

THE BOROUGH OF MANHATTAN
C. VIRGINIA FIELDS, PRESIDENT
MANHATTAN COMMUNITY BOARD FIVE MINUTES
KYLE MERKER, CHAIR
THURSDAY, JULY 11, 2002

Minutes of the regular Community Board #5 meeting held on **Thursday, July 11, 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
Susan Baida
Vikki Barbero
Philip Beer
Muriel Bernstein
Adeena Besdin
Paul Connolly
Candy Cook
William Daly
Suzanne Esper
Lola Finkelstein
Grace Forrester
Sharon Friedman
Eric Gering
Nancy Goshow
Scott Isebrand
Brian Landeche
Joyce Matz
Howard Mendes
Kyle Merker
John Mills
Carl Pasbjerg
Joan Piker
Michael Pollok
Carmel Reingold
Connie Ress
Mickey Schwartz

Rosalie Shields
Maxine Teitler
Bonnie Williams
Lawrence Zucker

Excused

Robert Baublitz
Judith Breidbart
David Diamond
George Elkins
Janelle Farris
Jackson Jhin
David Rabin
Brad Wilson

Present Part

Angela Bledsoe
Aaron Block
Doreen Seligson
Michael Utevsky

Absent

Kevin Guillet
Lenise Logan
Michael Presser
Michael Royce
David Siesko
Brad Wilson

Public Members

Jon Schachter
Jack Taylor

Public

Michael Martone
Shazia Ahmad
Henry Justin
Katherine Mossman
Diane Powers
Psakash Dasani
Michael Olvin
Ken Druskel
Andrea Kannapell
Joseph Jesselli
Eric Lee
Janet Rossbach
Greg Klausson
Duncan Hazzard
Steven Scher
Morgan McLean
John Druckman
Mark Brungo
Alfred Garcia

Elected Officials

Nicole Johnson
Borough President C. Virginia Fields

Dan Golub
Assembly Member Richard Gottfried

Leah Kane
Congress Member Jerrold Nadler

Sarra Hale-Stern
Senator Liz Krueger

Michael J. Schweinsburg
Councilwoman Margarita Lopez

Peter Rider
Councilmember Christine Quinn

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 Community Board Five was called to order, Kyle Merker presiding.

Michael Martone – Resident of 28th Street – asked for Community Board Five's help making West 28th between Broadway and 6th Avenue a restricted peddler zone.

Jon Schachter – Community Board Five Public Member – spoke of the proposed changes to subway services.

Michael Oliva – Representative of "Listening to the City" – announced July 20 Town Hall event regarding redevelopment plans for the World Trade Center site, and urged public participation.

Andrea Kannapell – asked the board to vote for naming the 6th Avenue bike lane in memory of J. A. Lobbia.

BUSINESS SESSION

● CHAIR'S REPORT ~ *Kyle Merker*

Mr. Merker informed the board of the Municipal Arts Society's report on "Imagine New York", and again thanked Candy Cook for a great job running Community Board Five's workshop on this matter. He also said that several of the suggestions that came from that workshop were incorporated into the final report.

Mr. Merker informed the board that American Craft Museum will be moving to 2 Columbus Circle. Mr. Merker also informed the board of MoMA's continued outreach to its neighbors, and that a meeting will be held on July 17, from 5:00 to 6:30 p.m. at St. Thomas Church. Mr. Merker then informed the board that he had met with Landmarks Preservation Commission Chair, Sherida Paulsen to discuss enforcement and other issues. He announced that forms were available to report any violations.

Mr. Merker then announced that Board Member Evelyn Strouse would be moving to California and spoke of the great achievements and dedication she has given to the board and the Union Square area. He stated how much she would be missed.

Mr. Merker then recognized the Elected Officials representatives present.

● DISTRICT MANAGER'S REPORT ~ *Kathy Kinsella*

Ms. Kinsella announced that water shortage was still a problem, and asked that leaks be reported immediately to the Department of Environmental Protection or call the board office for assistance. She also spoke of new recycling regulations, which have gone into effect.

Ms. Kinsella informed the board of National Night Out Against Crime, and an event sponsored by the 13th Precinct, to be held in the Styvesant oval on August 6 at 5:30 p.m. She also informed the board that food stamps may be available for people who have need. Full information is available at the board office. Ms. Kinsella then announced that children who usually get their meals through their school program, can receive free, regular summer meals (breakfast and lunch). A list of Manhattan locations can be obtained from the board office.

She announced that the Fire Fighter's test is coming up for anyone interested. She also announced the upcoming Tax Exemption program in Lower Manhattan from August 20 to 22nd.

Ms. Kinsella then wished everyone a safe and healthy summer.

● COUNCILMEMBER CHRISTINE QUINN

Councilmember Christine Quinn introduced her Chief of Staff, Peter Rider. She reported that the BSA voted against the Con Edison Substation on Sixth Avenue. She then informed the board of her meeting with the flower district and attempts to find the market another location, preferably within the Community Board Five area. She then spoke of budget restorations.

The Councilmember then asked Board Members to support the naming of the Sixth Avenue bike lane in memory of J. A. Lobbia.

● VOTE ON MINUTES OF THE JUNE 13, 2002 BOARD MEETING

The minutes passed with a vote of 30 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Besdin, Block, Cook, Daly, Esper, Finkelstein, Forrester, Friedman, Gering, Goshow, Isebrand, Landeche, Matz, Mendes, Mills, Pasbjerg, Piker, Pollok, Reingold, Ress, Schwartz, Shields, Teitler, Williams, Zucker. **ABSTENTION:** Merker.

COMMITTEE REPORTS

● CONSENTS & VARIANCES ~ MICKEY SCHWARTZ

Mr. Schwartz introduced the following resolution:

BSA # 122-02 BZ - 32 West 22nd Street - Physical Culture establishment/health spa

WHEREAS, An application was made by Just Calm Down, LLC, for a special permit for a physical culture/health establishment at 32 West 22nd Street; and

WHEREAS, The application is for the use of the first floor with accessory storage in the cellar of a six story commercial building; therefore, be it

RESOLVED, That Community Board Five **recommends approval** of the application by Just Calm Down, LLC for a physical culture/health establishment at 32 West 22nd Street.

After some discussion the resolution passed with a vote of 30 in favor, 0 opposed, 3 abstentions, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Besdin, Block, Cook, Daly, Esper, Finkelstein, Forrester, Friedman, Gering, Goshow, Isebrand, Landeche, Matz, Mendes, Mills, Pasbjerg, Piker, Pollok, Reingold, Ress, Schwartz, Shields, Teitler, Williams, Zucker. **ABSTENTION:** Connolly, Merker, Seligson.

Mr. Schwartz then introduced the following resolution:

Newsstand Application # 1113193 - N/E/S of East 17th Street and Broadway

WHEREAS, An application has been made to operate a newsstand at the N/E/C of East 17th 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; therefore, be it

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

The resolution passed with a vote of 32 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Besdin, Block, Connolly, Cook, Daly, Esper, Finkelstein, Forrester, Friedman, Gering, Goshow, Isebrand, Landeche, Matz, Mendes, Mills, Pasbjerg, Piker, Pollok, Reingold, Ress, Schwartz, Seligson, Shields, Teitler, Williams, Zucker. **ABSTENTION:** Merker.

Mr. Schwartz then introduced the following resolution:

Distinctive Sidewalk - Hotel Inter-Continental (Central Park New York) - 112 Central Park South

WHEREAS, An application has been made for a distinctive sidewalk by the Hotel Inter-Continental, Central Park New York, 112 Central Park South; and

WHEREAS, The distinctive sidewalk would be granite pavers in three colors under the existing marquee, with no logo; and

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

RESOLVED, That Community Board Five **recommends approval** of the application for a distinctive sidewalk by the Hotel Inter-Continental, Central Park New York, with the understanding that the material meet anti-slip regulations.

The resolution passed with a vote of 33 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Besdin, Bledsoe, Block, Connolly, Cook, Daly, Esper, Finkelstein, Forrester, Friedman, Gering, Goshow, Isebrand, Landeche, Matz, Mendes, Mills, Pasbjerg, Piker, Pollok, Reingold, Ress, Schwartz, Seligson Shields, Teitler, Williams, Zucker. **ABSTENTION:** Merker.

Mr. Schwartz then introduced the following resolution:

Distinctive Sidewalk - Biltmore Theater - 261-265 West 47th Street

WHEREAS, An application has been made by the Biltmore Theater for a distinctive sidewalk at 261-265 West 47th Street; and

WHEREAS, The distinctive sidewalk would have 3ft. X 3ft. x 2 ins. thick thermal flamed finish granite paving with 10 uplights flush to the sidewalk and four steel bollards at the curb; and

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

RESOLVED, That Community Board Five **recommends approval** of the application for a distinctive sidewalk at 261-265 West 47th Street, with the understanding that the materials meet anti-slip regulations.

After much discussion, a motion to divide the question was made by Lola Finkelstein. The resolution was presented as follows:

(Part I)

WHEREAS, An application has been made by the Biltmore Theater for a distinctive sidewalk at 261-265 West 47th Street; and

WHEREAS, The distinctive sidewalk would have 3ft. x 3ft. x 2ins thick thermal flamed finish granite paving with 10 uplights flush to the sidewalk; and

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

RESOLVED, That Community Board Five **recommends approval** of the application for a distinctive sidewalk at 261-265 West 47th Street, with the understanding that the materials meet anti-slip regulations.

After some discussion, the resolution passed with a vote of 32 in favor, 0 opposed, 2 abstentions, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Besdin, Bledsoe, Block, Connolly, Cook, Daly, Esper, Finkelstein, Forrester, Friedman, Gering, Goshow, Isebrand, Landeche, Mendes, Mills, Pasbjerg, Piker, Pollok, Reingold, Ress, Schwartz, Seligson, Shields, Siesko, Teitler, Williams, Zucker. **ABSTENTIONS:** Matz, Merker.

(Part II)

WHEREAS, An application has been made for a distinctive sidewalk at 261-265 West 47th Street; and

WHEREAS, The application includes a request for four steel bollards at the curb; therefore, be it

RESOLVED, That Community Board Five **recommends approval** of the placement of bollards as described above in conjunction with the application for a distinctive sidewalk at 261-265 West 47th Street.

After some discussion, the resolution passed with a vote of 31 in favor, 2 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Besdin, Bledsoe, Block, Connolly, Cook, Daly, Esper, Finkelstein, Forrester, Friedman, Gering, Goshow, Isebrand, Landeche, Mendes, Mills, Pasbjerg, Piker, Pollok, Reingold, Ress, Seligson, Shields, Teitler, Williams, Zucker. **OPPOSED:** Matz, Schwartz. **ABSTENTION:** Merker.

Mr. Schwartz then introduced the following resolution:

Midtown North Precinct Community Council - Street Activity Permit Application

WHEREAS, The Midtown North Precinct Community Council has filed an application to hold an anniversary celebration, October 19, 2002, on Eighth Avenue, between 47th and 57th 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 at this location.

The resolution passed with a vote of 33 in favor, 0 opposed, 1 abstention, as followed: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Besdin, Bledsoe, Block, Connolly, Cook, Daly, Esper, Finkelstein, Forrester, Friedman, Gering, Goshow, Isebrand, Landeche, Matz, Mendes, Mills, Pasbjerg, Piker, Pollok, Reingold, Ress, Schwartz, Seligson, Shields, Teitler, Williams, Zucker. **ABSTENTION:** Merker.

Mr. Schwartz then introduced the following resolution:

Revocable Consent application for planters at 1155 Avenue of the Americas

WHEREAS, A request by DOLP 1133 Properties LLC has been made to place fourteen (14) planters around the perimeter of the building at 1155 Avenue of the Americas; and

WHEREAS, The fourteen planters will be 3 ft. x 3 ft. in dimension, replacing approximately twenty 2 ft. x 2 ft. planters; and

WHEREAS, Community Board Five has concerns regarding advertising, including logos, or commercial messages on the planters; therefore, be it

RESOLVED, That Community Board Five **recommends approval** of the application by DOLP 1133 Properties LLC to place fourteen (14) planters at 1155 Avenue of the Americas, on the conditions that there be no logos, advertising or commercial messages on the planters.

After some discussion, the resolution passed with a vote of 29 in favor, 4 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Besdin, Bledsoe, Block, Connolly, Cook, Daly, Esper, Finkelstein, Forrester, Friedman, Gering, Goshow, Isebrand, Landeche, Mendes, Mills, Pasbjerg, Piker, Pollok, Ress, Seligson, Shields, Teitler, Zucker. **OPPOSED:** Matz, Reingold, Schwartz, Williams. **ABSTENTION:** Merker.

Mr. Schwartz then introduced the following resolution:

Bike Lane Dedication Request - J.A. Lobbia

RESOLVED, That Community Board Five **recommends approval** of the proposal to name the Sixth Avenue bike lane in memory of J.A. Lobbia, award winning Journalist, housing activist and alternative transportation advocate (especially bicycling), and that a street blade dedicating such be placed at the northwest corner of 6th Avenue and 33rd Street, on the pole with the bike lane's traffic signal.

After some discussion regarding the location of the street blade, the resolution passed with a vote of 29 in favor, 3 opposed, 2 abstentions, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Besdin, Bledsoe, Connolly, Cook, Daly, Esper, Finkelstein, Friedman, Gering, Goshow, Isebrand, Matz, Mills, Pasbjerg, Pollok, Reingold, Ress, Schwartz, Seligson, Shields, Teitler, Utevsky, Williams, Zucker. **OPPOSED:** Block, Forrester, Piker. **ABSTENTIONS:** Landeche, Merker.

● PARKS ~ SCOTT ISEBRAND AND KEVIN GUILLET

Mr. Isebrand introduced the following bundled resolutions (2).

Calvary Chapel Old Bridge – Community Outreach and Festival - Union Square Park

WHEREAS, Calvary Chapel Old Bridge has applied for a special event permit to hold a church festival in Union Square Park on Tuesday, August 27, Friday, August 30, and Saturday, August 31; and

WHEREAS, Each day, the event would begin at noon and end at 7:00 p.m.; and

WHEREAS, An additional hour would be needed for both set-up and clean-up; and

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

WHEREAS, August 30 and August 31 are days the Green Market will be held in Union Square; and

WHEREAS, The applicant was not available to answer Community Board Five's questions regarding the length and nature of the event; therefore be it

RESOLVED, Community Board Five **recommends denial** of Calvary Chapel's application for a special event permit in Union Square Park on August, 27, August 30, and August 31.

Lamar M. Weaver - Religious Event - Union Square Park

WHEREAS, Lamar M. Weaver (henceforth, "the applicant") has applied for a special event permit for a religious event in Union Square Park on September 1, 2002; and

WHEREAS, The applicant did not respond to invitations to attend either the June or July 2002 Manhattan Community Board Five Parks Committee meetings; and

WHEREAS, Numerous questions relating to the proposed event are still unanswered, including the exact location of the event and whether or not the applicant represents a particular organization; therefore be it

RESOLVED, Community Board Five **recommends denial** of Lamar M. Weaver's application for a special events permit for use of Union Square Park on September 1, 2002.

The bundled resolutions (2) passed with a vote of 34 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Besdin, Bledsoe, Block, Connolly, Cook, Daly, Esper, Finkelstein, Forrester, Friedman, Gering, Goshow, Isebrand, Landeche, Matz, Mendes, Mills, Pasbjerg, Piker, Pollok, Reingold, Ress, Schwartz, Seligson, Shields, Teitler, Utevsky, Williams, Zucker. **ABSTENTION:** Merker.

Mr. Isebrand then introduced the following resolution:

Stepping Out Dance Studio - Madison Square Park

WHEREAS, Stepping Out Dance Studio has requested a special event permit to hold free dance classes in Madison Square Park; and

WHEREAS, The dance classes would be offered to the public at no charge; and

WHEREAS, Stepping Out Dance Studio has amended its application and is now requesting that classes be held on Wednesdays ~~at~~ *from 6:00 p.m. to 7:00 p.m.* on August 21, August 28, and September 4; and

WHEREAS, The classes would last no longer than an hour, with an hour for set-up and half an hour for clean-up; and

WHEREAS, Two instructors will lead swing, tango, and salsa classes at the paved area by the southern fountain; and

WHEREAS, Stepping Out will use electricity provided by the park; and

WHEREAS, Quiet amplified music will be used for no longer than 25 minutes total on any given night; and

WHEREAS, The applicant will obtain a sound permit from the New York Police Department; and

WHEREAS, The applicant has been made aware of the neighborhood's concerns with noise levels from events in Madison Square 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 event permit for Stepping Out Dance Studio to offer free dance classes in Madison Square Park on August 21, 2002, August 28, 2002, and September 4, 2002 at 6:00 p.m.

After some discussion, and a friendly amendment in the third WHEREAS (see strikethrough and italics), the resolution passed with a vote of 34 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida,

Barbero, Beer, Bernstein, Besdin, Bledsoe, Block, Connolly, Cook, Daly, Esper, Finkelstein, Forrester, Friedman, Gering, Goshow, Isebrand, Landeche, Matz, Mendes, Mills, Pasbjerg, Piker, Pollok, Reingold, Ress, Schwartz, Seligson, Shields, Teitler, Utevsky, Williams, Zucker. **ABSTENTION:** Merker.

Mr. Isebrand then introduced the following resolution:

9-11 Memorial Plaque - Union Square Park

WHEREAS, The Union Square Park/14th Street BID/LDC has proposed the installation of a plaque in Union Square Park that commemorates the park's role as a public gathering place in the aftermath of the September 11, 2001 terrorist attack on New York City; and

WHEREAS, Community Board Five has previously approved as part of a larger Union Square Park renovation plan the installation of 20 bronze plaques into the sidewalk around the Park's southern perimeter, chronologically depicting important events in the Park's history, and the installation of six plaques, donated by the Union of Needletrades, Industrial and Textile Employees (UNITE), into the sidewalk between the Park's fountain and planted triangle documenting the Park's labor history; and

WHEREAS, The proposed "9/11" plaque would be the exact same dimensions and material as the previously approved 26 plaques: that is, being 32" x 36", not exceeding a depth of 3/16" (thereby meeting ADA and handicap accessibility requirements), and being made of bronze; and

WHEREAS, The proposed plaque would be created by George LeFevre, the same artists executing the other approved plaques; and

WHEREAS, The proposed plaque would be placed in the park as soon as possible in a temporary location approved by the Arts Commission; and

WHEREAS, It is the ultimate intention of the Union Square Park/14th Street BID/LDC for the "9/11" plaque to be integrated into the overall plaque scheme at the time of the plaques' installation, so as to ensure that all 27 plaques function as a seamless and clear educational and artistic program; therefore, be it

RESOLVED, That Community Board Five **recommends approval** of the Union Square Park/14th Street BID/LDC's proposal for a commemorative "9-11" plaque in Union Square Park.

The resolution passed with a vote of 34 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Besdin, Block, Connolly, Cook, Daly, Esper, Finkelstein, Forrester, Friedman, Gering, Goshow, Isebrand, Landeche, Matz, Mendes, Mills, Pasbjerg, Piker, Pollok, Reingold, Ress, Schwartz, Seligson, Shields, Teitler, Utevsky, Williams, Zucker. **ABSTENTION:** Merker.

At this point in the meeting, Ms. Vikki Barbero took over as Chair

● LAND USE & ZONING ~ MICHAEL UTEVSKY

Mr. Utevsky presented the following resolution:

1345 Avenue of the Americas - Application for the operation of a café on a public plaza

WHEREAS, The office building located at 1345 Avenue of the Americas, on the west side of the avenue between 54th and 55th Streets, received a zoning bonus when it was built in 1969 in exchange for the construction of public plazas around the building; and

WHEREAS, Since 1996, the restaurant known as Osteria del Circo has operated an outdoor café on approximately 567 square feet of the public plaza, on the 55th street side of the building, containing 19 tables and 46 chairs; and

WHEREAS, The café occupies less than 2% of the entire plaza area, constitutes a minimal intrusion into public space, and brings additional uses to the plaza; and

WHEREAS, A public seating area known as “Fisher Park” has been maintained by the building owner on the through-block portion of the plaza on the western side of the building, and it constitutes an attractive and well-used public amenity which is substantially larger than the cafe; and

WHEREAS, The restaurant owner desires to continue the operation of the outdoor café for an additional three years and requires the Certification of the City Planning Commission to continue such use; and

WHEREAS, The Applicant does not seek to enlarge the café, and the only changes that are included in the proposal will serve to further enhance the plaza as a public amenity, including the addition of informational signage regarding the permitted public uses of the plaza in compliance with current zoning regulations; now, therefore, be it

RESOLVED, That Community Board Five **recommends approval** of the application for the continued operation of an outdoor café on approximately 567 square feet of the public plaza at 1345 Avenue of the Americas.

After a brief presentation, the resolution passed with a vote of 33 in favor, 0 opposed, 1 abstention, 1 present not entitled to vote, as follows: **IN FAVOR:** Adesman, Baida, Beer, Bernstein, Besdin, Bledsoe, Connolly, Cook, Daly, Esper, Finkelstein, Forrester, Friedman, Gering, Goshow, Isebrand, Landeche, Matz, Mendes, Merker, Mills, Pasbjerg, Piker, Pollok, Reingold, Ress, Schwartz, Seligson, Shields, Teitler, Utevsky, Williams, Zucker. **ABSTENTION:** Barbero. **PRESENT NOT ENTITLED TO VOTE:** Block.

Mr. Utevsky then introduced the following resolution:

245 Park Avenue - Application for operation of a new café in a public plaza

WHEREAS, The office building located at 245 Park Avenue occupies the entire block between Park and Lexington Avenue, between 46th and 47th Streets; and

WHEREAS, When the building was constructed it received a zoning bonus for the construction of public plazas and arcades around the building; and

WHEREAS, In connection with a 1999 renovation project at the Building, the arcades and plazas were made more accessible to the public and better lighting was installed; and

WHEREAS, As part of the 1999 renovation project, approximately 13,000 square feet of floor area in the building was recharacterized as mechanical space and, pursuant to the version of the zoning resolution that was in effect during the renovation, 2,580 square feet of the public arcade on the southeast corner of the building was enclosed by the owner to create an entrance and ground floor level for a restaurant; and

WHEREAS, A restaurant known as Django, which recently opened in the enclosed portion of the arcade and the second floor of the building, now seeks to operate an outdoor café on approximately 1,381 square feet of public plaza at the southeast corner of the building, with 56 seats and 14 tables; and

WHEREAS, In exchange for its use of the public plaza as a café, the building owner has proposed to install 14 fixed granite tables and 56 moveable chairs at the northeast corner of the building, on 47th Street near Lexington Avenue, and also to add an augmented lighting system, two new planters, two bicycle racks, and new public signage in compliance with current zoning requirements; and

WHEREAS, Both the café and the public seating area will bring more people and activity to the plaza, and the café, which will occupy only 7.2% of the total plaza area, does not appear to be a substantial intrusion into the public space; and

WHEREAS, The building owner has agreed to remove all signs currently on the building, which state: “No Loitering. Violators Will Be Prosecuted.”; therefore, be it

RESOLVED, That Community Board 5 **recommends approval** of the application for the operation of an outdoor café on approximately 1381 square feet of public plaza at 245 Park Avenue

After a brief presentation, the resolution passed with a vote of 34 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Beer, Bernstein, Besdin, Bledsoe, Block, Connolly, Cook, Daly, Esper, Finkelstein, Forrester, Friedman, Gering, Goshow, Isebrand, Landeche, Matz, Mendes, Merker, Mills, Pasbjerg, Piker,

Pollok, Reingold, Ress, Schwartz, Seligson, Shields, Teitler, Utevsky, Williams, Zucker. **ABSTENTION:** Barbero.

At this point in the meeting, Mr. Merker resumed as Chair

● **LANDMARKS ~ JOYCE MATZ**

Ms. Matz and Ms. Bonnie Williams presented the following three (3) bundled resolutions:

Certificate of Appropriateness - 130 West 30th Street (Assyrian Building)

WHEREAS, This building is an individual landmark, built in the Assyrian Revival style in 1927-1928 as an office building and designed by Cass Gilbert; and

WHEREAS, City Planning is currently reviewing the owner's request to convert the building from office use to residential use; and

WHEREAS, The owner has embarked upon a rehabilitation program including the installation of air conditioning; and

WHEREAS, According to the applicant, the air-conditioning system is the smallest, least noisy, and most efficient available; and

WHEREAS, Although the system, to be installed on the roof, will project seven and one-half (7½) feet above the parapet, it is sited so that it is not seen from 30th street and the appearance of the system from other streetscape views is minimal; therefore, be it

RESOLVED, That Community Board Five **recommends approval** of the application to install mechanical air-conditioning equipment on the roof at 130 West 30th Street.

Certificate of Appropriateness - 37 East 20th Street

WHEREAS, 37 East 20th Street is a neo-renaissance style store and office, designed by George Keister and built in 1897-1899; and

WHEREAS, The application is to approve a bracket sign, with the sign made of stone, illustrating the store's business, which will hang above the store entrance; and

WHEREAS, A small light will be affixed to the wall on either side of the bracket, lighting the sign; therefore be it

RESOLVED, That Community Board Five **recommends approval** of the application for 37 East 20th Street.

Certificate of Appropriateness - 23 West 26th Street

WHEREAS, 23 West 26th Street is a small three-story office building in the Colonial Revival Style erected in 1880-1881, altered in 1921, and is located within the Madison Square North Historic District; and

WHEREAS, The application is to remove existing wrought-iron gates in front of the door, install a new entrance door and surround, including the window, railing and steps, and to replace damaged brickwork on the façade; and

WHEREAS, The new door will be made of mahogany or walnut, with ornamental metal behind the glass to closely resemble the 1872 original door at 21 West 26th Street (the adjacent building), also owned by the applicant; and

WHEREAS, The window over the door will be replaced with clear glass; and

WHEREAS, The brick steps will be resurfaced with granite, and the railings replaced to resemble those at 21 West 26th Street; and

WHEREAS, The applicant has agreed to replace the 6" x 6" steel plates at the foot of the new railings and either sink the railings into the granite or use an escutcheon style round plate to secure the railings; therefore, be it

RESOLVED, That Community Board Five **recommends approval** of this application to install a new entrance and surround at 23 West 26th Street thereby enhancing this street within the historic district.

After some discussion, the three (3) bundled resolutions 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, Besdin, Bledsoe, Connolly, Cook, Daly, Esper, Finkelstein, Forrester, Friedman, Gering, Goshow, Isebrand, Landeche, Matz, Mendes, Mills, Pasbjerg, Piker, Pollok, Reingold, Ress, Schwartz, Shields, Teitler, Utevsy, Williams. **ABSTENTIONS:** Merker. **PRESENT NOT ENTITLED TO VOTE:** Seligson.

Ms. Matz then introduced the following resolution:

225 Fifth Avenue (Gift Building) - Application to establish a master plan and new canopy at 26th Street entrance

WHEREAS, 225 Fifth Avenue is in the newly designated Madison Square North Historic District and is one of its grandest buildings; and

WHEREAS, It is a Beaux-Arts style building, built in 1906-07 and designed by Francis H. Kimball and Harry E Donnell; and

WHEREAS, The application is for a master plan governing the installation of ground floor storefront infill and to install a marquee at the 26th street entrance; and

WHEREAS, The plan covers the replacement of all windows with metal windows, except for the historic arched windows at the top floor, which will be replaced with new arched wood windows; and

WHEREAS, The plan also covers signage, new doors cut into the storefront's façade, and bracket signs, as well as the new marquee; therefore, be it

RESOLVED, that the following are Community Board Five recommendations:

1. Window replacement is recommended to be approved, providing the new windows are the same profile, color and size as the original
2. Community Board Five recommends approval of the 26th street glass canopy.
3. Community Board Five recommends approval of the signage on the leading edge of awnings, as suggested under the plan (with a maximum of 6 inches) on both Fifth Avenue and 26th Street. Other signage on both streets should come to the Landmarks Commission and Community Board Five for approval on a case by case basis since it is impossible to approve signage that has not been seen.
4. New doors cut into the storefronts on Fifth Avenue should only be double doors, (since there is already one) placed symmetrically and limited to four stores. On 26th Street there should be double doors only (not single) placed in alternate bays only, thereby continuing the look of symmetry.
5. Sign boxes and brackets should not be allowed on Fifth Avenue, but can be placed on 26th Street with a maximum of 3, mounted on the wooden frame – and all on the same level.
6. Awnings should be retractable with straight slopes, flexible skirt and open on the sides.
7. *Community Board Five requests that the applicant make individual store doors power assisted*

8. Community Board five finds that the master plan is thoughtful and takes into consideration the importance of this great building in the Historic District.

After some discussion, and a friendly amendment to add item 7 (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, Besdin, Bledsoe, Connolly, Cook, Daly, Esper, Finkelstein, Forrester, Friedman, Gering, Goshow, Isebrand, Landeche, Matz, Mendes, Mills, Pasbjerg, Piker, Pollok, Reingold, Ress, Schwartz, Seligson, Shields, Teitler, Utevsky, Williams. **ABSTENTION:** Merker.

Proposed Designation - 265 Park Avenue aka 461-465 Park Avenue and 101 East 57th Street (Ritz Tower)

WHEREAS, The Ritz Tower, located on the North East corner of 57th Street and Park Avenue, was constructed in 1925 at the premier corner of the Upper East Side and, at the time, was the tallest apartment building in New York, offering panoramic views of the city; and

WHEREAS, It was designed by Emery Roth, the noted prolific architect, who was responsible for many luxury apartment buildings throughout Manhattan, many of which are landmarks; and

WHEREAS, Thomas Hastings, the surviving partner in the prominent architectural firm of Carrere & Hastings, helped to create the classically-inspired design, which was intended to provide the ultimate in apartment living; and

WHEREAS, Throughout its history, the Ritz Tower has been home to wealthy and well-known residential as well as business tenants, including William Randolph Hearst and Marion Davies, Charles of the Ritz House of Beauty, and Le Pavillon, one of Americas most well-known and respected restaurants; and

WHEREAS, Journalist Arthur Brisbane, the developer of the Ritz Tower, hired the Ritz-Carlton Company to manage the building and its restaurants as well as borrowing the use of its famous name; therefore be it

RESOLVED, That Community Board Five **recommends landmark designation** for this beautiful and architecturally distinguished building, for its cultural place in New York history and as an example of the work of one of New York's leading architects.

After a brief presentation, the resolution passed with a vote of 28 in favor, 1 opposed, 4 abstentions, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Besdin, Bledsoe, Connolly, Cook, Daly, Esper, Finkelstein, Forrester, Friedman, Gering, Goshow, Isebrand, Landeche, Matz, Mendes, Mills, Pasbjerg, Reingold, Ress, Seligson, Shields, Teitler, Utevsky, Williams. **OPPOSED:** Schwartz. **ABSTENTIONS:** Merker, Piker, Pollok, Shields.

● HOUSING & HUMAN SERVICES ~ PAUL CONNOLLY AND SHARON FRIEDMAN

Ms. Friedman and Mr. Connolly introduced the following resolution:

Marriage Equality

WHEREAS, Civil marriage is a basic human right as well as a private and public commitment of love and support by adult couples; and

WHEREAS, The choice of whether or not to civilly marry is a personal decision in our society; and

WHEREAS, Civil marriage provides a gateway to hundreds of protections, responsibilities and benefits established by the State; and

WHEREAS, Thousands of same-sex couples already share their lives, homes, and children; therefore, be it

RESOLVED, That Community Board Five strongly urges the passage of statewide and citywide laws legally establishing and recognizing marriage equality for same-sex couples.

After some discussion, the resolution passed with a vote of 31 in favor, 0 opposed, 2 abstentions, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Beer, Bernstein, Besdin, Bledsoe, Connolly, Cook, Esper, Finkelstein, Forrester, Friedman, Gering, Goshow, Isebrand, Landeche, Matz, Mendes, Mills, Pasbjerg, Piker, Pollok, Reingold, Ress, Schwartz, Seligson, Shields, Teitler, Utevsky, Williams. **ABSTENTIONS:** Daly, Merker.

There being no further business the meeting adjourned at 8:10 PM.

Respectfully submitted,

Suzanne Esper
Secretary