

**THE BOROUGH OF MANHATTAN**  
*C. VIRGINIA FIELDS, PRESIDENT*  
**MANHATTAN COMMUNITY BOARD FIVE MINUTES**  
*KYLE MERKER, CHAIR*  
**THURSDAY, JANUARY 10, 2002**

Minutes of the regular Community Board #5 meeting held on **Thursday, January 10, 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  
Vikki Barbero  
Muriel Bernstein  
Adeena Besdin  
Paul Connolly  
David Diamond  
Suzanne Esper  
Lola Finkelstein  
Eric Gering  
Scott Isebrand  
Brian Landeche  
Howard Mendes  
Kyle Merker  
Michael Presser  
David Rabin  
Rosalie Shields  
David Siesko  
Maxine Teitler  
Brad Wilson

**Excused**

Robert Baublitz  
Candy Cook  
Sharon Friedman  
Jackson Jhin  
Joan Piker  
Mickey Schwartz  
Michael Utevsy  
Bonnie Williams

**Present Part**

Michael J. Levine  
Joyce Matz  
Michael Royce

**Absent**

Judith Breidbart  
Grace Forrester  
Carl Pasbjerg  
Evelyn Strouse  
Lawrence Zucker

**Public Members**

George Elkins  
Kevin Guillet  
Jon Schachter  
Lee Silver

**Public**

Donna Abbaticchio  
Elena Klinsey  
Gwynith Evans  
Sr. Elizabeth Hasselt  
Michael Spillane  
Jim McManus  
Sharie Ahmad  
Andrew Forsyth  
Kelly Williams  
Saul Victor  
Margi Foster  
Doreen Seligson  
Kristin Almquist  
Sharon Kleitz  
Robert Ferrari  
Aaron Block

**Elected Officials**

**Nicole Johnson**  
Borough President C. Virginia Fields  
**Andree Tenemas**  
Councilwoman Margarita Lopez  
**Emily Negrau**  
Councilmember Christine Quinn  
**Dan Golub**  
Assembly Member Richard Gottfried  
**Brad Usher**  
State Senator Thomas Duane

**Staff**

**Kathy Kinsella**  
District Manager  
**Cindy Perez**  
Community Associate  
**Kim Rodney**  
Community Associate

**PUBLIC SESSION**

**At 6:15 p.m. the Full Board meeting of Community Board Five was called to order. Kyle Merker presiding.**

**Sr. Elizabeth Hasselt – Encore Community Services** - spoke briefly regarding the street fair held by Encore every year and asked for the Board's support.

**Jim McManus – McManus Democratic Club** – asked for the Board's support for a street fair to be held on Seventh Avenue.

**Kelly Williams – Resident of 30<sup>th</sup> Street** – spoke about problems with Club Downtime on her street. She thanked the Public Safety and Quality of Life Committee for their help.

**Saul Victor – Attorney for 225 Ruby Foo's** – introduced Ruby Foo's proposal to operate at 225 Park Avenue South.

**Dan Golub – Assembly Member Richard Gottfried** – stated Assembly Member Gottfried's opposition to a zoning amendment that would allow the transfer of required entertainment use out of the area. He also spoke about the State's lack of a plan to deal with people coming off public health benefits.

**Kristin Almquist – New Spirit Café** – stated that New Spirit Café is a project of Marble Collegiate Church and will be a 5000 feet facility, operating as a non-profit community center.

**Robert V. Ferrari – Attorney for New Spirit Café** – explained the applicant's opposition to signing stipulations to the liquor license that were requested by the Public Safety & Quality of Life Committee in conjunction with New Spirit Café's application for a wine license. He then asked for the Board's support of the application.

## BUSINESS SESSION

Nicole Johnson – Manhattan Borough President’s Office – asked Board Members to submit their renewal applications.

### ● CHAIR’S REPORT ~ *Kyle Merker*

Mr. Merker thanked everyone for their support to his family in their loss. Mr. Merker also thanked the Board staff and officers of the Board and the staff for pulling everything together in his absence.

Chair Merker spoke of the budget cuts to the Board Office and ask for members support in pitching in. He also announced that as a cost cutter and time saver, the office will be sending out meeting notices and minutes via e-mail. He asked that Board Members with e-mail address contact the office with this information.

Mr. Merker spoke of his request to members in heavily populated committee to consider moving to a committee with fewer members. He also spoke of the decrease in Board Members and informed the Board that he appointed Aaron Block as a Public Member.

Mr. Merker spoke to Board Members regarding Conflict of Interest and explained what constitutes a conflict and what members who find themselves in this position should do in terms of voting and speaking on the item.

Mr. Merker then announced his intent to run for an additional term.

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

District Manager Kinsella thanked Cindy Perez, Community Associate at the Board Office, for the time she put into the upgrading of the Member Directory and asked that the members check and make sure information is correct and up-to-date.

Ms. Kinsella informed the Board Members that office hours will be from 9:30 a.m. to 5:30 p.m., Monday through Friday, but the complaint line will accept complaints 24 hours a day.

Ms. Kinsella then informed the Board that of the two Police Officers from the 13<sup>th</sup> Police Precinct missing, Officer Fazio’s body was recovered.

Ms. Kinsella reminded anyone interested about the affordable housing opportunity available at 66 West 38<sup>th</sup> Street, and wished everyone a happy New Year.

### ● VOTE ON MINUTES OF THE DECEMBER 13, 2001 BOARD MEETING

The minutes were corrected on page 4, first resolution in the Public Safety and Quality of Life section to read *Ms. Maxine Teitler then introduced the following resolution* and approved by a vote of 19 in favor, 0 opposed, 1 abstention as follows: **IN FAVOR:** Adesman, Barbero, Bernstein, Besdin, Connolly, Diamond, Esper, Finkelstein, Gering, Isebrand, Landeche, Levine, Mendes, Presser, Rabin, Shields, Siesko, Teitler, Wilson. **ABSTENTION:** Merker.

## COMMITTEE REPORTS

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

Mr. Michael Levine presented the following bundled resolutions (4) on behalf of Mr. Schwartz:

#### *Meretz/Israeli Civil Rights Education Fund – Street Festival*

WHEREAS, Meretz/Israeli Civil Rights Education Fund has filed an application to hold a street festival on July 14, 2002, on Lexington Avenue, between 34<sup>th</sup> and 42<sup>nd</sup> Streets; therefore be it

**RESOLVED**, That Community Board Five **recommends approval** for the application for a street festival for Meretz/Israeli Civil Rights Education Fund.

#### *Gay & Lesbian Independent Democrats – Street Festival*

WHEREAS, The Gay & Lesbian Independent Democrats has filed an application to hold a street festival on Sunday, July 21, 2002, on 58<sup>th</sup> Street, between 5<sup>th</sup> and Madison Avenues; therefore be it

**RESOLVED**, That Community Board Five **recommends approval** for the application by the Gay & Lesbian Independent Democrats to hold a street festival.

***Encore Community Services – Street Festival***

WHEREAS, Encore Community Services has filed an application to hold a street festival on Sunday, October 20, 2002, on Seventh Avenue, between 47<sup>th</sup> and 57<sup>th</sup> Streets; and

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

**RESOLVED**, That Community Board Five **recommends approval** for the application by Encore Community Services to hold a street festival.

***James McManus Democratic Club – Street Festival***

WHEREAS, The James McManus Democratic Club has filed an application to hold a street festival on Sunday, October 6, 2002, on Seventh Avenue, between 47<sup>th</sup> and 57<sup>th</sup> Streets; therefore be it

**RESOLVED**, That Community Board Five **recommends approval** for the application by the James McManus Democratic Club to hold a street festival.

The bundled resolutions (4), passed with a vote of 19 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Bernstein, Besdin, Connolly, Diamond, Esper, Finkelstein, Gering, Isebrand, Landeche, Levine, Mendes, Presser, Rabin, Shields, Siesko, Teitler, Wilson. **ABSTENTION:** Merker.

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

***Newsstand Application # 1093963 – S/W/C of 57<sup>th</sup> Street, between 7<sup>th</sup> Avenue and Broadway***

WHEREAS, An application was made to operate a newsstand at the S/W/C of 57<sup>th</sup> Street, between 7<sup>th</sup> Avenue and Broadway; and

WHEREAS, Placement of a newsstand at this location would have a severely negative impact on pedestrian flow; therefore, be it

**RESOLVED**, That Community Board Five **recommends denial** of the application for a newsstand at the S/W/C of 57<sup>th</sup> Street, between 7<sup>th</sup> Avenue and Broadway for the reasons stated above.

After some discussion, the resolution passed with a vote of 19 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Bernstein, Besdin, Connolly, Diamond, Esper, Finkelstein, Gering, Isebrand, Landeche, Levine, Mendes, Presser, Rabin, Shields, Siesko, Teitler, Wilson. **ABSTENTION:** Merker.

**● TRANSPORTATION/ENVIRONMENT ~ MICHAEL LEVINE**

**Mr. Michael Levine introduced the following bundled resolutions (2):**

***Proposed modification of signage on the east side of Eighth Avenue (Part I), between 42<sup>nd</sup> Street and Columbus Circle. (Night Regulations)***

WHEREAS, The parking rules and signage on the east side of Eighth Avenue between 42<sup>nd</sup> Street and Columbus Circle do not facilitate the most efficient and advantageous use of parking spaces on that side of the street; and

WHEREAS, Community Board Four has submitted recommendations for new signage on the west side of Eighth Avenue between 42<sup>nd</sup> Street and Columbus Circle; and

WHEREAS, The aforementioned section of the east side of Eighth Avenue is adjacent to areas frequented by theater and restaurant patrons and parking regulations should facilitate the availability of longer term parking for those patrons; and

WHEREAS, The City of New York could derive financial benefit from those patrons by charging for parking along that section of Eighth Avenue during theater hours; and

WHEREAS, The new Munimeters currently in operation on other streets in CB5 have the capability of allowing up to six (6) hours of parking with minimal encroachment into pedestrian walkways; therefore, be it

**RESOLVED**, That Community Board Five recommends the following evening changes to parking regulations on Eighth Avenue between 42<sup>nd</sup> Street and Columbus Circle:

1. The entire section should be designated six hour metered parking from 7pm to 1am and Munimeters shall be installed to regulate such parking. The designated six-hour parking shall exclude areas currently designated as bus stops, fire department special zones, and hotel loading zones.

2. The entire section should be designated for free parking from 1am to 7am. The designated free parking should exclude areas currently designated as city bus stops, fire department special zones, and hotel loading zones, but should include tour bus loading zones which are not in use during those hours.

**Proposed modification of signage on the east side of Eighth Avenue (Part II), between 58<sup>th</sup> Street and Columbus Circle. (Day Regulations)**

WHEREAS, The Department of Transportation currently has no posted regulations on the east side of Eighth Avenue between 58<sup>th</sup> Street and Columbus Circle; and

WHEREAS, Said area is heavily trafficked and congested during daytime hours due to vehicles slowing as they approach Columbus Circle; and

WHEREAS, Said area should have parking regulations similar to those on the adjacent section of the east side of Eighth Avenue; therefore, be it

**RESOLVED**, That Community Board Five recommends that the Department of Transportation change the parking regulations on the east side of Eighth Avenue between 58<sup>th</sup> Street and Columbus Circle between the hours of 7am and 7pm from the current status of no regulation to No Standing Any Time, and that the DOT change the parking regulations during evening hours to reflect the changes recommended by CB5 in a concurrent resolution affecting parking regulations on the east side of Eighth Avenue between 42<sup>nd</sup> Street and Columbus Circle.

After comments that Community Board Four passed similar recommendations for the west side of Eighth Avenue, the bundled resolutions (2) passed with a vote of 19 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Bernstein, Besdin, Connolly, Diamond, Esper, Finkelstein, Gering, Isebrand, Landeche, Levine, Mendes, Presser, Rabin, Shields, Siesko, Teitler, Wilson **ABSTENTION:** Merker.

**● PARKS ~ SCOTT ISEBRAND**

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

***Mighty Mutts Inc. – Animal Adoption in Union Square Park***

WHEREAS, Mighty Mutts has applied for a special events permit for Saturdays through January and February 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 both the growing size of their weekly park event and the ongoing concerns of NYC/Parks & Recreation for keeping the flow of pedestrian traffic unimpeded throughout the park and its sidewalks; and

WHEREAS, Due to ongoing construction in Union Square Parks, Mighty Mutts has for the last two months been relocated to the northern section of Union Square's southeast traffic triangle; and

WHEREAS, Mighty Mutts has suffered a steep decline in adoption rates since the relocation; 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, NYC/Parks & Recreation expects a March completion date for the construction at the southern end of the park; and

WHEREAS, Mighty Mutts wishes to relocate as soon as possible after construction completion to a section of the park that enjoys greater foot traffic, and will apply at such time to be permitted to do so; and

WHEREAS, Community Board 5 looks forward to being able to work with Mighty Mutts and NYC/Parks & Recreation to explore other location possibilities *within Union Square Park* for the applicant as soon as they become available; therefore be it

**RESOLVED**, Community Board Five 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 through the duration of construction in the southern part of the park.

After some discussion and a friendly amendment (see italics), the resolution passed with a vote of 18 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Bernstein, Besdin, Connolly, Diamond, Esper, Finkelstein, Gering, Isebrand, Landeche, Mendes, Presser, Rabin, Shields, Siesko, Teitler, Wilson. **ABSTENTION:** Merker.

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

***Seventh on Sixth – Fashion Shows in Bryant Park***

WHEREAS, The Seventh on Sixth fashion show (hereafter, “the applicant”) has applied for a special event permit for Bryant Park’s lawn and fountain terrace for January 30 – February 19 for its 2002 fall/winter show; and

WHEREAS, The applicant moved three of five generators from 40<sup>th</sup> Street to 6<sup>th</sup> Avenue for the fall 2001 show in an effort to address community complaints regarding pedestrian and vehicular traffic, and the applicant will do the same for the 2002 fall/winter show; and

WHEREAS, The applicant is reducing this year’s fall/winter show (as compared to last years fall/winter show) from four to two tents, and from 72 to 25 events; and

WHEREAS, The applicant is also reducing this year’s fall/winter show to 21 days; and

WHEREAS, Community Board Five encourages the applicant always to come before the board in a timely manner so that community concerns can be aired with time remaining for them to be acted upon; and

WHEREAS, The applicant has agreed to come back to Community Board Five in April to discuss possible concerns with the 2002 spring/summer show; and

WHEREAS, Community Board Five appreciates the global importance of the American fashion industry, and the special importance of the industry to both the city and this Board; therefore be it

**RESOLVED**, That Community Board Five recommends the granting of a permit to the Seventh on Sixth fashion show for January 30 – February 19, 2002.

After some discussion, the resolution passed with a vote of 19 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Bernstein, Besdin, Connolly, Diamond, Esper, Finkelstein, Gering, Isebrand, Landeche, Matz, Mendes, Presser, Rabin, Shields, Siesko, Teitler, Wilson. **ABSTENTION:** Merker.

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

**Ms. Barbero asked Ms. Maxine Teitler to introduce the following resolution.**

***225 Ruby Foo’s LLC – 225 Park Avenue South – application for an on-premises liquor license***

WHEREAS, The applicant for 225 Ruby Foo’s LLC has applied to the New York State Liquor Authority for an on-premises liquor license at 225 Park Avenue South, street level; and

WHEREAS, Stephen Hanson, a principal of this new establishment, is a well-known NYC restaurateur, and successfully operates four other restaurants in Community Board Five, including Blue Water Grill and Park Avalon in the immediate Union Square area; and

WHEREAS,

1. The entrance to the premises will be on 18<sup>th</sup> Street with no presence on Park Avenue South;
2. the premises will be approximately 5,000 square feet on street level and approximately 1,500 square feet on the basement level;
3. the certificate of occupancy will be approximately 225- 250;
4. the basement area will be only for the establishment infrastructure not for the public;
5. the hours of operation will be from 11:30 a.m. to 12: 30/1:00 a.m. weekdays, and 11:30 a.m. to 1: 00/1:30 a.m. weekends;
6. the garbage will be refrigerated;
7. the wait area will be inside to establishment; and

WHEREAS, The applicant has stipulated that there will be no application for a cabaret license and that there will be no live music, only canned; and

WHEREAS, The applicant has stipulated that there will be no application for a sidewalk café; and

WHEREAS, The applicant has agreed to advise the Community Board if the final design has windows that swing open; and

WHEREAS, These premises are subject to a State Liquor Authority 500 foot hearing; therefore be it

**RESOLVED, That based on the above, Community Board Five recommends that the on-premises liquor license be approved for 225 Ruby Foo's, LLC, located at 225 Park Avenue South.**

The resolution passed with a vote of 17 in favor, 0 opposed, 1 abstention, 2 present not entitled to vote, as follows: **IN FAVOR:** Adesman, Barbero, Bernstein, Besdin, Connolly, Diamond, Esper, Finkelstein, Gering, Isebrand, Landeche, Matz, Mendes, Presser, Shields, Siesko, Teitler. **ABSTENTION:** Merker. **PRESENT NOT ENTITLED TO VOTE:** Rabin, Wilson.

***Chase's 255, LLC – 255 West 55<sup>th</sup> Street – application for Alteration and Renewal***

WHEREAS, The applicant for Chase's 225, LLC, James W. Hitchcock, has applied to the New York State Liquor Authority for a renewal of the liquor license and has also submitted an application for alteration at 255 West 55<sup>th</sup> Street, street level; and

WHEREAS, The applicant is removing a bar on a lower level seating eight and replacing this with *table* seating for five; and

WHEREAS, The occupancy is 100 people and there is no request for a cabaret license and there will be no live music; and

WHEREAS, There is no record of complaints from the police department and no complaints on file in the community board office from neighbors and community; therefore be it

**RESOLVED, That based on the above, Community Board #5 recommends that the liquor license renewal and alteration be approved for Chase's 255 LLC, located at 255 West 55<sup>th</sup> Street.**

After a friendly amendment (see italics), the resolution passed with a vote of 18 in favor, 0 opposed, 1 abstention, 1 present not entitled to vote, as follows: **IN FAVOR:** Adesman, Barbero, Bernstein, Besdin, Connolly, Diamond, Esper, Finkelstein, Gering, Isebrand, Matz, Mendes, Presser, Rabin, Shields, Siesko, Teitler, Wilson. **ABSTENTION:** Merker. **PRESENT NOT ENTITLED TO VOTE:** Landeche.

**Ms. Barbero then asked Mr. Brian Landeche to present the following resolution:**

***Namu Inc. – 36 East 20<sup>th</sup> Street – application for an on-premises liquor license***

WHEREAS, Namu Inc. has applied for an on-premises liquor license for a restaurant and bar located at 36 East 20<sup>th</sup> Street; and

WHEREAS, The owner, Mr. Steven Chang, has prior experience in the restaurant and gourmet deli business, and intends to serve innovative Asian fusion cuisine, including tapas-style dishes; and

WHEREAS, The establishment does fall within 500 feet of more than three licensed premises, and will be subject to a State Liquor Authority 500 foot rule hearing; and

WHEREAS, In the event of any private parties, the owner will notify Community Board Five and the local Police Precinct; and

WHEREAS, The neighborhood was posted with notice of the impending application and no residents appeared to oppose said application; and

WHEREAS, The restaurant will have a total square footage of approximately 3200 sq. ft. on the ground floor, plus a private dining room in the basement, with a total applied for occupancy of not more than 199 persons for the entire premises; and

WHEREAS, This location falls within the Ladies Mile Historic District, and therefore no alterations can be made to the exterior without approval from the Landmarks Commission; therefore be it

**RESOLVED, That Community Board Five recommends approval of an on-premises liquor license for Namu Inc., located at 36 East 20<sup>th</sup> Street.**

The resolution passed with a vote of 18 in favor, 1 opposed, 1 abstention as follows: **IN FAVOR:** Adesman, Barbero, Bernstein, Besdin, Connolly, Diamond, Esper, Finkelstein, Gering, Isebrand, Landeche, Matz, Mendes, Presser, Rabin, Shields, Siesko, Wilson. **OPPOSED:** Teitler. **ABSTENTION:** Merker.

**Ms. Barbero then announced that the Committee withdrew the following item:**

***Sehyun Inc. – 281 Fifth Avenue – application to change to on-premises Liquor license***

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

***New Spirit Café Inc. – 43 West 24<sup>th</sup> Street – Renewal of an on-premises liquor license***

WHEREAS, The applicant for New Spirit Café Inc., a subsidiary of Marble Collegiate Church, has applied to the New York State Liquor Authority for a wine and beer license at 43 West 24<sup>th</sup> Street, street level; and

WHEREAS, The premises are 5,000 square feet on street level and 3,000 square feet in the basement; and

WHEREAS, This relatively large space is on a block that residents have brought to the attention of the Board as being congested and noisy due to the existence of liquor licensed establishments that are noisy and disruptive and bring heavy pedestrian and vehicular traffic to the area: and

WHEREAS, Should the applicant no longer be the occupant of these premises, Community Board Five is concerned and has asked for stipulations regarding the future use of the premises, i.e.,

- that they will not seek to change from a beer and wine license to an on-premises liquor license;
- that they will not make any assignment of the lease to the premises without first notifying the Community Board; the buyers shall submit themselves to the Community Board for its approval prior to any assignment being made or agreed to;
- that should they make an assignment of the lease to the premises after seeking and obtaining an on-premises liquor license, they will surrender their license in safekeeping to the State Liquor Authority and ultimately surrender same such that the Community Board may treat that application as a new entity (triggering a 500 foot hearing); and

WHEREAS, **The applicant has refused to agree to any of the above stipulations;** therefore be it

**RESOLVED,** Community Board Five **does not recommend approval** of the wine and beer license for New Spirit Café, Inc., located at 43 West 24<sup>th</sup> Street, due to the size of the premises and the problems that have been cited by the community regarding other licensed establishments on this block.

After discussion regarding the applicant's refusal to agree to the stipulations requested by the Public Safety & Quality of Life Committee, the resolution passed with a vote of 19 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Bernstein, Besdin, Connolly, Diamond, Esper, Finkelstein, Gering, Isebrand, Landeche, Matz, Mendes, Presser, Rabin, Shields, Siesko, Teitler, Wilson. **ABSTENTION:** Merker.

● **LANDMARKS ~ JOYCE MATZ**

**Ms. Joyce Matz introduced the following bundled resolutions (2):**

***Certificate of Appropriateness – 140 West 57<sup>th</sup> Street***

WHEREAS, The Beaufort is an individual landmark and one of a pair of artists' studio buildings designed by Pollard and Steinman and constructed in 1907-08; and

WHEREAS, Because of street widening in the early 1900s the ground floor was greatly altered prior to designation, with the removal of original stairs and columns; and

WHEREAS, There is an effort now to remove inappropriate changes to the ground floor, strip and restore the cornice, clean and restore remaining limestone and preserve and restore whatever else remains of the original elements; and

WHEREAS, There will be granite at the base of the pilasters and large clear glass windows, and opaque glass covering a wall; and

WHEREAS, The signage is appropriate with 3-inch foil letters adhered to the glass and 5-inch satin steel letters above the windows; and

WHEREAS, There is a nine-foot high door which is accessible; therefore be it

**RESOLVED,** That Community Board Five **recommends approval** of the proposed alterations to the storefront because they are harmonious with the landmark.

***Certificate of Appropriateness – 31 Union Square West (The Bank of Metropolis)***

WHEREAS, The Bank of Metropolis is an individual landmark, built in 1902-03; and

WHEREAS, The applicant recently applied to the Community Board and the Landmarks Preservation Commission (which has taken no action) for permission to replace windows on the 8-12th floors only; and

WHEREAS, The Community Board denied that application and recommended that a master plan for all the windows be put in place; and

WHEREAS, The applicant has now submitted such a master plan, in which the profile of the new aluminum windows will match the old exactly, and the frames will not be larger so that there will be no loss of glass; and

WHEREAS, The changes to 200 out of 600 windows (floors 8-12) will be done now with the rest completed as agreed to over the next year and a half; therefore be it

**RESOLVED**, That Community Board Five recommends approval of the master plan to replace the windows at 31 Union Square West (The Bank of Metropolis).

The bundled resolutions (2) passed with a vote of 20 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Bernstein, Besdin, Connolly, Diamond, Esper, Finkelstein, Gering, Isebrand, Landeche, Matz, Mendes, Presser, Rabin, Royce, Shields, Siesko, Teitler, Wilson. **ABSTENTION:** Merker.

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

***Certificate of Appropriateness – 676 Sixth Avenue (the Tomato Restaurant)***

WHEREAS, This is a neo-Renaissance style store building in the Ladies Mile Historic District, designed by Samuel B. Ogden and built in 1900, and altered in 1963; and

WHEREAS, The proposed ramp is concrete with a hand-painted rail and is minimal in size; and

WHEREAS, There is another entrance on 21<sup>st</sup> street that is handicapped accessible and has signage and is used by the public as an active entrance to the restaurant; and

WHEREAS, The Community Board has consistently encouraged applicants to find other ways to make stores handicapped accessible without installing ramps in historic districts (ramps negatively impact on the beauty and harmony of the historic district); and

WHEREAS, The Community Board and the Commission recently turned down a ramp in the Madison Square Historic District and the applicant was able to find another accessible entrance into his store without building a ramp; and

WHEREAS, The Board encourages the Landmarks Commission and the Buildings Department to allow the 21<sup>st</sup> street entrance to the restaurant to serve as the accessible entrance since it is used by many patrons as an equally primary entrance, and a ramp installed on 6<sup>th</sup> Avenue in the Ladies' Mile will encourage the installation of other ramps at landmarks and in historic districts; therefore be it

**RESOLVED**, That Community Board Five **does not approve** the ramp and urges the Landmarks Commission to allow the 21st street entrance to serve as the restaurant's accessible entry.

The resolution passed with a vote of 19 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Adesman, Barbero, Besdin, Connolly, Diamond, Esper, Finkelstein, Gering, Isebrand, Landeche, Matz, Mendes, Presser, Rabin, Royce, Shields, Siesko, Teitler, Wilson. **ABSTENTION:** Merker.

**There being no further business the meeting adjourned at 7:35 PM.**

Respectfully submitted,

David Diamond  
Secretary