

THE BOROUGH OF MANHATTAN
C. VIRGINIA FIELDS, PRESIDENT
MANHATTAN COMMUNITY BOARD FIVE MINUTES
KYLE MERKER, CHAIR
THURSDAY, DECEMBER 12, 2002

Approved 1/9/03

Minutes of the regular Community Board #5 meeting held on **Thursday, December 12, 2002**, at the Fashion Institute of Technology, 227 West 27th Street, "A" Building, 8th Floor, 6:00 p.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
Aaron Block
Judith Breidbart
Candy Cook
David Diamond
George Elkins
Suzanne Esper
Janelle Farris
Lola Finkelstein
Sharon Friedman
Eric Gering
Nancy Goshow
Brian Landeche
Joyce Matz
Kyle Merker
John Mills
David Rabin
Carmel Reingold
Doreen Seligson
Rosalie Shields
David Siesko

Maxine Teitler
Michael Utevsky
Bonnie Williams

Present Part

Susan Baida
Paul Connolly
Joan Piker
Brad Wilson

Absent

Robert Baublitz
Muriel Bernstein
Angela Bledsoe
William Daly
Kevin Guillet
Scott Isebrand
Lenise Logan
Howard Mendes
Michael Pollok
Michael Presser
Connie Ress
Michael Royce
Mickey Schwartz

Lawrence Zucker

Public Members

Jon Schachter
Jack Taylor
Joe Tucker

Public

Robert Teller
James Collins
Michael Martone
Brandt Gassman
Melissa Hazlett
Cecilia Feng

Elected Officials

Christopher Dorian
Mayor Michael Bloomberg

Nicole Johnson
Borough President C. Virginia Fields

Leah Kane
Congress Member Jerrold Nadler

Sara Hale Stern

State Senator Liz Krueger

Dan Golub

Assembly Member Richard Gottfried

Emily Negrau

Councilmember Christine Quinn

Susie Lim

Councilmember Eva Moskowitz

Rosie Mendez

Councilmember Margarita Lopez

Staff

Kathy Kinsella

District Manager

Kim Rodney

Assistant District Manager

Cindy Perez

Community Associate

PUBLIC SESSION

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

Robert Teller – Project Liberty – introduced himself and spoke of the peer support initiative of 25 volunteer counselors at Project Liberty. Informed the Board of the telephone hotline (866-234-peer) available from Monday to Friday, from 5:00p.m. to 12 midnight.

BUSINESS SESSION

● CHAIR'S REPORT ~ *Kyle Merker*

Mr. Merker announced that he was at the end of his term and asked that anyone interested in taking a leadership position should let him, 1st Vice Chair, Vikki Barbero or 2nd Vice Chair, David Diamond know.

Mr. Merker then explained what an excusal is versus an absence.

Mr. Merker then announced that he had a “housekeeping item” that need to be addressed. Mr. Merker asked for a **motion to remove Grace Forrester and Jackson Jhin from the Board due to lack of attendance. So moved by Lola Finkelstein.** A vote was taken as follows: **24 in favor** (Adesman, Barbero, Beer, Block, Breidbart, Cook, Diamond, Elkins, Esper, Farris, Finkelstein, Friedman, Gering, Goshow, Landeche, Matz, Mills, Reingold, Seligson, Shields, Siesko, Teitler, Utevsky, William). **0 opposed, 2 abstentions** (Merker, Piker).

Mr. Merker then announced the resignation of Adeena Besdin from the Board due to personal commitment.

Mr. Merker spoke about Con Edison’s new location and announced that there would be a meeting regarding the architectural design of the building on Wednesday, December 18, 6:00 p.m. at 1107 Broadway, 6th Floor Buyers Lounge. He urged Board Members to attend. He also spoke of the 2 Columbus Circle ULURP coming before the board next year.

Mr. Merker then informed the Board of an invitation to the “New 42 Street Studios” dedication, honoring Community Board Five on January 14, 2003.

He then announced that he had been filling in for the Chair for the Youth and Education Committee for the last few months, but is now combining this Committee with the Housing and Human Services Committee.

Mr. Merker then announced that the Mayor and Council has reached a compromise regarding the smoking ban legislation and that Vikki Barbero will testify on behalf of Community Board Five at the hearing. He also spoke regarding Limelight’s several landmark violations.

Mr. Merker then reported that the pedestrian passageway at 1585 Broadway was closed and that this passageway should be open as it is a bonus public space. The matter has been referred to Office of Midtown Enforcement by the Board office.

Mr. Merker recognized the Elected Officials’ representatives present.

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

Ms. Kinsella announced a website for up to date information regarding the transit strike and contingency plans.

Ms. Kinsella then informed the Board that as of April 1, 2003, area codes must be used even when dialing within the same area code.

She wished everyone a Happy Holiday.

● **VOTE ON MINUTES OF THE NOVEMBER 14, 2002 BOARD MEETING**

The minutes passed with a vote of 25 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Beer, Block, Breidbart, Cook, Diamond, Elkins, Esper, Farris, Finkelstein, Friedman, Gering, Goshow, Landeche, Matz, Mills, Piker, Reingold, Seligson, Shields, Siesko, Teitler, Utevsky, Williams. **ABSTENTION:** Merker.

COMMITTEE REPORTS

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

Ms. Vikki Barbero presented the following bundled resolutions (2) on behalf of the Committee:

Kidney & Urology Foundation - Street Activity Permit Application.

WHEREAS, The Kidney & Urology Foundation has applied for a permit to hold a street festival on 8th Avenue, between 42nd and 57th Streets, on June 22, 2003; and

WHEREAS, The application for location falls within the boundaries of Community Board Five and Community Board Four; and

WHEREAS, The applicant will make an application to Community Board Four for its approval as well; therefore, be it

RESOLVED, That Community Board Five **recommends approval** of the application by The Kidney & Urology Foundation to hold a street festival, June 22nd, on 8th Avenue, between 42nd and 57th Street, with the understanding that Community Board Four also needs to review this application.

Encore Community Services – Street Permit Application

WHEREAS, Encore Community Services has filed an application to hold a street festival on August 31, 2003, on 52nd Street, between 7th and Madison Avenues; and

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

RESOLVED, That Community Board Five **recommends approval** of the application.

The bundled resolutions (2) passed with a vote of 24 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Beer, Block, Breidbart, Cook, Diamond, Elkins, Esper, Farris, Finkelstein, Friedman, Gering, Goshow, Matz, Mills, Piker, Reingold, Seligson, Shields, Siesko, Teitler, Utevsky, Williams. **ABSTENTION:** Merker.

(Ms. Barbero then announced that a newsstand application that came before the Committee was actually located within Community Board Six and was being referred to that Board.)

Ms. Barbero then introduced the following resolution:

BSA Application for 54 West 21st Street – Physical Culture Establishment

WHEREAS, An application has been made for a special permit for a physical culture establishment at 54 West 21st Street; and

WHEREAS, The application is for the use of the 8th floor; and

WHEREAS, The applicant has previously operated a physical culture establishment at another location in Community Board Four without incident; therefore, be it

RESOLVED, That Community Board Five **recommends approval** of the application for a physical culture establishment at 54 West 21st Street.

The resolution passed with a vote of 24 in favor, 0 opposed, 2 abstentions, as follows: **IN FAVOR:** Adesman, Barbero, Beer, Block, Breidbart, Cook, Diamond, Elkins, Esper, Farris, Finkelstein, Friedman, Gering, Goshow, Matz, Mills, Piker, Reingold, Seligson, Shields, Siesko, Teitler, Utevsky, Williams. **ABSTENTIONS:** Baida, Merker.

Ms. Barbero then introduced the following resolution :

Request to replacement Cobra Head Lampposts with Bishop Crook lampposts

WHEREAS, A proposal has been presented to Community Board Five to replace 8 cobra head lampposts with bishop crook lampposts in the Gramercy neighborhood, south of Gramercy Park, in Community Board Five; and

WHEREAS, Community Board Six has approved an application for the lampposts that fall within its boundaries in the same general area; and

WHEREAS, The Bishop Crook Ductile Iron Pole will have an overall height of 26 ft. 6 ins., 150-volt 60hz high power factor ballast or a multivoltage constant wattage autotransformer, mounted on a removal tray; and

WHEREAS, Several of these lampposts are already in place in the general area, having been approved in a prior application; therefore, be it

RESOLVED, That Community Board Five **recommends approval** of the proposal from Gramercy Neighborhood Associates, Inc., to replace 8 cobra type streetlights in the Gramercy community.

The resolution passed with a vote of 26 in favor, 0 opposed, 1 abstention, as follows : **IN FAVOR** : Adesman, Baida, Barbero, Beer, Block, Breidbart, Cook, Diamond, Elkins, Esper, Farris, Finkelstein, Friedman, Gering, Goshow, Landeche, Matz, Mills, Piker, Reingold, Seligson, Shields, Siesko, Teitler, Utevsky, Williams. **ABSTENTION**: Merker.

● **LANDMARKS ~ JOYCE MATZ**

Ms. Matz presented the following resolution:

Certificate of Appropriateness – 900 Broadway (Ladies Mile Historic District)

WHEREAS, 900 Broadway (at 20th street) is a most distinguished building in the Ladies Mile Historic District, designed by the well know architectural firm of McKim, Mead and White and built in 1886; and

WHEREAS, The building was altered in 1905 by noted architects Maynicke and Franke by the addition of five floors and is known as the Goelet Building; and

WHEREAS, The proposed plan includes:

1. restoration of the two-story base
2. restoration of the building entrance
3. replication of the 1905 portico on the building entrance
4. masonry bulkheads
5. decorative wood window details to match the original
6. spandrels, formerly of cast iron, will be reintroduced in steel
7. signage will be discreet in gold painted on glass; and

WHEREAS, The plans do not call for any additional awnings (some are currently present on the building); and

WHEREAS, Original colors samples from the building will be analyzed by paint experts so that the restoration will be as close to the original as possible; therefore, be it

RESOLVED, That Community Board Five **recommends approval** of the master plan for 900 Broadway because of its detailed and sensitive proposal for the two- story base.

The resolution passed with a vote of 25 in favor, 0 opposed, 2 abstentions, as follows: **IN FAVOR**: Adesman, Baida, Barbero, Beer, Block, Breidbart, Cook, Diamond, Elkins, Esper, Farris, Finkelstein, Friedman, Gering, Goshow, Landeche, Matz, Piker, Reingold, Seligson, Shields, Siesko, Teitler, Utevsky, Williams. **ABSTENTIONS**: Merker, Wilson.

● **HISTORIC WALK AD HOC ~ SUZANNE ESPER**

Ms. Esper introduced the following resolution:

Proposed Historic Walk Project within Community Board Five area

WHEREAS, The New York Gaslight Foundation, Inc., Norman Lees, President, is seeking approval of Community Board #5 to implement, as its prototype for a series of historic walks, an historic walk at Madison Square; and

WHEREAS, The envisioned walk will consist of six panels located at

1. The Merchandize Mart, 41 Madison Avenue
2. The Gift Building, 225 Fifth Avenue – a landmarked building
3. The Toy Center North, 24th Street and Broadway
4. The Toy Center, 200 Fifth Avenue – a landmarked building
5. Madison Green Condominium, 22nd Street and Broadway
6. Entrance to the Park – 24th Street and Madison Avenue;

and

WHEREAS, The panels will be made of Fossil, a graffiti-proof high pressure laminate currently in use in New York parks, and will not exceed a measurement of 3' high x 2' wide; and

WHEREAS, The panels (one pole-mounted, 5 wall-mounted) will be housed in a frame designed and fabricated by 1 of 3 reputable iron foundries:

1. Allen Architectural Metals, Inc., Tallageda, AL
2. Architectural Iron Co., Milford, PA
3. B&B Sales and Services, Nottingham, U.K.

and are subject to the approval of the Art Commission; and

WHEREAS, The text on the panels will be written by Miriam Berman, an authority on Madison Square and author of "Madison Square, The Park and It's Celebrated Landmarks" and will also be subject to the approval of the Art Commission; and

WHEREAS, Mr. Norman Lees has secured 501 (c) 3 approval and will seek private funding for the implementation and maintenance (cleaning every two months and repainting when necessary) of the project; and

WHEREAS, No corporate advertising will be displayed on any panel; and

WHEREAS, Owners of buildings where panels will be mounted have submitted letters of approval, support or interest pending the approval of Community Board Five, The Art Commission, The Landmarks Preservation Commission (where applicable) and The Parks Department (where applicable); and

WHEREAS, It is understood that in the future this project is intended to be enhanced by technology which will provide cell phone access to a website where additional data will be available in several languages; and

WHEREAS, Letters of support have been received from Adrian Benepe, Commissioner of NYC Department of Parks and Recreation and Cristyne Lategano-Nicholas, President and CEO of NYC & Co.; and

WHEREAS, Support has been expressed by the Madison Square Park Conservancy and the 23rd Street Association; and

WHEREAS, Community Board Five urges that consideration of accessibility for the visually impaired and wheelchairs be considered in the design of the plans during the initial phase; therefore, be it

RESOLVED, That Community Board Five **approves** the creation of an historic walk at Madison Square by New York Gaslight Foundation, Inc, **on the conditions** that:

1. there will be no fewer than 5 panel sites
2. that design, content and location are approved by the Art Commission, Parks Department, where applicable, and Landmarks Preservation Commission, where applicable, and
3. that any significant *proposed* alteration to said walk will be presented to Community Board Five for review.

After much discussion regarding what plaques would be placed on landmarked buildings, and a friendly amendment from Vikki Barbero to add "proposed" to the RESOLVED (see italics) a motion for an amendment was made by Joan Piker regarding adding handicapped accessibility to the plaques as a condition of approval, the motion failed with a vote of 7 in favor, 21 opposed, 1 abstention, as follows: **IN FAVOR:** Baida, Block, Breidbart, Finkelstein, Piker, Reingold, Williams. **OPPOSED:** Adesman, Barbero, Beer, Cook, Diamond, Elkins, Esper, Farris, Friedman, Gering, Goshow, Landeche, Matz, Mills, Rabin, Seligson, Shields, Siesko, Teitler, Utevsy, Wilson. **ABSTENTION:** Merker.

After further discussion, a friendly amendment was made by Brad Wilson to add the language from Joan Piker as the 12th WHEREAS (see italics). The resolution as amended then passed with a vote of 25 in favor, 2 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Block, Breidbart, Cook, Diamond, Elkins, Esper, Finkelstein, Friedman, Gering, Goshow, Landeche, Mills, Rabin, Reingold, Seligson, Shields, Siesko, Teitler, Utevsy, Williams, Wilson. **OPPOSED:** Farris, Matz. **ABSTENTION:** Merker.

● LAND USE & ZONING ~ MICHAEL UTEVSKY

Mr. Utevsky presented the following resolution:

Special Permit Application to allow an attended public parking lot at 14-20 West 40th Street.

WHEREAS, a 76-space public parking lot, including 21 stacker spaces, has been operating since 1998 at 14-20 West 40th Street, on the south side of 40th Street between 5th and 6th Avenues; and

WHEREAS, the Special Permit which allows such parking operation will expire in August 2003, and the applicant seeks a new permit to operate the parking lot—as currently designed and operated---for an indefinite period of time; and

WHEREAS, the site is part of a Landmark site which includes the Knox Building, a designated landmark, as well as the headquarters building of HSBC Bank USA, and the site faces Bryant Park; and

WHEREAS, the applicant has lined the 40th Street frontage with an iron fence and ivy which are designed to shield the cars and stackers from view on 40th Street, and the sole entrance for automobiles to the site is on 39th Street; and

WHEREAS, there is a continuing need for public parking in this part of midtown, and there have been no complaints about the facility; now, therefore, be it

RESOLVED, that Community Board Five **approves** the application for a Special Permit to operate a parking lot at 14-20 West 40th Street for an indefinite period of time.

The resolution as distributed, passed with a vote of 26 in favor, 1 opposed, 1 abstention, 1 present not entitled to vote, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Breidbart, Connolly, Cook, Diamond, Elkins, Esper, Farris, Finkelstein, Friedman, Gering, Goshow, Matz, Mills, Rabin, Reingold, Seligson, Shields, Siesko, Teitler, Utevsky, Williams, Wilson. **OPPOSED:** Landeche. **ABSTENTION:** Merker. **PRESENT NOT ENTITLED TO VOTE:** Block.

● PARKS ~ SCOTT ISEBRAND AND KEVIN GUILLET

Ms. Friedman presented the following resolution on behalf of the Committee:

Request for Proposal (RFP) to construct and operate a food kiosk in Madison Square Park

WHEREAS, City of New York Parks & Recreation will release in December 2002, a Request for Proposals (RFP) for the construction of a food kiosk and the operation and maintenance of a high quality café in Madison Square Park; and

WHEREAS, City of New York Parks & Recreation is seeking a concessionaire for a nine year term; and

WHEREAS, Proposals will be due in January 2003; and

WHEREAS, Madison Square Park is one of New York City's most beautiful and historic parks; and

WHEREAS, The RFP does not reference amplified sound or live performances and potential noise is an issue of concern to the local community; and

WHEREAS, Representatives of the Parks Department have indicated that all tables and chairs will be available for use by the general public without the requirement of a purchase and the Board would like this more clearly stated in the RFP; and

WHEREAS, The RFP appears to require a building of 18'x30' and should make it clear that this dimension is a maximum and that a smaller building may be proposed; and

WHEREAS, Manhattan Community Board Five has concerns with and seeks the following amendments to the RFP:

1. That the design, *size and use* of the kiosk building and any related lighting plan shall be subject to review by Manhattan Community Board Five prior to submission of such design to the Art Commission,

2. That any table umbrellas used shall not have advertising on them,
3. That City of New York Parks & Recreation shall look favorably on proposals that include public restrooms in the design of the kiosk building,
4. That the concessionaire shall submit a menu proposal that includes a sufficient number of affordable food items,
5. That the concessionaire's proposal shall include a plan for *receiving deliveries of goods at the kiosk* that does not require delivery vehicles to enter the park grounds,
6. That any application for amplified sound or live performances be first submitted to Community Board Five for review and comment.
7. *That tight-fitting, rat proof lids for garbage be used and that garbage storage be kept inside the building,*
8. *That there be no indoor seating.*

Therefore, be it

RESOLVED, *Manhattan Community Board Five requests that City of New York Department of Parks & Recreation amend the RFP for the construction of a food kiosk and the operation and maintenance of a high quality café in Madison Square Park to include the above listed changes; and be it further*

RESOLVED, That Community Board Five has concerns regarding the size of the building structure and requests that Parks carefully review the overall size, corresponding number of tables and chairs and the assignment of space within the structure (i.e. bathroom, storage, etc...) as it relates to the use of the building.

There was extensive discussion and questions regarding the type of service (kiosk versus restaurant), would indoor seating be included and the size of the kiosk structure.

Friendly amendments (see italics), were made to add the 7th WHEREAS and numbers 7 and 8 in the 8th WHEREAS, also an additional RESOLVED was added (see italics).

The resolution, as amended, then passed with a vote of 20 in favor, 8 opposed, 1 abstention, as follows: IN FAVOR: Adesman, Baida, Beer, Connolly, Cook, Diamond, Elkins, Esper, Farris, Friedman, Gering, Goshow, Landeche, Mills, Rabin, Reingold, Seligson, Shields, Teitler, Wilson. OPPOSED: Barbero, Block, Breidbart, Finkelstein, Matz, Siesko, Utevsky, Williams. ABSTENTION: Merker.

There being no further business the meeting adjourned at 8:50 PM.

Respectfully submitted,

Suzanne Esper
Secretary