

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

Minutes of the regular Community Board #5 meeting held on **Thursday, April 11, 2002**, at the Fashion Institute of technology, 227 West 27<sup>th</sup> Street, at 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  
Muriel Bernstein  
Adeena Besdin  
Angela Bledsoe  
Aaron Block  
Judith Breidbart  
Candy Cook  
David Diamond  
Suzanne Esper  
Janelle Farris  
Sharon Friedman  
Eric Gering  
Kevin Guillet  
Scott Isebrand  
Brian Landeche  
Lenise Logan  
Howard Mendes  
Kyle Merker  
John Mills  
Joan Piker  
Michael Pollok  
Connie Ress  
Mickey Schwartz  
Rosalie Shields  
Maxine Teitler  
Michael Utevsky

Bonnie Williams  
Brad Wilson

**Excused**

Robert Baublitz  
Paul Connolly  
William Daly  
Nancy Goshow  
Joyce Matz  
Carmel Reingold  
Michael Royce  
Lawrence Zucker

**Present Part**

George Elkins  
Jackon Jhin  
David Rabin  
David Siesko  
Evelyn Strouse

**Absent**

Lola Finkelstein  
Grace Forrester  
Michael J. Levine  
Carl Pasbjerg  
Michael Presser

**Public Members**

Jon Schachter  
Jack Taylor  
Joe Tucker

**Public**

Mel Adelglass  
Shazia Ahmad  
Ram Avni  
Anne Bianchini  
David Callahan  
Lindsay Ferrari  
Susan Finley  
Elizabeth Geiger  
Ros Gross  
Liesl Guttridge  
Kekla Magoon  
Morgan McLean  
Doreen Seligson  
Charles Spence  
John Van Aken  
Todd Weinstein

**Elected Officials**

Richard N. Gottfried  
*State Assembly Member*  
Chris Dorian  
*Mayor Michael Bloomberg*  
Nicole Johnson

*Borough President C. Virginia Fields*

**Dan Golub**

*Assembly Member Richard Gottfried*

**Leah Kane**

*Congress Member Jerrold Nadler*

**Sarah Hale-Stern**

*Senator Liz Krueger*

**Rosie Mendez**

*Councilwoman Margarita Lopez*

**Emily Negrau**

*Councilmember Christine Quinn*

**Ingrid Lemmey**

*Councilmember Eva Moskowitz*

**Dirk McCall**

*Councilmember Alan Gerson*

**Staff**

**Kathy Kinsella**

*District Manager*

**Kim Rodney**

*Assistant District Manager*

**Cindy Perez**

*Community Associate*

**PUBLIC SESSION**

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

**Susan Finley – Flatiron Alliance** – spoke against granting a liquor license for Bloom Ballroom Entertainment at 48 West 21<sup>st</sup> Street. She also spoke of the saturation of liquor licenses in this area and the Community Board Five moratorium.

**Kekla Magoon – Girl Scouts of Greater New York** – introduced the Girl Scouts programs and asked for volunteers and troop hosts.

**Elizabeth Geiger – Resident of Flatiron area** – urged the Board to vote against the application by “Bloom” for a liquor license based on the moratorium.

**Ingrid Lemmey – Councilmember Eva Moskowitz’s Office** – introduced herself as Councilmember Moskowitz’s representative to Community Board Five.

**Sawa Hale-Stern – Senator Liz Krueger’s Office** – introduced herself as Senator Krueger’s representative to Community Board Five.

**Rob Gross – Resident of Flatiron area** – spoke about the poor quality of life on 21<sup>st</sup> Street due to presence of so many liquor license establishments and asked the Board to uphold its moratorium.

**Nicole Johnson – Manhattan Borough President C. Virginia Fields** – welcomed new members of Community Board Five.

**Todd Weinstein – Resident of Irving Place** – spoke against sidewalk café application for Olives at the W Hotel and of congestion in the area.

**Mel Adelglass – Resident of 17<sup>th</sup> Street** – spoke against application for a sidewalk café at Olives based on the congestion on 17<sup>th</sup> Street.

**Liesl Guttridge – Representative of Olives Restaurant** – stated that Olives would amend its application to give additional space to pedestrians and would not have music in the café. She also stated that the sidewalk traffic on 17<sup>th</sup> Street was quieter than Park Avenue and that they would locate/set up the café on 17<sup>th</sup> Street.

**John Van Aken – Olives Restaurant** – stated that the sidewalk café at Olives would operate in a quiet manner similar to Blue Water Grill.

**Jack Taylor – Gramercy/Flatiron Community Coalition** – stated that the intersection where Olives sidewalk café would be located is exceedingly congested. He asked the Board to turn down the application.

**Charles Spence – MCC Theater** – asked for the Board’s support for MCC’s street fair application.

**Dan Golub – Assembly Member Gottfried’s Office** – announced the Assembly Member’s Rent 2002 tenants meeting on Wednesday, April 24, 2002.

**Rosie Mendez** – announced that Councilmember Lopez was named budget negotiator for Manhattan Delegation of the City Council.

## BUSINESS SESSION

### ● CHAIR’S REPORT ~ *Kyle Merker*

Mr. Merker welcomed the new members (Susan Baida, Angela Blesdoe, Aaron Block, William Daly, George Elkins, Janelle Farris, Nancy Goshaw, Kevin Guillet, Lenise Logan, John Mills, Michael Pollok, Carmel Reingold and Connie Ress) and informed them of group orientations being scheduled at the board office.

Mr. Merker then spoke briefly about the Public Hearing the board held regarding street activities and informed the board that an Ad Hoc Committee had been formed (Kyle Merker (chairing), Adeena Besdin, Sharon Friedman, Michael Levine, Rosalie Shields and Maxine Teitler). The committee will meet on April 25 to discuss setting up guidelines for street activities so that the Consents and Variances Committee will have a working document as reference when dealing with street activities applications.

Chair Merker spoke of the Mayor's reception held at Gracie Mansion in honor of Community Boards and also of the Mayor's support for Community Boards.

Mr. Merker then announced an Ad Hoc Committee had been formed (Suzanne Esper (Chair), Muriel Bernstein, Kevin Guillet, David Rabin and Jack Taylor) to review a proposal for a NYC Historic Walk by the New York Gaslight Foundation, Inc. The committee will meet on April 15.

Mr. Merker then announced that the Executive Committee had elected the Nominating Committee (Mickey Schwartz (Acting Chair), Brian Landeche, Muriel Bernstein, Evelyn Strouse, and Eric Gering), and that anyone interested in running for office should inform a member of the Nominating Committee or call the Board office.

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

Ms. Kinsella welcomed the new board members and introduced herself and board staff, and announced the distribution of copies of the members directory.

She then announced that the Borough President would like people to know of a program to enroll in the New York State Organ and Tissue Donor Registry called “Life Pass It On”. For more information on this, individuals can call the Borough President’s office.

Ms. Kinsella informed the Board of drought restrictions and emphasized the need to conserve water. Members were informed that an informational flier was available.

She also informed the Board of free CPR training being given by the American Heart Association on Saturday, April 27 and Sunday, April 28.

She also announced that affordable housing opportunities are still available and to call the board office for details. She also announced that the Department of Youth & Community Development free Summer buses for non-profit organizations information was available at the Board office.

Ms. Kinsella then informed the Board of the Bike NY event scheduled for May 5, and lastly, that there would be a large demonstration on Broadway on April 12, from 10am to 6pm.

## ● **CHAIR’S REPORT (PART II) ~ *Kyle Merker***

Mr. Merker announced the Municipal Arts Society’s forum throughout the City for input on what is to happen to Downtown Manhattan. He also announced that the Borough President has asked each Community Board to host a forum. Community Board Five’s Forum will take place on April 29, the public is urged to attend, and will be chaired by Candy Cook.

## ● **ASSEMBLY MEMBER RICHARD N. GOTTFRIED**

Assembly Member Gottfried announced that new district lines for Assembly Districts have been proposed. Under the proposal, he will continue to represent Community Board Five.

He also urged everyone to sign up for the organ donor registration that Ms. Kinsella had announced.

Assembly Member Gottfried then announced bills that had passed: (1) Women Health and Wellness bill that requires including contraception, improvement in the insurance law provision governing access to monograph, cervix cancer screening and osteoporosis. (2) Dignity for all Students Act that passed unanimously and will prohibit discrimination and harassment in schools including that based on sexual orientation.

He also spoke of a proposed bill to raise minimum wage from \$5.15 to \$6.75 per hour.

Assembly Member Gottfried also spoke briefly of the Loft Law, explaining that the law that was passed 20 years ago to protect people who live in commercial or manufacturing space converted to residential use, and grants legal status and protection under the rent laws.

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

The minutes passed with a vote of 34 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Bernstein, Besdin, Bledsoe, Block, Breidbart, Cook, Diamond, Esper, Elkins, Farris, Friedman, Gering, Guillet, Isebrand, Jhin, Landeche, Logan, Mendes, Mills, Piker, Pollok, Rabin, Ress, Schwartz, Shields, Siesko, Strouse, Teitler, Utevsky, Williams, Wilson. **ABSTENTION:** Merker.

## COMMITTEE REPORTS

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

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

***Olives NY, LLC - 201 Park Avenue South - unenclosed sidewalk cafe***

WHEREAS, Olives NY, LLC has filed an application for an unenclosed sidewalk café (8 tables/32 seats), at 201 Park Avenue South; and

WHEREAS, The applicant has altered their plans so as to leave 9 feet of pedestrian space on the sidewalk to ensure a smoother flow of pedestrians; therefore be it

**RESOLVED**, That Community Board Five **recommends approval** of the application by Olives NY, LLC, for an unenclosed sidewalk café at 201 Park Avenue South.

After discussion regarding the possibility of pedestrian impediment, the resolution passed with a vote of 25 in favor, 7 opposed, 2 abstention, 1 present not entitled to vote, as follows: **IN FAVOR:** Adesman, Baida, Bernstein, Besdin, Bledsoe, Block, Diamond, Elkins, Esper, Farris, Friedman, Gering, Guillet, Isebrand, Landeche, Logan, Mendes, Mills, Piker, Pollok, Ress, Schwartz, Siesko, Utevsky, Williams. **OPPOSED:** Barbero, Breidbart, Cook, Jhin, Shields, Strouse, Teitler. **ABSTENTION:** Merker, Rabin. **PRESENT NOT ENTITLED TO VOTE:** Wilson.

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

***Lekkas Restaurant Corp. d/b/a The Greek Corner – 322 Seventh Avenue – enclosed sidewalk cafe***

WHEREAS, Lekkas Restaurant Corp has filed a renewal application for an enclosed sidewalk café (5 tables/18 seats), at 322 7<sup>th</sup> Avenue; and

WHEREAS, Community Board Five has not received any complaints regarding this location; therefore be it

**RESOLVED**, That Community Board Five **recommends approval** of a renewal application by Lekkas Restaurant Corp, for a enclosed sidewalk café at 322 7<sup>th</sup> Avenue.

The resolution passed with a vote of 34 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Bernstein, Besdin, Bledsoe, Block, Breidbart, Cook, Diamond, Elkins, Esper, Farris, Friedman, Gering, Guillet, Isebrand, Jhin, Landeche, Logan, Mendes, Mills, Piker, Pollok, Rabin, Ress, Schwartz, Shields, Siesko, Strouse, Teitler, Utevsky, Williams, Wilson. **ABSTENTION:** Merker.

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

***Muslim Foundation of America, Inc. – Street Festival***

WHEREAS, The Muslim Foundation of America, Inc. has filed an application to hold a street festival on September 29, 2002, on Madison Avenue, between 23<sup>rd</sup> and 26<sup>th</sup> Streets; and

WHEREAS, This location is inundated with street fairs throughout the warm weather months; and

WHEREAS, The residents of this area suffer from the noise of these street fairs, from the early morning set-up through the late-night breakdown and clean-up, also including noise from the amplification system throughout the day and the noise stemming from the traffic congestion that these events produce; therefore be it

**RESOLVED**, That Community Board Five **recommends approval** of the application by the Muslim Foundation of America, Inc, to hold a street festival on September 29, 2002, **but** requests that SAPO work with the applicant to find either an alternate configuration or location so as to reduce the event's impact on residents in the 23<sup>rd</sup> Street vicinity.

After some discussion regarding the decision by Community Board Five to turn down other event applications for the same location and what guidelines the Board used to determine its recommendations, and a friendly amendment by Rosalie Shields (see italics), the resolution passed with a vote of 29 in favor, 1 opposed, 5 abstentions, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Bernstein, Besdin, Bledsoe, Breidbart, Cook, Diamond, Elkins, Esper, Farris, Friedman, Gering, Guillet, Isebrand, Jhin, Landeche, Logan, Mills, Pollok, Rabin, Ress, Schwartz, Shields, Siesko, Strouse, Williams, Wilson. **OPPOSED:** Teitler. **ABSTENTION:** Block, Mendes, Merker, Piker, Utevsky.

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

***MCC Theater – Street Festival***

WHEREAS, The MCC Theater has filed an application to hold a street activity on July 13, 2002, on West 29<sup>th</sup> Street, between Madison and Park Avenues; and

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

**RESOLVED**, That Community Board Five **recommends approval** of the application by the MCC Theater to hold a street activity on July 13, 2002.

***Church of St. Francis of Assisi - Street Festival***

WHEREAS, Church of St. Francis of Assisi has filed an application to hold a street festival on June 9, 2002, on **Broadway, between 31<sup>st</sup> and 32<sup>nd</sup> Streets**; and

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

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

***Murray Hill Neighborhood Association - Street Festival***

WHEREAS, The Murray Hill Neighborhood Association has filed an application to hold a block party on June 1, 2002, on 35<sup>th</sup> Street, between Lexington and Fifth Avenues; and

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

**RESOLVED**, That Community Board Five **recommends approval** of the application by the Murray Hill Neighborhood Association to hold a block party.

After a question to clarify the location of the event for the Church of St. Francis of Assisi, the bundled resolutions (3), passed with a vote of 33 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Bernstein, Besdin, Bledsoe, Block, Breidbart, Cook, Diamond, Elkins, Esper, Farris, Friedman, Gering, Guillet, Isebrand, Jhin, Landeche, Logan, Mendes, Mills, Piker, Pollok, Rabin, Ress, Schwartz, Shields, Siesko, Strouse, Teitler, Utevsky, Williams, Wilson. **ABSTENTION:** Merker.

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

***Grand Central Partnership (Pershing Café) - outdoor Urban Park/Café***

WHEREAS, The Grand Central Partnership has filed an application for an outdoor urban park/outdoor café d/b/a Pershing Square Café from May 6 thru November 1, 2002, on Park Avenue (Southbound lanes only), between East 42<sup>nd</sup> Street and East 40<sup>th</sup> Street; and

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

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

After some questions on whether the umbrella that will be used should have signage displayed on them, 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, Barbero, Bernstein, Besdin, Bledsoe, Breidbart, Cook, Diamond, Elkins, Esper, Farris, Friedman, Gering, Guillet, Isebrand, Jhin, Landeche, Logan, Mendes, Mills, Piker, Pollok, Rabin, Ress, Schwartz, Shields, Siesko, Strouse, Teitler, Utevsky, Williams, Wilson. **ABSTENTION:** Merker.

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

***BSA # 28-02 BZ - 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, 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 board has twice requested that the applicant attend Committee meetings to answer questions regarding this application and both times has failed to appear; therefore, be it

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

After some discussion regarding the history of this location, the resolution passed with a vote of 34 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Bernstein, Besdin, Bledsoe, Block, Breidbart, Cook, Diamond, Elkins, Esper, Farris, Friedman, Gering, Guillet, Isebrand, Jhin, Landeche, Logan, Mendes, Williams, Wilson. **ABSTENTION:** Merker.

Mills, Piker, Pollok, Rabin, Ress, Schwartz, Shields, Siesko, Strouse, Teitler, Utevsky, Williams, Wilson.  
**ABSTENTION:** Merker.

## ● **PARKS ~ SCOTT ISEBRAND**

**Mr. Scott Isebrand introduced the following resolution.**

### ***Vibe Element – Dance, Music and Art Showcase – Union Square Park***

WHEREAS, Vibe Element has applied for a free dance, music, and art showcase event for Friday afternoons in May in Union Square Park; and

WHEREAS, The proposed event would involve a “DJ with music” and the distribution of pamphlets or advertising matter, and would occur at the “back of the park,” and

WHEREAS, The applicant did not attend the April 1<sup>st</sup> Parks Committee meeting; and

WHEREAS, Community Board Five is faced with many unanswered and pertinent questions regarding this application, including but not limited to:

Is the event of a commercial nature?

What is the purpose of the event?

What exactly is meant by the “back of the park” for a proposed event location?

What exactly would be handed out at the event?

What kind of dancing will occur?

How loud will the music be?

Is Vibe Element based in New York City?

What is Vibe Element?

therefore be it

**RESOLVED**, Community Board Five **recommends the denial** of the special event application from Vibe Element for a dance, music, and art showcase event for Friday afternoons in May in Union Square Park.

After some discussion, the Chair of the Parks Committee, Scott Isebrand explained that the applicant has failed to appear two months in a row to answer committee question, the resolution passed with a vote of 34 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Bernstein, Besdin, Bledsoe, Block, Breidbart, Cook, Diamond, Elkins, Esper, Farris, Friedman, Gering, Guillet, Isebrand, Jhin, Landeche, Logan, Mendes, Mills, Piker, Pollok, Rabin, Ress, Schwartz, Shields, Siesko, Strouse, Teitler, Utevsky, Williams, Wilson.  
**ABSTENTION:** Merker.

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

### ***Mighty Mutts Inc. - Animal Adoption - Union Square Park***

WHEREAS, Mighty Mutts has applied for a special events permit for Saturday’s through May of 2002; and

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

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

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

WHEREAS, Mighty Mutts acknowledges and has addressed concerns of NYC/Parks & Recreation regarding the flow of pedestrian traffic throughout the park and its sidewalks; and

WHEREAS, Mighty Mutts and NYC/Parks & Recreation have demonstrated an ability to enter cooperatively into discussions and a willingness to reach compromise solutions when concerns arise; and

WHEREAS, Due to ongoing construction in Union Square Park, Mighty Mutts has for the last five months been operating from the northern section of the southeast traffic triangle; and

WHEREAS, Mighty Mutts has suffered a steep decline in adoption rates since the relocation; and

WHEREAS, Mighty Mutts wishes to relocate as soon as possible after construction to its former location at the south west corner of the park (near the Gandhi Statue), and will apply at such time to be permitted to do so; and

WHEREAS, Community Board Five wishes to reiterate its support for Mighty Mutts' continued presence in the park, therefore be it

**RESOLVED**, Community Board Five again recommends the granting of a permit to Mighty Mutts for repeat Saturday usage of the northern section of the Union Square Park southeastern traffic *triangle for May and each month to follow through the duration of construction* in the southern part; and be it further

**RESOLVED**, That Community Board Five urges the New York City Department of Parks and Recreation to return Mighty Mutts to their original location on the southwest corner of the park as soon as construction permit.

After some discussion regarding the agreement reached for the temporary location for Mighty Mutts during park construction, and two friendly amendments from Brad Wilson and Vikki Barbero (see italics), the resolution passed with a vote of 33 in favor, 0 opposed, 2 abstentions, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Bernstein, Besdin, Bledsoe, Block, Breidbart, Cook, Diamond, Elkins, Esper, Farris, Friedman, Gering, Guillet, Isebrand, Jhin, Logan, Mendes, Mills, Piker, Pollok, Rabin, Ress, Schwartz, Shields, Siesko, Strouse, Teitler, Utevsky, Williams, Wilson. **ABSTENTIONS:** Landeche, Merker.

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

***New York Taiwanese American Heritage Committee - Union Square Park***

WHEREAS, The New York Taiwanese American Heritage Committee has applied for a special events permit to hold a cultural event in Union Square Park on May 19, 2002; and

WHEREAS, The event would be held at the paved, northern end of the park from 10:00 a.m. until 6:00 p.m.; and

WHEREAS, Set-up will begin at 7:00 a.m. and clean-up will end by 8:00 p.m.; and

WHEREAS, The applicant expects approximately 100 participants and 5,000 spectators throughout the course of the day; and

WHEREAS, The event will include arts and crafts exhibits, games, and free food in celebration of May as Asian American Heritage Month; and

WHEREAS, The event will include staged musical and cultural performances which will not run continuously; and

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

WHEREAS, Sound levels will be monitored by the Park Manager; and

WHEREAS, In past years, this event has been held in Dag Hammarskjold Plaza, Ralph Bunchee Park, and Duffy Square; and

WHEREAS, The applicant is working with NYC/Parks & Recreation to coordinate the event and to ensure that there is no conflict with the Green Market; and

WHEREAS, Unlike a large number of special events in Community Board Five's district, this event will not obstruct pedestrian or vehicular traffic as it is contained completely on parkland; 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 the New York Taiwanese American Heritage Committee to hold a cultural festival on May 19, 2002 in Union Square Park.

The resolution passed with a vote of 33 in favor, 1 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Bernstein, Besdin, Bledsoe, Block, Breidbart, Cook, Diamond, Elkins, Esper, Farris, Friedman, Gering, Guillet, Isebrand, Jhin, Logan, Mendes, Mills, Piker, Pollok, Rabin, Ress, Schwartz, Shields, Siesko, Strouse, Teitler, Utevsky, Williams, Wilson. **OPPOSED:** Landeche. **ABSTENTION:** Merker.

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

***City Parks Foundation - Madison Square Park***

WHEREAS, The City Parks Foundation in conjunction with the Public Art Fund has proposed an art installation in Madison Square Park from mid-June, 2002 to the end of September, 2002; and

WHEREAS, Two of the three components of the installation were approved by Community Board 5 in March 2002; and

WHEREAS, The third component of the proposal has now been presented to the Parks Committee; and

WHEREAS, The component, a sculpture named *Voyager*, is the work of Matthew Dalziel and Louise Scullion, and would consist of three exploration-style tents made of cast aluminum; and

WHEREAS, Each of the three tents of *Voyager* will be situated within the graveled south central part of the park, will have dimensions of approximately 4" x 3 ½" x 11", and weighing 400 lbs. apiece will be too heavy to be removed or relocated in the park by non-authorized persons; and

WHEREAS, The tents will be lit at night from above, using present electrical sources from extended light poles; and

WHEREAS, In its ability to evoke an exotic setting the three-tent work will compliment both Mark Dion's interactive 19<sup>th</sup> century observation shed and Dan Graham's conceptual two-way mirror sculpture, which together comprise the rest of the approved 2002 installation; and

WHEREAS, The summer 2002 exhibit is the final of the three Target-funded "Art in the Park" installations; and

WHEREAS, The most recent Target "Art in the Park" installation was well-received; and

WHEREAS, The entirety of this installation is free and open to the public; and

WHEREAS, The City Parks Foundation assures Community Board 5 that all signage relating to "Target Art in the Park" will be removed at that same time that the exhibit is dismantled; therefore be it

**RESOLVED**, Community Board Five **recommends approval** of a special permit application for the City Parks Foundation for the third component of 2002 art exhibit in Madison Square Park from late June 2002 through late September 2002.

The resolution passed with a vote of 32 in favor, 0 opposed, 3 abstentions, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Bernstein, Besdin, Bledsoe, Block, Breidbart, Cook, Diamond, Elkins, Esper, Farris, Friedman, Gering, Guillet, Isebrand, Jhin, Landeche, Logan, Mills, Piker, Pollok, Rabin, Ress, Schwartz, Shields, Siesko, Teitler, Utevsky, Williams, Wilson. **ABSTENTIONS:** Mendes, Merker, Strouse.

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

**Ms. Barbero introduced Suzanne Esper who presented the following resolution:**

### ***Bloom Ballroom Entertainment Inc. – 48 West 21<sup>st</sup> Street – application for an on-premises liquor license***

WHEREAS, Bloom Ballroom Entertainment, Inc. located at 48 West 21st Street has applied for an on-premises liquor license; and

WHEREAS, The business has been operating as a bona fide catering establishment; and

WHEREAS, Community Board Five's support for the granting of said catering license was largely due to the assurances of the owner, Mr. Lesly Zamor, that the premises would be open and operating for private parties admitting only the invited guests of the person holding such private party or function, and would never be open to the public for promoted parties; and

WHEREAS, The intention is to physically alter the premises by adding permanent furniture and a bar to what is now an open 4250 sq. ft. ground floor; and

WHEREAS, The owner has stated that the catering establishment will expand to include walk-in business with 35% of the business lounge related; and

WHEREAS, This establishment, which (according to Mr. Zamor) occupies a 4250 sq. ft. ground floor and a 2,000 sq. ft. basement currently used for offices and has a Certificate of Occupancy for 360 persons, could, in a struggling economy, with a liquor license added to a catering license evolve into a bar/lounge/club; and

WHEREAS, The fragility of this location and the balance between residential and business interest is so swayed toward nightlife that the street is subjected to Community Board Five's liquor license moratorium -- there are approximately 17 liquor licenses and 9 clubs within 500ft. and 18 clubs within four blocks; and

*WHEREAS, This location falls within the Ladies Mile Historic District, and therefore no alteration can be made to the exterior (including signage, windows, roof, doors, lighting, etc) without approval from the Landmarks Preservation Commission; therefore, be it*

**RESOLVED**, That Community Board Five **does not recommend** the granting of an on-premises liquor license to Bloom Ballroom Entertainment located at 48 West 21st Street, because it is not in the public interest in view of:

1. the fragility of this location as described in the attached CB #5 resolution regarding a moratorium;

2. the continued concerns of residents;
3. the change in the applicant's original agreement – see attached resolution that was approved by Community Board Five, May 1998.

After a brief background on the moratorium for the area and a friendly amendment (see italics), the resolution passed with a vote of 31 in favor, 0 opposed, 2 abstentions, 1 present not entitled to vote, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Bernstein, Besdin, Bledsoe, Block, Breidbart, Cook, Diamond, Elkins, Esper, Farris, Friedman, Gering, Guillet, Isebrand, Jhin, Logan, Mendes, Mills, Piker, Pollok, Rabin, Ress, Schwartz, Shields, Strouse, Teitler, Utevsky, Williams. **ABSTENTION:** Merker. **PRESENT NOT ENTITLED TO VOTE:** Wilson.

## ● LANDMARKS ~ *JOYCE MATZ*

**Mr. Eric Gering introduced the following resolution on behalf of Ms. Matz:**

### ***244-254 West 52<sup>nd</sup> Street (Neil Simon Theater) - Certificate of Appropriateness***

WHEREAS, The Neil Simon Theatre is an interior landmark, built in 1926-27 and designed by noted theatre architect Herbert J. Krapp; and

WHEREAS, The plan is to add 95 seats in the orchestra and balcony, bringing the total seats to 1441 and allowing for ADA seating in the rear of the orchestra; and

WHEREAS, The new doors and those being enlarged will replicate existing architectural details, will allow for better circulation and will not significantly affect the beauty of the designated interior; and

*WHEREAS, The doors will be lightweight and ADA complaint; therefore be it*

**RESOLVED,** That Community Board Five **recommends approval** of the application to create doorway openings in the lobby and auditorium and alter the seating plan in the orchestra and balcony, since the plan preserves the integrity of the landmarked theatre interior.

After some discussion and a friendly amendment by Joan Piker (see italics), the resolution passed with a vote of 33 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Bernstein, Besdin, Bledsoe, Block, Breidbart, Cook, Diamond, Elkins, Esper, Farris, Friedman, Gering, Guillet, Isebrand, Jhin, Landeche, Logan, Mendes, Mills, Piker, Pollok, Rabin, Ress, Schwartz, Shields, Strouse, Teitler, Utevsky, Williams, Wilson. **ABSTENTION:** Merker.

## **Ms. Vikki Barbero took over the chair**

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

### ***50 West 17<sup>th</sup> Street (Ladies Mile Historic District) - Certificate of Appropriateness***

WHEREAS, 50 West 17<sup>th</sup> Street is a neo-Renaissance style store and loft building designed by James Connell, built in 1910-1911 and is within the Ladies Mile Historic District; and

WHEREAS, The application is for the central portion of the storefront only (Splash Bar NY), as the east and west portions of the façade will be filed under a separate application by the building's owner; and

WHEREAS, The limestone piers and granite pier bases will be restored to match the existing bases; and

WHEREAS, The original existing sign band will be restored and there will be no illuminated signage, no awnings and no roll down security gates; and

WHEREAS, Two proposed low-voltage, low wattage, 5" diameter recessed sidewalk light fixtures will be focused on the limestone and granite piers at the entry and will not interrupt the line of vision of passersby; and

WHEREAS, Four proposed low-voltage, low wattage, low-mounted façade light fixtures will subtly light the sidewalk surface at the entry and also will not interfere with the line of vision of passersby; and

WHEREAS, The existing variety of ventilation grilles will be rearranged into a more organized design of brushed stainless steel louvers, matching the brushed stainless steel window and door frames; and

WHEREAS, Three pairs of central doors (two pairs for entry and one pair for egress) will be etched glass with brushed stainless steel frames with 3" high letters, SBNY, etched at the center of each glass panel; and

*WHEREAS, The doors are lightweight and will be ADA compliant; therefore, be it*

**RESOLVED**, That Community Board Five **recommends approval** of this application, since its elements are respectful of the Ladies Mile Historic District.

After some discussion regarding the lettering on the door of the building in a Ladies Mile Historic District and a friendly amendment (see italics), the resolution passed with a vote of 32 in favor, 0 opposed, 1 abstention, 1 present not entitled to vote, as follows: **IN FAVOR:** Adesman, Baida, Bernstein, Besdin, Bledsoe, Block, Breidbart, Cook, Diamond, Esper, Elkins, Farris, Friedman, Gering, Guillet, Isebrand, Jhin, Logan, Mendes, Merker, Mills, Piker, Pollok, Rabin, Ress, Schwartz, Shields, Strouse, Teitler, Utevsky, Williams, Wilson. **ABSTENTION:** Merker. **PRESENT NOT ENTITLED TO VOTE:** Landeche.

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

***1501 Broadway (The Paramount Building) - Certificate of Appropriateness***

WHEREAS, The Paramount Building, an individual landmark, is a French Beaux-Arts style inspired skyscraper built in 1926-27 and designed by Rapp and Rapp; and

WHEREAS, The proposed two new awnings at Carmine's Restaurant on West 44<sup>th</sup> Street in the Paramount Building will match the color and signage of those on Ollie's restaurant down the block (that were approved in a previous master plan), and will be retractable, with the signage on the skirts; and

WHEREAS, The main entry doors of the restaurant will be enlarged one foot to accommodate additional occupancy and handicapped access; and

WHEREAS, The proposed ramp at the entry base will be polished black granite to match the existing material on the sign band and elsewhere, with a simple railing painted black; therefore be it

**RESOLVED**, That Community Board Five **recommends approval** of the application to install a handicapped ramp and new awnings at 1501 Broadway (The Paramount Building), since it does not adversely affect the historic landmark.

***79 Fifth Avenue (Ladies Mile Historic District) - Certificate of Appropriateness***

WHEREAS, 79 Fifth Avenue is a Beaux-Arts style store, loft and office building, built in 1904-1906, designed by Albert S. Gottlieb and is in the Ladies Mile Historic District; and

WHEREAS, The proposed storefront infill will generally restore five bays along 16<sup>th</sup> Street and one bay along Fifth Avenue; and

WHEREAS, The original tripartite window transoms will remain; and

WHEREAS, The easternmost bay on 16<sup>th</sup> Street will be modified to provide handicapped access and the mixed window/louver transom will become a fully louvered tripartite transom; and

WHEREAS, The windows will be restored to original full-pane configuration and trimmed with steel framed angles painted an appropriate color; and

WHEREAS, There will be no roll-down gates and the only signage will be a 1'-0" high by 1'-6" wide brushed nickel plaque, removably adhered to the entrance portal; therefore, be it

**RESOLVED**, That community Board Five **recommends approval** of this application, since its elements are appropriate to the Historic District.

After brief descriptions of projects, the bundled resolutions (2), passed with a vote of 33 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Bernstein, Besdin, Bledsoe, Block, Breidbart, Cook, Diamond, Elkins, Esper, Farris, Friedman, Gering, Guillet, Isebrand, Jhin, Landeche, Logan, Mendes, Merker, Mills, Piker, Pollok, Rabin, Ress, Schwartz, Shields, Strouse, Teitler, Utevsky, Williams, Wilson. **ABSTENTION:** Merker.

**Mr. Merker resumed the chair.**

***165 West 57<sup>th</sup> Street (Columbia Artists Management Inc. Building) - Certificate of Appropriateness***

WHEREAS, This six-story individual landmark, designed by architects George A. and Henry Boehm, and constructed in 1916, is a small and excellent example (75 feet high and 50 feet wide) of the Italian Renaissance style; and

WHEREAS, The building was recently landmarked; and

WHEREAS, The owner proposes to install two nine foot long brushed aluminum flagpoles, and the proposed installation will not damage the fabric of the building as the poles will rest on the loggia balustrade and be anchored behind to its deck, *and the anchoring will not be visible from the street*; and

WHEREAS, The poles would extend horizontally nine feet out from the building and carry flags that are 8 feet 1 inch long by 4 feet 10 inches wide; and

WHEREAS, The poles and flags, both in placement and size, are disproportionate impediments to the entirety of the landmark, and will impede views of the building's ornamental detail and the windows below the loggia; therefore, be it

**RESOLVED**, That Community Board Five **does not approve** *this application* for the installation of flagpoles on the Columbia Artists Management, Inc. building at 165 West 57<sup>th</sup> Street.

After some discussion regarding the length of flagpoles on a Landmark building and two friendly amendments (see italics), the resolution passed with a vote of 26 in favor, 6 opposed, 1 abstention, 1 present not entitled to vote, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Besdin, Bledsoe, Block, Breidbart, Cook, Diamond, Elkins, Esper, Farris, Friedman, Gering, Guillet, Isebrand, Jhin, Landeche, Logan, Mendes, Rabin, Ress, Shields, Strouse, Williams, Wilson. **OPPOSED:** Bernstein, Mills, Piker, Pollok, Schwartz, Utevsky. **ABSTENTION:** Merker. **OPPOSED:** Teitler.

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

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

### ***Loft Law Renewal***

WHEREAS, The Loft Law was passed in 1982 to create a framework under which former commercial "loft" buildings were to be legalized as residences; and

WHEREAS, On March 18, 2002, in response to the pending expiration of the Loft Law and public requests for extension of the Loft Law's provisions, the New York State Assembly passed three bills (A05578, A05579, and A05580) which would extend the Loft Law and expand its protections; and

WHEREAS, At that time, the Assembly bills were referred to the New York State Senate where the bills have remained in the committee on Housing, Construction and Community Development; and

WHEREAS, By the Senate not voting on the Loft Law by March 31, 2002, the law has continued only by temporary extension; therefore, be it

**RESOLVED**, That Community Board Five specifically encourages the Senate to include in its Loft Law legislation, provisions which:

- Renew the Loft Law without an expiration date,
- Prohibit owners who have rented commercial spaces for residential purposes from interrupting or discontinuing any services which have customarily been provided to the residential tenants,
- Allow a single residential tenant (instead of the current requirements of three residents) of a loft building to bring a specific performance action against an owner,
- Authorize the State of New York Mortgage Agency and the New York City Residential Mortgage Corporation to insure mortgages made for the purpose of achieving compliance with the Loft Law,
- Prohibit loft building owners from recovering possession of multiple units for his or her personal or his or her family's use and occupancy in an effort to vacate the building, and
- Amend the definition of "interim multiple dwelling" to include buildings occupied for residential purposes since January 1, 2000 thereby extending Loft Law protections to tenants of these buildings; and be it further

**RESOLVED**, Community Board Five strongly urges the State Senate to take up and pass Assembly bills A05578, A05579, and A05580, which extend the loft law and address the provisions above.

After much discussion regarding what protection the Loft Law offer and discussion regarding points the committee was requesting beyond the language of the Assembly Bills, the resolution was amended as follows:

Italics lower case = friendly amendments (Piker)

Italics upper case = unfriendly amendment (Shields)

WHEREAS, The Loft Law was passed in 1982 to create a framework under which former commercial "loft" buildings were to be legalized as residences; and

WHEREAS, On March 18, 2002, in response to the pending expiration of the Loft Law and public requests for extension of the Loft Law's provisions, the New York State Assembly passed three bills (A05578, A05579, and A05580) which would extend the Loft Law and expand its protections; and

WHEREAS, At that time, the Assembly bills were referred to the New York State Senate where the bills have remained in the committee on Housing, Construction and Community Development; and

WHEREAS, By the Senate not voting on the Loft Law by March 31, 2002, the law has continued only by temporary extension; therefore, be it

**RESOLVED**, That ~~WHEREAS~~, Community Board Five specifically encourages the Senate to include in its Loft Law legislation, provisions which:

- Renew the Loft Law without an expiration date,
- Prohibit owners who have rented commercial spaces for residential purposes from interrupting or discontinuing any services which have customarily been provided to the residential tenants,
- Allow a ~~single~~ *one or more* residential tenant (instead of the current requirements of three residents) of a loft building to bring a specific performance action against an owner,
- Authorize the State of New York Mortgage Agency and the New York City Residential Mortgage Corporation to insure mortgages made for the purpose of achieving compliance with the Loft Law,
- Prohibit loft building owners from recovering possession of ~~multiple~~ *more than one* units for his or her personal or his or her family's use and occupancy in an effort to vacate the building, and
- Amend the definition of "interim multiple dwelling" to include buildings occupied for residential purposes since January 1, 2000 thereby extending Loft Law protections to tenants of these buildings; and be it further

**RESOLVED**, Community Board Five strongly urges the State Senate to take up and pass Assembly bills A05578, A05579, and A05580, which extend the loft law and address the provisions above.

The friendly amendments were accepted and the unfriendly amendment was voted on and passed by a vote of 18 in favor, 7 opposed, 7 abstentions, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Bernstein, Besdin, Breidbart, Cook, Diamond, Elkins, Esper, Farris, Guillet, Jhin, Piker, Schwartz, Shields, Teitler, Wilson. **OPPOSED:** Bledsoe, Friedman, Gering, Mendes, Mills, Pollok, Ress. **ABSTENTION:** Block, Isebrand, Landeche, Logan, Merker, Utevsky, Williams.

### **There was an additional amendment (Shields) as indicated below**

WHEREAS, The Loft Law was passed in 1982 to create a framework under which former commercial "loft" buildings were to be legalized as residences; and

WHEREAS, On March 18, 2002, in response to the pending expiration of the Loft Law and public requests for extension of the Loft Law's provisions, the New York State Assembly passed three bills (A05578, A05579, and A05580) which would extend the Loft Law and expand its protections; and

WHEREAS, At that time, the Assembly bills were referred to the New York State Senate where the bills have remained in the committee on Housing, Construction and Community Development; and

WHEREAS, By the Senate not voting on the Loft Law by March 31, 2002, the law has continued only by temporary extension; therefore, be it

~~WHEREAS~~, Community Board Five specifically encourages the Senate to include in its Loft Law legislation, provisions which:

- Renew the Loft Law ~~without an expiration date~~ *THROUGH MARCH 2007*
- Prohibit owners who have rented commercial spaces for residential purposes from interrupting or discontinuing any services which have customarily been provided to the residential tenants,
- Allow a *one or more* residential tenant (instead of the current requirements of three residents) of a loft building to bring a specific performance action against an owner,

- Authorize the State of New York Mortgage Agency and the New York City Residential Mortgage Corporation to insure mortgages made for the purpose of achieving compliance with the Loft Law,
  - Prohibit loft building owners from recovering possession of *more than one* units for his or her personal or his or her family's use and occupancy in an effort to vacate the building, and
- Amend the definition of "interim multiple dwelling" to include buildings occupied for residential purposes since January 1, 2000 thereby extending Loft Law protections to tenants of these buildings; and be it further

**RESOLVED**, Community Board Five strongly urges the State Senate to take up and pass Assembly bills A05578, A05579, and A05580, which extend the loft law and address the provisions above.

The amendment to the resolution passed with a vote of 19 in favor, 11 opposed, 2 abstentions, as follows **IN FAVOR:** Adesman, Bernstein, Block, Breidbart, Cook, Diamond, Esper, Gering, Jhin, Landeche, Logan, Mendes, Piker, Schwartz, Shields, Teitler, Utevsky, Williams, Wilson. **OPPOSED:** Baida, Barbero, Besdin, Bledsoe, Elkins, Friedman, Guillet, Isebrand, Mills, Pollok, Ress. **ABSTENTION:** Farris, Merker.

The amended resolution then passed with a vote of 26 in favor, 3 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Bernstein, Besdin, Bledsoe, Breidbart, Cook, Diamond, Esper, Farris, Friedman, Gering, Guillet, Isebrand, Logan, Mendes, Mills, Piker, Pollok, Ress, Schwartz, Shields, Teitler, Williams, Wilson. **OPPOSED:** Block, Landeche, Utevsky. **ABSTENTION:** Merker.

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

***Displacement of Homeless from Bellevue Men's Shelter***

WHEREAS, The Economic Development Corporation (EDC) has awarded New York University (NYU) with the privatization of 6.7 acres of Bellevue Hospital Center (BHC) not currently in use and not slated for future use by the hospital; and

WHEREAS, The 30<sup>th</sup> Street Men's Shelter building is located within this area; and

WHEREAS, The renovations to be undertaken by NYU do not include the reopening of the Men's Shelter; and

WHEREAS, The Shelter houses 850 homeless single men; and

WHEREAS, The 30<sup>th</sup> Street Shelter also serves as Manhattan's only intake center for homeless single men; and

WHEREAS, The Shelter also serves as a "bus depot", where New York City homeless can travel to and from an Orange County housing facility serving approximately 1,000 men; and

WHEREAS, The closing of the Shelter is scheduled take place at a time when the city is severely lacking beds and intake centers for the homeless; and

WHEREAS, The shelter closing would result in the displacement of 850 or more homeless men in New York City; therefore be it

**RESOLVED**, Community Board Five urges the City not approve the EDC lease to NYU until such time as a specific and feasible plan is in place to retain shelter, transportation, and intake services for the homeless that would be displaced by the closing of the 30<sup>th</sup> Street Men's Shelter.

The resolution passed with a vote of 30 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Baida, Barbero, Bernstein, Besdin, Bledsoe, Block, Breidbart, Cook, Diamond, Esper, Farris, Friedman, Gering, Guillet, Isebrand, Jhin, Landeche, Logan, Mendes, Mills, Piker, Pollok, Ress, Schwartz, Shields, Teitler, Utevsky, Williams, Wilson. **ABSTENTION:** Merker.

**There being no further business the meeting adjourned at 10:25 PM.**

Respectfully submitted,

David Diamond  
Secretary