

# THE BOROUGH OF MANHATTAN

## C. VIRGINIA FIELDS, PRESIDENT

### COMMUNITY BOARD FIVE MINUTES – THURSDAY, JANUARY 11, 2001

#### KYLE MERKER, CHAIR

Minutes of the regular Community Board #5 meeting held on **Thursday, January 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

Adeena Besdin  
Paul Connolly  
David Diamond  
Suzanne Esper  
Lola Finkelstein  
Sharon Friedman  
Eric Gering  
Reginald Grayson  
Scott Isebrand  
John J. Kennedy  
George Kewin  
Brian Landeche  
Anita Linn  
Joyce Matz  
Kyle Merker  
Anna Lou Pickett  
Michael Royce  
Rosalie Shields  
Evelyn Strouse  
Stephanie Thayer  
Michael Utevsky

#### Present Part

Elizabeth Beier  
Muriel Bernstein  
Grace Forrester

Timothy Higdon  
Michael Levine  
Michael Presser

#### Excused

Vikki Barbero  
Doreen Guerin  
Jackon Jhin  
Peter Morgan  
Joan Piker  
Mickey Schwartz

#### Absent

Judith Breidbart  
Scott Graham  
Brian Landeche  
Jay Sung Lee  
Howard Mendes  
Steven Onne  
Carl Pasbjerg  
Christopher Walcott  
Brad Wilson  
Lawrence Zucker

#### Public Members

Juliette Gordon  
Jon Schachter  
Maxine Teitler  
Joe Tucker  
Florence Van Veen Peavy  
Bonnie Williams

#### Public

Donna Abbaticchio  
Aaron Block  
Barbara Brookhart  
Susan Cole  
George Elkins  
Ellen Goldstein  
Martin Griggs  
B. Liederman  
Tony Mangia  
Heather McBrearty  
John McCaffrey  
Ben Moss  
Matt Pacenza  
Richard Rogers  
Jennifer Sanders  
Michael J. Schweinsburg  
Brendan Sexton  
Ed Tubin

Brian White

#### Elected Officials

Nicole Johnson  
Borough President C. Virginia Fields

Minnia Elias  
Congresswoman Carolyn Maloney

Lucy Mayo  
Senator Thomas K. Duane

Michael Rabinowitz  
Assembly Member Richard Gottfried

Kariny Santana  
Councilmember Margarita Lopez

Emily Negrau  
Councilmember Christine Quinn

#### Staff

Kathy Kinsella  
District Manager

Cindy Perez  
Community Associate

Kim Rodney  
Community Associate

## PUBLIC SESSION

**Susan Cole – Settlement Housing Fund** – announced an affordable housing opportunity at Lexington Belvedere in the East 40's as part of a tax credit program.

**John McCaffrey – Training Institute for Mental Health** – spoke briefly about the organization, which provides low cost mental health services.

**Jason Hauptman** – spoke of problems at Club Nix and the recent shooting at the club. He identified himself as the owner of the car that was shot.

**Tony Mangia – 11 East 32<sup>nd</sup> Street Tenants Group representative** – spoke of problems with Club Nix and in general on his street. He asked that the Board not support any new licenses in the area of 32<sup>nd</sup> Street.

**Michael Rabinowitz – Assemblymember Richard Gottfried's Office** – announced meeting regarding Columbus Centre project on Thursday, January 18, 6:00 p.m. at St. Luke's Roosevelt Hospital.

**Brian White – Resident of East 32<sup>nd</sup> Street** – spoke of problems related to Club Nix and that these problems reached a peak with the recent shooting.

**Jon Schachter** – spoke of the weekend subway changes on the N & R lines.

**Brendan Sexton – Times Square BID** – spoke about the Department of Transportation's proposal regarding "Black Car" parking in Times Square and that the Times Square BID supports this proposal.

**Richard Rogers – Green Arc in Union Square** – informed the Board that Green Arc’s contract for book stalls in Union Square Park has not been renewed by the Parks Department, and ask for the Board’s support. He also said that he had collected over 4,000 signatures on a petition in support of Green Arc.

**Nicole Johnson – Borough President C. Virginia Fields’s Office** – informed the Board that reappointment applications are due by February 16<sup>th</sup>, 2001.

**George Elkins – Neighborhood Team** – stated that Club Nix has contributed to the deterioration of the quality of life in the neighborhood. He thanked Vikki Barbero, Public Safety and Quality of Life Chair and Cindy Perez, Board Community Associate, for their help on this issue.

**Ed Tubin – P.O. Disability Unit** – spoke of his concerns regarding security issues at St. Patrick’s Cathedral.

**Minna Elias – Congresswoman Carolyn Maloney’s Office** – spoke regarding Congress Members Maloney and Nadler’s initiative to have President Clinton declare Governor’s Island a national monument before he leaves office and announced a meeting on this issue to be held January 17, 2001, at 6:00 p.m. at P.S. 20, 166 Essex Street.

**Heather McBrearty – Resident** – spoke of the problems associated with Club Nix and complained of a lack of police presence on the block.

## BUSINESS SESSION

### ● CHAIR’S REPORT ~ *Kyle Merker*

Chair Merker spoke of the Union Square Park reconstruction project, and the Board’s involvement in setting up an informational meeting to give the public a chance to hear from the Parks Department and also to voice their concerns regarding this project. He also spoke of his attendance at the Historic Districts Council Award ceremony honoring Joyce Matz, and spoke of her dedication to Landmarks and how much she has taught him and others the value of landmarks. Chair Merker then introduced the elected officials representatives present at the meeting (see list on front page).

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

Ms. Kinsella informed the Board that updated members directory was available. She also announced an affordable housing opportunity in the East 40’s. Ms. Kinsella also announced that the New York State Troopers examination can be applied for until February 1<sup>st</sup>.

### ● VOTE ON MINUTES OF THE DECEMBER 14, 2000 BOARD MEETING

The minutes were approved by a vote 21 in favor, 0 opposed, 1 abstention as follows: **IN FAVOR:** Beier, Bernstein, Besdin, Connolly, Diamond, Esper, Finkelstein, Friedman, Gering, Grayson, Isebrand, Kennedy, Kewin, Linn, Matz, Pickett, Royce, Shields, Strouse, Thayer, Utevsky. **ABSTENTION:** Merker.

### ● PRESENTATION BY TOYS R US

Representatives of Toys R Us gave a brief presentation regarding plans for the company’s flagship store, soon to open in Times Square.

## COMMITTEE REPORTS

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

Ms. Bernstein, filling in for Mr. Schwartz, introduced the following resolution:

#### *Gay & Lesbian Independent Democrats*

**RESOLVED**, That Community Board Five **recommends approval** of the application by Gay & Lesbian Independent Democrats, for a street activity, on August 12, 2001, from 11:00 a.m. to 7:00 p.m., on 52<sup>nd</sup> Street, between 6<sup>th</sup> and 7<sup>th</sup> Avenues.

The resolution passed with a vote of 22 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Beier, Bernstein, Besdin, Connolly, Diamond, Esper, Finkelstein, Friedman, Gering, Grayson, Isebrand, Kennedy, Kewin, Linn, Matz, Pickett, Presser, Royce, Shields, Strouse, Thayer, Utevsky. **ABSTENTION:** Merker.

Ms. Bernstein then introduced the following bundled resolutions (2).

***Liederman/Lowy Ventures Inc, d/b/a Mickey Mantles, 42 Central Park South.***

**RESOLVED**, That Community Board Five **recommends approval** of the application by Liederman/Lowy Ventures Inc, d/b/a Mickey Mantles, for an unenclosed sidewalk café (6 tables/12 seats), at 42 Central Park South.

***Zeny Inc., II, d/b/a Zen Palate, 34 Union Square East.***

**RESOLVED**, That Community Board Five **recommends approval** of the application by Zeny Inc. d/b/a Zen Palate, for an unenclosed sidewalk café (17 tables/34 seats), at 34 Union Square East.

The bundled resolutions passed with a vote of 21 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Beier, Bernstein, Besdin, Connolly, Diamond, Esper, Finkelstein, Friedman, Gering, Grayson, Isebrand, Kennedy, Kewin, Linn, Matz, Pickett, Presser, Royce, Shields, Strouse, Utevsky. **ABSTENTION:** Merker.

Ms. Bernstein then introduced the following resolution.

***Replacement of existing lampposts with Bishop Crook lampposts at 44<sup>th</sup> Street between Fifth and Sixth Avenues.***

**RESOLVED**, That Community Board Five **recommends approval** of the proposal from Midtown West Association to replace the four cobra type street lights on the block with four black Bishop Crook 250-watt HPS luminiers under the one-for-one program, at 44<sup>th</sup> Street between 5<sup>th</sup> and 6<sup>th</sup> Avenues.

After some discussion, the resolution passed with a vote of 22 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Beier, Bernstein, Besdin, Connolly, Diamond, Esper, Finkelstein, Friedman, Gering, Grayson, Isebrand, Kennedy, Kewin, Linn, Matz, Pickett, Presser, Royce, Shields, Strouse, Thayer, Utevsky. **ABSTENTION:** Merker.

Ms. Bernstein then introduced the following resolution.

***MS 745, LLC – stainless steel bollards, at 745 7<sup>th</sup> Avenue.***

**RESOLVED**, That Community Board Five **recommends approval** of the application for two (2) stainless steel bollards at truck lift, at 745 7<sup>th</sup> Avenue, between 49<sup>th</sup> and 50<sup>th</sup> Streets.

After some discussion, the resolution passed with a vote of 20 in favor, 2 opposed, 1 abstention, as follows: **IN FAVOR:** Beier, Bernstein, Besdin, Connolly, Diamond, Esper, Finkelstein, Freidman, Gering, Grayson, Isebrand, Kennedy, Linn, Matz, Pickett, Presser, Royce, Strouse, Thayer, Utevsky. **OPPOSED:** Kewin, Shields. **ABSTENTION:** Merker.

**● JOINT – ARTS, CULTURE & TOURISM/TRANSPORTATION ~ DAVID DIAMOND AND MICHAEL LEVINE**

Mr. Diamond introduced the following resolution.

***“Black Car” parking in the Times Square area.***

WHEREAS, Traffic congestion in the Times Square area has reached crisis proportions; and

WHEREAS, Many tenants of office buildings in the Times Square area utilize the services of “For Hire Vehicles” (FHV’s”black cars”); and

WHEREAS, It is foreseeable that with planned development in Times Square, the use of these “black cars” will increase; and

WHEREAS, Traffic slow downs are caused by double parking associated with FHV pickups; and

WHEREAS, The constant flow of circling and idling FHV’s increases the air pollution in the Times Square area; and

WHEREAS, Traffic studies have been performed on the section of 41<sup>st</sup> Street between 6<sup>th</sup> and 7<sup>th</sup> Avenues showing minimal traffic flow on that block; and

WHEREAS, The current parking regulations on that block, which allow truck loading and unloading during daytime hours, result in under utilization of the potential parking on that block; and

WHEREAS, The Department of Transportation has proposed a demonstration program involving changing the parking regulation on the north side of 41<sup>st</sup> Street between 6<sup>th</sup> and 7<sup>th</sup> Avenues to allow FHV parking between the hours of 4 p.m. and 12 p.m. to form a FHV staging area; and

WHEREAS, This staging area would serve the entire Times Square area and be available to all FHV cars without bias; and

WHEREAS, Community Board Five acknowledges that this one street will not eliminate the entire problem of congestion in the Times Square area, but is a positive step toward dealing with a significant problem; and

WHEREAS, The Department of Transportation's proposal has the support of the Times Square BID and many local merchants and businesses; and

WHEREAS, The Department of Transportation has agreed to reevaluate the proposal six months after it is enacted, and then again twelve months after it is enacted and to present its findings to the Community Board, in order to determine its effectiveness in alleviating traffic problems in the Times Square area; therefore, be it

**RESOLVED**, That despite reservations about providing public parking for private commercial users, Community Board Five supports the initiative taken by the Department of Transportation to test a possible solution to the problem of "For Hire Vehicle" pickups in the Times Square area by creating a FHV staging on 41<sup>st</sup> Street between 6<sup>th</sup> and 7<sup>th</sup> Avenues; and be it further

**RESOLVED**, That Community Board Five requests that the City enact a zero tolerance policy for double parking and rigorously enforce the "no idling" provisions of the New York State law and the Taxi and Limousine Commission's "For Hire Vehicle" code in order to reduce emissions in the area; and be it further

**RESOLVED**, Community Board Five requests that Department of Transportation, the Taxi and Limousine Commission, the BID and other appropriate parties continue to work with us to study the problem of Black Car parking in the Times Square area and toward finding more far-reaching solutions to this issue, *including researching the possibility of having new buildings provide interior parking space or staging areas.*

After some discussion and a friendly amendment by Joyce Matz and Paul Connolly (see italics), the resolution passed with a vote of 22 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Beier, Bernstein, Besdin, Connolly, Diamond, Esper, Finkelstein, Friedman, Gering, Grayson, Isebrand, Kennedy, Kewin, Linn, Matz, Pickett, Presser, Royce, Shields, Strouse, Thayer, Utevsy. **ABSTENTION:** Merker.

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

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

### ***Patriot Inc., - 30 West 22<sup>nd</sup> Street – on-premises liquor license application***

WHEREAS, Patriot, Inc., d/b/a "Lola", located at 30 West 22<sup>nd</sup> Street has applied for a liquor license transfer; and

WHEREAS, One of the co-owners is an accountant having worked with restaurant accounts for 20 years and will be on the premises three days a week and the other co-owner has a knowledge of the restaurant business having been involved in a family restaurant; and

WHEREAS, The applicants will not be changing the set-up or operation of the present "Lola's" which has a Certificate of Occupancy for 444 persons and occupies a total space of 6,100 sq. ft. – 4, 100 sq. ft. on the ground floor with 900 sq. ft. designed as a bar/lounge area, 2,000 sq. ft. as a dining room, 400 sq. ft. as a private dining room and 800 sq. ft. as a kitchen, and with a basement area of 2, 000 sq. ft. used as kitchen, storage and office space; and

WHEREAS, The applicants are aware of the problems on this and two adjoining blocks and will work with the Board to help deal with residents' concerns; and

WHEREAS, The applicants have agreed to store garbage within the premises until shortly before pickup and have agreed to provide for the clean-up of any litter on the street or sidewalk within 50 feet from either side of the doors of the premises, arising as a result of their operation; and

WHEREAS, The applicants understand that this location falls within the Ladies Mile Historic District and therefore no alterations can be made to the façade (including signage, window, doors, lighting, etc.) without approval from the Landmarks Preservation Commission; and

WHEREAS, No complaints have been filed with the Board office or the police regarding this location, nor were there any complaints received from residents at the Public Safety/Quality of Life meeting held on January 8, 2001; and

WHEREAS, The applicants have agreed to sign an affidavit stating the premises will be used only as a restaurant and will close no later than 2:30 a.m. with the exception of certain holidays; therefore, be it

**RESOLVED**, That Community Board Five **recommends approval** of the transfer of the liquor license for Patriot, Inc., d/b/a "Lola" located at 30 West 22<sup>nd</sup> Street, provided the above stipulations are met and a signed affidavit is received.

### ***Lis Enterprises Inc., d/b/a Tomato – 676 6<sup>th</sup> Avenue – on-premises liquor license application***

WHEREAS, Lis Enterprises, d/b/a "Tomato", located at 676 Sixth Avenue has applied for a liquor license transfer; and

WHEREAS, The applicant will not be changing the set-up or operation of the present "Tomato"; and

WHEREAS, One of the co-owners has a knowledge of this type of business having been involved in two other successful café/bars operation; and

WHEREAS, Community Board Five passed a resolution in October 2000 recommending approval of the renewal of “Tomato’s” liquor license since no complaints had been filed with the Board or with the 13<sup>th</sup> Precinct from residents or other businesses regarding the operation of this establishment; and

WHEREAS, No complaints have since been received nor were there any complaints from residents at the Public Safety/Quality of Life meeting held on January 8, 2001; and

WHEREAS, The applicants are aware of the problems on this and two adjoining blocks and will work with the Board to help deal with residents’ concerns; and

WHEREAS, The applicants understand that this location falls within the Ladies Mile Historic District and therefore no alterations can be made to the façade (including signage, window, doors, lighting, etc.) without approval from the Landmarks Preservation Commission; therefore, be it

**RESOLVED**, That Community Board Five **recommends approval** of the transfer of the liquor license for Lis Enterprises, d/b/a “Tomato”, located at 676 Sixth Avenue.

After some discussion, the two (2) bundled resolutions passed with a vote of 23 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Beier, Bernstein, Besdin, Connolly, Diamond, Esper, Finkelstein, Forrester, Friedman, Gering, Grayson, Isebrand, Kennedy, Kewin, Linn, Matz, Pickett, Presser, Royce, Shields, Strouse, Thayer, Utevsky. **ABSTENTION:** Merker.

Mr. Isebrand then introduced the following resolution:

***ANNDON REST. CORP. d/b/a “OHM” - 16 WEST 22<sup>nd</sup> STREET - Liquor license renewal application***

WHEREAS, Community Board Five recommended renewal on March 9, 2000, of an on-premises liquor license for Anndon Rest. Corp. d/b/a “Ohm” located at 16 West 22<sup>nd</sup> Street; and

WHEREAS, The aforementioned recommendation was provisionally based on the stated intention by the applicant, Mr. Gerald Levy, on Wednesday, March 6, 2000, to

1. work on curbing congestion on the sidewalk in front of Ohm,
2. redouble efforts to make garbage pick-up occur both daily and at a reasonable hour, and
3. **sign an affidavit stating that he would comply with the above and pledge to give Community Board Five timely notification of, and the right to refuse or reject, any transfer he might make of his liquor license in the future; and**

WHEREAS, For the past eight months, despite repeated requests by Community Board Five to speak with either the attorney or the applicant and after faxing the proposed affidavit a number of times and repeatedly placing phone calls, we still have not received the affidavit; and

WHEREAS, There is a pattern of conduct on the part of the applicant, Mr. Gerald Levy, who in March of 1997 came before the Public Safety/Quality of Life committee for renewal of his liquor license (see attached March 19, 1997 resolution) and after hearing numerous complaints regarding his establishment and its impact on the quality of life of the community, stated his desire and intent to address the concerns of the area residents and businesses regarding his club, and that he was willing to work with the community to improve the conditions in the immediate area surrounding his club/restaurant; and

WHEREAS, At the same March 1997 meeting, Mr. Levy stated he would provide a sworn statement agreeing to stipulations regarding securing and keeping clean the area round the club as well as work with members of the community to address their concerns and resolve future complaints in a timely manner; and

WHEREAS, After numerous phone calls and discussions with Mr. Levy, he did not comply with the terms of the agreement nor did he sign the sworn affidavit despite his verbal agreement to do so; and

WHEREAS, As a result of such conduct, Community Board Five requested a revocation of the liquor license “due to Mr. Levy’s uncooperative attitude and lack of seriousness and sincerity regarding the matter, which jeopardized the building of a constructive and positive relationship among the community, CB5 and his club;” and

WHEREAS, Since the March 2000 renewal of the liquor license, the landlord of the premises, Mr. David Yagoda, has complained to Community Board Five about his tenant, “Ohm;” and

WHEREAS, Community residents’ complaints persist regarding sidewalk congestion and excessive litter, and additional complaints have been added regarding noise and unruly lines outside of “Ohm,” and at the January 8, 2001 meeting of the Public Safety/Quality of Life meeting, residents expressed an overall concern regarding personal safety while passing these premises due to certain activities of patrons of “Ohm;” and

WHEREAS, Residents also informed the committee of an increased police presence on 22<sup>nd</sup> Street due to the street problems brought about by “Ohm” and it was brought to the committee’s attention that violations/summonses have been issued against “Ohm” by the New York City Police Department; therefore, be it

**RESOLVED**, That Community Board Five **withdraws its previous support** as stated in the March 2000 resolution for the renewal of the liquor license for Anndon Rest. Corp., d/b/a “Ohm” located at 16 West 22<sup>nd</sup> Street, and be it further

**RESOLVED**, That based on the above, Community Board Five requests that the State Liquor Authority (SLA) revoke the liquor license.

After much discussion, the resolution passed with a vote of 23 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Beier, Bernstein, Besdin, Connolly, Diamond, Esper, Finkelstein, Forrester, Friedman, Gering, Grayson, Isebrand, Kennedy, Kewin, Linn, Matz, Pickett, Presser, Royce, Shields, Strouse, Thayer, Utevsky. **ABSTENTION:** Merker.

## ● **TRANSPORTATION ~ MICHAEL LEVINE**

Ms. Shields introduced the following resolution.

### ***New York Apple Tours – request for a bus stop at the East Side of 8<sup>th</sup> Avenue and 47<sup>th</sup> Street***

WHEREAS, New York Apple Tours (NYAT) has requested permission to use the East side of 8<sup>th</sup> Avenue between 46<sup>th</sup> and 47<sup>th</sup> Streets as a passenger loading area for their tour buses; and

WHEREAS, The requested area is currently a stop for MTA buses; and

WHEREAS, The MTA has scheduled the introduction of longer articulated buses on that route resulting in the need for longer bus stops; and

WHEREAS, NYAT has made a similar request for a stop on the opposite side of 8<sup>th</sup> Avenue which has been denied by Community Board Four due to potential impact on area residents; and

WHEREAS, The lot directly adjacent to the proposed loading area is a planned development site including residential housing; and

WHEREAS, NYAT buses are not up to current air quality standards and their emissions cause a deterioration of the quality of life for residents in the area when left idling on 8<sup>th</sup> Avenue; and

WHEREAS, NYAT has a current loading area on 42<sup>nd</sup> Street near 8<sup>th</sup> Avenue and has not shown compelling need for an additional loading area in the vicinity; therefore, be it

**RESOLVED**, That Community Board Five **opposes** the request by New York Apple Tours for a bus loading area on the East Side of 8<sup>th</sup> Avenue between 46<sup>th</sup> and 47<sup>th</sup> Streets.

After some discussion, the resolution passed with a vote of 23 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Bernstein, Besdin, Connolly, Diamond, Esper, Finkelstein, Forrester, Friedman, Gering, Grayson, Higdon, Isebrand, Kennedy, Kewin, Linn, Matz, Pickett, Presser, Royce, Shields, Strouse, Thayer, Utevsky. **ABSTENTION:** Merker.

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

Mr. Kewin introduced the following resolution.

### ***180 West 58<sup>th</sup> Street (Alwyn Court).***

WHEREAS, 180 West 58<sup>th</sup> Street is a designated Individual Landmark apartment building built in 1907-1909 and designed by Harde and Short in a French renaissance style; and

WHEREAS, The application is for change in the masterplan approval to replace window surround moldings of painted wood with surrounds extruded in the same molding profile in painted aluminum; and

WHEREAS, Aluminum windows have already been approved by the Landmarks Commission as replacements for the wood windows; and

WHEREAS, The applicant is proceeding with restoration of the terra cotta exterior and 240 deteriorated window surrounds will be done at the same time and not in a piecemeal fashion this Spring; therefore, be it

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

After some discussion, the resolution passed with a vote of 23 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Bernstein, Besdin, Connolly, Diamond, Esper, Finkelstein, Forrester, Friedman, Gering, Grayson, Higdon, Isebrand, Kennedy, Kewin, Linn, Matz, Pickett, Presser, Royce, Shields, Strouse, Thayer, Utevsky. **ABSTENTION:** Merker.

**At this point in the meeting, Scott Isebrand took over the chair.**

Mr. Kewin then introduced the following resolution.

***1 Union Square West (The Lincoln Building)***

WHEREAS, 1 Union Square West is an Individual Landmark “skyscraper” built in 1889-1890 designed by R.H. Robertson in a Romanesque Revival style; and

WHEREAS, The application is to install new storefronts and signage at the ground floor replacing those built in a non-conforming style; and

WHEREAS, The new storefronts replace the original storefronts nearly exactly and improve the building enormously; and

WHEREAS, The signage application is for one non-illuminated metal painted blade sign extending no more than three feet from the building; and

WHEREAS, The applicant has stated that they anticipate approval at staff level with the Landmark Preservation Commission; therefore, be it

**RESOLVED**, That Community Board Five **recommends approval** of the application for storefronts and sign at 1 Union Square West.

After some discussion, the resolution passed with a vote of 24 in favor, 0 opposed, 0 abstention, as follows: **IN FAVOR:** Bernstein, Besdin, Connolly, Diamond, Esper, Finkelstein, Forrester, Friedman, Gering, Grayson, Higdon, Isebrand, Kennedy, Kewin, Linn, Matz, Merker, Pickett, Presser, Royce, Shields, Strouse, Thayer, Utevsky.

Mr. Kewin then introduced the following resolution:

***9 West 20<sup>th</sup> Street***

WHEREAS, 9 West 20<sup>th</sup> Street is a 12 level store and loft building within the Ladies Mile Historic District built in 1907-1908 and designed by William G. Pigueron in a neo-renaissance style; and

WHEREAS, The application is for a rooftop residential addition; and

WHEREAS, The addition can be seen from the street, and is not designed in a manner consistent with rooftop structures of the period of the building; therefore, be it

**RESOLVED**, That Community Board Five **does not recommends approval** of this application.

After a brief presentation by the applicant, and extensive discussion, the resolution passed with a vote of 14 in favor, 9 opposed, 1 abstention, as follows: **IN FAVOR:** Connolly, Diamond, Esper, Forrester, Friedman, Isebrand, Kennedy, Kewin, Matz, Merker, Royce, Shields, Strouse, Thayer. **OPPOSED:** Bernstein, Besdin, Finkelstein, Gering, Grayson, Higdon, Pickett, Presser, Utevsky. **ABSTENTION:** Linn.

**At this point in the meeting, Chair Merker resumed the chair.**

***261-265 West 47<sup>th</sup> Street (The Biltmore Theater)***

WHEREAS, 261-265 West 47<sup>th</sup> Street (the Biltmore Theater) is a designated Interior Landmark theater auditorium built in 1925-26 and designed by Herbert J. Krapp in an Adamesque style; and

WHEREAS, The purpose of the application is to renovate a theater to generate up to a 44% transfer of development rights to a proposed adjacent high-rise development; and

WHEREAS, The application is for major changes that remove existing landmark interior areas in addition to extensive restoration; and

WHEREAS, The changes are intended to modernize the facility for use by the Manhattan Theater Club with changes summarized as follows:

- demolish, relocate and rebuild auditorium rear walls
- demolish, relocate and rebuild primary stairs,
- shorten shape and reduce volume of the auditorium
- increase size of front-of-house lobbies and other areas
- demolish, reshape and rebuild balcony

- demolish, reshape orchestra floor, and alter raking
- open quadrants of domed ceiling
- reduce capacity from approximately 900 to 623
- lower the stage and enlarge the orchestra pit; and

WHEREAS, The purpose of the changes is to:

- provide ADA access to all levels via elevator
- provide enlarged off-sidewalk lobby waiting area
- provide necessary improved sight lines
- provide modern lighting inside the domed ceiling opening
- improve acoustics; and

WHEREAS, The theater has deteriorated tremendously and is no longer in a shape viable for contemporary theater; and

WHEREAS, Areas of renovation include restoring or replacing original detail where it still exist; and

WHEREAS, Changes will result in new wall and ceiling surfaces re-use original detail patterns and forms; and

WHEREAS, A fund for continuing maintenance must be in place; therefore, be it

**RESOLVED**, That Community Board Five **recommends approval** of the application for the restoration of the Biltmore Theater, and strongly urges that the owner provide a fund for continuing maintenance of the Theater.

After an extensive presentation by the applicant (Jay Siegal, Attorney representing owners of Biltmore Theater and a special presentation by Lenore Loveman regarding the fight to save theaters), the resolution passed with a vote of 24 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Bernstein, Besdin, Connolly, Diamond, Esper, Finkelstein, Forrester, Friedman, Gering, Grayson, Higdon, Isebrand, Kennedy, Kewin, Levine, Linn, Matz, Pickett, Presser, Royce, Shields, Strouse, Thayer, Utevsy. **ABSTENTIONS:** Merker.

Ms. Matz then introduced the following resolution:

***1000 Fifth Avenue (Metropolitan Museum of Art)***

WHEREAS, The Metropolitan Museum of Art is an Individual Landmark built 1864-1990 and designed in stages by Vaux and Mould, R.M. Hunt, McKim Mead and White and others in a Beaux Arts style museum; and

WHEREAS, The report describes a masterplan for major additions and changes to the museum that would take place in phases over approximately 10 years; and

*WHEREAS, Community Board Five echoes the concerns of New York City Department of Parks and Recreation, that the master plan changes will require the temporary relocation of as many as 10 trees on the southern and western areas of the park surrounding the museum; and*

WHEREAS, The planned changes affecting the Landmark are summarized as follows

- i. add doors as intended in original design on the Fifth Avenue sidewalk/plaza level for public access to educational facilities (south side) and new lobby/coat check area/ADA access (north side)
- ii. build underground support and loading dock areas outside of the existing footprint on the east side that cannot be seen and will be covered by yet to be approved landscaping
- iii. build new galleries above the existing structure that can only be marginally seen from the Park side above the Roman Court wing, restore the court to the original use (remove restaurant) and provide natural skylight to the court
- iv. build new galleries above the existing structure just south of the Dendour wing with limestone facing, set 120 feet behind the Fifth Avenue façade that can only be seen from halfway down 83<sup>rd</sup> street,
- v. build new galleries above the existing structure and filling service courtyards east of the new American wing with a skylight roof that can only be marginally seen from the Park side; and

WHEREAS, These masterplan changes only marginally alter the mass and appearance of the ensemble of existing structures and additions and do not affect the remaining landmark qualities of the building; therefore, be it

**RESOLVED**, That Community Board Five does not object to the master plan advisory report as presented at this time; however the Community Board feels that the magnitude of the plan requires detailed review of each new phase as the design is finalized, therefore, we request that the applicant return to the Board *and its relevant committees, including the Parks and Landmarks Committees*, as the project develops over the next 10 or more years for approval of each phase.

After a presentation by the applicant, extensive discussion ensued. An amendment was proposed by Paul Connolly to state a whereas objecting to the loss of 10 feet of wall to landmark Central Park. The amendment failed by a vote of 6 in favor, 14 opposed, 3 abstentions, as follows: **IN FAVOR:** Connolly, Diamond, Gering, Grayson, Kewin, Matz. **OPPOSED:** Besdin, Esper, Forrester, Friedman, Higdon, Isebrand, Kennedy, Levine, Linn, Royce, Shields, Strouse, Thayer, Utevsky. **ABSTENTIONS:** Finkelstein, Merker, Pickett.

Discussion then continued and a friendly amendment was made by Scott Isebrand (see italics), the resolution then passed with a vote of 17 in favor, 5 opposed, 1 abstention, as follows: **IN FAVOR:** Besdin, Diamond, Esper, Finkelstein, Friedman, Gering, Grayson, Isebrand, Kennedy, Kewin, Levine, Linn, Pickett, Royce, Shields, Strouse, Thayer. **OPPOSED:** Connolly, Forrester, Higdon, Matz, Utevsky. **ABSTENTION:** Merker.

There being no further business the meeting adjourned at 10:00 PM.

Respectfully submitted,

David Diamond  
Secretary