windows open, in exchange for payment by its neighbor of the increased construction costs that would be incurred by the Applicant.

After some discussion and a friendly amendment (see strikethrough and italics), the resolution passed with a vote of 27 in favor, 0 opposed, 2 abstentions, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bledsoe, Block, Breidbart, Connolly, Daly, Diamond, Farris, Finkelstein, Friedman, Gering, Goshow, Guillet, Isebrand, Mendes, Mills, Presser, Rabin, Seligson, Shields, Siesko, Teitler, Utevsky, Zucker. **ABSTENTIONS:** Merker, Ress.

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

● **JOINT PARKS & CONSENTS & VARIANCES ~ SCOTT ISEBRAND, KEVIN GUILLET, MICKEY SCHWARTZ AND LAWRENCE ZUCKER**

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

***Sikh Cultural Society – event in Madison Square Park combined with street festival on Madison Avenue between 23<sup>rd</sup> and 26<sup>th</sup> Streets***

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

a special events permit for the use of Madison Square Park for a post-parade cultural event on April 19, 2003; and

A Street Activity permit for April 19, 2003 on Madison Avenue, between East 23<sup>rd</sup> and East 25<sup>th</sup> Streets, and

WHEREAS, set-up would begin at 10:30 a.m. and clean-up would end by 6:30 p.m., with the event itself running from noon to 6:00 p.m.; and

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

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

WHEREAS, this event has occurred in Madison Square Park five of the last seven years, with far fewer complaints about this event than compared to other annual applicants’ post-parade events; and

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

WHEREAS, the applicant agreed to move their stage from 23<sup>rd</sup> Street and Madison Avenue northward to 24<sup>th</sup> Street; and

WHEREAS, Community Board 5 continues to encourage the police to monitor the sound level at events in and around Madison Square Park; and

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

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

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

**RESOLVED**, that Community Board 5 **recommends approval** of both the Street Activity and Parks Special Event permit applications of the Sikh Cultural Society for their event on April 19, 2003.

After some discussion regarding the size of the event being appropriate to the park and the cooperation the committee received from the applicant, the resolution passed with a vote of 27 in favor, 0 opposed, 3 abstentions, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bledsoe, Block, Breidbart, Connolly, Daly, Farris, Finkelstein, Friedman, Gering, Goshaw, Guillet, Isebrand, Matz, Mendes, Mills, Presser, Rabin, Ress, Seligson, Shields, Siesko, Teitler, Zucker. **ABSTENTIONS:** Diamond, Merker, Utevsky.

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

***Federation of Indian Associations – event in Madison Square Park combined with street activity on Madison Avenue, between 23<sup>rd</sup> and 25<sup>th</sup> Streets***

WHEREAS, The Federation of India Associations has applied for:

1. a Special Events permit for the use of Madison Square Park for a post-parade cultural event on Sunday, August 17, 2003; and
2. a Street Activity permit for Sunday August 17th, 2003 on Madison Avenue, between East 23<sup>rd</sup> and East 25<sup>th</sup> Streets, and

WHEREAS, This event is expected to draw 20,000 people to the immediate Madison Square Park area; and

WHEREAS, Last year the applicant left the park heavily littered; and

WHEREAS, Last year the applicant increased the number of garbage collectors from 10 to 14, which is only one collector for every 1,429 participants; and

WHEREAS, Last year the applicant's failure to provide adequate crowd control **resulted in:**

1. **unruly participants** knocking down barricades set up to guide the crowd off flowerbeds and grass in the park; and
2. **blatant disregard** of requests from badge-wearing New York City Parks & Recreation employees to adhere to park usage guidelines; and
3. **NYPD reinforcements** being required to assist with crowd control following a call from the Park Manager; and

WHEREAS, Community Board Five last year adopted guidelines for recommending approval of street activity permit applications, in an attempt to address the numerous problems caused by the unparalleled number of street activities in its district; and

WHEREAS, The applicant has not agreed to adhere to those guidelines; specifically the guideline that participation in the applicant's events will not be denied to any group on the basis of sexual orientation, gender identity or expression; and

WHEREAS, In previous years, only through the application of pressure from elected officials has the applicant agreed to include participants regardless of sexual orientation, gender identity or expression, but has qualified that approval with spurious and vague requirements about the decency of gay, lesbian, and transgender participants' behavior and their signage; and

WHEREAS, The applicant has agreed to attempt to move their stage from 23<sup>rd</sup> Street and Madison Avenue northward to 24<sup>th</sup> Street, but could not promise that the relocation would occur; and

WHEREAS, The applicant demonstrated a reluctance to adequately increase either the number of security personnel or workers assigned to garbage collection during the event; and

WHEREAS, The applicant's event has far outgrown the Madison Square Park area's capacity; therefore be it

**RESOLVED**, That Community Board Five **recommends denial** of both the Federation of India Association's application for a permit for a Street Activity on Madison Avenue, between 23<sup>rd</sup> and 25<sup>th</sup> Streets **and** application for a permit for the use of Madison Square Park to celebrate India Independence Day Sunday, August 17, 2003, *due to*

- *the condition the park was left in by the applicant, including litter, damaged barricades and trampled flowers; and*
- *size of the crowd and unruly behavior, including the disregard of badge identified parks enforcement personnel; and*

- *applicants unwillingness to adhere to Community Board Five's street activity guidelines, including the Board's non-discrimination policy;*

and let it be further

**RESOLVED**, That Community Board Five urges New York City Parks & Recreation to uphold the integrity of its performance and cleanliness bond processes by consistently requiring such bonds and not returning them to applicants whose events cause extensive damage to public parkland or jeopardize the safety of city workers, event participants, and other members of the public; and let it be further

**RESOLVED**, That Community Board Five urges the city to work with the applicant to find an alternative parade route and location for the applicant's post-parade event.

After discussion regarding difficulties dealing with the applicant and complaints related to last year's event, and a friendly amendment to the 1<sup>st</sup> RESOLVED (see italics), the resolution passed with a vote of 29 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bledsoe, Block, Breidbart, Connolly, Daly, Farris, Finkelstein, Friedman, Gering, Goshow, Guillet, Isebrand, Matz, Mendes, Merker, Mills, Presser, Rabin, Ress, Seligson, Shields, Siesko, Teitler, Utevsky, Zucker. **ABSTENTION:** Diamond.

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

## ● **PARKS ~ SCOTT ISEBRAND AND KEVIN GUILLET**

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

### ***Christian City Church – Musical event in Union Square Park***

WHEREAS, The Christian City Church has applied for a special event permit to hold a concert in Union Square Park on Sunday, April 13 and Sunday, April 20, 2003; and

WHEREAS, The event would be held in the paved, northern portion of the park; and

WHEREAS, Set-up would begin at 1:45 p.m., the event itself will run from 2:00 p.m. to 3:00 p.m., and clean up will conclude by 3:00 p.m.; and

WHEREAS, The event will include musical performances by approximately five (5) church members; and

WHEREAS, The applicant will not be erecting a stage; and

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

WHEREAS, The applicant has agreed to leave the park cleaner than it was found; and

WHEREAS, The applicant is aware that Community Board Five is concerned that all events held in public spaces are inclusive; and

WHEREAS, The Christian City Church is a member of the Union Square community and is now located on the corner of 17<sup>th</sup> Street and Park Avenue South in the New York Film Academy building; therefore be it

**RESOLVED**, Community Board Five **recommends approval** of a special events permit for The Christian City Church to hold a concert in Union Square Park on Sunday April 13, 2003 and Sunday April 20, 2003.

The resolution passed with a vote of 27 in favor, 0 opposed, 2 abstentions, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bledsoe, Block, Breidbart, Connolly, Diamond, Farris, Finkelstein, Friedman, Gering, Goshow, Guillet, Isebrand, Matz, Mendes, Mills, Presser, Rabin, Ress, Seligson, Siesko, Teitler, Utevsky, Zucker. **ABSTENTIONS:** Merker, Shields.

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

*The Gates Project (Cristo) – Art Installation in Central Park*

WHEREAS, The Parks Department of the City of New York has approved a temporary art installation in Central Park know as “The Gates”, to be exhibited for 16 days, from February 12, 2005 to February 27, 2005; and

WHEREAS, the established public review process, a process critical to ensuring that the community has the opportunity to provide input on projects that impact the community, was not followed prior to the Parks Department committing to this project; and

WHEREAS, the Parks Department has made a good faith effort to present the project details to Community Board Five, to answer the questions and concerns of the CB5 Parks Committee, has stated that the lack of public review prior to approval of the project should be viewed as an anomaly and has expressed to the CB5 Parks Committee its commitment to the public review process; and

WHEREAS, the project has been designed and will be installed under the direction of long-time New York residents and world renown artists Christo and Jeanne-Claude, who have successfully exhibited their unique works in major cities and other locations around the world; and

WHEREAS, the installation will consist of approximately 7500 “gates”, which will be installed at 10 to 15 foot intervals along 23 miles of paths throughout Central Park; and

WHEREAS, each “gate” will consist of the following elements:

- Two steel bases, resting on rubber pads, which are 4 feet long by 12 inches wide by 3 inches thick and weigh approximately 600 pounds; and
- Two 5 inch square, 16 foot high saffron colored poles and a cross bar, the length of which will vary between 6 and 18 feet, depending upon the width of path, which are made of extruded vinyl; and
- A saffron colored banner made of rip-stop nylon, measuring approximately 8 feet long and the width of the cross bar to which it will be attached, which will hang over the path from the cross bar; and

WHEREAS, the design for the “gates” has undergone and will continue to undergo testing for strength and stability in extreme weather conditions to ensure safety and durability throughout the installation period; and

WHEREAS, no “gates” will be located in any of the three nature preserve areas of the park, nor in any areas where they would interfere with existing trees or other vegetation or rock formations; and

WHEREAS, the installation of the “gates” will not require the alteration of park grounds in any way, nor impede or disturb the normal maintenance or management of the park; and

WHEREAS, the installation of the “gates” will be in accordance with following schedule:

- Placement of rubber pads and steel bases will begin five weeks prior to the opening of the exhibit (second week of January 2005);
- Installation of poles and cross bars will begin 5 days prior to opening of the exhibit (February 7, 2005);
- Installation of the banners will begin one day prior to the opening of the exhibit (February 11, 2005); and

WHEREAS, all materials for this installation will be fabricated and/or assembled locally and the installation will be done by a licensed contractor using locally hired labor; and

WHEREAS, monitoring and maintenance of the “gates” throughout the term of the project will be assigned to teams of employees hired by the artists and each team will consist of 6-8 people, who will wear uniforms, have responsibility for 80-100 “gates”, be on duty from 5:00 am to Midnight each day of the exhibit and be carry radios to facilitate communication among the teams and with Parks Department personnel; and

WHEREAS, the artists will employ private security to monitor the exhibit between the hours of Midnight and 5:00 am each day of the project; and

WHEREAS, the artists are providing all the necessary funds for the project, including all expenses related to the project that are or may be incurred by the Parks Department and/or the City of New York, by themselves and will not accept any funding or sponsorship from any other person or organization; and

WHEREAS, the artists will maintain in full force and effect all required insurance coverages and surety bonds; and

WHEREAS, there will be no charge to view the exhibit and the monitoring teams will be available to answer questions about the project from the viewing public; and

WHEREAS, the artists will advertise project-related employment opportunities via a website and through schools and other organizations and are committed to being equal opportunity employers; and

WHEREAS, the removal of the “gates” will commence immediately upon completion of the exhibition and take approximately two weeks and all materials will be recycled to the extent possible; and

WHEREAS, this installation has the potential to attract millions of visitors to the City at a time of year when use of Central Park and tourism in general is at its low point, creating a potentially substantial revenue windfall for both the City and the tourism industry; therefore, be it

RESOLVED, That Community Board Five supports the Parks Department’s approval of the temporary art installation in Central Park know as “The Gates” to be exhibited for 16 days, from February 12, 2005 to February 27, 2005, therefore, be it further

**RESOLVED**, That Community Board Five strongly encourages the Parks Department to adhere to its expressed commitment to the public review process for all such projects in the future.

After several questions regarding details of the proposal and much discussion regarding the potential impact of the project on the park, the resolution passed with a vote of 25 in favor, 2 opposed, 3 abstentions, as follows: **IN FAVOR:** Adesman, Baida, Beer, Bledsoe, Block, Breidbart, Connolly, Daly, Diamond, Farris, Finkelstein, Friedman, Gering, Goshow, Guillet, Isebrand, Mills, Presser, Ress, Seligson, Shields, Siesko, Teitler, Utevsky, Zucker. **OPPOSED:** Barbero, Matz. **ABSTENTIONS:** Logan, Mendes, Merker.

## ● **LANDMARKS ~ JOYCE MATZ**

**Ms. Matz reported that she had testified at the Landmarks Preservation Commission regarding the Limelight building. The Commission voted in support of the Board’s resolution to deny the application.**

**Ms. Matz then presented the following bundled resolutions (4):**

### ***33-35 East 18<sup>th</sup> Street, aka 884-888 Broadway, aka 22-32 East 19<sup>th</sup> Street – ABC Carpet (Ladies’ Mile Historic District) – Certificate of Appropriateness***

WHEREAS, this building, in the Ladies Mile Historic District, is a commercial palace style building built in 1898 and designed by William Wheeler Smith; and

WHEREAS, the application is to install two new flagpoles (there are now 3 legal flagpoles on Broadway and 3 illegal on 19th street); and

WHEREAS, the applicant wants to remove two flagpoles on Broadway, leaving a center flagpole (all 3 were legally placed) and remove one illegal flagpole on 19<sup>th</sup> Street, leaving two (currently illegal) flagpoles; thereby legalizing these two on 19<sup>th</sup> Street in exchange for the two they are removing on Broadway; and

WHEREAS, there will be no flagpoles on 18<sup>th</sup> Street; and

WHEREAS, they will repair the fabric where the two flagpoles are removed on Broadway and

WHEREAS, all three flagpoles (one on Broadway and two on 19th St) will be on the 4<sup>th</sup> floor and their banners will read ABC Carpet; therefore be it

**RESOLVED**, that Community Board Five **recommends approval** of the application *for the installation of two new flagpoles*.

***7 West 22<sup>nd</sup> Street (Ladies' Mile Historic District) – Certificate of Appropriateness***

WHEREAS, 7 West 22<sup>nd</sup> Street is a neo-Renaissance style store and loft building designed by James Barnes Baker and built in 1900-01; and

WHEREAS, the application is to install a bracket sign in the limestone masonry pier for a 2<sup>nd</sup> floor advertising agency tenant; and

WHEREAS, the sign is metal with a 3-dimensional black sheep (the logo for the international ad agency), and will be bolted into the limestone wall with two bolts; and

WHEREAS, the sign is 4'3" high, 10" wide and 2'7 1/2" out from the wall; and

WHEREAS, the applicant has agreed to anchor/insert at least one of the bolts/attachments into the recess of the limestone quoins, at the committee's request, so as not to make two holes in the limestone; therefore be it

**RESOLVED**, that Community Board Five **recommends approval** of the installation of the bracket sign at 7 West 22<sup>nd</sup> Street as per the agreement to anchor/insert at least one of the bolts/attachments into the recess of the limestone quoins.

***699-703 Fifth Avenue – St. Regis Hotel (Individual Landmark) – Certificate of Appropriateness***

WHEREAS, the St. Regis Hotel is a Beaux –Arts style hotel building designed by noted architects Trowbridge & Livingston and built in 1901-04, with an extension designed by Sloan & Robertson and built in 1927; and

WHEREAS the application is for a DeBeers (diamonds) store, their first retail outlet in the U.S., and involves removing the art deco metal and glass façade of one bay of the former Godiva store (thus extending the DeBeers store one bay); moving the entrance of the store on Fifth Avenue into the center bay; using water etched glass in all the windows (which is not historic); and using off-white metal pin letters saying "DeBeers" above the awnings and the letter "D" above the small openings; And

WHEREAS, the doors will be accessible, stone bulkheads will be restored, there will be no gates and no changes made to the side street facade of the hotel; and

WHEREAS the awnings will be non-retractable and covered in aubergine colored fabric; therefore be it

**RESOLVED**, that community Board Five **recommends approval** of this application for a new partial storefront, windows, awnings and signage, noting the elegance of the plans and design of the windows and signage.

***881 7<sup>th</sup> Avenue – Carnegie Hall (Individual Landmark) – Certificate of Appropriateness***

WHEREAS, Carnegie Hall is an Italian Renaissance style concert hall built in 1889-91 and designed by William B. Tuthill and enlarged in 1892-95 by William B Tuthill, and in 1896-97 by Henry J. Hardenbergh and is a world famous mecca for music; and

WHEREAS, the application is to install two flagpoles and banners on the Seventh Avenue façade on either side of the entrance to a new small concert hall which will open soon; and

WHEREAS, the Seventh Avenue flagpoles and banners will be approximately half the size of those on the 57<sup>th</sup> Street side at the main entrance of Carnegie Hall; and

WHEREAS, the poles will go into the masonry and will not touch the terra cotta and will be either American flags and/or banners; therefore be it

**RESOLVED**, that Community Board Five **recommends approval** of the application for two new flagpoles and banners at the Seventh Avenue entrance to the new concert venue.

After some discussion and a friendly amendment to first resolution (see italics), the bundled resolutions passed with a vote of 29 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bledsoe, Block, Breidbart, Connolly, Daly, Diamond, Farris, Finkelstein, Friedman, Gering, Goshow, Guillet, Isebrand, Logan, Matz, Mendes, Mills, Presser, Ress, Seligson, Shields, Siesko, Teitler, Utevsky, Zucker. **ABSTENTION:** Merker.

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

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

### ***Wild Ginger at Park Avenue Inc., 46 East 29<sup>th</sup> Street – Application for on-premises liquor license***

WHEREAS, Notification of intent to file an application with the State Liquor Authority for an on-premises liquor license at 46 East 29<sup>th</sup> Street, was received by Community Board Five on January 24, 2003 (attached); and

WHEREAS, The notification was in the form of a letter signed by Mr. Yong Qiu, President of the above corporation; and

WHEREAS, There was no other information regarding an address or phone number for Mr. Qiu listed on the notification letter and therefore Community Board Five had no means to contact Mr. Qiu in order to obtain information regarding said premises; therefore be it

**RESOLVED**, Community Board Five **recommends disapproval** of an on-premises liquor license for Wild Ginger of Park Avenue, Inc., located at 46 East 29<sup>th</sup> Street, due to the fact that there was no information furnished by the applicant other than his name, therefore making it impossible for Community Board Five to conduct an inquiry regarding said liquor license application.

After some discussion, the resolution passed with a vote of 29 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bledsoe, Block, Breidbart, Connolly, Daly, Diamond, Farris, Finkelstein, Friedman, Gering, Goshow, Guillet, Isebrand, Logan, Matz, Mendes, Mills, Presser, Ress, Seligson, Shields, Siesko, Teitler, Utevsky, Zucker. **ABSTENTION:** Merker.

**Ms. Barbero then presented the following resolution:**

### ***366 Hole Corp. d/b/a “Climate 8”, 366 8<sup>th</sup> Avenue – Application for renewal of on-premises liquor license***

WHEREAS, 366 Hole Corp., d/b/a “Climate 8,” located at 366 Eighth Avenue, has applied for renewal of their liquor license; and

WHEREAS, Community Board Five has received numerous complaints from residents, regarding noise on the street and sidewalk outside the club, particularly during the early morning hours near closing time – between 3:00 and 4:00 a.m.; and

WHEREAS, Residents with complaints attended the Public Safety/Quality of Life Committee meeting on March 10, 2003, and apprised the committee of the noise problems that make it extremely difficult to sleep and have negatively impacted their quality of life; and

WHEREAS, Brian and Aaron Adams, the owners/managers of “Climate 8” also attended the committee’s March 10<sup>th</sup> meeting, and made it very clear that they want “Climate 8” to be a good neighbor and offered many provisions including but not limited to:

1. noise control – they will work with their security people to address the noise problem outside the club as described by the residents;
2. signage – they will post signage asking patrons to be mindful of area residents and to exit quietly;

3. planters – they will obtain the necessary approval for planters outside the club;
4. emergency phone – they provided the residents with a phone number to call regarding any and all problems;
5. complaints – they will personally handle any and all complaints, working with the Community Board and the residents;
6. exit assistance – they will make an effort to reach out to transportation companies to request more vehicles present at closing so that patrons can leave the area swiftly;
7. security training – they will arrange to have training for their security personnel in order to better handle problems, particularly outside the club and especially regarding noise and crowd control; therefore be it

**RESOLVED**, That Community Board Five supports the renewal of the liquor license for 366 Hole Corp., d/b/a “Climate 8,” located at 366 Eighth Ave, **based on the applicants agreement to meet and deal with the above referred conditions.**

After some discussion, the resolution passed with a vote of 29 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bledsoe, Block, Breidbart, Connolly, Daly, Diamond, Farris, Finkelstein, Friedman, Gering, Goshow, Guillet, Isebrand, Logan, Matz, Mendes, Mills, Presser, Ress, Seligson, Shields, Siesko, Teitler, Utevsky, Zucker. **ABSTENTION:** Merker.

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

**Ms. Friedman and Mr. Connolly presented the following resolution:**

### ***Access to Food Stamp Benefits***

WHEREAS, The Food Stamp Program is the nation’s largest nutrition program; and

WHEREAS, The Program provides benefits to households with incomes 130% below the poverty line; and

WHEREAS, The federal government pays for all of the Food Stamp Program’s benefits, while state and federal agencies share administrative expenses, thereby costing New York City nothing to administer; and

WHEREAS, Currently, more than 800,000 New York City residents who are eligible for Food Stamps are not receiving them, including approximately 1,800 people in Manhattan Community Board 5; and

WHEREAS, New York City is the only major city in the nation where the number of Food Stamp recipients has dropped since the start of the current economic downturn; and

WHEREAS, New York City’s failure to enroll the 800,000 eligible Food Stamp recipients means the City misses out on close to one billion dollars in federal revenue each year, including \$2.1 million that would be spent in Community Board Five; and

WHEREAS, The failure to sign-up all eligible Food Stamp recipients costs the City an additional \$1.4 billion in economic activity per year, including \$3.2 million per year in Community Board Five; and

WHEREAS, Despite increasingly difficult economic times, New York City, for a number of years, has declined to pursue a federal waiver which would extend the benefit period for many of the City’s food stamp recipients; and

WHEREAS, Increased Food Stamp Program participation would benefit all New Yorkers, as low income people would have greater access to nutritious food, businesses would have more customers, and wages, employment and tax revenue would increase; therefore be it


**RESOLVED**, Community Board Five *strongly* urges:

1. New York City to enroll all eligible food stamp recipients in the Program
2. The City to begin an aggressive campaign to inform people about the Food Stamp Program
3. The Human Resources Administration to address policy, training, and operational barriers which make it difficult for eligible people to apply for Food Stamps, including
  - Ensuring that families leaving welfare receive the transitional food stamp benefits to which they are entitled
  - Providing benefits to able-bodied New Yorkers without dependents
  - Increasing the hours of operation of the City's 21 food stamp centers
  - Training HRA staff to adequately and compassionately administer the Food Stamp Program
4. New York City to apply for a high unemployment waiver, which would permit able-bodied adults without dependents to receive food stamps for more than 3 months in any 3 year period.

The some discussion and a friendly amendment (see italics), the resolution passed with a vote of 28 in favor, 0 opposed, 2 abstentions, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bledsoe, Block, Breidbart, Connolly, Daly, Diamond, Farris, Finkelstein, Friedman, Gering, Goshow, Guillet, Isebrand, Logan, Matz, Mendes, Mills, Presser, Ress, Seligson, Shields, Teitler, Utevsky, Zucker. **ABSTENTIONS:** Merker, Siesko.

**There being no further business the meeting adjourned at 9:20 PM.**

Respectfully submitted,



Suzanne Esper  
Secretary