

**THE BOROUGH OF MANHATTAN**  
*C. VIRGINIA FIELDS, PRESIDENT*  
**MANHATTAN COMMUNITY BOARD FIVE MINUTES**  
*KYLE MERKER, CHAIR*  
**THURSDAY, MAY 09, 2002**

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Minutes of the regular Community Board #5 meeting held on **Thursday, May 09, 2002** at Parson's School of Design, 560 Seventh Avenue, (corner of 40<sup>th</sup> Street), Basement, 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  
Angela Blesdoe  
Aaron Block  
Judith Breidbart  
Paul Connolly  
William Daly  
David Diamond  
George Elkins  
Suzanne Esper  
Janelle Farris  
Eric Gering  
Kevin Guillet  
Brian Landeche  
Lenise Logan  
Joyce Matz  
Howard Mendes  
Kyle Merker  
John Mills  
Joan Piker  
Michael Pollok  
Carmel Reingold  
Evelyn Strouse  
Maxine Teitler  
Michael Utevesky  
Bonnie Williams  
Lawrence Zucker

**Excused**

Adeena Besdin  
Candy Cook  
Lola Finkelstein  
Sharon Friedman  
Nancy Goshow  
Jackson Jhin  
Michael Royce  
David Siesko

**Present Part**

Scott Isebrand  
Michael J. Levine  
Michael Presser  
David Rabin  
Mickey Schwartz  
Rosalie Shields

**Absent**

Susan Baida  
Robert Baublitz  
Muriel Bernstein  
Grace Forrester  
Carl Pasbjerg  
Connie Ress  
Brad Wilson

**Public Members**

Barry Benepe  
Jon Schachter  
Jack Taylor

**Public**

William B. Tabler  
Ingrid Lemmey  
Anne Bianchini  
Mac Villapando  
Shazia Ahmad  
Rob Byrnes  
Diane Powers  
Wendy Bermudez  
Eugene Sirignano  
Janice Cahalane  
Joseph Jesselli  
Andrea Kannapel  
Alfredo Garcia  
Amy Hillick  
Jacalyn Fleming  
Stacy Joseph  
Shelly Friedman  
Dan Kaplan  
Margery Perlmutter  
Cyril Boynes, Jr.  
Sarah Sopab  
Morgan McLean

**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

**Rosie Mendez**  
Councilwoman Margarita Lopez

**Emily Negrau**  
Councilmember Christine Quinn

**Ingrid Lemmey**  
Councilmember Eva Moskowitz

**Staff**

**Kathy Kinsella**  
District Manager

**Kim Rodney**  
Assistant District Manager

**PUBLIC SESSION**

**At 6:25 p.m. the Full Board meeting of Community Board Five was called to order, Kyle Merker presiding.**

**Eugene Sirignano – TWU Local 100** – spoke regarding the closing of token booths and its safety impact.

**Anne Bianchini – Donnell Library Center** – spoke of the impact of budget cuts on libraries.

**Ingrid Lemmey – Councilmember Eva Moskowitz's Office** – referred to issues in the Councilmember's written report submitted to board members.

**Rob Byrnes – East Midtown Association** – announced that he had provided a written update on the BID's activities and invited the Board to call with any questions.

**Sarra Hale-Stern – Senator Liz Krueger's Office** – announced that the Rent Guidelines Board vote had been delayed and that the vacant tenant representative seat on the Board had been filled. She also announced that a report on community activities was available on the informational table.

**Dan Golub – Assembly Member Gottfried’s Office** – referred to the Assembly Member’s report available on the table and stated that Assembly Member Gottfried had written to the Borough President in opposition to term limits for Board Members.

**Joseph Jesselli** – asked for the Board to support the naming of the 6<sup>th</sup> Avenue bike lane in memory of his wife, Village Voice Journalist and well known tenant activist, Julie Lobbia.

**Andrea Kannepell – The New York Times** – spoke in support of the Julie Lobbia bike lane naming.

**Barry Benepe – Union Square Community Coalition** – spoke in favor of the Parks Committee resolution for the installation of a decorative fence in Union Square Park.

**Alfredo Garcia – Five Borough Bicycle Club** – asked the Board to support the naming of the 6<sup>th</sup> Avenue bike lane for Julie Lobbia.

**Larian Angelo** – spoke in favor of naming the 6<sup>th</sup> Avenue bike lane for Julie Lobbia.

**Shelly Friedman – Representative for Rudin Management Co.** – stated that he has an application for an outdoor café in an urban plaza and would like the Board’s support.

**Jon Schachter – Public Member of Community Board Five** – reported on the closing of token booths.

## BUSINESS SESSION

### ● CHAIR’S REPORT ~ *Kyle Merker*

Mr. Merker thanked Candy Cook for her outstanding job of chairing the “Imagine New York” meeting held on April 29, and also thanked Tim Gunn of Parson’s School of Design for providing space for the Full Board Meeting.

Mr. Merker read the committee assignments for new members: Susan Baida, *Parks and Housing and Human Services*; Angela Blesdoe, *Youth/Education and Landmarks*; Aaron Block, *Youth/Education and Land Use & Zoning*; William Daly, *Public Safety & Quality of Life and Consents & Variances*; George Elkins, *Public Safety & Quality of Life and Landmarks*; Janelle Farris, *Housing & Human Services and Landmarks*; Nancy Goshow, *Land Use & Zoning and City Services & Budget*; Kevin Guillet, *Parks and Landmarks*; Lenise Logan, *Youth & Education and Land Use & Zoning*; John Mills, *Transportation/Environment and Housing & Human Services*; Michael Pollok, *Transportation/Environment and Land Use & Zoning*; Carmel Reingold, *Parks and Land Use & Zoning*; Connie Ress, *Youth/Education and City Services & Budget*. He also asked that the new members provide the board with a brief history of what they do and what attracted them to the board.

Mr. Merker then announced that Scott Isebrand will not be running for another term as Second Vice Chair or as Assistant Parliamentarian and has asked for a co-chair for the Parks Committee. Kevin Guillet has agreed to serve as co-chair of the Parks Committee.

### ● DISTRICT MANAGER’S REPORT ~ *Kathy Kinsella – waived report*

### ● NOMINATING COMMITTEE’S REPORT ~ *Mickey Schwartz*

Mr. Schwartz announced that there was no contest for any of the Elected Officer positions. The candidates for officers are: Chair – Kyle Merker; 1<sup>st</sup> Vice Chair – Vikki Barbero; 2<sup>nd</sup> Vice Chair – David Diamond; Secretary – Suzanne Esper; Assistant Secretary – Sharon Friedman; Treasurer – Brad Wilson. The floor was then open for any other nominations. Seeing none, nominations were closed. Voting will take place at next month’s meeting.

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

### ● VOTE ON MINUTES OF THE APRIL 11, 2002 BOARD MEETING

The minutes passed with a vote of 31 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Blesdoe, Block, Breidbart, Connolly, Daly, Diamond, Elkins, Esper, Farris, Gering, Guillet, Isebrand, Landeche, Logan, Matz, Mendes, Mills, Piker, Pollok, Presser, Rabin, Reingold, Schwartz, Shields, Strouse, Teitler, Utevsy, Williams, Zucker. **ABSTENTION:** Merker.

## COMMITTEE REPORTS

### ● STREET ACTIVITY ~ *KYLE MERKER*

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

#### ***Street Activity Guidelines***

WHEREAS, Community Board Five is inundated with street activities, with over 54 permit applications received this year for street fairs, festivals and block parties; and

WHEREAS, Many of these events are multi-block events; and

WHEREAS, The same locations are used by many organizations throughout a season, and the residents and businesses in these desirable locations are burdened with more than their fair share of these events; and

WHEREAS, The board would like to see a more even disbursement of these events throughout the board and the city as a whole, and

WHEREAS, Many non-profits depend on street activities to supplement their income, and Community Board 5 supports the work of legitimate non-profit organizations; and

WHEREAS, The Board would like to see the operators and sponsors of these events be more responsive to the community in resolving problems with their events; and

WHEREAS, There are concerns when a street activity is next to a public park, and the board would like to make sure the Parks Department is adequately prepared for, and has secured a bond for, the additional pressure that the park will bear; and

WHEREAS, The merchants at these locations often find themselves in competition with the vendors who participate in these events; and

WHEREAS, Those that live and work in the area of the street activity should be provided with adequate notice before the street activity begins, so that they can make plans to mitigate the impact on them, personally; and

WHEREAS, These events occur primarily on the weekends, and the added noise of the set-up, breakdown, and the amplification of the event itself interrupts sleep and the quiet enjoyment of people's homes; and

WHEREAS, The free flow of pedestrians on the sidewalks, as well as unimpeded entry into to shops and buildings during these events is of continuing concern to the residents and businesses within the board; and

WHEREAS, The non-profit aspect of a fair is often not readily apparent to the consumer, and the attendees of the event should be given amply opportunity to know who the sponsor of an event is before they decide the level in which they participate; and

WHEREAS, The producer/operator of an event needs to be available to residents and businesses who which to have an immediate concern addressed; and

WHEREAS, The number one complaint that the board has received has been that of amplification, and many of these street activities, in particular street festivals, have hours of amplified speeches and/or music which causes great distress to the people living at these locations; therefore, be it

**RESOLVED**, that Community Board Five adopts the attached Street Activity Permit Policies.

### **Street Activity Permit Policies Community Board 5, Manhattan**

Community Board 5 has established the following policies for street activity permits within the Community Board 5 area. These policies are a starting point to assist the Consents and Variances Committee in facilitating discussion. The Committee may require additional steps from the applicant before they can support an event. These policies may be amended at the discretion of the board.

- The sponsor will submit themselves to the Consents and Variances Committee of Community Board 5. The board will request denial of any application in which the applicant does not appear before the board.
- The sponsor will submit to the committee a copy of their 501-(c)-(3) certificate from the IRS, a copy of their most recent financial statements, and a schedule of income and expenses budgeted for this event.
- *The sponsor will submit evidence to the committee of the sponsor's policy of non-discrimination based on age, race, ethnicity, sexual orientation, gender identity or expression or religion.*
- If the Community Board, Police, Street Activity Permit Office, or any other agency has received complaints regarding an event, the applicant will submit written evidence of their response to those complaints and a plan on how to mitigate those problems.
- The board will not support a *new* street activity permit application at a location with more than 4 street activities in any given year.
- The board will not support a *new* street activity permit for a location which has a street activity scheduled within 6 weeks of the proposed street activity permit.
- Any applicant who is requesting a street activity adjacent to a city park will file a Special Event Permit Application with the Parks Department prior to, or concurrent with, filing for a Street Activity Permit to accommodate any overflow of attendees in the park.
- Each merchant will be given the option to rent the stall in front of his/her store, at the standard rate, before the spot can be offered to a different vendor.
- The sponsor will not allow a vendor in front of a store that will be in direct competition with that merchant. (A food stand in front of a restaurant, for example)
- In order to alert neighbors of the event, the sponsor will post the neighborhood 7 to 14 days in advance of the event.
- Street Activity set-up will commence no earlier than 9 AM, and the strike of the event will be completed no later than 8 PM.
- Sidewalks and crosswalks will remain unobstructed at all times, with at least 8 feet of sidewalk kept clear for pedestrian traffic.
- The Sponsor of the event will be evident to those attending the street activity, with postings at each intersection identifying the sponsor, and by maintaining a booth where the sponsor can disseminate information regarding their organization.
- The Producer/Operator of the event will also be made evident to those attending the street activity, with postings at each intersection identifying the organization, and how to contact someone to resolve immediate problems with the event.
- No street activity will involve amplification for more than 2 ½ hours, and no amplification will be allowed before noon or after 5 PM.
- A recycling program will be in effect at all times.

After a detailed presentation regarding the impact on and disbursement of street activities in the Community Board Five area and an explanation of the reasoning behind the individual points of the policy, questions were taken from the floor.

There were several questions to clarify points in the policy statement and what constitutes a "new" event. A friendly amendment was made by Scott Isebrand for a 3<sup>rd</sup> bullet (see italics), the resolution then passed with a vote of 29 in favor, 1 opposed, 2 abstentions, as follows: **IN FAVOR:** Adesman, Barbero, Blesdoe, Block, Breidbart, Connolly, Daly, Diamond, Elkins, Esper, Gering, Guillet, Isebrand, Landeche, Logan, Matz, Mendes, Mills, Pollok, Presser, Rabin, Reingold, Schwartz, Shields, Strouse, Teitler, Utevsky, Williams, Zucker. **ABSTENTIONS:** Merker, Farris. **OPPOSED:** Piker.

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

**Mr. Schwartz introduced the following resolution:**

### ***Ancient Order of Hibernians – street activity***

WHEREAS, The Ancient Order of Hibernians has applied for a permit to hold a street festival on September 21, 2002, on Avenue of the Americas, between 42<sup>nd</sup> and 56<sup>th</sup> Streets; and

WHEREAS, The applicant has a history of non-inclusion with past events; and

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

WHEREAS, The applicant did not comply with the board's repeated request over a period of 3 months; therefore, be it

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

After discussion regarding the Ancient Order of Hibernians failure to provide documentation requested by the board, the resolution passed with a vote of 31 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Blesdoe, Block, Breidbart, Connolly, Daly,

Diamond, Elkins, Esper, Farris, Gering, Guillet, Isebrand, Landeche, Logan, Matz, Mendes, Mills, Piker, Pollok, Presser, Rabin, Reingold, Schwartz, Shields, Strouse, Teitler, Utevsky, Williams, Zucker. **ABSTENTION:** Merker.

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

***Congress of Racial Equality – Anniversary celebration and trade show***

WHEREAS, The Congress of Racial Equality has filed an application to hold an anniversary celebration and trade show, August 10, 2002, on Seventh Avenue, between 45<sup>th</sup> and 57<sup>th</sup> Streets; and

WHEREAS, the Congress of Racial Equality is a new applicant; therefore be it

**RESOLVED**, That Community Board Five **recommends approval** of the application by Congress of Racial Equality to hold a street festival at this location, on the condition that this is a one-time event only.

The resolution passed with a vote of 30 in favor, 0 opposed, 3 abstentions, as follows: **IN FAVOR:** Adesman, Barbero, Blesdoe, Block, Breidbart, Connolly, Daly, Diamond, Elkins, Esper, Farris, Gering, Guillet, Isebrand, Landeche, Logan, Matz, Mendes, Mills, Pollok, Presser, Rabin, Reingold, Schwartz, Shields, Strouse, Teitler, Utevsky, Williams, Zucker. **ABSTENTION:** Landeche, Merker, Piker.

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

***Hotel Inter-Continental (The Barclay New York) – 111 East 48<sup>th</sup> Street – Distinctive Sidewalk***

WHEREAS, An application has been made for a distinctive sidewalk by the Hotel Inter-Continental, The Barclay New York, 111 East 48<sup>th</sup> Street; and

WHEREAS, The distinctive sidewalk would be granite stone with thermal finish; 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, The Barclay New York, with the understanding that the material meets anti-slip regulations.

***11 East 57<sup>th</sup> Street – Distinctive Sidewalk***

WHEREAS, An application has been made for a distinctive sidewalk at 11 East 57<sup>th</sup> Street; and

WHEREAS, The distinctive sidewalk would be finished concrete, colored with integral light gray tint; 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 11 East 57<sup>th</sup> Street, with the understanding that the material meets anti-slip regulations.

The bundled resolutions (2), passed with a vote of 30 in favor, 2 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Blesdoe, Block, Breidbart, Connolly, Daly, Diamond, Elkins, Esper, Farris, Gering, Guillet, Isebrand, Landeche, Levine, Logan, Mendes, Mills, Piker, Pollok, Presser, Rabin, Reingold, Schwartz, Shields, Strouse, Teitler, Utevsky, Zucker. **OPPOSED:** Matz, Williams. **ABSTENTION:** Merker.

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

***Newsstand Application # 1104147 – S/E/C of 40<sup>th</sup> Street and 7<sup>th</sup> Avenue***

WHEREAS, An application was made to operate a newsstand at the S/E/C of 40<sup>th</sup> Street and 7<sup>th</sup> Avenue; 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 the S/E/C of 40<sup>th</sup> Street and 7<sup>th</sup> Avenue for the reason stated above.

The resolution passed with a vote of 30 in favor, 1 opposed, 1 abstention, 1 present not entitled to vote, as follows: **IN FAVOR:** Adesman, Barbero, Blesdoe, Block, Breidbart, Connolly, Diamond, Elkins, Esper, Farris, Gering, Guillet, Isebrand, Landeche, Levine, Logan, Matz, Mendes, Piker, Pollok, Presser, Rabin, Reingold, Schwartz, Shields, Strouse, Teitler, Utevsky, Williams, Zucker. **OPPOSED:** Mills. **ABSTENTION:** Merker. **PRESENT NOT ENTITLED TO VOTE:** Daly.

**Mr. Schwartz then reported the following:**

That the Committee had reviewed a proposal for the naming of the Sixth Avenue bike lane for deceased Village Voice Columnist, tenant and bicycle advocate, Julia Lobbia.

Mr. Schwartz reported that the committee vote was deadlocked and there was no resolution to bring to the Board. Michael Utevsky then made a motion from the floor, which was seconded, to name the bike lane on Sixth Avenue in memory of Julie Lobbia.

After much discussion there was a motion (Pollok) to refer the item back to committee for further review. The motion passed with a vote of 28 in favor, 3 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Blesdoe, Block, Breidbart, Connolly, Daly, Diamond, Elkins, Esper, Farris, Gering, Guillet, Isebrand, Levine, Logan, Matz, Mendes, Mills, Pollok, Presser, Rabin, Reingold, Schwartz, Teitler, Utevsky, Williams, Zucker. **OPPOSED:** Landeche, Piker, Strouse. **ABSTENTION:** Merker.

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

***Physical Culture Establishment – 80 Madison Avenue***

WHEREAS, An application was made by Harris G. Joseph, Inc., for a special permit for a physical culture/health establishment at 80 Madison Avenue; and

WHEREAS, Community Board Five passed a resolution on April 11, 2002, recommending denial of the application; and

WHEREAS, The applicant has come back to the Board with additional information addressing the Board’s concerns; and

WHEREAS, This establishment would occupy 4,500 square feet within the cellar, with an entrance on the ground floor and would provide massage service; and

WHEREAS, Community Board Five is aware of a history of violations at this location; and

WHEREAS, The applicant has agreed to a one year trial period; therefore, be it

**RESOLVED,** That Community Board Five **recommends approval** of the application by Harris G. Joseph, Inc. for a physical culture/health establishment at 80 Madison Avenue for a term of one year only.

After some discussion, the resolution passed with a vote of 24 in favor, 6 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Breidbart, Connolly, Daly, Diamond, Esper, Farris, Gering, Guillet, Isebrand, Landeche, Logan, Mendes, Mills, Piker, Pollok, Presser, Schwartz, Strouse, Teitler, Utevsky, Williams, Zucker. **OPPOSED:** Blesdoe, Block, Elkins, Levine, Matz, Reingold. **ABSTENTION:** Merker.

**● PARKS ~ SCOTT ISEBRAND**

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

***Philippine Independence Day Committee – Madison Square Park***

WHEREAS, The Philippine Independence Day Committee 2002 has made application to conduct a Street Fair and Cultural program in and adjacent to the east side of Madison Square Park on Sunday, June 2, 2002; and

WHEREAS, The timing of the event will be as follows:

Set-up will begin no earlier than 6:00 A.M.,

The event will begin at 9:00 A.M., and end no later than 6:00 P.M., and

Clean-up will take place throughout the day and will be completed no later than 7:00 P.M.; and

WHEREAS, There will be no organized events within the Park boundaries except for vendor booths, which will be set up on the outer sidewalk on the east side of the Park along Madison Avenue; and

WHEREAS, All cooking/food preparation will take place on the east side of Madison Avenue across the street from the Park; and

WHEREAS, In recognition of the Drought Emergency condition and the inability of the Parks Department to wash down the Park sidewalks after the event, the applicant has agreed to increase the number of clean-up personnel on hand in order to ensure that the Park is properly cleaned; and

WHEREAS, The applicant is aware of the concerns of area residents regarding the noise associated with early morning unloading and set-up of equipment for such events and the amplified sound at such events and has agreed to ensure that set-up noise is kept to a minimum, that the amplified sound will adhere to the parameters of the permit obtained from the NYPD and that any sound checks required will not be conducted before 10:00 A.M so as to minimize the impact on the surrounding neighborhood; and

WHEREAS, this event has been successfully held in this area for eleven consecutive years; therefore, be it

**RESOLVED**, That Community Board Five **recommends approval** of the Philippine Independence Day Committee 2002's application to conduct a Street Fair and Cultural program in and adjacent to the East Side of Madison Square Park on Sunday June 2, 2002.

***Soka Gakkai International – Union Square Park***

WHEREAS, Soka Gakkai International has requested a special events permit to hold a "Day of New York" Youth Festival in Union Square Park on Sunday, June 23, 2002; and

WHEREAS, The event would be confined to the paved northern end of the Park; and

WHEREAS, The event would be held from 1:00 p.m. until 4:00 p.m., with set-up beginning at 11:00 a.m. and clean-up concluding at 5:00 p.m.; and

WHEREAS, The festival would include performances by various Soka Gakkai youth organizations, such as choruses and dance troupes; and

WHEREAS, The applicant will use amplified sound and will obtain the necessary permits from the New York Police Department; and

WHEREAS, This event was held in Union Square Park in 2000 without complaint; and

WHEREAS, Soka Gakkai has been located in the Union Square area for nearly 20 years; therefore be it

**RESOLVED**, Community Board Five **recommends approval** of a special event permit for Soka Gakkai to hold a youth festival in Union Square Park on June 23, 2002.

After some discussion the bundled resolutions (2) passed with a vote of 30 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Blesdoe, Block, Breidbart, Connolly, Daly, Diamond, Elkins, Esper, Farris, Gering, Guillet, Isebrand, Landeche, Levine, Logan, Matz, Mendes, Mills, Piker, Pollok, Presser, Rabin, Reingold, Strouse, Teitler, Utevsky, Williams, Zucker. **ABSTENTION:** Merker.

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

***Fencing in Union Square Park***

WHEREAS, The 14<sup>th</sup> Street/Union Square BID/LDC has applied to install permanent fencing for the main paths around the lawn of Union Square Park; and

WHEREAS, The cost of the fencing project is being covered entirely by an anonymous private donor; and

WHEREAS, The fencing is to be 34" high, black metal and core-drilled into the paths' granite curbs; and

WHEREAS, The fencing design will be unique to this park, consistent with the park's aesthetic, and unobtrusive—thereby maintaining an open visual corridor to the lawn; and

WHEREAS, The layout of the fencing will include 3'-4' wide gates in the same locations where the current gates are, and will follow smoother lines along the paths than the current mesh fencing does, which will allow for eight to twelve more benches to be placed in the park; and

WHEREAS, The fencing design allows for the fence to be easily climbed in the event of an emergency; and

WHEREAS, The current mesh fencing around the lawn will be taken down completely once the new fencing is in place; therefore, be it

**RESOLVED**, Community Board Five **recommends approval** of the 14<sup>th</sup> Street/Union Square BID/LDC's proposal for permanent fencing in Union Square Park as presented to Community Board Five's Parks Committee in May 2002.

After some discussion, the resolution passed with a vote of 26 in favor, 4 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Blesdoe, Block, Breidbart, Connolly, Daly, Diamond, Elkins, Esper, Farris, Gering, Guillet, Isebrand, Landeche, Logan, Mendes, Mills, Pollok, Presser, Rabin, Reingold, Teitler, Utevsky, Williams, Zucker. **OPPOSED:** Levine, Matz, Piker, Strouse. **ABSTENTION:** Merker.

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

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

***Speed Management Corp. d/b/a "Club Shelter" (formerly "Club Speed") – 20-22 West 39<sup>th</sup> Street – request to revoke liquor license.***

WHEREAS, In December of 2000, Speed Management Corp., d/b/a "Club Speed," (now known as "Club Shelter") came before Community Board Five regarding renewal of their liquor license; and

WHEREAS, On Monday, December 11, 2000, at its monthly meeting, Community Board Five's Public Safety/Quality of Life Committee was presented with information in the form of police reports from Midtown South Precinct, representing at least 20 violations of great magnitude and significance; and

WHEREAS, These violations, discussed with the police including the commanding officer, included reports of:

1. violence both inside and outside the club;
2. stabbings and slashings inside the club;
3. street being closed down due to problems and traffic outside the club, including constant circling of vehicles around the block;
4. double parking on the street;
5. urination, drinking, loud noise and overall disruptive behavior by patrons outside the club; and

WHEREAS, In addition to the above reports, it was brought to the committee's attention that between 3 a.m. and 4 a.m., street problems in particular are at their worst and there is a need for constant police presence on this block (5 or 6 policeman on many nights with more on the nights where there is violence); and

WHEREAS, Given the above information, Community Board Five passed a resolution at its December 2000 meeting, against the renewal of the liquor license for Speed Management Corp., (see attached); and

WHEREAS, Due to the number of complaints received on a regular basis since December 2000, regarding Speed Management Corp., d/b/a "Club Shelter" (formerly "Club Speed") located at 20-22 West 39<sup>th</sup> Street, Community Board Five's Public Safety/Quality of Life Committee **again** discussed ongoing complaints and problems at its meeting held on April 8, 2002; and

WHEREAS, Additional complaints were brought to the committee's attention:

1. residents are being threatened by patrons of the club;
2. residents must show ID in order to get onto the block and enter their homes;
3. music has been blasting late night and early morning hours;
4. police sirens are also blasting during the night and early morning hours; and

WHEREAS, The owner and manager of "Club Shelter" were present at this meeting and agreed to rectify neighborhood problems regarding the club and were given 30 days to improve the current situation and also agreed to return to meet with the Public Safety/Quality of Life committee after the 30 days, with follow-up information and a plan as to how they were handling/rectifying the problems and complaints; and

WHEREAS, Neither the owner nor the manager attended such meeting held on May 6, 2002; and

WHEREAS, To date, (May 6, 2002) there has been no improvement and the situation has, in fact, worsened, i.e., there have been more violations as reported by officers of Midtown South Precinct who were present at the May 6 meeting; and

WHEREAS, Community Board Five learned that the club has had so many violations since December of 2000 that their liquor license has been rendered "inactive" by the SLA, as of December 31, 2000, pending ongoing court cases for each violation; therefore be it

**RESOLVED**, That given the above information, Community Board Five **implores the SLA to revoke the liquor license for Speed Management Corp., d/b/a "Club Shelter," (formerly "Club Speed,") located at 20-22 West 39<sup>th</sup> Street because this operation is not a public convenience or advantage and it is definitely not in the public interest.**

After a brief background on this application, the resolution passed with a vote of 29 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Blesdoe, Breidbart, Connolly, Daly, Diamond, Elkins, Esper, Farris, Gering, Guillet, Isebrand, Landeche, Levine, Logan, Matz, Mendes, Mills, Piker, Pollok, Presser, Rabin, Reingold, Strouse, Teitler, Utevsky, Williams, Zucker. **ABSTENTION:** Merker.

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

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

### ***New York Gaslight Foundation Inc. – Proposal for a NYC Historic Walk project.***

WHEREAS, Norman Lees, President of New York Gaslight Foundation, is requesting the endorsement of Community Board Five for his proposal for the creation of approximately sixteen interconnected historically marked walks from Fifth Avenue and 96th Street to Houston Street with Madison Square Park as the initial project serving as a template for succeeding walks, and

WHEREAS, The plan designates seven sites around Madison Square Park as locations for historic informational panels with five sites using wall-mounted panels (225 Fifth Ave., Madison Green Apartment building, 200 Fifth Ave., 1107 Broadway, 20 East 23rd Street) and two sites using pole-mounted panels (41 Madison Avenue, Madison Square Park at 24th Street). And

WHEREAS, Mr. Lees has agreed to use American companies in the manufacture of the panels, which will be of baked metal with the frames and pole ironwork created by Architectural Iron Company (which has completed 59 projects in Central Park), and

WHEREAS, Corporate or Foundation sponsorship will underwrite all costs for manufacturing, installation and maintenance of the panels; and

WHEREAS, There will be no corporate donor designation on the panels, and

WHEREAS, The information on the Madison Square Park panels will be written by Miriam Berman, a local historian and authority on Madison Square Park, and

WHEREAS, The second phase of the historic walk project will be the creation of a web site and the use of Interactive Voice Response technology which will support the use of a cell phone to access both information on the panel plus additional historic data, and

WHEREAS, The third phase of the project will be the translation of the information into foreign languages, and

WHEREAS, Pamphlets describing the historic walks will be distributed to hotels, and

WHEREAS, The historic walks will enrich the lives of the community, will serve as an educational tool and will benefit the tourist trade, therefore, be it

**RESOLVED**, That Community Board Five **strongly endorses** the New York Gaslight Foundation historic walks project and the initial plan for Madison Square Park with the understanding that all changes to the above plan and all specific designs will be presented to Community Board Five for consideration and approval.

After much discussion regarding whether the proposal is preliminary or final, the resolution was withdrawn. A letter from Chair Merker will be sent instead.

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

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

### ***Open Air Café (Villard Houses) – 455-457 Madison Avenue***

WHEREAS, the Palace Hotel was constructed on the same zoning lot as the landmark Villard Houses, on the east side of Madison Avenue between 50<sup>th</sup> and 51<sup>st</sup> Streets, pursuant to a special permit which required, among other things, that the courtyard of the Villard Houses be preserved as open space for the benefit of the public; and

WHEREAS, the courtyard is used as an entrance to the Palace Hotel, the Municipal Art Society's Urban Center and the restaurant Le Cirque 2000, but it is rarely occupied or used for public activities; and

WHEREAS, Le Cirque 2000 has proposed to use the southern half of the courtyard for an open air café containing 18 tables, 64 seats and 9 umbrellas, and the applicant has offered to provide and maintain 18 tables and 64 seats on the northern portion of the courtyard for use by the general public, and has agreed to furnish some of the public tables with umbrellas; and

WHEREAS, the tables and chairs to be used by the public will be of the same design and materials as the ones to be used by the restaurant, and the public amenities will be maintained on a year-round basis, from 8am to 10pm in summer months and 8am to 6pm in winter months; and

WHEREAS, the Applicant will provide appropriate signage which designates the availability of seating to the public, which signage will be on movable stanchions so that it will not be affixed to the landmark structure; and

WHEREAS, the Board believes that this proposal will enhance and activate a public space that has rarely been used by the public; therefore, be it

**RESOLVED**, that Community Board Five **recommends approval** of the application to install an open-air café and public seating area in the courtyard of the Villard Houses.

After some discussion, the resolution passed with a vote of 16 in favor, 11 opposed, 3 abstentions, as follows: **IN FAVOR:** Adesman, Block, Daly, Diamond, Farris, Gering, Guillet, Levine, Merker, Mills, Piker, Pollok, Reingold, Utevsky, Williams, Zucker. **OPPOSED:** Barbero, Blesdoe, Breidbart, Connolly, Elkins, Esper, Logan, Matz, Mendes, Strouse, Teitler. **ABSTENTIONS:** Landeche, Presser, Strouse.

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

### ***Outdoor Café at 41 Madison Avenue***

WHEREAS, the commercial building located at 41 Madison Avenue, southeast corner of Madison Avenue and 26<sup>th</sup> Street, facing Madison Square Park, was built in 1972 utilizing a floor area bonus for provision of an outdoor plaza; and

WHEREAS, the plaza includes approximately 2,500 square feet of frontage on 26<sup>th</sup> Street and approximately 2,285 square feet of frontage on Madison Avenue; and

WHEREAS, the Building owner seeks a certification from the City Planning Commission to operate an outdoor café and bar in connection with a restaurant in the building, on approximately 957 square feet of the 26<sup>th</sup> Street frontage, which would have tables and seating for 92 persons, as well as wood decking on the plaza, a canopy covering the café, and 24-inch high wood planters to separate the café from the remainder of the plaza; and

WHEREAS, the Applicant has proposed, as a public amenity, the provision of three circular planters on the Madison Avenue frontage of the plaza, with fixed seating around the planters to accommodate 40 persons, plus two trash containers; and

WHEREAS, Community Board 5 has in the past supported the use of portions of a bonus plaza for commercial purposes when an applicant has proposed an equivalent provision of public amenities which would enhance and enliven the plaza; and

WHEREAS, the current application offers a disproportionately small amount of public amenities in exchange for the maximum permissible commercial encroachment on the plaza; and

WHEREAS, the Board believes that a better proposal can be offered by the Applicant that would include an equivalent amount of public amenities in exchange for the use of a portion of the plaza as a café; now, therefore, be it

**RESOLVED**, that Community Board Five **does not approve** the application for certification of an open-air café on a portion of the plaza at 41 Madison Avenue.

After some discussion, the resolution passed with a vote of 21 in favor, 6 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Blesdoe, Breidbart, Connolly, Daly, Diamond, Elkins, Esper, Farris, Guillet, Levine, Logan, Mendes, Pollok, Reingold, Strouse, Teitler, Utevsky, Williams, Zucker. **OPPOSED:** Block, Gering, Landeche, Matz, Mills, Piker. **ABSTENTION:** Merker.

**Ms. Bonnie Williams then presented the following resolution on behalf of Mr. Utevsky:**

### ***876 Broadway – Request for a waiver of the zoning resolution to allow residential conversion.***

WHEREAS, 876 Broadway, a six-story building (1884; Henry Frenbach designer), situated within the Ladies Miles Historic District, currently has a Certificate of Occupancy for residential use of the 2, 3, 5 and 6<sup>th</sup> floors, with retail on the first floor; and

WHEREAS, The New York City Landmarks Commission, on December 13, 2000, approved plans for restoration of the ground floor storefront infill and other significant changes that returned the building to its original appearance in harmony with the historic district; and

WHEREAS, The applicant has requested to convert the fourth floor (previously preserved for commercial use within the building under Section 15-211 of the Zoning Resolution) to residential use; and

WHEREAS, All requirements regarding the initial alterations and conversion were met, including a program for continuing maintenance of the building, and the fourth floor complies with the floor area requirements (Zoning Resolution, Sect. 74-711); and

WHEREAS, Although Community Board Five is concerned about the potential loss of business space through such conversions, it believes that this change is a positive change for the building and is not significant for the area; therefore, be it

**RESOLVED**, That Community Board Five **recommends approval** of both the waiver of the preservation floor area, and the cancellation of the restrictive declaration (Zoning Resolution Sect. 15-214) in connection with a residential conversion of the fourth floor at 876 Broadway.

The resolution passed with a vote of 27 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Blesdoe, Block, Breidbart, Connolly, Daly, Diamond, Elkins, Esper, Farris, Gering, Guillet, Landeche, Levine, Logan, Matz, Mendes, Mills, Piker, Pollok, Reingold, Strouse, Teitler, Utevsky, Williams, Zucker. **ABSTENTION:** Merker.

## **● TRANSPORTATION/ENVIRONMENT ~ *MICHAEL LEVINE***

**Mr. Levine introduced the following resolution:**

### ***Parking restriction on West 39<sup>th</sup> Street.***

WHEREAS, There are significant late night noise and traffic problems in the vicinity of Club Speed at 50 West 39<sup>th</sup> Street; and

WHEREAS, The New York Police Department has requested that parking regulations be amended on 39<sup>th</sup> Street between 5<sup>th</sup> Avenue and 6<sup>th</sup> Avenue from the current condition to "No Standing 10PM to 6AM All Days"; and

WHEREAS, Similar parking regulations have, in the recent past, solved such problems in other areas of Community Board Five; therefore, be it

**RESOLVED**, That Community Board Five **supports the request** by the New York Police Department to change parking regulations on 39<sup>th</sup> Street between 5<sup>th</sup> and 6<sup>th</sup> Avenues to "No Standing 10PM to 6AM".

The resolution passed with a vote of 27 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Blesdoe, Block, Breidbart, Connolly, Daly, Diamond, Elkins, Esper, Farris, Gering, Guillet, Landeche, Levine, Logan, Matz, Mendes, Mills, Piker, Pollok, Reingold, Strouse, Teitler, Utevsky, Williams, Zucker. **ABSTENTION:** Merker.

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

**Mr. Connolly introduced the following resolution:**

WHEREAS, In April 2002, the Greenwich Village Youth Council moved its administrative offices and Neutral Zone program to 12 East 33<sup>rd</sup> Street; and

WHEREAS, The new location for this facility is in Community Board Five; and

WHEREAS, The Neutral Zone is a youth drop-in center serving at-risk gay, lesbian, bisexual and transgender youth between the ages of 15 and 24; and

WHEREAS, The youth center is open Wednesdays, Thursdays, Fridays and Saturdays from 4:00 p.m. until 10:00 p.m.; and

WHEREAS, Between 30 and 40 young people come to the center each day it is open; and

WHEREAS, The participants are supervised by a highly trained staff; and

WHEREAS, Greenwich Village Youth Council recently received a grant from New York City which will be used to hire four additional staffers, bringing the total number of full-time staff to eight; and

WHEREAS, The center provides counseling, art classes, HIV and AIDS testing, food service, employment programs, and other programs that lower the risk level of its participants; and

WHEREAS, The services provided by Neutral Zone and Greenwich Village Youth Council are invaluable to at-risk GLBT youth in New York City; and

WHEREAS, Neutral Zone uses a staggered-exit strategy, wherein five participants are escorted from the center at a time, to prevent loitering; and

WHEREAS, Greenwich Village Youth Council has agreed to work with the Lower Madison Partnership to address any issues that arise between the community and the center; therefore be it

**RESOLVED**, Community Board Five recognizes Greenwich Village Youth Council and Neutral Zone at 12 East 33<sup>rd</sup> Street as assets and welcomes these facilities to the Community Board Five District.

The resolution passed with a vote of 27 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Blesdoe, Block, Breidbart, Connolly, Daly, Diamond, Elkins, Esper, Farris, Gering, Guillet, Landeche, Levine, Logan, Matz, Mendes, Mills, Piker, Pollok, Reingold, Strouse, Teitler, Utevsky, Williams, Zucker. **ABSTENTION:** Merker.

## ● **LANDMARKS ~ JOYCE MATZ**

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

### ***Application to legalize public pay telephones on Fifth Avenue***

WHEREAS, TCC Teleplex illegally installed 5 public pay telephones within the Ladies Mile Historic District without permits from the Landmarks Preservation Commission:

- 154-158 5<sup>th</sup> Avenue - 3 phones
- 110-112 5<sup>th</sup> Avenue - 2 phones

- 119-121 5<sup>th</sup> Avenue - 3 phones
- 146 5<sup>th</sup> Avenue - 1 phone
- 130-132 5<sup>th</sup> Avenue - 2 phones

WHEREAS, Each installation, regardless of the number of phones, has three panels for advertising, making them far more conspicuous and altering the character of the historic district; and

WHEREAS, As in March 2002, both Community Board Five and the Landmarks Preservation Commission disapproved the legalization of an illegal pay phone at 74 West 21<sup>st</sup> Street, also within the Ladies Mile Historic District; and

WHEREAS, The Landmarks Commission recently disapproved advertising on pay phones at 71 Fifth Avenue, within the Ladies Mile Historic District; and

WHEREAS, These illegal phones along Fifth Avenue and just off Fifth Avenue are in extremely prominent locations, impacting on the historic district; and

WHEREAS, Public pay phones are proliferating throughout the city as well as in historic districts – with more than 1500 installed by this company alone; and

WHEREAS, When one enters an historic district one enters an historic time and place with which these modern phones with large advertising panels conflict; therefore, be it

**RESOLVED**, That Community Board Five **does not approve** the legalization of these illegally placed public phones and calls for their removal, and be it further

**RESOLVED**, That Community Board Five concurs in the Commission’s disapproval of advertising on the legal pay phone at 71 Fifth Avenue and encourages the Landmarks Preservation to review public pay phones in historic districts, developing strict guidelines as to appropriate placement, number and advertising.

The resolution passed with a vote of 26 in favor, 0 opposed, 3 abstentions, as follows: **IN FAVOR:** Adesman, Barbero, Blesdoe, Block, Breidbart, Connolly, Daly, Diamond, Elkins, Esper, Farris, Gering, Guillet, Landeche, Levine, Logan, Matz, Mendes, Mills, Pollok, Reingold, Strouse, Teitler, Utevsky, Williams, Zucker. **ABSTENTIONS:** Logan, Merker, Piker.

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

***Proposed Designation of 2 Columbus Circle***

WHEREAS, There has been a concerted effort by public officials, civic and preservation groups, as well as notable architects to preserve 2 Columbus Circle by designating it a NYC individual landmark, and

WHEREAS, This important building was designed for Huntington Hartford by the noted architect Edward Durrell Stone in 1965 (the same year the landmarks law was passed) to house the Huntington Hartford Gallery of Modern Art, and

WHEREAS, Its bold and unique design, and its unusual curving marble façade and rounded arches at the top of the building's loggia is perfectly suited to its site and is affectionately known by many New Yorkers as the "lollipop building". It is an icon of 1960's architecture, a major work for a prominent client by one of America's leading architects, and

WHEREAS, The building's design is noted for its departure from the strict architectural vocabulary of the Post War International Style and is a powerful statement in its prominent location in Columbus Circle, and

WHEREAS, In 1997 Community Board Five voted to recommend that 2 Columbus Circle, because of its architectural and cultural significance, be included in a proposed Central Park South Historic District described as "a wall of distinguished masonry buildings which form an opulent and appropriate wall for the historic and lush parkland." and

WHEREAS, Among those supporting landmark designation for 2 Columbus Circle are: State Senator Tom Duane, Congressman Jerrold Nadler, Congresswoman Carolyn Maloney, State Senator Eric Schneiderman, Assemblyman Richard Gottfried, Assemblyman Scott Stringer, Councilmembers Christine Quinn, Gale Brewer and Eva Moskowitz, Municipal Art Society, NY Landmarks Conservancy, Fine Arts Federation, Historic Districts Council, Coalition For a Livable West Side, Landmark West, Coalition for Environmentally Sound Development, architects Giorgio Cavaglieri , foremost preservationist, and Robert A.M. Stern, Dean of the Yale School of Architecture, therefore be it

**RESOLVED**, That Manhattan Community Board Five supports landmark designation for 2 Columbus Circle; *and be it further*

***RESOLVED***, That Community Board Five requests that the Landmarks Preservation Commission hold a public hearing in order to designate this significant NYC building.

After much discussion, and a friendly amendment by Vikki Barbero to separate the “Resolved” into two separate “Resolved’s” (see italics), the resolution failed with a vote of 9 in favor, 17 opposed, 2 abstentions, as follows: IN **FAVOR**: Barbero, Breidbart, Connolly, Elkins, Gering, Matz, Mendes, Reingold, Williams. **OPPOSED**: Adesman, Block, Daly, Diamond, Esper, Farris, Guillet, Landeche, Levine, Logan, Mills, Piker, Pollok, Strouse, Teitler, Utevsky, Zucker. **ABSTENTIONS**: Blesdoe, Merker.

**There being no further business the meeting adjourned at 10:30 PM.**

Respectfully submitted,

David Diamond  
Secretary