

**THE BOROUGH OF MANHATTAN**  
**C. VIRGINIA FIELDS, PRESIDENT**  
**COMMUNITY BOARD FIVE MINUTES – THURSDAY, MARCH 08, 2001**  
**KYLE MERKER, CHAIR**

Minutes of the regular Community Board #5 meeting held on **Thursday, March 08, 2001**, at the Fashion Institute of Technology, 227 West 27<sup>th</sup> Street, “A” Building, 8<sup>th</sup> Floor, at 6:00 p.m. Kyle Merker, Chair, presiding. The tapes of the full meeting are available in the Board office.

**Members Present**

Vikki Barbero  
 Paul Connolly  
 David Diamond  
 Suzanne Esper  
 Sharon Friedman  
 Eric Gering  
 Reginald Grayson  
 Timothy Higdon  
 Scott Isebrand  
 Jackon Jhin  
 John J. Kennedy  
 George Kewin  
 Michael Levine  
 Joyce Matz  
 Howard Mendes  
 Kyle Merker  
 Anna Lou Pickett  
 Michael Royce  
 Mickey Schwartz  
 Rosalie Shields  
 Evelyn Strouse  
 Stephanie Thayer  
 Michael Utevsy  
 Brad Wilson  
 Lawrence Zucker

**Excused**

Adeena Besdin  
 Lola Finkelstein  
 Anita Linn  
 Peter Morgan  
 Joan Piker

**Present Part**

Brian Landeche  
 Steven Onne  
 Carl Pasbjerg  
 Michael Presser

**Absent**

Muriel Bernstein  
 Judith Breidbart  
 Grace Forrester  
 Scott Graham  
 Jay Sung Lee  
 Christopher Walcott

**Public Members**

Juliette Gordon  
 Kevin Guillet  
 Jon Schachter  
 Maxine Teitler  
 Joe Tucker  
 Florence Van Veen Peavy

Bonnie Williams

**Public**

Donna Abbaticchio  
 Alice Adesman  
 Gregory Askildsen  
 Arthur Bober  
 Barbara Brookhart  
 Christina Brown  
 Chas Calotta  
 Frank Connolly  
 Trishala Deb  
 Courtney Dentch  
 Paul Falick  
 Harvey Ganot  
 Jerry Goldman  
 Stephanie Greenwood  
 Richard Griggs  
 Alexis Jon Keeton  
 Stuart Klein  
 Amy Laubach  
 Yvette Martinez  
 Morgan McLean  
 Mumtaz Mir  
 Hannah Mir  
 Kia Morley  
 Randolph Nieves  
 Douglas Paul

Joan Ramer  
 Tony Sanchez  
 Svati Shah  
 May Song  
 Atif Toor  
 Susan Welt  
 Malina Yung

**Elected Officials**

Nicole Johnson  
 Borough President C. Virginia Fields  
  
 Leah Kane  
 Councilmember Jerrold Nadler  
  
 Lucy Mayo  
 Senator Thomas K. Duane  
  
 Emily Negrau  
 Councilmember Christine Quinn  
  
 Michael Rabinowitz  
 Assembly Member Richard Gottfried

**Staff**

Kathy Kinsella  
 District Manager  
  
 Cindy Perez  
 Community Associate

**PUBLIC SESSION**

**Susan Cole – Settlement Housing Fund** – announced an affordable housing opportunity at 200 West 26<sup>th</sup> Street.

**Jerry Goldman – United Federation of Teachers** – spoke of the Education crisis and the shortage of teachers.

**Svati Shah – South Asian Lesbian & Gay Assoc.** – spoke of SALGA exclusion from participating in the Federation of Indian Associations events.

**Trishala Deb – South Asian Lesbian & Gay Assoc.** – stated that SALGA appreciated the Board’s part in supporting its inclusion in the Federation of Indian Association (FIA) events and hopes that the Board will once again get involved in making sure the FIA event is inclusive.

**Jon Schachter – 13<sup>th</sup> Precinct Community Council** – stated that he is working with the police on the issue of pedestrian safety regarding delivery bikes.

**Douglas Paul – South Asian Lesbian & Gay Assoc.** – thanked the Board for its intervention last year, which resulted in SALGA’s inclusion in the Federation of Indian Association events.

**Kia Morley – The Epilepsy Institute** – informed the Board of the prevalence of epilepsy and the institute’s availability as an information resource.

**Atif Toor – South Asian Lesbian & Gay Assoc.** – stated that the Federation of Indian Association has been unresponsive to the South Asian Lesbian & Gay Association’s (SALGA) request to be included in the Indian Day Parade.

**Paul Falick – 33 E. 22<sup>nd</sup> Street Tenants Corporation** – informed the Board that they have information that an application for a sidewalk café would be filed for Tamarind Restaurant (Rattan) and stated that neighbors in his building oppose this café.

**Janet Kleinbaum – Resident of 33 E. 22<sup>nd</sup> Street** – waived speaking time since previous speaker spoke on the issue of Tamarind Restaurant.

**May Song – Falun Gong** – spoke about growing support for Falun Gong, a self-help philosophy program.

## BUSINESS SESSION

### ● VOTE ON MINUTES OF THE FEBRUARY 08, 2001 BOARD MEETING

The minutes were approved by a vote 24 in favor, 0 opposed, 1 abstention as follows: **IN FAVOR:** Barbero, Diamond, Esper, Friedman, Gering, Higdon, Isebrand, Jhin, Kennedy, Kewin, Levine, Matz, Mendes, Onne, Pickett, Presser, Royce, Schwartz, Shields, Strouse, Thayer, Utevsky, Wilson, Zucker. **ABSTENTION:** Merker.

### ● CHAIR'S REPORT ~ *Kyle Merker*

Mr. Merker announced that he had several “housekeeping items” that needed to be addressed. First he announced that Scott Graham has had exceptionally poor attendance and was unresponsive to calls from both the Chair and the Board office. A registered, return receipt letter was sent to Mr. Graham on this matter. Although the office received confirmation of delivery, Mr. Graham has still not responded. Mr. Merker asked for a **motion to remove Scott Graham from the Board due to lack of attendance**. Evelyn Strouse offered the motion with a second from Vikki Barbero. A vote was taken as follows: **25 in favor** (Barbero, Connolly, Diamond, Esper, Friedman, Gering, Higdon, Isebrand, Jhin, Kennedy, Kewin, Levine, Matz, Mendes, Onne, Pickett, Presser, Royce, Schwartz, Shields, Strouse, Thayer, Utevsky, Wilson, Zucker); **0 opposed and 1 abstention** (Merker).

Chair Merker then stated that Anita Linn would not be returning to the Board and her term expires at the end of the month and that her position as Board Treasurer would need to be filled. Mr. Merker then asked for nominees to fill her position until the next election of officers. David Diamond nominated Brad Wilson for the position, which was seconded by Scott Isebrand. There were no further nominations.

Mr. Merker then announced the nominating committee for the selection of officers. This announcement was made a month earlier than usual due to the fact that Mr. Merker will not be attending next month's meeting. The committee will consist of Paul Connolly, Reggie Grayson, George Kewin, Mickey Schwartz and Stephanie Thayer.

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

Ms. Kinsella opened her report with a request that Committee Chairs e-mail their draft resolutions for the packet to the Board office rather than fax them. She stated that this was a more efficient process. She also requested that drafts be sent as soon as possible after the committee meeting as the office was backed up with many last minute resolutions this month. Ms. Kinsella also announced that the office was providing attendance forms to committee chairs that have member's names pre-printed. This will help the office to maintain accurate records, as is required.

District Manager Kinsella announced that a New York State Assembly Hearing regarding community participation in the licensing practices of the State Liquor Authority would be held on March 16, 2001. Details and sign up forms were available at the desk. She also announced that the Board office would accept applications for the “Summer Playstreets Program” and to call the office for an application packet. Lastly, Ms. Kinsella reported that the New York City Dept. of Design and Construction's street reconstruction project for Avenue of the America from 56<sup>th</sup> Street to 59<sup>th</sup> Street was due to start soon. The project is estimated to last five months and will close half the Avenue at a time. She pointed out that an informational packet was available at the table.

## COMMITTEE REPORTS

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

Mr. Schwartz introduced the following resolution:

### ***40 Feast, LLC d/b/a Atlas***

**RESOLVED**, That Community Board Five **recommends approval** of the application by 40 Feast, LLC d/b/a Atlas, for an unenclosed sidewalk café (10 tables/20 seats), at 40 Central Park South.

After some discussion, the resolution passed with a vote of 25 in favor, 1 opposed, 1 abstaining, as follows: **IN FAVOR:** Barbero, Connolly, Diamond, Esper, Friedman, Gering, Grayson, Isebrand, Jhin, Kennedy, Kewin, Levine, Matz, Mendes, Onne, Pickett, Presser, Royce, Schwartz, Shields, Strouse, Thayer, Utevsky, Wilson, Zucker. **OPPOSED:** Higdon. **ABSTENTION:** Merker.

Mr. Schwartz then introduced the following resolution:

### ***White Feather Farms***

WHEREAS, An application has been made by White Feather Farm for a farmer's market at 2 Columbus Circle, from January 8<sup>th</sup>, 2001 to January 7<sup>th</sup>, 2002; and

WHEREAS, The applicant understands that future use of the building may prohibit the continuation of the market at that location; therefore, be it

**RESOLVED**, That Community Board Five **recommends approval** of the application by White Feather Farm.

After some discussion, the resolution passed with a vote of 24 in favor; 0 opposed; 3 abstentions, as follows: **IN FAVOR:** Barbero, Connolly, Diamond, Esper, Friedman, Gering, Grayson, Higdon, Isebrand, Jhin, Kennedy, Kewin, Landeche, Levine, Onne, Presser, Royce, Schwartz, Shields, Strouse, Thayer, Utevsky, Wilson, Zucker. **ABSTENTIONS:** Mendes, Merker, Pickett.

Mr. Schwartz then introduced the following resolution:

### ***City Club of New York***

WHEREAS, The City Club of New York has applied for a permit to hold a street festival on Sixth Avenue, between 42<sup>nd</sup> and 57<sup>th</sup> Streets, on August 19<sup>th</sup>, 2001; therefore, be it

**RESOLVED**, That Community Board Five **recommends approval** of the application by City Club of New York to hold a street festival between 42<sup>nd</sup> and 56<sup>th</sup> Streets (not 57<sup>th</sup> Street) with the understanding that this is a one time event and that if the location of the event in any way interferes with the Department of Design and Construction's Sixth Avenue reconstruction project (56<sup>th</sup> to 59<sup>th</sup> Streets), it will be relocated to an appropriate site.

After some discussion, the resolution passed with a vote of 26 in favor; 0 opposed; 1 abstention, as follows: **IN FAVOR:** Barbero, Connolly, Diamond, Esper, Friedman, Gering, Grayson, Higdon, Isebrand, Jhin, Kennedy, Kewin, Landeche, Levine, Mendes, Onne, Pickett, Presser, Royce, Schwartz, Shields, Strouse, Thayer, Utevsky, Wilson, Zucker. **ABSTENTION:** Merker.

Mr. Schwartz then introduced the following resolution:

### ***Hai-Lan Chinese American Cultural Society***

**RESOLVED**, That Community Board Five **recommends approval** of the application by Hai-Lan Chinese American Cultural Society for a street festival on July 1<sup>st</sup>, 2001, on 31<sup>st</sup> Street, between Lexington and Madison Avenues.

After some discussion, the resolution passed with a vote of 26 in favor; 0 opposed, 1 abstention, as follows: **IN FAVOR:** Barbero, Connolly, Diamond, Esper, Friedman, Gering, Grayson, Higdon, Isebrand, Jhin, Kennedy, Kewin, Landeche, Levine, Matz, Mendes, Pickett, Presser, Royce, Schwartz, Shields, Strouse, Thayer, Utevsky, Wilson, Zucker. **ABSTENTION:** Merker.

Mr. Schwartz then introduced the following bundled resolutions (5)

### ***Sikh Cultural Society***

WHEREAS, The Sikh Cultural Society has applied for a permit to hold a social gathering after a parade on Madison Avenue, between 23<sup>rd</sup> and 26<sup>th</sup> Streets, on April 21<sup>st</sup>, 2001; and

WHEREAS, There are concerns by neighborhood residents about the level of noise associated with events in the Madison Square Park area; therefore, be it

**RESOLVED**, That Community Board Five **recommends approval** of the application by Sikh Cultural Society with the understanding that the applicant obtain a sound permit from the Police Department and that the volume will be kept at a reasonable level.

### ***F.I.T Dorm Council***

**RESOLVED**, That Community Board Five **recommends approval** of the application by F.I.T. Dorm Council for a block party on May 5<sup>th</sup>, 2001, on 27<sup>th</sup> Street, between 7<sup>th</sup> and 8<sup>th</sup> Avenues.

### ***Innovative Community Enterprises, Inc.***

WHEREAS, The Innovative Community Enterprises, Inc. has applied for a permit to hold a street festival on Madison Avenue, between 42<sup>nd</sup> and 57<sup>th</sup> Streets, on May 28<sup>th</sup>, 2001; therefore, be it

**RESOLVED**, That Community Board Five **recommends approval** of the application by Innovative Community Enterprises, Inc.

***Forum's Children Foundation***

WHEREAS, The Forum's Children Foundation has applied for a street activity permit to hold a street festival on Avenue of the Americas, between 42<sup>nd</sup> and 56<sup>th</sup> Streets, on June 2<sup>nd</sup>, 2001; therefore, be it

**RESOLVED**, That Community Board Five **recommends approval** of the application by the Forum's Children Foundation with the understanding that if the location of the event in any way interferes with the Department of Design and Construction's Sixth Avenue reconstruction project (56<sup>th</sup> to 59<sup>th</sup> Streets), it will be relocated to an appropriate site.

***National Ethnic Coalition of Organizations, Inc.***

WHEREAS, The National Ethnic Coalition of Organizations, Inc. has applied for a permit to hold a street festival on Madison Avenue between 42<sup>nd</sup> and 57<sup>th</sup> Streets, on July 22<sup>nd</sup>, 2001; therefore, be it

**RESOLVED**, That Community Board Five **recommends approval** of the application by National Ethnic Coalition of Organizations, Inc.

After some discussion, the bundled resolutions (5), passed with a vote of 25 in favor; 1 opposed; 1 abstention, as follows: **IN FAVOR:** Barbero, Connolly, Diamond, Esper, Friedman, Gering, Grayson, Isebrand, Jhin, Kennedy, Kewin, Landeche, Levine, Matz, Mendes, Pickett, Presser, Royce, Schwartz, Shields, Strouse, Thayer, Utevsky, Wilson, Zucker. **OPPOSED:** Higdon. **ABSTENTION:** Merker.

Mr. Schwartz then introduced the following bundled resolutions (5)

***International Immigrants Foundation, Inc.***

WHEREAS, The International Immigrants Foundation, Inc. has applied for a permit to hold a street festival on Madison Avenue, between 42<sup>nd</sup> and 57<sup>th</sup> Streets, on June 17<sup>th</sup>, 2001; therefore, be it

**RESOLVED**, That Community Board Five **recommends approval** of the application by International Immigrants Foundation, Inc.

***52 Association for the Handicapped, Inc.***

**RESOLVED**, That Community Board Five **recommends approval** of the application by 52 Association for the Handicapped, Inc. for a street festival on July 1<sup>st</sup>, 2001 on 52<sup>nd</sup> Street between Lexington and 7<sup>th</sup> Avenue.

***USO of Metropolitan New York***

WHEREAS, The USO of Metropolitan New York has applied for a permit to hold a street festival on Avenue of the Americas between 42<sup>nd</sup> and 56<sup>th</sup> Streets, on July 8<sup>th</sup>, 2001; therefore, be it

**RESOLVED**, That Community Board Five **recommends approval** of the application by USO of Metropolitan New York for a street festival with the understanding that if the location of the event in any way interferes with the Department of Design and Construction's Sixth Avenue reconstruction (56<sup>th</sup> to 59<sup>th</sup> Streets), it will be relocated to an appropriate site.

***Church of St. John the Baptist***

**RESOLVED**, That Community Board Five **recommends approval** of the application by Church of St. John the Baptist for a street festival on July 15<sup>th</sup>, 2001 on 6<sup>th</sup> Avenue between 23<sup>rd</sup> and 33<sup>rd</sup> Streets.

***14<sup>th</sup> Street-Union Square LDC***

**RESOLVED**, That Community Board Five **recommends approval** of the application by 14<sup>th</sup> Street – Union Square LDC for a street festival on July 21<sup>st</sup>, 2001 on Park Avenue South, between 17<sup>th</sup> and 23<sup>rd</sup> Streets.

After some discussion, the bundled resolution (5), passed with a vote of 24 in favor; 0 opposed, 1 abstention, as follows: **IN FAVOR:** Barbero, Connolly, Diamond, Esper, Friedman, Gering, Grayson, Higdon, Isebrand, Jhin, Kennedy, Kewin, Landeche, Levine, Matz, Pickett, Presser, Royce, Schwartz, Shields, Strouse, Thayer, Wilson, Zucker. **ABSTENTION:** Merker.

Mr. Schwartz then introduced the following bundled resolutions (5)

***Avenue of the Americas Association***

WHEREAS, The Avenue of the Americas Association has applied for a permit to hold a street festival on Avenue of the Americas, between 42<sup>nd</sup> and 56<sup>th</sup> Streets, on August 5<sup>th</sup>, 2001; therefore, be it

**RESOLVED**, That Community Board Five **recommends approval** of the application by Avenue of the Americas Association with the understanding that if the location of the event in any way interferes with the Department of Design and Construction's Sixth Avenue reconstruction project (56<sup>th</sup> to 59<sup>th</sup> Streets), it will be relocated to an appropriate site.

### ***New York is Book Country***

**RESOLVED**, That Community Board Five **recommends approval** of the application by New York is Book Country for a Book Fair on September 23<sup>rd</sup>, 2001, on Fifth Avenue, between 52<sup>nd</sup> and 53<sup>rd</sup> Streets and Madison Avenue and 6<sup>th</sup> Avenue.

### ***Muslim Foundation of America, Inc.***

WHEREAS, The Muslim Foundation of America, Inc. has applied for a permit to hold a street festival on Madison Avenue, between 42<sup>nd</sup> and 57<sup>th</sup> Streets, on September 30<sup>th</sup>, 2001: therefore, be it

**RESOLVED**, That Community Board Five **recommends approval** of the application by Muslim Foundation of America, Inc.

### ***American Diabetes Association***

WHEREAS, The American Diabetes Association has applied for a permit to hold a street festival on Madison Avenue, between 42<sup>nd</sup> and 57<sup>th</sup> Streets, on November 3<sup>rd</sup>, 2001: therefore, be it

**RESOLVED**, That Community Board Five **recommends approval** of the application by American Diabetes Association.

### ***Holy Innocents***

**RESOLVED**, That Community Board Five **recommends approval** of the application by Holy Innocents for a street festival on November 11<sup>th</sup>, 2001 on 52<sup>nd</sup> Street, between 6<sup>th</sup> and Lexington Avenues.

After some discussion, the bundled resolutions (5) passed with a vote of 24 in favor; 0 opposed; 1 abstention, as follows: **IN FAVOR:** Barbero, Connolly, Diamond, Esper, Friedman, Gering, Grayson, Higdon, Isebrand, Jhin, Kennedy, Kewin, Landeche, Levine, Matz, Pickett, Presser, Royce, Schwartz, Shields, Strouse, Thayer, Wilson, Zucker. **ABSTENTION:** Merker.

## **● PARKS ~ SCOTT ISEBRAND**

Mr. Isebrand introduced the following resolution

### ***City Parks Foundation – Summer Art Exhibition***

WHEREAS, The City Parks Foundation has proposed a summer art exhibition in Madison Square Park from May 18<sup>th</sup> through September, 2001; and

WHEREAS, The exhibition will act as a “re-opening event” for the park; and

WHEREAS, The exhibition will include the works of three artists who have successfully displayed similar pieces in parks around the world; and

WHEREAS, The three pieces would be displayed in three locations throughout the park, none of which exceeds 40 feet in diameter; and

WHEREAS, The installation of these works provide additional seating in the park and allow access to areas that would otherwise be closed for reseeding; and

WHEREAS, Additional security will be provided during the course of the exhibition; and

WHEREAS, There is no advertising associated with this installation; and

WHEREAS, The installation of the artwork will in no way interfere with completion of construction in the park or the park’s reopening; therefore, be it

**RESOLVED**, Community Board Five **recommends approval** for the installation of a summer art exhibition in Madison Square Park from May 18<sup>th</sup>, through September 2001.

After some discussion, the resolution passed with a vote of 22 in favor; 5 opposed; 1 abstention, as follows: **IN FAVOR:** Barbero, Connolly, Diamond, Esper, Friedman, Gering, Grayson, Higdon, Isebrand, Jhin, Kennedy, Kewin, Pasbjerg, Pickett, Presser, Schwartz, Shields, Strouse, Thayer, Utevsky, Wilson, Zucker. **OPPOSED:** Landeche, Levine, Matz, Mendes, Royce. **ABSTENTION:** Merker.

Mr. Isebrand then introduced the following resolution

### ***Bryant Park Carousel Trial Period***

WHEREAS, Bryant Park Restoration Corporation is asking for approval to place a carousel in Bryant Park for a 30-day trial period from April 15 to May 13, 2001; and

WHEREAS, The carousel would have 14 “jumping” animals and a 2-seat stationary chariot, utilize flame-resistant fabric, include a “jester style” scenery package with mirrors, and will quietly play French-style carousel music; and

WHEREAS, The carousel will be placed on the gravel bed directly west of the Goethe Bust, midway between 6<sup>th</sup> Avenue and the back of the Library; and

WHEREAS, The carousel's platform is 26-feet in diameter, and a fence with an entry gate (on the west side) and an exit gate (on the east side) would be 3 feet beyond the platform, giving the entire carousel a footprint on the gravel of approximately 23 feet in diameter; and

WHEREAS, A carousel ride runs 2½ minutes; and

WHEREAS, The fee for the carousel will be \$1.00, the same as for the carousel operating in Central Park; and

WHEREAS, Tickets would be sold from a Ticket Cart 10 feet west of the carousel entry gate; and

WHEREAS, The carousel would operate from 11:30 am to 7:30 p.m., 7 days a week; and

WHEREAS, The operation of this carousel would allow for the employment of 4 people, working 5 hours per shift, 2-5 shifts per week per person (i.e. 70 hours a week per person), earning \$8 per hour; and

WHEREAS, The fees generated, based on a reasonable estimate of 10 people per ride, 2 rides per hour, 8 hours per day, 7 days per week, would be approximately \$4, 800, applied towards the wages of the 4 person staff; and

WHEREAS, Requiring a fee for riders eliminates the problem of riders monopolizing the carousel or loitering on it; and

WHEREAS, Bryant Park Restoration Corporation (hereafter, BPRC) has stated a willingness to allow special arrangements for group uses of the carousel; and

WHEREAS, The ridership will include children on daily excursions from daycare centers, school children on special excursions to Town Hall and other nearby destinations, as well as families from midtown residential area, including Clinton and Murray Hill; and

WHEREAS, The carousel will be inspected by the Department of Buildings on April 16<sup>th</sup> and by the Department of Consumer Affairs on April 17<sup>th</sup> and 18<sup>th</sup>; and

WHEREAS, Placement of the carousel in this location along the 40<sup>th</sup> Street Allee approximately spaces it away from other activities in Bryant Park, such as the Petanque play occurring periodically on the 6<sup>th</sup> Avenue Allee; and

WHEREAS, The carousel would enhance the uniquely European ambiance of Bryant Park, without contributing excessive new activity or noise in this important oasis in the midst of midtown's business day freneticism; and

~~WHEREAS, The carousel is to be leased from the owner for only one month, with BPRC having first right of refusal for an extension of the lease should the carousel prove to be popular, and giving the BPRC an opportunity to relinquish use of the carousel without further obligation for its use should the carousel prove unpopular; and~~

WHEREAS, Should an extension of the lease be enjoyed, the carousel would not be located in the Park all year, but would be placed in storage during the winter; and

WHEREAS, BPRC came before the Parks Committee of Community Board five in a timely manner (late January, 2001) and demonstrated a thoroughness in its planning for this experimental amenity in the park; therefore, be it

**RESOLVED**, That Community Board Five **recommends approval** of the 30-day trial usage by Bryant Park Restoration Corporation of the 14-animal, 1-chariot French-style carousel along the 40<sup>th</sup> Street Allee in Bryant Park, from April 15<sup>th</sup> through May 13<sup>th</sup>, 2001.

After extensive discussion as to if a carousel in Bryant Park is appropriate, and a friendly amendment by Rosalie Shields (see strikethrough) to remove the 17<sup>th</sup> WHEREAS, the resolution failed with a vote of 12 in favor; 14 opposed; 2 abstentions, as follows: **IN FAVOR:** Friedman, Gering, Isebrand, Kennedy, Kewin, Matz, Pasbjerg, Pickett, Presser, Schwartz, Thayer, Zucker. **OPPOSED:** Barbero, Connolly, Diamond, Esper, Higdon, Jhin, Landeche, Levine, Mendes, Royce, Shields, Strouse, Utevsy, Wilson. **ABSTENTIONS:** Grayson, Merker

After much discussion, Michael Levine then introduced the following amended resolution.

WHEREAS, Bryant Park Restoration Corporation has requested approval to place a carousel in Bryant Park for a 30-day trial period from April 15 to May 13, 2001 and has stated that they would come back to the Board at the end of that period; and

WHEREAS, The carousel would have 14 "jumping" animals and a 2-seat stationary chariot, utilize flame-resistant fabric, include a "jester style" scenery package with mirrors, and would play "French-style" carousel music; and

WHEREAS, The carousel will be placed on the gravel bed directly west of the Goethe Bust, midway between 6<sup>th</sup> Avenue and the back of the Library; and

WHEREAS, The carousel's platform is 26-feet in diameter, and a fence with an entry gate (on the west side) and an exit gate (on the east side) would be 3 feet beyond the platform, giving the entire carousel a footprint on the gravel of approximately 26 feet in diameter; and

WHEREAS, The carousel materials are fiberglass and aluminum; and

WHEREAS, A carousel ride would runs 2½ minutes; and

WHEREAS, The fee for the carousel would be \$1.00, the same as for the carousel operating in Central Park; and

WHEREAS, Tickets would be sold from a Ticket Cart 10 feet west of the carousel entry gate; and

WHEREAS, The carousel would operate from 11:30 am to 7:30 p.m., 7 days a week; and

WHEREAS, Community Board Five has considered the quiet nature of Bryant Park and its location next to the Library; and

WHEREAS, Community Board Five is of the opinion that a carousel would disrupt the current atmosphere of Bryant Park; therefore, be it

**RESOLVED**, That Community Board Five **opposes** the installation of a carousel in Bryant Park.

After some discussion the resolution passed with a vote of 15 in favor; 12 opposed; 1 abstention, as follows: **IN FAVOR:** Barbero, Connolly, Diamond, Esper, Higdon, Jhin, Landeche, Levine, Mendes, Merker, Royce, Shields, Strouse, Utevsky, Wilson. **OPPOSED:** Friedman, Gering, Isebrand, Kennedy, Kewin, Matz, Pasbjerg, Pickett, Presser, Schwartz, Thayer, Zucker. **ABSTENTION:** Grayson.

Mr. Isebrand then introduced the following resolution

### ***Sikh Cultural Society***

WHEREAS, The Sikh Cultural Society has applied for a special event permit to use Madison Square Park following its parade on April 21<sup>st</sup>, 2001; and

WHEREAS, Approximately 5,000 to 6,000 participants would be in attendance; and

WHEREAS, The height of use would occur between 3:00 p.m. and 6:00 p.m.; and

WHEREAS, The applicant will erect a platform at 23<sup>rd</sup> Street and Madison Avenue to be used for speeches, but from which no music will be broadcast; and

WHEREAS, The Society has been made aware of area residents' complaints regarding the use of amplified sound in the park; and

WHEREAS, The applicant has agreed to obtain an amplified sound permit form the Police Department; therefore, be it

**RESOLVED**, That Community Board Five **recommends approval** of the special event permit for the Sikh Cultural Society to hold a post-parade event in Madison Square Park on April 21<sup>st</sup>, 2001; and be further

**RESOLVED**, *That Community Board Five is of the opinion that the annual Sikh Cultural Society's annual post-parade event has outgrown the Park's capacity, and Community Board Five calls on the Sikh Cultural society to find a different venue for this event next year; and, be it further*

**RESOLVED**, *That based on the recent extensive renovations to the park, Community Board Five request of New York City Parks & Recreation to increase the amount of the bond for large events in the Parks.*

After much discussion regarding the condition of the Park after use by this group in the past, and a friendly amendment by Maxine Teitler (see italics), the resolution passed with a vote of 19 in favor; 6 opposed; 1 abstention, as follows: **IN FAVOR:** Barbero, Connolly, Diamond, Friedman, Gering, Grayson, Higdon, Isebrand, Jhin, Kennedy, Kewin, Levine, Matz, Presser, Schwartz, Strouse, Thayer, Wilson, Zucker. **OPPOSED:** Esper, Landeche, Pasbjerg, Royce, Shields, Utevsky. **ABSTENTION:** Merker.

Mr. Isebrand then introduced the following bundled resolutions (4)

### ***Craft Yarn Council of America***

WHEREAS, The Craft Yarn Council of America has applied for a special event permit to use Union Square Park on September 23, 2001; and

WHEREAS, The event will consist of knitting classes and demonstrations and will be held at the north end of the park in front of the Pavilion where the Greenmarket is held on other days; and

WHEREAS, The event is sponsored by local knitting guilds and clubs; and

WHEREAS, The event, including set-up and clean-up, lasts only one day, from 9 am to 6:30 p.m.; and

WHEREAS, The event was held the last two years without incident; therefore, be it

**RESOLVED**, That Community Board Five **recommends approval** of the special event permit application filed by the Craft Yarn Council of America to hold their event in Union Square Park on September 23, 2001.

### ***Jammin 105***

WHEREAS, Jammin 105 radio station has applied for a special events permit for the use of Bryant Park on April 7, 2001; and

WHEREAS, The event is expected to draw approximately 4,000 people; and

WHEREAS, The event would involve family activities such as face painters, games, live entertainment and inflatable rides; therefore, be it

**RESOLVED**, That Community Board Five **recommends approval** of the application by Jammin' 105 to hold a spring festival in Bryant Park.

### ***American Lung Association of New York***

WHEREAS, The American Lung Association of New York has applied for a special event permit for the use of Union Square Park on May 5<sup>th</sup>, 2001; and

WHEREAS, The use of the park will be limited to the paved area in front of the Pavilion on the park's north end and will consist of tables for the signing in of 300 participants, and a 30-minute long welcome and "starting bell" presentation; and

WHEREAS, The fundraiser is a citywide scavenger hunt, none of which is occurring in the park itself; and

WHEREAS, Set-up for the registration tables and presentation begins at noon and clean-up will be concluded by 7:30 p.m.; and

WHEREAS, This event serves to raise awareness of and funds for an important non-profit health service organization whose offices are located on Park Avenue South; therefore, be it

**RESOLVED**, That Community Board Five recommends the granting of a special event permit to the American Lung Association of New York for the use of Union Square Park on May 5<sup>th</sup>, 2001.

### ***Relocation of the Skagerrak Monument***

WHEREAS, THE City Parks Foundation proposes to relocate the contemporary sculpture, Skagerrak, from the southern end of Madison Square Park to Bellevue Park in Spring 2001; and

WHEREAS, In 1972 Skagerrak was accepted as a gift by the City of New York and has enjoyed public viewing in Madison Square Park since; and

WHEREAS, The creator of Skagerrak, Antoni Milkowski, has written Community Board Five that the proposed relocation of Skagerrak "is ideal", because it takes advantage of the "intimacy and scale of Bellevue Park by allowing viewers to sense Skagerrak through close inspection or informally in passing; and

WHEREAS, The City Parks Foundation has presented the relocation project to Community Board Six, as well as the Director of Art & Antiquities for New York City Parks & Recreation; therefore, be it

**RESOLVED**, That Community Board Five **recommends approval** of the project to relocate the Skagerrak monument from the southern end of Madison Square Park to Bellevue Park.

After much discussion, the bundled resolutions (4) passed with a vote of 27 in favor; 0 opposed; 1 abstention, as follows: **IN FAVOR:** Barbero, Connolly, Diamond, Esper, Friedman, Gering, Grayson, Higdon, Isebrand, Jhin, Kennedy, Kewin, Landeche, Levine, Matz, Mendes, Pasbjerg, Pickett, Presser, Royce, Schwartz, Shields, Strouse, Thayer, Utevsky, Wilson, Zucker. **ABSTENTION:** Merker.

Mr. Isebrand then introduced the following resolution

### ***Marina Maher Communications (Dr. Scholl's)***

WHEREAS, Marina Maher Communications has applied for a special events permit on behalf of Dr. Scholl's /Schering-Plough for the use of Union Square Park on Tuesday, March 27<sup>th</sup>, 2001; and

WHEREAS, The permit application is for a Health/Sports Fair to be held for National Foot Health Awareness Month; and

WHEREAS, The event will utilize the paved area in front of the pavilion on the north end of the park; and

WHEREAS, The number of participants is expected to be approximately 100, and the event is open to the public; and

WHEREAS, Set-up will begin at 7:00 a.m. and clean-up will be over with by 6:00 p.m., with the fair itself running from only 11:00 a.m. to 1:00 p.m.; and

WHEREAS, The fair will involve 2 professional athletes and several podiatrists using tips, advice, and screening to encourage New Yorkers to have healthy feet; and

WHEREAS, There are no advertising associated with this event; therefore, be it

**RESOLVED**, That Community Board Five **recommends approval** of the application by Marina Maher Communications for the use of Union Square Park for a Dr. Scholl's Health/Sports Fair on March 27<sup>th</sup>, 2001.

After some discussion, the resolution passed with a vote of 26 in favor; 0 opposed; 1 abstention; 1 present not entitled to vote, as follows: **IN FAVOR:** Barbero, Connolly, Diamond, Esper, Friedman, Gering, Grayson, Higdon, Isebrand, Jhin, Kennedy, Kewin, Landeche, Levine, Matz, Mendes, Pasbjerg, Presser, Royce, Schwartz, Shields, Strouse, Thayer, Utevsky, Wilson, Zucker. **ABSTENTION:** Merker. **PRESENT NOT ENTITLED TO VOTE:** Thayer.

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

Ms. Barbero introduced the following resolution.

### ***Zazen Restaurant Corp., 29 West 21<sup>st</sup> Street – on-premises liquor license application***

WHEREAS, Zazan Restaurant Corp. located at 29 West 21<sup>st</sup> Street has filed an application for an on-premises liquor license; and

WHEREAS, The owner, Gungeun Kim, and the general manager, Daniel Chong, have for the past two and a half years owned and managed a successful Japanese restaurant in Manhattan and have a family history of restaurant ownership; and

WHEREAS, The site is envisioned as a Japanese/French restaurant seating approximately 50 persons with a bar area accommodating approximately 6 persons; and

WHEREAS, The Certificate of Occupancy is for 56 persons on the ground floor and for 0 persons (indicating storage only) in the basement; and

WHEREAS, The sound system will provide music at a decibel level contained within the premises; and

WHEREAS, The ground floor encompasses 2200 sq. ft. consisting of approximately 1500 sq. ft. of dining space and 400 sq. ft. of kitchen space – and the basement has approximately 1000 sq. ft. used for refrigerators, storage and office space; and

WHEREAS, The restaurant's kitchen will open for lunch and will close by a reasonable hour, preferably by midnight; and

WHEREAS, Refuse will be stored until as close to pickup as possible; and

WHEREAS, The location has been occupied by restaurants for the past twenty years; and

WHEREAS, The landlord resides in the building and has therefore been selective in the choice of tenant; and

WHEREAS, The location is within the Ladies Mile Historic District and therefore no exterior changes or alterations can be made to the building (including signage, windows, doors, lighting, etc.) without the approval of the Landmarks Preservation Commission; therefore, be it

**RESOLVED**, That Community Board Five **recommends approval** of an on-premises liquor license for Zazen Restaurant Corp., located at 29 West 21<sup>st</sup> Street.

After some discussion, the resolution passed with a vote of 26 in favor; 0 opposed; 1 abstention, as follows: **IN FAVOR:** Barbero, Connolly, Diamond, Esper, Friedman, Gering, Grayson, Higdon, Isebrand, Jhin, Kennedy, Kewin, Landeche, Levine, Matz, Mendes, Pasbjerg, Pickett, Royce, Schwartz, Shields, Strouse, Thayer, Utevsky, Wilson, Zucker. **ABSTENTION:** Merker.

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

Mr. Utevsky introduced the following resolution

### ***170 Fifth Associates, Inc., 170 Fifth Avenue***

WHEREAS, The 13-story building known as 170 Fifth Avenue is located at the southwest corner of 22<sup>nd</sup> Street, within the Ladies' Mile Historic District and previously was occupied for commercial and manufacturing uses; and

WHEREAS, In 1999 the applicant obtained certification by the Chair of the City Planning Commission to convert 8 floors of the building to residential use in exchange for the preservation of 5 floors for manufacturing and commercial uses under section 15-21 of the Zoning Resolution; and

WHEREAS, In January 2000, the applicant obtained approval from the Landmarks Preservation Commission for the restoration of historic storefronts in the building, the construction of a rooftop elevator bulkhead and machine room and the establishment of a program for continuing maintenance of the building; and

WHEREAS, The applicant now seeks the authorization of the City Planning Commission to convert the entire building, other than the ground floor, to residential use in consideration for the historic restoration work and continuing maintenance program, under Section 15-20 of the Zoning Resolution; and

WHEREAS, Residential use of the building is consistent with the current character of the surrounding neighborhood, and this particular building, due to its narrow floor-plates, is ill suited for use as a mixed-use building; therefore, be it

**RESOLVED**, That Community Board Five **recommends approval** of the application to convert floors 2 through 13 at 170 Fifth Avenue to residential use.

The resolution passed with a vote of 26 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Barbero, Connolly, Diamond, Esper, Friedman, Gering, Grayson, Higdon, Isebrand, Jhin, Kennedy, Kewin, Landeche, Levine, Matz, Mendes, Pasbjerg, Pickett, Royce, Schwartz, Shields, Strouse, Thayer, Utevsky, Wilson, Zucker. **ABSTENTION:** Merker.

### ***839 Sixth Corp., 839 Avenue of the Americas (ULURP # C 010056 ZSM)***

WHEREAS, A public parking garage containing 560 spaces has operated continuously since 1964 at 839 Avenue of the Americas, between 29<sup>th</sup> Street and 30<sup>th</sup> Street; and

WHEREAS, By mistake, the Special Permit which permitted such usage was allowed to expire without renewal in 1989, although the Certificate of Occupancy continues to allow the use of the building for public parking; and

WHEREAS, The operator of the garage now seeks a new Special Permit for the garage, but does not otherwise seek to change the structure or the number of parking spaces or any of the matters relating to the garage operation; and

WHEREAS, There is a need for public parking in this location to serve the garment center, Madison Square Garden, and other residences and businesses in the vicinity; and

WHEREAS, The applicant has applied for a permit without expiration and Community Board Five believes that Special Permits for garage use should not be granted in perpetuity but, instead, should be for a limited term of years so that the need for a public parking garage at this location may be subject to periodic review; therefore, be it

**RESOLVED**, That Community Board Five **recommends approval** of the application for a Special Permit for a public parking garage at 839 Avenue of the Americas, on the condition that the Special Permit shall be for a term not to exceed twenty (20) years.

After much discussion the resolution passed with a vote of 25 in favor; 0 opposed; 2 abstentions, as follows: **IN FAVOR:** Barbero, Connolly, Diamond, Esper, Friedman, Gering, Grayson, Higdon, Isebrand, Jhin, Kennedy, Kewin, Landeche, Levine, Mendes, Pasbjerg, Pickett, Royce, Schwartz, Shields, Strouse, Thayer, Utevsky, Wilson, Zucker. **ABSTENTIONS:** Matz, Merker.

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

## ● **LANDMARKS ~ JOYCE MATZ & GEORGE KEWIN**

Mr. Kewin introduced the following resolution

### ***1260 Avenue of the Americas (Radio City Music Hall)***

WHEREAS, Radio City Music Hall is a designated landmark and an interior landmark; and

WHEREAS, The application is for a Certificate of Appropriateness for Christmas season decorations, namely the soldiers, trees and cannon on top of the entry awning; and

WHEREAS, The application is also for the approval of illegal temporary hanging heaters; and

WHEREAS, The seasonal decorations are not detrimental to the landmark and will be using attachments that are not seen nor damage the canopy; and

WHEREAS, The hanging heaters are unappealing, inappropriate, and could be designed in a better manner; therefore, be it

**RESOLVED**, That Community Board Five **recommends approval of the application for a master plan for the decorations only, but does not recommend approval of the heaters.**

After some discussion, the resolution passed with a vote of 26 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Connolly, Diamond, Esper, Friedman, Gering, Grayson, Higdon, Isebrand, Jhin, Kennedy, Kewin, Landeche, Levine, Matz, Mendes, Merker, Pasbjerg, Pickett, Royce, Schwartz, Shields, Strouse, Thayer, Utevsky, Wilson, Zucker. **ABSTENTION:** Barbero.

Mr. Kewin then introduced the following resolution

### ***620 Fifth Avenue (Rockefeller Center)***

WHEREAS, Rockefeller Center is a designated Landmark; and

WHEREAS, The application is for a Certificate of Appropriateness for the modification of the 50<sup>th</sup> Street entrance from a revolving door to a set of two swinging doors; and

WHEREAS, The new doors will be fabricated in bronze, matching the same details of doors on the sides; and

WHEREAS, The width and automation of the new set of vestibule doors will provide handicap accessibility not available in the current configuration; and

WHEREAS, Community Board Five previously approved an entrance identical to this on the 49<sup>th</sup> Street entry that has been built and appears to fit the Landmark; therefore, be it

**RESOLVED**, That Community Board Five **recommends approval** of the application for modification of the revolving door.

After some discussion, the resolution passed with a vote of 25 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Connolly, Diamond, Esper, Friedman, Gering, Grayson, Higdon, Isebrand, Jhin, Kennedy, Kewin, Landeche, Levine, Matz, Mendes, Merker, Pasbjerg, Pickett, Royce, Schwartz, Shields, Thayer, Utevsky, Wilson, Zucker. **ABSTENTION:** Barbero.

Mr. Kewin then introduced the following resolution

### ***150 Fifth Avenue***

WHEREAS, 150 Fifth Avenue is a commercial/manufacturing building located within the Ladies Mile Historic District; and

WHEREAS, The application is for a Certificate of Appropriateness to replace the existing modern and unappealing entrance doors and side lights; and

WHEREAS, The design uses similar proportions to window bays and divisions of openings; and

WHEREAS, There is no record of the original design; and

WHEREAS, The design is appropriate to the landmark; therefore, be it

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

After some discussion, the resolution passed with a vote of 25 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Connolly, Diamond, Esper, Friedman, Gering, Grayson, Higdon, Isebrand, Jhin, Kennedy, Kewin, Landeche, Levine, Matz, Mendes, Merker, Pasbjerg, Pickett, Royce, Schwartz, Shields, Thayer, Utevsky, Wilson, Zucker. **ABSTENTION:** Barbero.

Mr. Kewin then introduced the following resolution

### ***172 Fifth Avenue***

WHEREAS, 172 Fifth Avenue is a residential building located within the Ladies Mile Historic District; and

WHEREAS, The applicant's presentation was unclear and the following interpretations of the proposal could only be deduced; and

WHEREAS, The application is for a Certificate of Appropriateness to renovate the entire storefront; and

WHEREAS, The proposed renovation, all existing limestone transoms, pillars and bases; and

WHEREAS, All new glass windows will be clear glass with painted wood frames; and

WHEREAS, The awnings proposed in the design will be of the semi-detractable type in black to match the window mullions and painted wood transoms; and

WHEREAS, Signage will be limited to that painted into the wood transoms above the corner entrance and in small bands at the bottom of the awnings; and

WHEREAS, The entry will be double black painted doors; therefore, be it

**RESOLVED**, That all presentations when submitted be much clearer; and be it further

**RESOLVED**, That Community Board Five **recommends approval** of the proposal as written herein.

After much discussion, the resolution passed with a vote of 25 in favor, 0 opposed, 2 abstentions, as follows: **IN FAVOR:** Connolly, Diamond, Esper, Friedman, Gering, Grayson, Higdon, Isebrand, Jhin, Kennedy, Kewin, Landeche, Matz, Mendes, Merker, Pasbjerg, Pickett, Royce, Schwartz, Shields, Strouse, Thayer, Utevsky, Wilson, Zucker. **ABSTENTIONS:** Barbero, Levine.

**Mr. Merker resumed as Chair.**

● **TRANSPORTATION/ENVIRONMENT ~ MICHAEL LEVINE**

Mr. Levine introduced the following bundled resolutions (2)

***Federal Regulation to reduce allowable emissions levels from buses and trucks***

WHEREAS, New York City is currently not in compliance with Federal Clean Air Act Standards; and

WHEREAS, There is a movement to repeal recently enacted Federal Regulations which reduce the allowable emission levels from buses and trucks; and

WHEREAS, Manhattan Community Board Five has had specific difficulties with truck and bus emissions from idling vehicles and non compliant vehicles operating in our district; therefore, be it

**RESOLVED**, That Community Board Five supports the reduced levels of allowable emissions from trucks and buses, and opposes efforts to have current regulations repealed.

***Mayor's proposal for advertising on parking meters***

WHEREAS, The Mayor's office is considering a proposal to solicit contracts for advertising on parking meters; and

WHEREAS, It is the considered opinion of the Board that there is too much commercial advertising in public places; therefore, be it

**RESOLVED**, That Community Board Five does not support any proposal that calls for selling commercial or other advertising space on parking meters in New York City.

After some discussion, the bundled resolutions (2) passed with a vote of 26 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Barbero, Connolly, Diamond, Esper, Friedman, Gering, Grayson, Higdon, Isebrand, Jhin, Kennedy, Kewin, Landeche, Levine, Matz, Mendes, Pasbjerg, Pickett, Royce, Schwartz, Shields, Strouse, Thayer, Utevsy, Wilson, Zucker. **ABSTENTIONS:** Merker.

There being no further business the meeting adjourned at 9:15 PM.

Respectfully submitted,

David Diamond

Secretary