

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

Minutes of the regular Community Board #5 meeting held on **Thursday, February 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  
Muriel Bernstein  
Aaron Block  
Paul Connolly  
Candy Cook  
William Daly  
David Diamond  
Janelle Farris  
Lola Finkelstein  
Sharon Friedman  
Eric Gering  
Kevin Guillet  
Scott Isebrand  
Brian Landeche  
Joyce Matz  
Howard Mendes  
Kyle Merker  
Connie Ress  
Mickey Schwartz  
Doreen Seligson  
David Siesko  
Maxine Teitler

Bonnie Williams  
Lawrence Zucker

**Present Part**

Susan Baida  
Angela Bledsoe  
George Elkins  
Suzanne Esper  
John Mills  
Carmel Reingold  
Rosalie Shields  
Brad Wilson

**Absent**

Judith Breidbart  
Nancy Goshow  
Lenise Logan  
Michael Pollok  
Michael Presser  
David Rabin  
Michael Utevsky

**Public Members**

Jon Schachter  
Jack Taylor

**Public**

Meile Rockefeller  
Michael Martone  
Kitt Barnes  
Tami Collins  
Kate Cowino Jabloski  
Berkowitz  
Frederick R. Gorree  
Matt Grace  
Gwyn Kishlansky  
Linda Sanderson  
Caroline Lohmann  
Michael Oliva  
Valerie Campbell  
Hoi-Ming So  
Vishaan Chakrabarti  
Ivan Schonfeld  
Horatio Francis  
Wai Lun Ng  
Morgan McLean

**Elected Officials**

Nicole Johnson  
Borough President C. Virginia Fields

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

**PUBLIC SESSION**

**At 6:10 p.m., the Full Board meeting of Manhattan Community Board Five was called to order, Kyle Merker presiding. There were no speakers in the public session.**

**BUSINESS SESSION**

**● CHAIR'S REPORT ~ *Kyle Merker***

Mr. Merker informed the Board that members needing to reapply must do so by February 14<sup>th</sup>.

Mr. Merker then announced that the GATES Project (Christo) will be seen in the Parks Committee on March 3 and that no other presentation of this project will be made to the Full board. He also informed the Board that 2 Columbus Circle (NY Design Museum) will be on the Land Use & Zoning Committee agenda March 6.

Mr. Merker then announced that David Siesko had agreed to be the new Chair of the Transportation Committee.

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

Ms. Kinsella announced that the New York City Smoke-Free Air Act will go into effect on March 30, 2003.

She then announced that work would be taking place on the Madison Avenue water main from East 39<sup>th</sup> Street to East 68<sup>th</sup> Street and that information bulletins were available on the table.

Ms. Kinsella then announced an affordable housing opportunity at 400 West 37<sup>th</sup> Street. The deadline to apply is February 28, 2003.

She then announced that a forum on Rent Regulations would be held on February 25, 6-8 p.m. at the Lenox Hill Neighborhood House, 331 East 70<sup>th</sup> Street.

She also announced that Community Tax Aid, Inc. (CTA) is providing free tax preparation assistance for eligible low income taxpayers. For information call (212) 788-7550.

## ● **SHARON FRIEDMAN REGARDING HOMELESS SURVEY**

Ms. Friedman distributed maps of the area and asked Board Members to indicate areas they know have a homeless population so that the area could be included in the upcoming homeless survey. She also appealed for volunteers to help conduct the survey.

## ● **DIRECTOR OF MANHATTAN OFFICE FOR THE DEPARTMENT OF CITY PLANNING, VISHAAN CHAKRABARTI**

Mr. Chakrabarti introduced himself to the Board and also Ivan Schonfeld, Department of City Planning's liaison to the Board.

## ● **VOTE ON MINUTES OF THE JANUARY 9, 2003, BOARD MEETING**

The minutes passed with a vote of 26 in favor, 0 opposed, 2 abstentions, as follows: **IN FAVOR:** Adesman, Barbero, Beer, Bernstein, Block, Connolly, Cook, Daly, Diamond, Esper, Farris, Finkelstein, Friedman, Gering, Guillet, Isebrand, Landeche, Matz, Mendes, Ress, Schwartz, Seligson, Siesko, Teitler, Williams, Zucker. **ABSTENTIONS:** Merker, Wilson.

## **COMMITTEE REPORTS**

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

**Mr. Schwartz presented the following bundled resolution (3):**

#### ***Mid-Town South Police Community Council - Street Activity Permit Application.***

WHEREAS, The Mid-Town South Police Community Council has filed an application to hold a street festival on May 4, 2003, on Sixth Avenue, between 23<sup>rd</sup> and 33<sup>rd</sup> Streets; therefore be it

**RESOLVED**, That Community Board Five **recommends approval** of the application by the Mid-Town South Police Community Council to hold a street festival.

#### ***Gramercy Neighborhood Association- Street Activity Permit Application***

WHEREAS, The Gramercy Neighborhood Association has filed an application to hold a street festival on May 17, 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 Gramercy Neighborhood Association to hold a street festival.

***The West 47<sup>th</sup> – 48<sup>th</sup> Streets Block Association – Street Activity Permit Application***

WHEREAS, The West 47<sup>th</sup> – 48<sup>th</sup> Streets Block Association has filed an application to hold a street festival on June 21, 2003, on Eighth Avenue, between 47<sup>th</sup> and 57<sup>th</sup> Streets; and

WHEREAS, Due to heavy theater traffic on Saturdays, Community Board Five requests that the applicant consider holding this event on Sunday, June 22<sup>nd</sup>; therefore be it

**RESOLVED**, That Community Board Five **recommends approval** of the application by The West 47<sup>th</sup> – 48<sup>th</sup> Streets Block Association to hold a street festival, with the understanding that the applicant will consult with the Street Activity Permit Office and consider changing the day of the event to Sunday.

After some discussion regarding the possibility of having the applicant for The West 47<sup>th</sup> – 48<sup>th</sup> Street Block Association change the date of their event from Saturday to Sunday due to theater congestion, the bundled resolutions (3) passed with a vote of 30 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Beer, Bernstein, Block, Connolly, Cook, Daly, Diamond, Elkins, Esper, Farris, Finkelstein, Friedman, Gering, Guillet, Isebrand, Landeche, Matz, Mendes, Mills, Ress, Schwartz, Seligson, Shields, Siesko, Teitler, Williams, Wilson, Zucker. **ABSTENTION:** Merker.

**Mr. Zucker then introduced the following bundled resolutions (12):**

***March of Dimes – Street Activity Permit Application***

WHEREAS, March of Dimes has filed an application to hold a walk-a-thon on Sunday, April 27, 2003, on Madison Avenue, between 23<sup>rd</sup> and 25<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 March of Dimes to hold a walk-a-thon.

***Grand Central Partnership – Outdoor Café – Pershing Square***

WHEREAS, The Grand Central Partnership has filed an application for an outdoor urban park/outdoor café d/b/a Pershing Square Café from May 5<sup>th</sup> thru October 31<sup>st</sup>, 2003, on Park Avenue (Southbound lanes only), between East 42<sup>nd</sup> Street and East 40<sup>th</sup> Street; and

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

**RESOLVED**, That Community Board Five **recommends approval** of the application by the Grand Central Partnership for an outdoor urban park/outdoor café d/b/a Pershing Square Café on Park Avenue (Southbound lanes only).

***Coalition of Italo American Association – Street Activity Permit Application***

WHEREAS, The Coalition of Italo-American Association, Inc. has filed an application to hold a street festival on Sunday, May 25, 2003, on Seventh Avenue, between 45<sup>th</sup> and 57<sup>th</sup> Streets;

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

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

***Innovative Community Enterprises – Street Activity Permit Application***

WHEREAS, The Innovative Community Enterprises, Inc. has filed an application to hold a street festival on May 26, 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 Innovative Community Enterprises, Inc. to hold a street festival.

***Forum’s Children Foundation – Street Activity Permit Application***

WHEREAS, The Forum’s Children Foundation has filed an application to hold a street festival on May 31, 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 Forum’s Children Foundation to hold a street festival.

***Children’s Leukemia Research Association/52 Association for the Handicapped – Street Activity Permit Application***

WHEREAS, The Children’s Leukemia Research Association/52 Association for the Handicapped, Inc. has filed an application to hold a street festival on June 29, 2003, on 52<sup>nd</sup> Street, between Lexington and Seventh 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 Children’s Leukemia Research Association/52 Association for the Handicapped, Inc. to hold a street festival.

***International Immigrants Foundation – Street Activity Permit Application***

WHEREAS, The International Immigrants Foundation, Inc. has filed an application to hold a street festival on June 15, 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 International Immigrants Foundation, Inc. to hold a street festival.

***USO of Metropolitan New York – Street Activity Permit Application***

WHEREAS, The USO of Metropolitan New York has filed an application to hold a street festival on July 06, 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 USO of Metropolitan New York to hold a street festival.

***St. John the Baptist – Street Activity Permit Application***

WHEREAS, The Church of St. John the Baptist has filed an application to hold a street festival on July 13, 2003, on Sixth Avenue, between 23<sup>rd</sup> and 33<sup>rd</sup> Streets; and

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

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

***14<sup>th</sup> Street/Union Square Local Development Corporation – Street Activity Permit Application***

WHEREAS, 14<sup>th</sup> Street-Union Square LDC has filed an application to hold a street festival on July 19, 2003, on Park Avenue South, between 17<sup>th</sup> and 23<sup>rd</sup> Streets; and

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

**RESOLVED**, That Community Board Five **recommends approval** of the application by the 14<sup>th</sup> Street-Union Square LDC to hold a street festival.

***National Ethnic Coalition of Organizations, Inc. – Street Activity Permit Application***

WHEREAS, National Ethnic Coalition of Organizations, Inc. has filed an application to hold a street festival on July 20, 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 National Ethnic Coalition of Organizations, Inc. to hold a street festival.

***St. Francis of Assisi – Street Activity Permit Application***

WHEREAS, Church of St. Francis of Assisi has filed an application to hold a street festival on June 8, 2003, on Broadway, between 31<sup>st</sup> and 32<sup>nd</sup> Streets; and

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

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

The bundled resolutions (12) passed with a vote of 30 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Beer, Bernstein, Block, Connolly, Cook, Daly, Diamond, Elkins, Esper, Farris, Finkelstein, Friedman, Gering, Guillet, Isebrand, Landeche, Matz, Mendes, Mills, Ress, Schwartz, Seligson, Shields, Siesko, Teitler, Williams, Wilson, Zucker. **ABSTENTION:** Merker.

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

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

***Tails in Need – Dog Show in Union Square Park***

WHEREAS, Tails in Need has applied for a special events permit to hold a dog show in Union Square Park on Sunday, September 14, 2003; and

WHEREAS, The event will be held in the northern paved end of the Park from 10:00 a.m. until 4:00 p.m.; and

WHEREAS, Set-up for the event would begin the evening of September 13<sup>th</sup> and clean-up would end by 10:00 p.m. on September 14<sup>th</sup>; and

WHEREAS, Approximately 400 participants and 1,000 spectators are expected at the event; and

WHEREAS, The event, called the Great American Mutt Show, would have five rings of dog competitions, animal welfare organization booths, dog makeovers, a dog fashion show, dog agility and training demonstrations, speeches, and opportunities for animal adoption; and

WHEREAS, The event was successfully held last year in Central Park; and

WHEREAS, The applicant has agreed to leave the Park cleaner than it was found; therefore be it

**RESOLVED**, Community Board Five **recommends approval** of a special events permit for Tails in Need to hold a dog show in Union Square Park on September 14, 2003.

After some questions regarding how many dogs participated in this show, and answer with a projection of 250 dogs and 400 people, and no fees to spectators, the resolution passed with a vote of 28 in favor, 4 opposed, 1 abstention, as follows:

**IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Connolly, Cook, Daly, Diamond, Elkins, Esper, Farris, Finkelstein, Friedman, Gering, Guillet, Isebrand, Matz, Mendes, Mills, Reingold, Ress, Schwartz, Seligson, Shields, Siesko, Wilson, Zucker. **OPPOSED:** Bledsoe, Landeche, Teitler, Williams. **ABSTENTION:** Merker.

**Mr. Isebrand then introduced the following bundled resolutions (5):**

***Heritage of Pride – Rally in Bryant Park***

WHEREAS, Heritage of Pride has applied for a permit for a rally in Bryant Park for Saturday, June 22, 2003; and

WHEREAS, The event will draw an estimated 5,000 spectators; and

WHEREAS, The event is free and open to the public; and

WHEREAS, The applicant has insurance and has made provisions for on-site medical services and on-site security; and

WHEREAS, Affordable merchandise will be for sale and program brochures will be distributed; and

WHEREAS, This event provides information and entertainment in order to raise awareness about issues of civil rights for gay, lesbian, bisexual, and transgender Americans by celebrating the anniversary of the Stonewall Riots of 1969; and

WHEREAS, Community Board Five has approved applications for this same rally in Bryant Park annually since 1998; and

WHEREAS, The Community Board has received no complaints regarding this event; therefore be it

**RESOLVED**, that Community Board Five **recommends approval** of the application by Heritage of Pride for a rally in Bryant Park on June 22, 2003.

***14<sup>th</sup> Street – Union Square LDC – Fundraiser in Union Square Park***

WHEREAS, The 14<sup>th</sup> Street – Union Square LDC has applied for a special event permit to hold a fundraiser in Union Square Park on Thursday, September 18, 2003; and

WHEREAS, The event would be held in the northern paved area of the Park; and

WHEREAS, The event would run from 6:00 p.m. until 10:00 p.m.; and

WHEREAS, The event would not interfere with the Farmer’s Market; and

WHEREAS, Set-up for the event would begin at 7:00 p.m. on September 17<sup>th</sup> and clean-up would end on September 19<sup>th</sup> at 4:00 p.m.; and

WHEREAS, Approximately 1,200 people will participate in the event; and

WHEREAS, Tickets will be sold for \$70 to the event which includes food and wine tasting from area restaurants; and

WHEREAS, This event annually raises funds critical to the 14<sup>th</sup> Street – Union Square LDC; and

WHEREAS, This event has been held since 1996 without incident; therefore be it

**RESOLVED**, Community Board Five **recommends approval** of a special events permit for the 14<sup>th</sup> Street – Union Square LDC to hold a fundraiser in Union Square Park on September 18, 2003.

***Coalition of Asian Pacific Americans (CAPA) – Cultural Event in Union Square Park***

WHEREAS, The Coalition of Asia Pacific Americans (CAPA) has applied for a special event permit for Sunday, May 4, 2003; and

WHEREAS, The event would be held in the northern paved area of Union Square Park from 11:00 a.m. to 6:00 p.m.; and

WHEREAS, The applicant will begin set-up at 8:00 a.m. and end clean-up by 8:00 p.m.; and

WHEREAS, The event consists of cultural entertainment, a martial arts demonstration, educational, food and craft booths; and

WHEREAS, Approximately 3,000 participants are expected; and

WHEREAS, the applicant has consistently had its clean-up bond returned and has left the park cleaner than they found it, and

WHEREAS, May is Asian American Heritage Month; and

WHEREAS, This event has been held in Union Square Park for nearly ten years; and

WHEREAS, Community Board Five received no complaints regarding this event last year; therefore be it

**RESOLVED**, That Community Board Five **recommends approval** of a special events permit for the Coalition of Asia Pacific Americans to hold a cultural event in Union Square Park on May 4, 2003.

***Mighty Mutts Inc. – Ongoing Animal Adoptions in Union Square Park***

WHEREAS, Mighty Mutts has applied for a special events permit for Saturday's through March of 2003, and

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

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

WHEREAS, Mighty Mutts has in fair weather had a weekly animal adoption location in Union Square Park since 1994, and

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

WHEREAS, Upon completion of the reconstruction project on the south end of Union Square Mighty Mutts returned to its old location; and

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

WHEREAS, Mighty Mutts has several times a year come to Community Board 5 meetings to present their applications for permits; and

**RESOLVED**, Community Board 5 recommends the granting of a permit to Might Mutts for weekend pet adoptions in Union Square Park for all of 2003.

***Union Square Community Coalition – Children's Carnival in Union Square Park***

WHEREAS, The Union Square Community Coalition has applied for a special event permit to use the north end of Union Square Park on Sunday, September 21, 2003 for a children's' carnival; and

WHEREAS, Set-up for the event begins at 9 a.m. and clean up ends by 4 p.m., and the event itself will be from 11:00 p.m. to 3:00 p.m.; and

WHEREAS, There will be no vendors at the event and no merchandise will be sold; and

WHEREAS, The event is free for the 200 expected attendees (both children and parents); and

WHEREAS, This carnival has been held a Sunday in September for the last 13 years; therefore be it

**RESOLVED**, That Community Board Five **approves** the special permit application for the Union Square Community Coalition to hold their Children's Carnival on Sunday, September 21, 2003, at Union Square Park.

After some discussion the bundled resolutions (5) passed with a vote of 32 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Block, Connolly, Cook, Daly, Diamond, Elkins, Esper, Farris, Finkelstein, Friedman, Gering, Guillet, Isebrand, Landeche, Matz, Mendes, Mills, Reingold, Ress, Schwartz, Seligson, Shields, Siesko, Teitler, Williams, Wilson, Zucker. **ABSTENTION:** Merker.

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

***Intro 160 – Clarification of the General Vending Law***

WHEREAS, In August 2001 a court ruled that the City's Administrative Code with regard to New York Parks & Recreation's ability to regulate the sale of art on parkland by issuing permits to artists was too vague; and

WHEREAS, New York Parks & Recreation was given legislative authority to regulate the vending of art in parks in 1982 and exercised that authority for nearly 20 years by way of a lottery system granting art vendor permits; and

WHEREAS, Since the recent Court ruling, vendors of art can use public parkland for private gain, without limitation, without compensation, whenever and wherever they want; and

WHEREAS, Areas of some city parks are experiencing a substantial increase in unlicensed commercial vending; and

WHEREAS, City Council Intro 160 would restore the authority of the Parks Commissioner to balance commercial vending with other park uses; and

WHEREAS, Intro 160 is a clarification of the Administrative Code which the court found to be too ambiguous; and

WHEREAS, Both Assistant Commissioner for Citywide Services Jack Linn and Manhattan Parks Commissioner William Castro have appeared before Manhattan Community Board 5 to appeal for our support of Intro 160; and

WHEREAS, Intro 160 in no way affects the content of written material, allows small artists, book vendors and those with non-mainstream artwork to display and sell written matter; and

WHEREAS, Intro 160 does not impact commercial activity beyond New York City parkland and;

WHEREAS, Intro 160 would allow New York City Parks & Recreation to regulate through a permitting system the time, place and manner of vending in areas under the jurisdiction of parks and recreation; and

WHEREAS, Manhattan Parks Commissioner William Castro has stressed that New York City Parks & Recreation will welcome Community Board and general public feedback about the permitting system; and

WHEREAS, Manhattan Community Board 5 is concerned that Intro 160:

1. Does not address any specifics of the permitting process to be used by New York City Parks and Recreation, including the basic stipulation that the process be fair and equitable,
2. Does not require any public review of the permitting process, and
3. Does not give any indication of what the permit fee, or duration, might be;

therefore be it

**RESOLVED**, Manhattan Community Board Five recommends that the New York City Council pass Intro 160 on the condition that the permitting process be fair and equitable, subject to full public review, and that the cost of a permit not exceed its present amount of \$25.

After several questions regarding the public review process for the promulgation of the rules, the resolution passed with a vote of 32 in favor, 0 opposed, 1 abstention as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Bledsoe, Block, Connolly, Cook, Daly, Diamond, Elkins, Farris, Finkelstein, Friedman, Gering, Guillet, Isebrand, Landeche, Matz, Mendes, Mills, Reingold, Ress, Schwartz, Seligson, Shields, Siesko, Teitler, Williams, Wilson, Zucker. **ABSTENTION:** Merker.

## ● LANDMARKS ~ *JOYCE MATZ*

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

### ***28-30 West 23<sup>rd</sup> Street and 32-46 West 23<sup>rd</sup> Street – Certificate of Appropriateness***

WHEREAS, the application is for two buildings: a neo-Renaissance style store and loft building designed by the noted architects, Maynicke & Franke and constructed in 1910-11 as the Annex; and a Commercial Palace style store building designed by Henry Fernbach, Hugo Kafka and William Schickel & Co., constructed in stages between 1878 and 1892, and

WHEREAS, the application for the 23<sup>rd</sup> Street façade includes: replicating historic Stern signage, changing the main door configuration from single to double doors, so as to make it more symmetrical, making the secondary entrance power assist accessible, and

WHEREAS, changes to the 22<sup>nd</sup> Street façade of both the Annex and the store would include cleaning and painting of the main store, installation of three loading dock entrances and one entrance for a refuse compactor, with all four entries having individual curb cuts and metal overhead roll-up doors of black or dark green with vertical divisions to

match the windows above, and bulkheads of original polished granite, protected by steel corner plates – and no signage, and

WHEREAS, although there is some concern about losing original fabric for the compactor entrance, it is considered an advantage to have the refuse kept off the sidewalk, and

*WHEREAS, the Board has requested and the applicant has agreed to consider additional lighting on the 22<sup>nd</sup> Street side of the building;* therefore be it

**RESOLVED**, that Community Board Five **recommends approval** of this application.

After some discussion and a friendly amendment (see italics), the resolution passed with a vote of 32 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Bledsoe, Block, Connolly, Cook, Daly, Elkins, Farris, Finkelstein, Friedman, Gering, Guillet, Isebrand, Landeche, Matz, Mendes, Merker, Mills, Reingold, Ress, Schwartz, Seligson, Shields, Siesko, Teitler, Williams, Wilson, Zucker. **ABSTENTION:** Diamond.

**Ms. Matz then introduced the following resolution:**

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

WHEREAS, this is a Beaux-Arts style building constructed in 1896-97 and designed by Stephenson & Greene and

WHEREAS, the application is to install storefront infill, and

WHEREAS, this is an exemplary effort to restore a building to its original beauty- and this is one of those times where the architect and owner, working together, have done a remarkable job of replicating pieces of the storefront that had been removed, with the restoration in cast iron and cast aluminum, restored leaded glass in the transom and cleaned wall signs on either side of the center door, and

WHEREAS, the work is to be commended, therefore be it

**RESOLVED**, that Community Board Five **recommends approval** of the application and praises the architect and owner for restoring the storefront.

The resolution passed with a vote of 31 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Bledsoe, Block, Connolly, Cook, Daly, Elkins, Finkelstein, Friedman, Gering, Guillet, Isebrand, Landeche, Matz, Mendes, Merker, Mills, Reingold, Ress, Schwartz, Seligson, Shields, Siesko, Teitler, Williams, Wilson, Zucker. **ABSTENTION:** Diamond.

**Ms. Matz then introduced the following resolution:**

***261 5<sup>th</sup> Avenue aka 2-6 West 29<sup>th</sup> Street – The Bank of Senegal – Certificate of Appropriateness***

WHEREAS, This is an Art Deco style office building, designed by Buchman & Kahn and built 1928-29 and the application is to install storefront infill, and

WHEREAS, the proposal is to keep the entry door on the left side of the storefront (there are no available historic photos showing where that door was originally placed), with the bank's emblem etched on it, the glass panels will be restored and there will be a bronze satin finish band across the top with the banks name, and

WHEREAS, the materials being used are similar to those used in the Starbucks next door, therefore be it

**RESOLVED**, That Community Board Five **recommends approval** of the application for 261 Fifth Avenue aka 2-6 West 29<sup>th</sup> Street

The resolution passed with a vote of 30 in favor, 0 opposed 2 abstentions, 1 present not entitled to vote, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Bledsoe, Connolly, Cook, Daly, Elkins, Farris, Finkelstein, Friedman, Gering, Guillet, Isebrand, Landeche, Matz, Mendes, Mills, Reingold, Ress, Schwartz, Seligson, Shields, Siesko, Teitler, Williams, Wilson, Zucker. **ABSTENTIONS:** Diamond, Merker. **PRESENT NOT ENTITLED TO VOTE:** Block.

**Ms. Matz then introduced the following resolution:**

***186 Fifth Avenue (Ladies Mile Historic District) – Certificate of Appropriateness***

WHEREAS, this is an historic Queen Anne style office building, designed by Henry J Hardenbergh and built in 1883 on the Southwest corner of 5<sup>th</sup> Avenue and 23<sup>rd</sup> Street and

WHEREAS, the site will be an unstaffed site for Fleet Bank ATM machines and

WHEREAS, the application is to install signage at the ground floor with dark green canvas and simple, white, back lit lettering and logo and

WHEREAS, no other changes will be made to the current storefront, which had been approved by the Commission some time ago, and

WHEREAS, because of the significance of this building, it is hoped that some day, the store front will be restored, therefore be it

**RESOLVED**, that Community Board Five **recommends approval** of this application.

The resolution passed with a vote of 30 in favor, 0 opposed, 3 abstentions, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Bledsoe, Block, Connolly, Cook, Daly, Elkins, Farris, Finkelstein, Friedman, Gering, Guillet, Isebrand, Landeche, Matz, Mills, Reingold, Ress, Schwartz, Seligson, Shields, Siesko, Teitler, Williams, Wilson, Zucker. **ABSTENTIONS:** Diamond, Mendes, Merker.

**Ms. Matz then introduced the following resolution:**

***47-49 West 20<sup>th</sup> Street aka 656-662 6<sup>th</sup> Avenue – Church of the Holy Communion, Sisters House, Chapel and Rectory – Individual Landmark site within the Ladies Mile Historic District***

WHEREAS, this is a Gothic Revival style church complex designed by Richard Upjohn between 1844-1879.

WHEREAS, the application is to legalize illegal modifications that were made to the areaway fence, and the illegal installation of a canopy, light fixtures, illuminated stairs and platform- all without Landmarks Preservation Commission approvals, and

WHEREAS, the site was designated a NYC landmark April 19, 1966- one of the very first designations under the new landmarks law, and

WHEREAS, it has been operating as a nightclub formerly known as the Limelight, and now as Estate and

WHEREAS, over the years, repeated violations for illegal work by both past and present owners have been reported including warning letters, Stop Work Orders etc, pertaining to work done without LPC approvals including alterations to the roof, removal of roof tiles without permits, removal of paired entrance doors and installation of single door without permits in 2000, and

WHEREAS, the owners, in 2001-2002 assured Community Board Five (and the chair of Board Five's Landmarks Committee) that the landmark would be respected and nothing would be altered without a permit, and

WHEREAS, there has been and continues to be a tree growing out of the roof and continuing deterioration of this great and historic landmark, and

WHEREAS, because of a history of illegal violations, a history of work done without permits and without approvals from either the Commission or the Community Board, a history of broken promises to the community board and a history of poor maintenance of an important NYC landmark, therefore, be it

**RESOLVED**, that all illegal work not be legalized and be immediately removed - including illegal fencing, illegal canopy with signage, illegal platform, illegal illuminated stairs and light fixtures and the illegal unpainted metal supports for the canopy; be it further

*RESOLVED, that Community Board Five requests that fines for the violations be levied to the maximum the law allows.*

After much discussion and a friendly amendment to add a *RESOLVED* (see italics), the resolution passed with a vote of 31 in favor, 0 opposed, 1 abstention, 1 present not entitled to vote, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Bledsoe, Block, Connolly, Cook, Daly, Elkins, Farris, Finkelstein, Friedman, Gering, Guillet, Isebrand, Matz, Mendes, Merker, Mills, Reingold, Ress, Schwartz, Seligson, Shields, Siesko, Teitler, Williams, Wilson, Zucker. **ABSTENTION:** Diamond. **PRESENT NOT ENTITLED TO VOTE:** Landeche.

## ● **TRANSPORTATION ~ JANELLE FARRIS PRESENTING**

**Ms. Janelle Farris presented the following resolution on behalf of the Committee:**

### ***Planned Subway Station Booth Closings***

WHEREAS, the MTA has proposed to close 177 subway token booths throughout 4 boroughs, and

WHEREAS, 24 stations would be affected in Community Board 5, and

WHEREAS, Community Board Five is a high density area, with literally millions of workers, residents, students, and tourists utilizing the stations throughout the district, and

WHEREAS, adequate information regarding the selected stations was not provided to the board, such as number of riders utilizing the station, crime numbers, or how the installation of high wheel turnstiles will affect the flow of commuters in or out of the station, and this information is critical in assessing this proposal, and

*WHEREAS, The MTA has refused to open its books for public inspection, thus denying the public any means to verify MTA's allegation of insufficient operating funds, and*

WHEREAS, Community Board Five believes that during difficult economic times any sacrifices that are made, should be well planned and fully debated before changes and cuts in service are put in place, and

WHEREAS, New York City has remained on Orange Alert, the second highest security level in the color coded system, since September 11<sup>th</sup> and as recently as February 8, 2003, the Mayor and Governor announced intelligence that the Subway is a prime terrorist target, and

WHEREAS, Token booth clerks provide a level of security in that their presence is a deterrent to crime, they are able to respond to emergency situations, they are able to report problems to authorities, and assist sick or wounded passengers, and

WHEREAS, NYC subway stations do not meet the current minimum standards for emergency evacuation, and additional limits to egress that an unstaffed station would require could be detrimental in an emergency situation, and

WHEREAS, turnstiles often jam and are unreliable, and a clerk can resolve a problem on the spot, and

WHEREAS, disabled passengers, people with strollers, shoppers with packages, delivery workers, and other people with special needs will not be able to use the HEET (High Entry/Exit Turnstiles), therefore, be it

**RESOLVED**, that Community Board Five ~~requests that~~ opposes closing of *staffed* token booths ~~not be closed until~~ and requests that:

- *The MTA opens its books to public inspection to substantiate its claim of insufficient operation funds;*
- *Alternate methods of cost reduction be reviewed;*

- Adequate means of egress, such as the automatic unlocking of doors, be provided for station evacuations;
- Police presence at subway stations is increased to provide needed security;
- Stations in which criminal activity is prevalent are exempt;
- Any station closed is provided with increased surveillance, such as a monitored closed circuit TV system;
- Emergency buttons are installed throughout each station, so a person in need can summon help;
- Turnstiles *and vending machines* be made more reliable, and a quick way of resolving problems with them is provided;
- A System is put in place to guarantee metro card vending machines are monitored and maintained in good working order;
- Strollers, walkers, canes, carts, and other impediments to using a high wheel turnstile are accommodated and ADA access is improved;
- *Any booths that will not be staffed remain in place for one year to allow for the possibility of restaffing.*

After much discussion and friendly amendments (see strikethrough and italics), a motion for an amendment (Siesko) passed with a vote of 27 in favor, 3 opposed, 3 abstentions, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Bledsoe, Block, Connolly, Cook, Daly, Diamond, Elkins, Finkelstein, Friedman, Gering, Guillet, Isebrand, Landeche, Mendes, Reingold, Ress, Schwartz, Seligson, Shields, Siesko, Teitler, Zucker. **OPPOSED:** Farris, Mills, Wilson. **ABSTENTIONS:** Matz, Merker, Williams.

After further discussion, the resolution as amended passed with a vote of 30 in favor, 2 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Bledsoe, Block, Connolly, Cook, Daly, Diamond, Elkins, Farris, Finkelstein, Friedman, Gering, Guillet, Isebrand, Landeche, Matz, Mendes, Ress, Schwartz, Seligson, Shields, Siesko, Teitler, Williams, Wilson, Zucker. **OPPOSED:** Mills, Reingold. **ABSTENTION:** Merker.

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

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

### ***Renewal of Rent Laws***

WHEREAS, The rent stabilization law sunsets in June 2003; and

WHEREAS, Rent stabilization is central to New York City's housing economy, affecting more than two million people living in rent-regulated housing; and

WHEREAS, The vacancy decontrol provision of the rent stabilization code allows landlords to permanently remove apartments from rent and eviction regulation when the apartment is vacant and the rent per month is at least \$2,000; and

WHEREAS, Community Board Five continues to support the Rent Stabilization Law; and

WHEREAS, Legislation to extend rent stabilization and repeal the vacancy decontrol provision of the rent stabilization code has passed the New York Assembly; therefore be it

**RESOLVED**, Community Board Five strongly urges the New York Senate to pass and Governor Pataki to sign the extension of rent stabilization and the repeal of vacancy decontrol as passed by the Assembly.

The resolution passed with a vote of 30 in favor, 0 opposed, 3 abstentions, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Bledsoe, Block, Connolly, Cook, Daly, Diamond, Elkins, Farris, Finkelstein, Friedman, Gering, Guillet, Isebrand, Matz, Mills, Reingold, Ress, Schwartz, Seligson, Shields, Siesko, Teitler, Williams, Wilson, Zucker. **ABSTENTIONS:** Landeche, Mendes, Merker.

**There being no further business the meeting adjourned at 8:22 PM.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Suzanne Esper', written over a horizontal line.

Suzanne Esper  
Secretary