

THE BOROUGH OF MANHATTAN

C. VIRGINIA FIELDS, PRESIDENT

COMMUNITY BOARD FIVE MINUTES – THURSDAY, APRIL 13, 2000

LOLA FINKELSTEIN, CHAIR

Minutes of the regular Community Board #5 meeting held on **Thursday, April 13, 2000** at Fashion Institute of Technology, 227 West 27th Street, at 6:00PM. Lola Finkelstein, Chair, presiding. The tapes of the full meeting are available in the Board office.

Members Present

Vikki Barbero
Elizabeth Beier
Judith Breidbart
David Diamond
Suzanne Esper
Sharon Friedman
Eric Gering
Scott Graham
Doreen Guerin
Timothy Higdon
Scott Isebrand
Jackson Jhin
George Kewin
Brian Landeche
Michael J. Levine
Joyce Matz
Howard Mendes
Kyle Merker
ter Morgan
Steven Onne
Joan Piker
Michael Utevsy
Christopher Walcott

Present Part

Paul Connolly
Judy Ellis
Lola Finkelstein
Grace A. Forrester
Lenore Loveman
Carl Pasbjerg

Excused

Muriel Bernstein
Anna Lou Pickett
Mickey Schwartz
Rosalie Shields
Jay Sung Lee
Stephanie Thayer
James Wasserstrom

Absent

Leonard J. Elmer
Jonathan S. Foster
James Gabbe
Anita Linn
Joseph P. McCluskey
Michael Presser
Michael Royce
Evelyn Strouse
Brad Wilson
Lawrence Zucker

Public Members

Jon Schacter
Lee Silver
Bonnie Williams

Public

Frank Connelly
Mary Jane Manger
Mark Vogel
Elizabeth Matos
Pete Bergman
Marion Fiore
Adam Cantor
Donna Abbuticchio
Frederick R. Gorree
Todd Gwinn
Magdalene Chan
Harvey Grant
T. Seclow
Jasmine Hyman
Margaret Willis
Morgan McLean
Maxine Teitler
Kathy Stanwick
Sandra Lewis
Robert Makle

Elected Officials

Thomas K. Duane
Councilmember

Lucy Mayo
Councilmember Thomas K. Duane

Coral Caporale
Councilmember Margarita Lopez

Dirk McCall
Borough President C. Virginia Fields

Mark Vogel
Assemblymember Richard N. Gottfried

Jody Rudin
Councilmember Christine Quim

Kathryn Harkin
Mayor's Office

Staff

Kathy Kinsella
Gil Cruz
Kim Rodney

PUBLIC SESSION

Elizabeth Matos – Maximus made a presentation in regards to Medicaid Managed Care, and the programs they offer.

Mary Jane Manger spoke on behalf of Mighty Mutts. She cited the harassment by the Parks Department, and that Mighty Mutts should not be forced to show their permit every week. She requested that the Community Board support this organization.

Fred Goree spoke in regards to the City Crab restaurant stating that, according to the plans presented to the Board, there is an eight foot clearance from the phone booth. He requested that Community Board Five deny the application.

Marion Fiore spoke on behalf of Mighty Mutts and requested keeping their operation at Union Square Park.

Dirk McCall announced the appointment by the Borough President of 15 new Community Board Five members. He further stated that the Borough President was outraged about the Patrick Dorsman incident and that the Borough President was pushing for better race relations. A copy of a flyer on Police/Community Relations was distributed to members of the Board and an invitation ended to attend the upcoming meeting on April 18.

Robert Makle spoke about how great New York City's Parks were and the vast benefits they provided.

Bonnie E. Williams introduced three New York Public Library seminar participants to the Board.

Sandra Lewis from Friends of Animals spoke in support of Mighty Mutts.

Peter Bergmann, President of 105 E. 19th Street Coop, explained why the City Crab Restaurant was not a good neighbor and requested Community Board Five reject the application for an unenclosed sidewalk café.

Kathy Stanwick spoke against a sidewalk café for 12 E. 22nd Street, stating that the level of noise is unacceptable. She requested denial of the application.

Maxine Teitler stated that the level of noise and traffic problems that the City Crab restaurant would generate from the addition of a sidewalk café would be intolerable for residents. She recommended that the Board vote to deny this application.

Harvey Grant recommended that the Board vote to deny the application for a sidewalk café at 12 East 22nd Street

BUSINESS SESSION

● PARLIAMENTARIAN'S REPORT ~ *Vikki Barbero & Scott Isebrand*

Ms. Barbero and Mr. Isebrand gave an explanation of the four voting options. A somewhat lengthy discussion followed with members asking for clarification regarding the matter of "present not entitled to vote" and how an abstention is effective of a "soft no."

● CHAIR'S REPORT ~ *Lola Finkelstein*

Chair Finkelstein announced representatives of Elected Officials present at the Board meeting.

Chair Finkelstein announced the results of the election of the Nominating Committee from the April Executive Committee meeting. Those nominated were: Elizabeth Beier, Evelyn Strouse, Mickey Schwartz, Eric Gering and Brad Wilson. The alternates are: Michael Utevsky and Michael Royce. It was further stated that those seeking elected office must submit their names for consideration within the next two weeks.

Ms. Finkelstein welcomed the new Board Members, and asked that they come forward and introduce themselves.

Ms. Finkelstein asked for ratification of a letter to the New York City Transit recommending additional locations for the installation of High Entrance/Exit Turnstiles (HEETs) at Herald Square Station.

The letter was ratified by a vote of 27 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Barbero, Beier, Breidbart, Connolly, Diamond, Esper, Forrester, Friedman, Gering, Graham, Grayson, Guerin, Higdon, Isebrand, Jhin, Kewin, Landeche, Levine, Loveman, Matz, Mendes, Merker, Morgan, Onne, Piker, Utevsky, Walcott. **ABSTENTION:** Finkelstein.

● DISTRICT MANAGER'S REPORT ~ *Kathy Kinsella*

Ms. Kinsella welcomed the new board members and introduced the office staff.

She then stated that there will be two areas within Community Board Five that will be getting a reduction in residential sanitation collection from six to three days a week. She further stated that this will not affect commercial waste or street baskets. The affected areas will be 18th - 22nd Streets from Park Avenue to 8th Avenue and 26th - 42nd Streets from 6th to 8th Avenues..

Ms. Kinsella further announced that the office received information regarding the availability of two buildings offering affordable housing - 94th Street and Broadway and 42nd Street and 11th Avenue.

● VOTE ON MINUTES OF THE MARCH 9, 2000 BOARD MEETING

The minutes were approved by a vote: 27 in favor, 0 opposed, 1 abstentions as follows: **IN FAVOR:** Barbero, Beier, Breidbart, Connolly, Diamond, Esper, Forrester, Friedman, Gering, Graham, Grayson, Guerin, Higdon, Isebrand, Jhin, Kewin, Landeche, Levine, Loveman, Matz, Mendes, Merker, Morgan, Onne, Piker, Utevsky, Walcott. **ABSTENTIONS:** Finkelstein.

COMMITTEE REPORTS

CONSENTS & VARIANCES ~ ELIZABETH BEIER

Ms. Beier introduced the following bundled resolutions (2):

Newsstand Application # 1029440

RESOLVED, That Community Board Five **denies** the application for Newsstand # 1029440, at the north east corner of 42nd Street and Park Avenue.

Newsstand Application # 1029861

RESOLVED, That Community Board Five **denies** the application for Newsstand # 1029861, at the north west corner of Park Avenue and East 47th Street.

After some discussion, the above two bundled resolutions passed with 27 in favor, 0 opposed, 1 abstentions as follows: **IN FAVOR:** Barbero, Beier, Breidbart, Connolly, Diamond, Esper, Forrester, Friedman, Gering, Graham, Grayson, Guerin, Higdon, Isebrand, Jhin, Kewin, Landeche, Levine, Loveman, Matz, Mendes, Merker, Morgan, Onne, Piker, Utevsky, Walcott. **ABSTENTIONS:** Finkelstein.

Ms. Beier introduced the following resolution:

Depalino Restaurant Corp. d/b/a City Crab and Seafood Co.

RESOLVED, That Community Board Five **approves** the application by Depalino Restaurant Corp. d/b/a City Crab and Seafood Co, 235 Park Avenue South, for an unenclosed sidewalk café (5 tables/10 seats), for one year only.

After much discussion regarding the possibility of a letter being sent to the City Crab and Seafood Co., specifying suggestion by the Board of certain conditions that must be follow, there was a motion to call the question by Brian Landeche, which failed with a vote 8 in favor, 18 opposed, 1 abstention, as follows: **IN FAVOR:** Connolly, Forrester, Graham, Guerin, Landeche, Levine, Mendes, Utevsky. **OPPOSED:** Barbero, Beier, Breidbart, Diamond, Esper, Friedman, Gering, Grayson, Higdon, Isebrand, Jhin, Kewin, Loveman, Matz, Merker, Morgan, Onne, Piker. **ABSTENTION:** Finkelstein. Discussion continued.

After more discussion, with the conclusion that a letter be sent to the applicant, Consumer Affairs and Department of Transportation explaining suggestions from the Board that a removable "fixed arm" be attached to the building at one end and the outermost stanchion at the other, the resolution passed with 20 in favor, 7 opposed, 1 abstention, as follows: **IN FAVOR:** Barbero, Beier, Breidbart, Connolly, Diamond, Esper, Friedman, Graham, Grayson, Guerin, Higdon, Isebrand, Jhin, Landeche, Levine, Matz, Merker, Morgan, Utevsky, Walcott. **OPPOSED:** Forrester, Geing, Kewin, Loveman, Mendes, Onne, Piker. **ABSTENTIONS:** Finkelstein.

Ms. Beier then introduced the following resolution :

12 East 22nd Street Café d/b/a Commune

RESOLVED, That Community Board Five **denies** the application by 12 East 22nd Street Café d/b/a Commune, 12 East 22nd Street, for an unenclosed sidewalk café (12 tables/24 seats).

After some discussion, the resolution passed with 26 in favor, 1 opposed, 1 abstentions, as follows: **IN FAVOR:** Barbero, Beier, Breidbart, Connolly, Diamond, Esper, Forrester, Friedman, Gering, Graham, Grayson, Guerin, Higdon, Isebrand, Jhin, Kewin, Landeche, Levine, Loveman, Matz, Mendes, Merker, Morgan, Piker, Utevsky, Walcott. **OPPOSED:** Onne. **ABSTENTIONS:** Finkelstein.

Ms. Beier introduced the following resolution :

601 Eatery, Inc. d/b/a Armani Café

RESOLVED, That Community Board Five **approves** the application for a renewal of the unenclosed sidewalk café permit by 601 Eatery, Inc., d/b/a Armani Café, 110 5th Avenue.

After some discussion, the resolution passed with 25 in favor, 1 opposed, 2 abstentions, as follows: **IN FAVOR:** Barbero, Beier, Breidbart, Connolly, Diamond, Esper, Forrester, Friedman, Gering, Graham, Grayson, Guerin, Higdon, Isebrand, Jhin, Kewin, Landeche, Levine, Loveman, Matz, Mendes, Merker, Morgan, Utevsky, Walcott. **OPPOSED:** Onne. **ABSTENTIONS:** Finkelstein, Piker.

Ms. Beier introduced the following resolution :

Bar Code (New York)

RESOLVED, That Community Board Five **approves** the application for an Arcade by Bar Code (New York), Inc., 1540 Broadway.

After some discussion, the resolution passed with 25 in favor, 2 opposed, 1 abstentions, as follows: **IN FAVOR:** Barbero, Beier, Connolly, Diamond, Ellis, Esper, Forrester, Friedman, Gering, Graham, Grayson, Guerin, Higdon, Isebrand, Kewin, Landeche, Levine, Matz, Mendes, Merker, Morgan, Onne, Piker, Utevsky, Walcott. **OPPOSED:** Breidbart, Loveman. **ABSTENTIONS:** Finkelstein.

● **PARKS~ KYLE MERKER**

Mr. Merker introduced the following resolution:

AlleyCat News Technology Fair

WHEREAS, AlleyCat Information Services has applied for a Special Events Permit to use Union Square Park for a Technology Fair on Sunday, May 21, 2000; and

WHEREAS, The purpose of the event is to bring together a variety of technology companies and to present current technology to the public; and

WHEREAS, Union Square is in the center of New York City's Silicon Alley, and this event will further promote this area as a home for the internet/new media industry; and

WHEREAS, The event will consist of 50 to 60 companies installing interactive displays to demonstrate to the general public from 11am to 7pm; and

WHEREAS, The applicant has stated that at least 10% of the booths will be available to not for profit companies; and

WHEREAS, The applicant has made a sizable donation to the City Parks Foundation; and

WHEREAS, The event will take place on the north end of the park in front of the Pavilion area occupied by the Greenmarket on Monday, Wednesday, Friday and Saturday; and

WHEREAS, The Greenmarket does not operate on Sundays; and

WHEREAS, Set-up will begin after the Greenmarket closes on Saturday evening, and clean-up will be complete by Monday morning; and

WHEREAS, The applicant has agreed that, should generators be used, that they use the most quiet generators they can find, and

WHEREAS, The applicant has agreed to leave the park cleaner than they find it, therefore, be it

RESOLVED, That Community Board Five recommends approval of the Special Event Permit Application for a Technology Fair in Union Square Park on Sunday, May 21, 2000, and be it further

RESOLVED, That Community Board Five requests that a minimum of two-thirds of the donation from *AlleyCat Information Services* made to the City Parks Foundation be used for improvements and/or maintenance of Union Square Park.

Joan Piker offered a friendly amendment to the 2nd Resolved [see italics]

After some discussion, the resolution, as amended, passed with 27 in favor, 0 opposed, 1 abstentions, as follows: **IN FAVOR:** Barbero, Beier, Breidbart, Connolly, Diamond, Ellis, Esper, Forrester, Friedman, Gering, Graham, Grayson, Guerin, Higdon, Isebrand, Jhin, Kewin, Landeche, Levine, Matz, Mendes, Merker, Morgan, Onne, Piker, Utevsky, Walcott. **ABSTENTIONS:** Finkelstein.

● **CHAIR INTERRUPTED AGENDA TO INTRODUCE SENATOR TOM DUANE.**

Sen. Duane welcomed the new members to the Board. Senator Duane spoke of the Discharge of the Hate Crime Bill, which he had put forward to the Senate, which was not successful. Senator Duane also spoke of the impact of the Federal Welfare Legislation on the State.

● **AT THIS POINT THE PARKS COMMITTEE RESUMED.**

Mr. Merker then introduced the following resolution.

Mighty Mutts

WHEREAS, Mighty Mutts, an animal adoption agency, has applied for a Special Permit to use the corner of Union Square Park on Fridays and Saturdays; and

WHEREAS, This application was returned to Mighty Mutts with the request that they send a new application each month; and

WHEREAS, Mighty Mutts had always been approved on an annual basis in the past, and this new procedure places a burden on both the applicant and the Community Board, and

WHEREAS, Other applicants have been able to file requests that encompass several dates over several months; and

WHEREAS, Mighty Mutts has used this corner for animal adoptions since September of 1994, and since that time has placed hundreds of stray animals in permanent homes; and

WHEREAS, Community Board Five, the 14th Street BID/LDC, the Union Square Community Coalition, the Greenmarket, and The 13th Precinct do not have record of any complaints regarding Mighty Mutts; and

WHEREAS, Construction work is slated to begin in this area in early 2001, and should reach this corner by spring 2001, and this construction will displace this applicant at that time; and

WHEREAS, Families who want to adopt these animals will look for them in Union Square Park, and Community Board Five would like a temporary site, to accommodate Mighty Mutts during construction, to be found in Union Square Park; and

WHEREAS, The Parks Manager has stated that he does not know if this area will be able to accommodate Mighty Mutts after construction is completed, and that "we will see if there is space for them when construction is completed." Community Board Five finds this an unacceptable way to proceed, therefore, be it

RESOLVED, That Community Board Five recommends approval of this permit application, and all those applications to be filed by Mighty Mutts for the year 2000, to use the 14th Street/Union Square West corner for animal adoptions on Fridays and Saturdays, with Sundays as a raindate, and be it further

RESOLVED, That Community Board Five requests that a suitable location be found in Union Square Park to temporarily relocate Mighty Mutts during construction currently planned for spring 2001, and be it further

RESOLVED, That Community Board Five requests that *either the* use of this corner be incorporated into the design before construction begins, or a more suitable location be found in Union Square Park for this type of use.

Joan Piker offered a friendly amendment to the last Resolved [see strikethrough and italics]

After some discussion, the resolution as amended, passed with 26 in favor, 0 opposed, 1 abstentions, as follows: **IN FAVOR:** Barbero, Breidbart, Connolly, Diamond, Ellis, Esper, Forrester, Friedman, Gering, Graham, Grayson, Guerin, Higdon, Isebrand, Jhin, Kewin, Levine, Loveman, Matz, Mendes, Merker, Morgan, Onne, Piker, Utevsy, Walcott. **ABSTENTIONS:** Finkelstein.

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

National Cancer Survivors Day

WHEREAS, Beth Israel Medical Center, in conjunction with the American Cancer Society, Cancer Care, SHARE, and Gilda's Club, has applied for a special event permit to use the north side of Union Square Park on Sunday, June 4, 2000, to celebrate National Cancer Survivors Day; and

HEREAS, The event will take place on the north end of the park in front of the Pavilion area occupied by the Greenmarket on Monday, Wednesday, Friday and Saturday; and

WHEREAS, The Greenmarket does not operate on Sundays; and

WHEREAS, The event will consist of two tents, one for entertainment, the other for non-profit groups to provide information and cancer screenings; and

WHEREAS, There will be no entry fee; and

WHEREAS, The set-up begins at 11am and clean-up will be finished by 6pm; and

WHEREAS, The event will run from 1pm to 4pm; and

WHEREAS, Beth Israel Medical Center will provide security; and

WHEREAS, This event has taken place in the park for the past four years without complaint, therefore, be it

RESOLVED, That Community Board Five recommends that the application for a Special Event Permit for Beth Israel Medical Center to hold National Cancer Survivors Day in Union Square Park on June 4, 2000, be approved.

Manhattan Short Film Festival

WHEREAS, The Manhattan Short Film Festival has applied for a Special Event Permit to use the center lawn of Union Square Park on Friday, September 22, 2000; and

WHEREAS, This event will showcase 10-minute films from young international film-makers; and

WHEREAS, This event will consist of two movie screens on the center lawn; and

WHEREAS, Set-up for this event will begin at 10am, and clean-up will be completed by 2am; and

WHEREAS, The films will be screened starting at 8pm; and

WHEREAS, This event was held last year at this location, it was well-run and well-received by the residents of this area; therefore, be it

RESOLVED, That Community Board Five recommends approval of the Special Event Permit application for the Manhattan Short Film Festival in Union Square Park on Friday, September 22, 2000.

After much discussion, the two resolutions passed with 26 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Breidbart, Connolly, Diamond, Ellis, Esper, Forrester, Friedman, Gering, Graham, Grayson, Guerin, Higdon, Isebrand, Jhin, Kewin, Landeche, Levine, Loveman, Matz, Mendes, Merker, Morgan, Onne, Piker, Utevsky, Walcott. **ABSTENTIONS:** Finkelstein.

Mr. Merker introduced the following resolutions (2):

Reconstruction of the Playground at 72nd Street in Central Park (Parks Committee)

WHEREAS, The Central Park Conservancy is applying to reconstruct the 72nd Street Playground in Central Park; and

WHEREAS, This playground was designed by Richard Dattner in the early 1970's, and was one of Central Park's "Adventure Playground;" and

WHEREAS, The original design is in need of repair, and the original elements and layout no longer meets *either* today's safety standards and ADA requirements; and

WHEREAS, There has been a requests for toddler swings in this playground; and

WHEREAS, The Central Park Conservancy has consulted with the original designer in order to add swings, meet safety standard, and meet ADA requirements while retaining as much of the original character of this playground as possible. As a result, most features of the park will remain intact or be modified accordingly; and

WHEREAS, This design encompasses many elements, including improving the safety surface, widening the tunnel in the granite block cone climbing feature, replacing the wood climbing structure with a net climbing structure, improving the water feature, replacing the 7 foot fence with a 5 foot fence, and adding a set of toddler swings; and

WHEREAS, In order to accommodate the toddler swings, the playground will be extended 16 feet; therefore, be it

RESOLVED, That Community Board Five recommends that the plans for the improvements to the 72nd Street Playground in Central Park, as submitted by the Central Park Conservancy, be approved.

Playground at 72nd Street and Fifth Avenue, Central Park (Landmarks Committee)

WHEREAS, This application came to the Landmarks Preservation Commission for review because of the proposed playground expansion into park area itself, and not any changes to the playground; and

WHEREAS, There will be no removal of trees or removal of any other distinguishing part of this Scenic Landmark, despite its expansion 16 feet south of the playground; and

WHEREAS, There is no other incursion into the landmarked Central Park; therefore, be it

RESOLVED, That the Landmarks Committee, joins the Parks Committee in approving this application.

Joyce Matz made a friendly amendment to the third WHEREAS in the first resolution. (see strikethrough)

After much discussion, both resolutions passed with 26 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Beier, Breidbart, Connolly, Diamond, Ellis, Esper, Friedman, Gering, Graham, Grayson, Guerin, Higdon, Isebrand, Jhin, Kewin, Landeche, Levine, Loveman, Matz, Mendes, Merker, Morgan, Onne, Piker, Utevsky, Walcott. **ABSTENTIONS:** Finkelstein.

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

Mr. Utevsky introduced the following resolution:

Lexington Avenue Zoning Map Amendment (C 000246 ZMM)(Tabled from last month)

WHEREAS, The Department of City Planning has proposed the remapping of two blocks on Lexington Avenue, from mid-block between 54th and 55th Streets to mid-block between 56th and 57th Streets, to change the zoning from a special C5-2A District to a C5-2.5 District and to incorporate this portion of Lexington Avenue into the adjoining Special Midtown District; and

WHEREAS, The change in Zoning would permit greater flexibility in the design and envelope on new buildings, including the tower design permitted under the Special Midtown District, but according to the Department of City Planning such towers are not expected to be more than 26 stories on the available "soft" building sites within the two-block area under consideration; and

WHEREAS, The change in the zoning will result in only a minimal increase in permissible density, solely by allowance of a plaza bonus which will increase permitted floor area ratios from 12.0 to 13.0; and

WHEREAS, The Board does not object to the height or envelope of typical buildings that will be permitted under the proposed zoning, as shown in drawings prepared by the Department of City Planning, nor does the Board object to the possibility of a small public plaza in this area; and

WHEREAS, Although the Board has previously expressed its desire to preserve as an historic district the eight townhouses on 54th and 55th Streets in the mid-block between Lexington Avenue and Park Avenue, and the Board is concerned that many of these townhouses are under imminent threat of demolition for a new development, these townhouses are not part of the rezoned area, and the Department of City Planning has assured the Board that these townhouses will not be affected by the remapping, and the Board is unable to discern any impact on these townhouses as a result of the remapping; and

WHEREAS, The Department has stated that this remapping is not intended to spur development but, rather, to rationalize what is now an anomalous designation; ~~therefore, be it~~

~~**RESOLVED**, That the Board approves the proposed remapping of Lexington Avenue from mid-block between 54th and 55th Streets to mid-block between 56th and 57th Streets.~~

Proposed Amendment to Lexington Avenue Resolution (above)

Strike the last paragraph, (RESOLVED) and the last 3 words of the penultimate paragraph from the March 2000 Proposal, and substitute the following paragraphs:

WHEREAS, Community Board Six has jurisdiction over the eastern side of Lexington Avenue and would be equally affected by this remapping; and

WHEREAS, Community Board Six objects to the possibility of bonus plazas in this district on the grounds that the available "soft" sites are too small to allow a well-designed plaza, the Board has a preference for continuity of street walls in this area, and the Board is concerned about any potential increase in floor area ratio; and

WHEREAS, Community Board six has adopted a Resolution which approves the proposed remapping on the condition that bonus plazas are not permitted in this area, and representatives of the Department of City Planning have indicated that they would be receptive to considering such a condition; and

WHEREAS, In the interest of comity, Community Board Five desires to act in concert with Community Board six on this issue, if possible; now therefore, be it

RESOLVED, That Community Board Five approves the proposed remapping of Lexington Avenue on the condition that plaza bonuses shall not be allowed in this area.

The amendment was accepted by unanimous consent.

After a presentation by the Department of City Planning and much discussion, the resolution passed by a vote of 20 in favor, 4 opposed, 4 abstentions, as follows: **IN FAVOR:** Barbero, Beier, Connolly, Diamond, Ellis, Esper, Friedman, Gering, Graham, Grayson, Guerin, Isebrand, Kewin, Levine, Mendes, Merker, Morgan, Piker, Utevsky, Walcott. **OPPOSED:** Breidbart, Higdon, Jhin, Matz. **ABSTENTION:** Finkelstein, Landeche, Onne, Pasbjerg.

Mr. Utevsky introduced the following resolution:

Madison Square Park Area Rezoning

WHEREAS, The Department of City Planning (DCP) has proposed an amendment of the zoning map to the area north of Madison Square Park covering an area roughly from 23rd Street on the south and 38th Street on the north, just west of Park Avenue on the east and just west of Fifth Avenue on the west (map attached), much of which rests in Community Board Five; and

WHEREAS, The amendment would change this area from districts C5-2 and C6-4 to C5-2A and C6-4A; and

WHEREAS, These zoning changes would change the covered areas to contextual zoning districts; and

WHEREAS, As an evenly and substantially built-out section of the city, the Madison Square Area is particularly well suited to contextual zoning; and

WHEREAS, This rezoning is intended to be effective concurrently with the Department of City Planning's Unified Bulk Program; and

WHEREAS, This rezoning would protect the predominant built forms that exist in the covered districts today; and

WHEREAS, This rezoning would prevent out-of-scale towers such as the new building at 15 East 29th Street without stifling appropriate future development in the district; therefore, be it

RESOLVED, That Community Board Five approves the Department of City Planning's proposal for the Madison Square Park Area Rezoning.

After a presentation by the Department of City Planning and much discussion, the resolution passed with 26 in favor, 1 opposed, 1 abstention, as follows: **IN FAVOR:** Barbero, Beier, Breidbart, Connolly, Diamond, Ellis, Esper, Friedman, Gering, Graham, Grayson, Guerin, Higdon, Isebrand, Jhin, Kewin, Landeche, Levine, Matz, Mendes, Merker, Morgan, Pasbjerg, Piker, Utevsky, Walcott. **OPPOSED:** Onne. **ABSTENTION:** Finkelstein.

Mr. Utevsky then introduced the following resolution:

Unified Bulk Program Zoning Text Amendments (N 000244 ZRY)

WHEREAS, The Department of City Planning (DCP) has proposed very substantial amendments to the Zoning Resolution in order to, among other things, create a simpler and more predictable set of rules, close certain loopholes, and create uniform limits on the height and distribution of bulk of new buildings throughout the City; and

WHEREAS, Department of City Planning's proposals are intended to have little effect, if any, on special zoning districts and contextual zoning districts, including the Special Midtown District and the newly proposed contextual district for the Madison Square Park Area (which the Board supports) and, accordingly, the proposals will have little effect on the substantial majority of the area of Community Board 5; and

WHEREAS, All Community Boards in the City have been given only the legally required time period of 60 days within which to review the proposals and attempt to understand their consequences, both intended and unintended; and

WHEREAS, The Board approves of many of the proposed changes, disapproves of others, and is disappointed that Department of City Planning has not used this opportunity to address yet other major concerns of the Board, but the Board believes that the proposed text amendments, taken as a whole, are an improvement over the existing text; now, therefore, be it

RESOLVED, That the Community Board Five approves the Unified Bulk Program, and notes the following changes and omissions that it particularly supports or particularly objects to, and the following additional amendments that it requests to be made:

a. The Board supports the following:

1. Heights limitations. These will promote simplicity and predictability of zoning. However, the Board believes that further amendments are necessary to more closely tailor height limitations to specific neighborhoods.

2. Restrictions on zoning lot mergers across district boundaries. These changes will prevent the most egregious uses of zoning lot mergers to create buildings that will be completely out of scale with their surroundings.

3. The requirement that any public plaza for which a building received bonus floor area may not be reduced in size without a special permit. The Board has previously advocated this change in connection with the building at 1500 Broadway.

4. The creation of a special permit for good design, but only on the condition that specific regulations shall be adopted which among other things (i) clearly specify and restrict the changes that are deemed "minor modifications" that can be approved without a special permit and solely by authorization of the City Planning Commission, and (ii) provide details regarding the role of the proposed design advisory panel and require that its findings be made in details regarding the qualifications of panel members, the manner of their appointment, and the length of their term.

5. The overall attempt to make the Zoning Resolution more clear, simple, and, predictable in result.

b. The Board objects to the following proposals and requests revisions:

1. Uniform street wall requirements. The Board believes that these requirements substantially limit the flexibility and creativity that builders and architects have used in the past to create good and great designs and varied neighborhoods. The Board believes that these requirements should be more flexible and allow a greater variety of designs that work well within a specific site and neighborhood.

2. Minimum tower lot coverage requirement of 33%. Many of the great buildings in Manhattan have only 25% lot coverage. Other changes in the zoning text already limit the most egregious effects of zoning lot mergers. Therefore, any minimum lot coverage requirement should not exceed 25%.

3. The limited period for public review of these proposals. The last major revision to the zoning text, in 1961, was reviewed and discussed for approximately ten years. These revisions are so substantial that they deserve extended study and public discussion for a longer period than the legal minimum.

The Board requests that the following additional amendments be made to the Zoning Resolution:

1. The calculation of "floor area" under the Zoning Resolution allows developers to exclude unlimited amounts of so-called mechanical space. Thus, some modern office buildings have been constructed with mechanical spaces constituting as much as 26% of their gross floor area, which results in much greater bulk than predicted or expected for these buildings. The definition of "floor area" should be revised to limit the amounts of mechanical space that can be excluded from floor area calculations.
2. Similarly, the definition of floor area excludes most below-grade space in commercial buildings. The definition of floor area should be revised to take into account space below grade that is used for commercial purposes.
4. The proposed special permit for good design is not intended to apply to special zoning districts or contextual zoning districts or contextual zoning districts. We believe that the Special Midtown District regulations should include the proposed special permit for good design, in order to promote the most varied, imaginative and aesthetically pleasing designs in the central business district.

Mr. Merker made a motion to amend the resolution by moving "a-4" in the RESOLVED to section "b" and change language. After some discussion motion failed with 10 in favor, 15 opposed, 1 abstention, as follows: **IN FAVOR:** Esper, Graham, Higdon, Jhin, Landeche, Levine, Matz, Merker, Morgan, Walcott. **OPPOSED:** Barbero, Beier, Breidbart, Diamond, Ellis, Friedman, Gering, Guerin, Isebrand, Kewin, Mendes, Onne, Pasbjerg, Piker, Utevsy. **OBSTENTION:** Finkelstein.

After much discussion, the resolution passed with 18 in favor, 8 opposed, 1 abstention, as follows: **IN FAVOR:** Beier, Diamond, Ellis, Esper, Friedman, Gering, Grayson, Guerin, Higdon, Isebrand, Kewin, Landeche, Mendes, Morgan, Onne, Pasbjerg, Piker, Utevsy. **OPPOSED:** Barbero, Breidbart, Graham, Jhin, Levine, Matz, Merker, Walcott. **ABSTENTION:** Finkelstein.

At this point in the meeting, Kyle Merker took over as chair.

LANDMARKS ~ JOYCE MATZ & JONATHAN FOSTER

Eric Gering introduced the following resolution:

872 Broadway (between 17th & 18th Streets)

WHEREAS, 872 Broadway is within the Ladies Mile Historic District; and

WHEREAS, It is a Beaux Arts style building, built in 1847 and altered in 1901 and designed by Frederick Jacobsen; and

WHEREAS, The application is to modify a storefront that was installed without permission from the Landmarks Preservation Commission; and

WHEREAS, The proposed work includes replacing the awning with a lower smaller fixed awning; and

WHEREAS, The bulkhead above the awning would be restored; and

WHEREAS, The existing air conditioner above the entrance would be covered with a louvre, and the storefront repaired; and

WHEREAS, The storefront will be handicapped accessible; therefore be it

RESOLVED, That Community Board Five approves this application for a Certificate of Appropriateness for 872 Broadway.

After some discussion, the resolution passed with 24 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Barbero, Breidbart, Diamond, Esper, Finkelstein, Friedman, Gering, Graham, Grayson, Guerin, Higdon, Isebrand, Jhin, Kewin, Landeche, Levine, Matz, Mendes, Morgan, Onne, Pasbjerg, Piker, Utevsy, Walcott. **ABSTENTION:** Merker.

Eric Gering introduced the following resolution:

Cartier, 2-4 East 52nd Street, aka 651-653 Fifth Avenue

WHEREAS, The Cartier Building is an individual landmark; and

WHEREAS, It is a stately Italianate Renaissance style townhouse (aka Morton & Nellie Plant House) built 1903-05 and designed by Robert W. Gibson, one of the very few original townhouses still in existence along Fifth Avenue; and

WHEREAS, According to the applicant, this application proposes "to return it to its former grandeur," on both 5th Avenue and 52nd Street; and

WHEREAS, Two doors will be moved, one, on Fifth Avenue, to the center of the façade, and the other, on 52nd Street to where the original entrance will be restored; and

WHEREAS, Light fixtures will be recreated and added to those entrances, and a new glass marquee added to the newly restored 52nd Street entrance; and

WHEREAS, There will be new, retractable awnings with white fabric; and

WHEREAS, The windows will be restored and where needed replicated in wood; and

WHEREAS, In addition to restoring and cleaning the facades, the applicant proposed to remove the stone work at ground level on 52nd Street and extend the black grillwork from 5th Avenue along 52nd Street; therefore, be it

RESOLVED, That Community Board Five approves this application along 2-4 East 52nd Street.

After some discussion and presentations, the resolution passed with 24 in favor, 1 opposed, 1 abstention, as follows: **IN FAVOR:** Barbero, Beier, Breidbart, Diamond, Ellis, Esper, Friedman, Gering, Graham, Grayson, Guerin, Higdon, Isebrand, Jhin, Kewin, Landeche, Levine, Mendes, Morgan, Onne, Pasbjerg, Piker, Utevsy, Walcott. **OPPOSED:** Matz. **ABSTENTION:** Merker.

Eric Gering introduced the following resolution:

Manhole Covers

WHEREAS, Manhole covers and coal chute covers in New York City date back to the 19th Century and represent an important link to New York City's vanishing historic iron foundry business; and

WHEREAS, Los Angeles was the first city to landmark its covers citywide; and

WHEREAS, The most historic and artistic surviving cast-iron output of these long gone foundries are the surviving manhole and coal chute covers found in the older sections of the city; and

WHEREAS, They are offered no protection even in historic districts; and

WHEREAS, Although planned to be utilitarian in purpose, these covers wear highly ornamental designs; and

WHEREAS, 19th Century Foundry names and addresses and long vanished city departments can still be read on many of the covers; and

WHEREAS, They are being photographed, researched and studied by preservationists who are seeking landmark status for those most significant, a movement which is supported by Community Boards #1 and #2 and by the Historic Districts Council, Councilwoman Kathryn Freed and many preservationists; therefore, be it

RESOLVED, The Community Board Five supports a moratorium on the alteration of all manhole covers and coal chute covers until a study can be completed.

After some discussion, the resolution passed with 24 in favor, 1 opposed, 1 abstention, as follows: **IN FAVOR:** Barbero, Beier, Breidbart, Diamond, Ellis, Esper, Friedman, Gering, Graham, Grayson, Guerin, Higdon, Isebrand, Jhin, Kewin, Landeche, Levine, Matz, Mendes, Morgan, Onne, Pasbjerg, Piker, Walcott. **OPPOSED:** Utevsy. **ABSTENTION:** Merker.

There being no further business, the meeting was adjourned at 11:05 PM.

Respectfully submitted,



Vikki Barbero
Secretary