



**THE BOROUGH OF MANHATTAN
GALE BREWER, BOROUGH PRESIDENT
MANHATTAN COMMUNITY BOARD FIVE**

VIKKI BARBERO, CHAIR WALLY RUBIN, DISTRICT MANAGER

Minutes of the regular Community Board Five meeting held on **Thursday, December 12, 2019 at Xavier High School, 2nd Floor Library, 30 West 16th Street (b/t 5th & 6th Aves.), at 6:00pm.**
Vikki Barbero, Chair, presided.

Members Present

David Achelis
Nicholas Athanail
Vikki Barbero
James Beitchman
Andreas Benzing
Julie Chou
Christopher Clark
James Dale
Sarah Dowson
Aaron Ford
Laura Garcia
Nancy Goshow
Michael Greeley
Tristan Haas
John B. Harris, Jr.
Matthew Hartman
Robert Isaacs
Samuel Johnson
E.J. Kalafarski
Jennifer Kasner
Renee Kinsella
Layla Law-Gisiko
Sam Levy
Blaga Lucic
Joseph Maffia
Kimberly McCall
Evan Meyerson
Charles Miller
Janet Pawson
Tod Shapiro
Craig Slutzkin
Clayton Smith
Barbara Spandorf
Daniel Spence
Jessica Verdi
Pete Webb

Rachel Weintraub
July Yang

Present Part
Daniel Spence

Absent
Dominic Gatto
Jordan Goldman
William Heyer
Michael Kaback
Lucas Lopes
Jonathan Rabar
Simon Tschinkel
Ryan Whalen

Excused
David Sandler

Public Members
Tony Testa

Elected Officials
Abigail Bessler
Councilmember Powers

Jeremy Unger
Councilmember Rivera

Laurie Harjowaroga
Speaker Johnson

Senator Liz Krueger

Justin Flagg
Senator Krueger

Brian Lafferty
Borough President Brewer

Lucas Wolf
Comptroller Stringer

Betsy Schmid
Congresswoman Maloney

Samuel Vasquez
Senator Hoylman

Staff
Wally Rubin
District Manager

Luke Szabados
Community Associate

Public Attendees

Sameera Salair
Joe Abruzzo
Ali Lenthold
Loehrd Zaibok
Carol Rosenthal
Nick Williams
Aimee Berger
Justina Michaels
Alan Wikler
Beth Taswan
Rowena Carreon
Jennifer Coteng
Kaylen Ashcraft
Rachel Basoco
Cate Luzio

Mitchell Segal
Anna Makei
Paul Cardozo
Kathlyn Quinn
Jamie Gorman
Paul Apolbno
Sarah Foley
Marova Righi
Ramona Ortega
Robin Schletter
Robert Schletter
Erica Lerner
Laureia Emhoff
Rhonda Cole
Zach Bahar
Judy Olsen
Pia Constantino
Mayank
Gloria Giordano
Mariano 'Rourke
Pierre Cevikshanic
Sanny Makki
Omar T
Kathy Valgora
Mario Messina
David Little
Lawrence Glickman
Gail Fox
Monique Morgan
Michael Haksband
Meridith Little
Vivian Pan
Steven Thomson
Trevor Stahelskin
Alison Curreri
Raizada Vaid

At 6:00 p.m., the Manhattan Community Board Five December 12th full Board meeting was called to order by Chair, Vikki Barbero.

PUBLIC SESSION

Sam Vasquez – Representing Senator Hoylman – announced upcoming December 16th Town Hall meeting on progressive agenda. He spoke of December 13 NYU dental van. He also spoke of Santa Con event cancellation.

Senator Liz Krueger – spoke of the busy year for the New York State Senate and discussed various bills that were signed into law. There were 2,957 bills this year. She spoke of a new smoking law especially vaping, formulae for health and education funding, and also noted Congressman Nadler’s fine work on the impeachment hearings.

Laurie Hardjoworogo – Representing Speaker Johnson – announced the unanimous vote by the Landmarks Preservation Commission to landmark Tin Pan Alley. She announced that December 18 is the deadline for their Holiday Toy Drive and on January 15, there will be a SCRIE/DRIE workshop. She also invited people to attend their January 8 meeting with the Department of Buildings in their district office to discuss building issues.

Abigail Bessler – Representing Councilmember Powers – announced that the City would implement a plan to address overcrowding around Rockefeller Center during the holidays by temporarily closing 49th and 50th Streets between 5th and 6th Avenues. She spoke of the introduction of a bill to improve the pedestrian experience in Times Square based on the recent uptick in touching without consent by costume characters and vendors in the area. She announced the legislation passed by the City Council alongside eight other bills related to reducing the use and abuse of parking placards. Spoke of the cancellation of Santa Con and the upcoming toy drive.

Brian Lafferty – Representing Borough President Brewer – wished the Board Happy Holidays. He announced that applications for Community Board positions were open until January 21. He also reminded current members that if they were unaware as to whether they were up for reappointment, they should contact him. He announced that the Food Bank for NYC, and the Girl Scouts of Greater New York joined with the Borough President to launch the fourth annual holiday diaper drive. He also announced the December 13 Opioid Overdose Education Training event.

Jeremy Unger – Representing Councilmember Rivera – wished the Board Happy Holidays. He announced an upcoming toy drive. He spoke of positive effects of the 14th Street busway and noted that his office had heard concerns during a walk-through. He also announced the push to end solitary confinement at Rikers. He also spoke of three hospital hearings on EHR systems, HIV education and surprise billing.

Betsy Schmid – Representing Congresswoman Maloney – announced that on November 20, the Congresswoman was officially elected as Chair of the House Committee on Oversight and Government Reform. Announced that NDAA was officially adopted after passage of the rule today in the House. The provision provides for 12 weeks paid family medical leave to federal workers to care for themselves and their families.

Luke Wolf – Representing Comptroller Stringer – spoke of this past year’s report on the city’s finances and a recent MTA audit.

Marova Righi – Representing CCRB – discussed the role of the Civilians Complaint Review Board and noted that the ballot proposal relating to the composition of the CCRB voted on November 5th passed. She also explained five changes to CCRB that will go into effect next year.

Kaylen Ashcraft – Girl Scouts NYC – spoke of the different services Girl Scout is involved with.

Gail Fox – 14th Street Coalition – spoke of traffic safety and busway. She stated that she would personally like to participate in a survey to see City agencies send some people with feet on the ground to

address concerns. She also spoke of having to put in issues multiple times before it was addressed and asked for the Board continued support and assistance navigating through issues with the busway.

Judy Olsen – 29th Street Association – read a statement opposing the application from The Glass Ceiling located at 1204 Broadway.

Mitchell Segal – Representing Glass Ceiling Events LLC – spoke in favor of the application from the application from The Glass Ceiling located at 1204 Broadway and discussed why the application should be approved.

Anna Makki – Gilsey House – spoke in opposition to the application for 1204 Broadway, The Glass Ceiling.

Cate Luzio – The Glass Ceiling – spoke in favor of the application from The Glass Ceiling, and spoke of working with CB5 and Gilsey House to address concerns raised by residents.

Raizado Vaid – The Glass Ceiling – spoke in opposition to the application for 1204 Broadway and the changes it will make to the building.

Lawrence Glickman – Gilsey House – produced pictures of both the Gilsey House and the proposed Glass Ceiling; spoke in opposition of the application from the Glass Ceiling

Jamie Gorman – Gilsey House – spoke in opposition to the granting of a liquor license for the Glass Ceiling and security concerns.

Paul Cardozo – Gilsey House – spoke in opposition of the application from the Glass Ceiling; explained concerns with distance between buildings.

Kathryn Quinn – Gilsey House – spoke in opposition of the application from the Glass Ceiling; spoke of effect on the historic building structure and non-compliance according to CB5 policy.

Pia Coustantino – Gilsey House – spoke in opposition of the application from the Glass Ceiling based on the location of her apartment from the Glass Ceiling and her concerns for her daughter’s health.

Sarah Foley – The Glass Ceiling – spoke in favor of the application from the Glass Ceiling spoke as a member of Luminary and explained the reason for the space

Joe Abruzzo – The Glass Ceiling – spoke in favor of the application from the Glass Ceiling ;spoke of empathy to residents but also to the commercial tenants who improved the space and stated that a vote against liquor license is a vote against commerce.

Vivian Pan – Gilsey House – spoke in opposition of the application from the Glass Ceiling; discussed concerns of the noise that will come from the Glass Ceiling.

Beth Kaswan – Gilsey House – spoke of support for the Luminary but spoke in opposition of the application from the Glass Ceiling noting noise concerns.

Meredith Little – Gilsey House – spoke in opposition of the application from the Glass Ceiling based on noise concerns.

Robin Schletter – Luminary – a member of the Luminary and explained the reason for the space will be to meet and entertain clients.

Laurena Emhoff – Luminary/Glass Ceiling – spoke in favor of the application from the Glass Ceiling; spoke of love for the neighborhood and explained her reason for asking for support for the Glass Ceiling.

Ali Lenthold – Luminary – spoke in favor of the application from the Glass Ceiling, including being a member of Luminary and the various values of having the space.

Rachel Basoca – Luminary – introduced herself as the Creative Director of Luminary; spoke in opposition of the application from the Glass Ceiling and explained the purpose of the Glass Ceiling.

Erik Horvat – 550 Madison Avenue – explained the positive design and the purpose of the garden, which will be opened to the public.

Bobby Robaina – Fashion Institute of Technology – announced new exhibition “Power Mode” and spoke of private tour for the neighborhood. He also announced that FIT was ranked #1 for Business and Design.

BUSINESS SESSION

- **VOTE ON THE NOVEMBER 2019 MINUTES**

The November 2019 minutes passed with a vote of 37 in favor, 0 opposed, 1 abstaining, as follows: **IN FAVOR:** Achelis, Athanail, Beitchman, Benzing, Chou, Clark, Dale, Dowson, Ford, Garcia, Goshow, Greeley, Haas, Harris Jr., Hartman, Isaacs, Johnson, Kalafarski, Kasner, Kinsella, Law-Gisiko, Levy, Lucic, Maffia, McCall, Meyerson, Miller, Pawson, Shapiro, Slutzkin, Smith, Spandorf, Spence, Verdi, Webb, Weintraub, Yang. **ABSTAIN:** Barbero.

- **CHAIR'S REPORT – VIKKI BARBERO - WAIVED**

- **DISTRICT MANAGER'S REPORT – WALLY RUBIN - WAIVED.**

COMMITTEE REPORTS

PUBLIC SAFETY AND QUALITY OF LIFE – NICHOLAS ATHANAIL

Mr. Nicholas Athanail gave a brief presentation on the following resolution passed by the Executive Committee:

Glass Ceiling Events, LLC, d.b.a "The Glass Ceiling", 1204 Broadway (Between 29th and 30th Streets), New York, NY, application for a new liquor license

WHEREAS, GLASS CEILING EVENTS LLC ("Applicant"), has notified Community Board Five of its intention to apply for a new liquor license for a rooftop bar/lounge/event space to be located at 1204 Broadway (between 29th and 30th Streets) New York, New York (the "Premises"); and

WHEREAS, The Premises consists of approximately 3,761 square feet of space on the rooftop of a four (4) story building, immediately adjacent to a residential building; and

WHEREAS, The entirety of the space is outdoors, on a rooftop (the "Rooftop") above the fourth floor of the building; and

WHEREAS, The Premises would consist of completely unenclosed outdoor space as well as outdoor space enclosed by a glass structure having sliding doors on the outside and a retractable roof; and

WHEREAS, Approximately 85% of the Rooftop would be enclosed by the glass structure and approximately 15% of the rooftop would be completely unenclosed; and

WHEREAS, The total capacity of the Premises is 74 persons, with table seating capacity of 64 and bar seating capacity of 10; and

WHEREAS, The Premises would include one (1) patron bar and no service bars; and

WHEREAS, The Premises would be open seven days a week, 11am-1am Sunday through Wednesday, and 11am-2am Thursday through Saturday; and

WHEREAS, The Premises, which has never been licensed to serve liquor, is new construction and is subject to the 500 Foot Rule of the ABC Law; and

WHEREAS, Immediately adjacent to, abutting, and overlooking the Rooftop is a residential building located at 1200 Broadway, with residences and their windows located mere feet from the Rooftop (see photo); and

WHEREAS, Plans for operation of the Premises include occupancy by as many as 74 patrons, amplified speakers for music, and at times a DJ; and

WHEREAS, Although Applicant would be willing to (i) close the sliding doors and roof of the glass structure and close the un-enclosable areas of the Rooftop at 10pm Sunday through Wednesday and 11pm Thursday through Saturday, and (ii) not have speakers on the exterior unenclosed space (outside of the glass structure), nonetheless, those concessions are not sufficient and cannot make this proposed use of the Rooftop acceptable because the space is just too close to the residential windows; and

WHEREAS, The adjacent residential building engaged a sound engineer who issued a report stating that noise from the adjacent proposed bar/lounge venue on the top floor of 1204 Broadway would cause sound disturbance to the residential building and that the HVAC equipment on the roof is already in violation of the NYC Noise Code; and

WHEREAS, Although Applicant provided their own sound engineering report with recommendations about how music within the glass enclosure can be mitigated to levels at or below the NYC Noise Code, music is not the only concern regarding this operation and the report does not address patron noise, or sound from the unenclosed portions of the Rooftop, or sound at times when the glass enclosure is open; and

WHEREAS, Even if the glass enclosure could mitigate sound, such mitigation would only be effective when the structure was completely closed and the un-enclosable portions of the Rooftop were vacated, leaving the adjacent residences uninhabitable the rest of the time; and

WHEREAS, Even if the glass enclosure could mitigate sound and even if the un-enclosable portions of the Rooftop were vacated, any proposed bar/lounge/event operation on a rooftop so immediately adjacent to residential windows is insupportable because of the very close proximity; and

WHEREAS, Even if we accept the Applicant's proposed concessions and give the applicant the benefit of every doubt about the glass enclosure, because of the location of the Rooftop mere feet away from residential windows, there is no way the Rooftop can be operated as a bar/lounge/event space without significantly and unreasonably imposing on the residents adjacent to the space; and

WHEREAS, Residents of the neighboring building and representatives of the 29th Street Association, the local community organization, have voiced strenuous objection to the licensing of the Rooftop; and

WHEREAS, Although CB5 strives to balance the interests of residents and businesses in the district, in this case, the huge potential for negative impact on the adjacent residents cannot be balanced against a rooftop bar in such close proximity to the residences; and

WHEREAS, Although CB5 opposes the location of a rooftop bar at the Premises, CB5 would be willing to work with the Applicant on options other than licensing the Rooftop, for example licensing portions of the interior four (4) floors of the building; and

WHEREAS, Because of the location of the Rooftop Premises immediately adjacent to residential windows, CB5 finds that granting a liquor license for the Premises is NOT in the public interest; therefore, be it

RESOLVED, That Community Board Five **recommends denial** of the application by GLASS CEILING EVENTS, LLC for a new liquor license for the rooftop bar/lounge/event space to be located at 1204 Broadway (between 29th and 30th Streets) New York, New York.

After much discussion, the above resolution and report passed with a vote of 37 in favor, 0 opposed, 1 abstaining: **IN FAVOR:** Achelis, Athanail, Beitchman, Benzing, Chou, Clark, Dale, Dowson, Ford, Garcia, Goshow, Greeley, Haas, Harris Jr., Hartman, Isaacs, Johnson, Kalafarski, Kasner, Kinsella, Law-Gisiko, Levy, Lucic, Maffia, McCall, Meyerson, Miller, Pawson, Shapiro, Slutzkin, Smith, Spandorf, Spence, Verdi, Webb, Weintraub, Yang. **ABSTAIN:** Barbero.

PARKS AND PUBLIC SPACES – CLAYTON SMITH

Clayton Smith gave brief presentation on the following five bundled resolutions:

Application from AWESTRUCK Marketing Group for “Flaviar Holiday Booth,” to be held in Bryant Park on December 6th, 2019

WHEREAS, Sean Oakley of AWESTRUCK Marketing Group on behalf of Flaviar (“Applicant”) submitted an application to hold Flaviar Holiday Booth, a marketing event, on the Southeast Plaza of Bryant Park on December 6th, 2019; and

WHEREAS, The Event will take place between the hours of 8:00 am and 9:00 pm, with set-up beginning at 12:01 am and load-out completed by 7:00am the following day; and

WHEREAS, The Event's footprint will consist of a 10' x 10' market booth to introduce Flaviar, a membership subscription service of premium bottles of small-batched whiskey; and

WHEREAS, Flaviar will sell merchandise containing comical misprints and "mistakes," with each item valued at \$300 a piece, which will elicit shocked reactions from shoppers; and

WHEREAS, Flaviar will have a hidden camera in the booth to capture this reaction, which will be followed by staff explaining the service that is actually being offered;

WHEREAS, Staff will request a consent waiver signed by anyone captured on camera, and will not utilize any footage without obtaining said waiver; and

WHEREAS, Flaviar will not offer or sell any tasting of their products (small-batched whiskey); and

WHEREAS, The Event will have no activities outside of the booth, with all footage to be collected inside the booth only; and

WHEREAS, The Event will not have any amplified sound, minimal signage, and the structure closely resembles that of the other vendor booths throughout the Market; therefore, be it

RESOLVED, Community Board Five **recommends approval** of the application from AWESTRUCK Marketing Group for “Flaviar Holiday Booth,” to be held in Bryant Park on December 6th, 2019; and be it further

RESOLVED, As the timing of the application being submitted to the Parks Department prevented a proper public hearing in advance of the event, Community Board Five **continues to request** that the Parks Department extend the minimum notice required of event applications to 45 days, to ensure that they can be given a proper public hearing.

Application from Allied Experiential for “Amazon Treasure Truck Oreo Holiday House,” a marketing event in Bryant Square Park on December 14, 2019

WHEREAS, Allied Experiential (“Applicant”), a division of Allied Global Marketing, has submitted a permit application to the Parks Department on behalf of its clients Amazon and Oreo for “Amazon Treasure Truck Oreo Holiday House,” a marketing event to be held in the northwest corner of the ice rink at Bryant Square Park on Saturday, December 14th, 2019 from 11 AM to 10 PM; and

WHEREAS, Event set-up would occur from 11 PM on December 13 to 10 AM on December 14, while breakdown and cleanup would occur from 11 PM on December 14 to 7 AM on December 15; and

WHEREAS, The Event is to involve a 30 feet by 30 feet footprint occupying the space directly to the northwest of the Park’s ice skating rink, and will consist of two structures: a 16 feet by 14 feet Oreo-branded house (the “Oreo House”) and a 10 feet by 10 feet Oreo-branded structure in which visitors are encouraged to take photographs (the “Photo Op”); and

WHEREAS, The Oreo House is constructed to resemble a gingerbread house made of Oreos, with a large Oreo logo on its front façade, and inside the house visitors will encounter Oreo-branded Christmas-themed décor, including a 7-foot Oreo cookie rug; and

WHEREAS, Music will be played from a Bluetooth speaker within the Oreo House; and

WHEREAS, The Photo Op area consists of a heavily branded backdrop, with images of a carton pouring milk and a large Oreo logo in the center, and a “dunk ball pit” filled with foam Oreo cookie props and white balls resembling milk bubbles, with visitors encouraged to take photographs of themselves and post them on social media; and

WHEREAS, The Event will also feature at least 8 external signs, all branded with Oreo logos and themes, including one sign announcing that filming will be taking place inside and outside the structures, and that “If you don’t want to be on camera, please avoid this area. If you’re in this area, we’ll assume you’re OK with having a few moments in the spotlight,” in direct contradiction with Community Board Five’s expectations of appropriate verbiage for such signage; and

WHEREAS, The Applicant anticipates up to 5,000 visitors, and is constructing a queue line created out of stanchions to the direct left of the Oreo House, with security at the door of the Oreo House to limit the number of visitors at one time; and

WHEREAS, Applicant is distributing Oreo samples to visitors; and

WHEREAS, Community Board Five finds objectionable the footprint and timing of the Event, its placement adjacent to the skating rink, and its duration all-day on Saturday, December 14, one of the most popular skating days of the winter, resulting in a heavily branded and commercial oversaturation of a valuable and already-congested public space; and

WHEREAS, The sizable and numerous branded signage is extreme and inappropriate for a public space, and the Applicant noted that the clients would not be amenable to modifying their plans despite Community Board Five's objections; and

WHEREAS, The Applicant asserted that its proposed verbiage and signage for the recording of digital media of Park users for commercial usage in a heavily populated public space would unilaterally create an implied consent by Park users for such use *without written consent*; and

WHEREAS, According to Community Board Five's understanding and interpretation of New York state law, Applicant is required to obtain park users' express written permission for any such digital use if they are recognizably recorded, and cannot post a notice instructing park users to avoid the public space altogether to avoid the use of their digital likenesses; and

WHEREAS, The Event has an egregious impact on this vital and heavily trafficked public space, and is a completely inappropriate use of the Park; therefore, be it

RESOLVED, Community Board Five **recommends denial** of the application from Allied Experiential for "Amazon Treasure Truck Oreo Holiday House," a marketing event in Bryant Square Park on December 14th, 2019.

Newsstand application at the SEC of 8th Ave and West 36th Street

WHEREAS, The applicant seeks a permit to install and operate a newsstand at the SEC of 8th Ave and West 36th Street; and

WHEREAS, The proposed newsstand would be located in a heavily congested area and create numerous obstructions; and

WHEREAS, The proposed newsstand would create an unnecessary burden on pedestrian flow; and

WHEREAS, The applicant failed to attend the public hearing or post notification in the community, despite repeated requests; therefore, be it

RESOLVED, Community Board Five **recommends denial** of the application to install a newsstand at the SEC of 8th Ave and West 36th Street; and be it further

RESOLVED, Recognizing that the cost of applying for a newsstand is very high for small business owners and operators, Community Board Five **continues to request** that DCA refund the fee for any application that is denied.

Application from Autumn Communications on behalf of Amazon Handmade ("Applicant") for "Amazon Handmade Holiday Market Pop-up," a marketing event in Bryant Park on December 6th and 7th, 2019 from 10:00am to 10:00pm

WHEREAS, Autumn Communications on behalf of Amazon Handmade ("Applicant") has submitted a permit application to hold "Amazon Handmade Holiday Market Pop-up," a marketing event in Bryant Park adjacent to the Carousel aimed at promoting Amazon Handmade, an online platform for artisans to sell their handcrafted goods, on December 6th and 7th, 2019 from 10:00am to 10:00pm; and

WHEREAS, The event will consist of a pop-up market featuring exclusive Amazon Handmade products and two onsite Artisans, with an array of booths inside the pop-up structure each containing select products from key Handmade categories, allowing consumers to interact with the Artisans, purchase product onsite, or interact with onsite tablets that allow them to purchase a Handmade item; and

WHEREAS, As site plans showing the proposed event footprint and renderings with proposed signage were submitted the day of the public hearing, which did not allow time for proper review; and

WHEREAS, Despite Applicant having a New York office, Applicant did not attend the public hearing as required to present their proposed event and answer questions from the committee and the public; and

WHEREAS, In addition, the timing of the application being submitted to the Parks Department prevented a proper public hearing in advance of the event, resulting in Community Board Five's inability to fully and properly give this application its appropriate public hearing; therefore, be it

RESOLVED, Community Board Five **recommends denial** of the application from Autumn Communications on behalf of Amazon Handmade (“Applicant”) for “Amazon Handmade Holiday Market Pop-up,” a marketing event in Bryant Park on December 6th and 7th, 2019 from 10:00am to 10:00pm; and be it further

RESOLVED, As the timing of the application being submitted to the Parks Department prevented a proper public hearing in advance of the event, Community Board Five **continues to request** that the Parks Department extend the minimum notice required of event applications to 45 days, to ensure that they can be given a proper public hearing.

Application from Red Bull North America for “PK Subban Red Bull Winter Edition Activation” in Bryant Park on December 4th, 2019

WHEREAS, Red Bull North America (“Applicant”) has submitted a permit application to the Parks Department for “PK Subban Red Bull Winter Edition Activation” to be held on the ice rink at Bryant Park, in the Polar Lounge and on the gravel seating area outside of the Pavilion entrance to the rink; and

WHEREAS, Set-up would begin at 10pm on December 3rd, to be removed from the park by 11pm on December 4th; and

WHEREAS, The event is to consist of a “pass the puck” challenge hosted by P.K. Subban on the ice rink, which will be open to press between 5pm and 6pm and open to the public between 6pm and 7pm on December 4th, with an expected attendance in the low hundreds; and

WHEREAS, Free product samples will be offered between 12pm and 2pm on the day of the event to adults only; and

WHEREAS, No merchandise will be sold on site; and

WHEREAS, Applicant expects attendance from regional sports media to cover P.K. Subban; and

WHEREAS, Signage will be limited to branded barricade covers, window wraps, poster signage and cooler wraps that are primarily visible from the interior of the Polar Lounge; digital signs on either side of the sample window at the “Winter Cabin” in the gravel seating area; and signage notifying attendees that the event is being filmed, constituting relatively low brand exposure for visitors; and

WHEREAS, Applicant has agreed to work with Community Board Five and the Bryant Park Corporation to ensure that the filming notices are appropriate for a public space;

WHEREAS, Applicant has indicated that the film crew present will make every effort to minimize the number of non-event attendees who are captured on camera and to obtain individual approval at the time of filming from any visitor whose likeness is captured; and

WHEREAS, Applicant has a waste management plan in place and will work with ice rink staff to remove all trash created from the event; and

WHEREAS, The event will be promoted solely through the social media channels of P.K. Subban on the day of the event; and

WHEREAS, Applicant and the Bryant Park Corporation have agreed on a crowd management plan if attendance exceeds expectations, which the Corporation believes will be minimally disruptive to the functioning of the rink; and

WHEREAS, Community Board Five believes that the nature and conduct of the event as proposed is satisfactory and consistent with its past approvals for marketing events done in past years; therefore, be it

RESOLVED, Community Board Five **recommends approval** of the application from Red Bull North America for “PK Subban Red Bull Winter Edition Activation” in Bryant Park on December 4th, 2019; and be it further

RESOLVED, As the timing of the application being submitted to the Parks Department prevented a proper public hearing by Community Board Five in advance of the event, Community Board Five continues to request that the Parks Department extend the minimum notice required of event applications, to ensure that they can be heard at a public hearing; and be it further

RESOLVED, Community Board Five requests that the Bryant Park Corporation fulfill its duty of ensuring that all event applicants are in full compliance with the policies of Community Board Five to ensure that event applications in Bryant Park receive a proper public hearing.

After some discussion, the above 5 bundled resolutions passed with a vote of 36 in favor, 0 opposed, 1 abstaining: **IN FAVOR:** Achelis, Athanail, Beitchman, Benzing, Chou, Clark, Dale, Dowson, Ford, Garcia, Goshow, Greeley, Haas, Harris Jr., Hartman, Isaacs, Johnson, Kalafarski, Kasner, Kinsella, Law-Gisiko, Levy, Lucic, Maffia, McCall, Meyerson, Miller, Pawson, Shapiro, Slutzkin, Smith, Spandorf, Verdi, Webb Weintraub, Yang. **ABSTAIN:** Barbero.

LANDMARKS – LAYLA LAW-GISIKO

Ms. Law-Gisiko gave brief presentations on the following two bundled resolutions.

16 East 16th Street, application for interior alteration, window replacement, storefront restoration, and rooftop addition

WHEREAS, The Margaret Louisa Home of the YWCA, located at 16 E.16th Street, is a six story Romanesque Revival style building built in 1889-1891 as a residence for women that operated until 1946 and was converted in 1951 into the Sidney Hillman Health Center; and

WHEREAS, In 1951, the ground floor was removed and rebuilt in a modern nondescript style; and

WHEREAS, The building was constructed as a residence and dining hall to supplement the headquarters and expansion of existing facilities at 7-11 East 15th St which sits on a parallel lot linked by an internal corridor; and

WHEREAS, Originally intended as a temporary residence for up to 104 women seeking employment, the home was designed by R.H. Robertson, commissioned by Margaret Louisa Vanderbilt Shepard, daughter of William H Vanderbilt; and

WHEREAS, The facade is a tripartite vertical composition with a two-story base, a three story side section and a one story top; and

WHEREAS, The facade is clad in Newark brownstone and two shades of red rusticated brick and while the applicant reports that the original wood frame, double hung windows (one over one) have been replaced, the designation report states that they are intact above the ground floor level; and

WHEREAS, Top story windows are painted red and the upper satin of the top story is traceried; and

WHEREAS, The first story of the original two-story base has been completely modernized with a veneer of polished red granite and bronze framed windows and doors; and

WHEREAS, The second story windows are rectangular except for their narrowed tops created by corbeled lintels, the mezzanine is terminated in a five denticulated string course supported on either end by decorative panels; and

WHEREAS, The midsection is a three story, five bay rusticated stone arcade with red brick spandrels and rust colored brick piers and recessed balustraded floor spandrels; and

WHEREAS, The voussoirs of the round arches are outlined in a projecting molding that terminates in carved blocks with foliate designs and, together with the top above it, the midsection is framed by vertical molding punctuated by small foliate designs and the shaft is terminated in a string course with two rows of dentils ending in carved lion masks; and

WHEREAS, The top contains a single wide rectangular opening with alternating single and double Romanesque columns as this section is terminated by a simple cornice with block modillions, the whole supported by decorative panels at the ends and the facade is capped by a single arcaded parapet between higher and piers with carved panels; and

WHEREAS, The applicant is proposing to remove the modern non-contextual ground façade and to recreate the original historic ground level façade using original materials; and

WHEREAS, The applicant is proposing a new 7th and 8th rooftop addition in the form of a gabled roof reminiscent of the never-built proposed design of R. H. Robertson using a stamped metal screen draped over a framed glass addition; and

WHEREAS, The proposed screen would step back from the parapet, which remains in place, and would continue the screen on both ends; and

WHEREAS, The perforated metal screen would be internally lit and would glow at night; and

WHEREAS, The proposed gabled rooftop is extremely visible from the street; and

WHEREAS, The applicant is proposing to demolish the existing building beyond the façade to proceed with a bulk expansion; and

WHEREAS, The applicant is proposing to fill the core of the lot with a nine-story building that would be extremely visible from 16th street as well as 15th street; and

WHEREAS, Community Board Five appreciates the quality of the proposed materials, thoughtfulness of the design, and restoration of the ground floor while also remaining ADA compliant; and

WHEREAS, The height, bulk, and the size of the rooftop addition and building expansion is substantially visible from 15th and 16th street which is a distraction and is not appropriate for the Ladies Mile Historic District; and

WHEREAS, The punctured sheet metal and transparent glass behind sheet will distribute excessive light from the roof which will create a site that is not appropriate for the historic district; and

WHEREAS, Although the re-imagined gable design is judicious, the metal sheet design is not harmonious with the historical fabric of the existing masonry building nor the character of the district; and

WHEREAS, If such addition is permitted to be built, the streetscape appearance of the Ladies Mile Historic District would be changed to the detriment of the entire District and the historical integrity and value it holds; and

WHEREAS, Residents and members of the public attended the CB5 Landmarks Committee hearing and expressed concerns about the proposed building, its height, its massing, its bulk as well as its impact on neighboring properties; therefore be it

RESOLVED, Community Board Five **recommends denial** of the application for a Certificate of Appropriateness for proposed alterations at 16 East 16th Street.

Application by the Department of Design and Construction (DDC) for proposed sidewalk reconstruction on 40th and 42nd Street between 5th and 6th, around the perimeter of the NYPL and Bryant Park in Midtown

WHEREAS, The New York Public Library was built between 1900 and 1911 by architectural firm Carrère & Hastings in what's considered to be one of the city's finest examples of Beaux Arts construction, and was designated an individual exterior Landmark in January 11, 1967, while the Main Lobby, the North and South Staircases from the 1st to 3rd Floor and the Central Hall on the 3rd Floor was designated an interior landmark in 1974, and the interior of the Rose Main Reading Room and Bill Blass Public Catalog Room was designated in 2017; and

WHEREAS, Bryant Park is a scenic landmark; and

WHEREAS, The applicant, the NYC Department of Design and Construction, proposes alterations that are largely confined to public sidewalks in library and Bryant Park vicinity; and

WHEREAS, the project goals are to:

1. Improve sidewalk, street, and utility infrastructure
2. Reset distinctive materials including 2 feet wide Milford pink granite curb and bluestone pavement
3. Install granite curbs to replace steel face curbs and improve the historic and aesthetic value of the public right-of-way

WHEREAS, The proposed design alleviates tripping hazards, inconsistent scoring patterns, reduces congestion by widening the sidewalk at the corner of 6th Ave. and W 40th St. and provides ramps and detectable warning surfaces with truncated domes to comply with American Disabilities Act and Public Right-of-Way Accessibility Guidelines so as to blend in and not create disparate pieces and parts from different decades; and

WHEREAS, The proposed design would effectuate repairs, or replacements in kind, and would relocate street furnishing such as street lights, traffic signal poles, FDNY call box and bike rack; and

WHEREAS, The project funding source was identified from Federal earmark \$2.9M and City (Mayoral) \$1.2M, totaling ~\$4.2M;

WHEREAS, The project schedule indicates construction starting November 2020 and completing June 2022;

WHEREAS, Community Board Five appreciates the benefits of wayfinding but we are not aware of the masterplan and its criteria, and we object to the proposed ~9' tall static metal & glass wayfinding sign on the corner of 42nd St & 5th Avenue due to its large scale that visually blocks site lines to the library and down the scenic vista corridor of 5th Avenue and further congests the sidewalk, and we recommend it be relocated off this site; and

WHEREAS, The appearance of the new sidewalk and curbs are unified, ADA compliant and significant improvements that will upgrade and enhance the public right-of-way; therefore be it

RESOLVED, Community Board Five **recommends conditional approval** for a certificate of appropriateness of the alteration to the proposed sidewalk reconstruction of sidewalks and pedestrian walkways on 5th & 6th Avenues and 40th and 42nd streets provided that the wayfinder blade is eliminated or relocated to a location that bears no visual relationship with the landmarked New York Public Library or with the landmarked Bryant Park.

After some discussion, the above two bundled resolutions passed with a vote of 36 in favor, 0 opposed, 1 abstaining for DDC/NYPL Sidewalk reconstruction and 35 in favor, 1 opposed, 1 abstaining, for 16 East 16th Street: **IN FAVOR:** Achelis, Athanail, Beitchman, Benzing, Chou, Clark, Dale, Dowson, Ford, Garcia, Goshow, Greeley, Haas, Harris Jr., Hartman, Isaacs, Johnson, Kalafarski, Kasner, Kinsella, Law-Gisiko, Levy, Lucic, Maffia, McCall, Meyerson, Miller, Pawson, Shapiro, Slutzkin, Smith, Spandorf, Verdi, Webb, Weintraub, Yang. **OPPOSED:** Pawson (only on 16 East 16th Street). **ABSTAIN:** Barbero.

LAND USE, HOUSING AND ZONING – LAYLA LAW-GISIKO

Ms. Law-Gisiko gave brief presentations on the following two bundled resolutions.

1162 Broadway, b/t 27th - 28th Streets, amendment to a BSA approved variance to change the use of the proposed building from hotel use to office use for a new 13 story office building

WHEREAS, Community Board Five **recommended approval** of a variance to facilitate development of a 14-story hotel at 1162 Broadway at the monthly meeting of CB5 on Thursday, December 11, 2014 with a vote of 32 in favor, 0 opposed, 1 abstaining; and

WHEREAS, The BSA subsequently granted the Variance on March 24, 2015;

WHEREAS, An application on behalf of the owner of the 1162 Broadway site (“Owner”) was submitted to the NYC Board of Standards and Appeals on May 23, 2019 requesting:

- (1) An amendment to the BSA granted Variance, BSA Cal. No. 175-14-BZ (the “Variance”) to change the use of the building from hotel use to office use;
- (2) An extension of time to complete construction of the new office building;
- (3) Waivers from:
 - a. the applicable maximum base height and setback requirements ZR Section 43-34 to allow the building to rise to its total height of 150’ without setback and
 - b. the side yard requirements of ZR Section 43-25 to allow for open areas along the side of lot lines less than 8 feet; and

WHEREAS, The Owner has determined that hotel development of the site would no longer be feasible due to increased competition from new larger hotels in the surrounding area, and because hotel use on the site is no longer as-of-right due to the recent enactment of the M1 Hotel Text Amendment to the Zoning Resolution of the City of New York, which provides that transient hotels in M1 districts are permitted only by special permit from the City Planning Commission; and

WHEREAS, The approved plans show hotel use and no waiver was obtained for such use in connection with the Variance; and

WHEREAS, The Owner cannot proceed at DOB with a building utilizing the bulk relief granted by the Variance without obtaining an Extension and Waiver and an amendment to the Variance to change the use shown on the approved plans to a use that is as-of-right in the M1-6 district; and

WHEREAS, The Amendment, if granted, would allow for the construction of a new 13-story 24,329 sf (10 FAR) office building on the site and would be as-of-right except with respect to the two bulk waivers granted pursuant to the Variance for the hotel use and would in fact reduce the number of floors that utilized such waivers by one; and

WHEREAS, The proposed building would rise without setback for its entire height of 13 stories and 147'-3", in violation of the applicable height and setback requirements of ZR 43-34 but consistent with the height and setback waiver granted by the Variance, and consistent with the streetscape contextual design of the Madison Square North Historic District; and

WHEREAS, The neighborhood where the site is located, north of Madison Square Park, is primarily developed with commercial uses and contains small, mid-size and large buildings occupied by wholesale, hotel, office and related commercial uses; and

WHEREAS, Buildings in the surrounding area range from one to 24 stories in height with a majority of structures being four and twelve stories in height and 18 feet in width or street frontage to over 250 feet with most buildings in the 25 to 125 foot range; and

WHEREAS, The Owner seeks an amendment to the granted Variance in order to move forward at the DOB with the proposed building, which would be an office building on the site that would utilize the bulk waivers granted by the Variance; and

WHEREAS, The proposed office use is as-of-right and the amendment would not increase the degree of previously granted bulk waivers or require any new bulk waivers and the number of floors in the building utilizing the bulk waivers granted by the Variance would be decreased by one; and

WHEREAS, The DOB has objected to the proposed office building envelope in an objection dated May 6, 2019 because the proposed Use Group 6B office use requires amendment to BSA Variance (Cal No. 175-14BZ).

WHEREAS, The amendment would not materially affect any of the five required findings with respect to ZR Section 72-21 that the BSA made in granting the Variance; therefore be it

RESOLVED, Community Board Five **recommends approval** of an amendment to the approved Variance to facilitate development of a 13-story office building at 1162 Broadway.

Application (N200165 ZCM) submitted by OAC 550 Owner LLC (the "Applicant"), a building at 550 Madison Avenue, for (1) a certification pursuant to Section 81-231(e) of the Zoning Resolution of the City of New York (the "Zoning Resolution") to eliminate arcade areas for which a floor area bonus is not utilized; (2) minor modification of special permits by the City Planning Commission under ULURP No. C 841023 ZSM, as subsequently modified, with respect to a covered pedestrian space on the Project Site provided in connection with the construction of an existing office tower; and (3) minor modification of a restrictive declaration governing public space at the Project Site

WHEREAS, 550 Madison is a building within a C 5-3/C 5-2.5 Zoning District; and

WHEREAS, The building owned by the Applicant comprises Block 1291, Lot 10; and

WHEREAS, Known as the AT&T Building and designed by Phillip Johnson, this building has provided a covered public space of 10,398 square feet (though only 10,164 square feet is bonusable), generating 111,804 square feet of bonus floor area, as well as 3,542 square feet of space provided by adjoining

Arcades, which allows for an additional 10,626 square feet of bonus floor area (all of which is in excess of the amount that can be utilized on the Project site); and

WHEREAS, The full amount of the bonus permitted to be utilized on the site is 110,406 square feet, and is fully generated by the covered public space; and

WHEREAS, The Applicant would open the covered private space by removing the enclosures on the street frontages and replace the current cover with a new glass cover designed to maximize the daylight provided; and

WHEREAS, The Applicant would reconfigure the covered space to provide a variety of opportunities and spaces for passive recreation while continuing to provide paths for circulation between the adjoining streets; and

WHEREAS, The Applicant would increase the amount of seating from 238 to approximately 279 seats throughout the CPS and adjacent non-bonused public space, consisting of a variety of fixed and moveable seating, and increase the number of tables provided within the CPS; and

WHEREAS, The Applicant would provide approximately 2,060 square feet of new landscaping within the CPS and approximately 7,393 square feet of new landscaping in non-bonused public space adjacent to the CPS; and

WHEREAS, The Applicant would expand the Madison Avenue retail spaces into what is currently the eastern portion of each of the Arcades; and

WHEREAS, The Applicant would convert the remainder of the Arcades to public access areas that do not generate a floor area bonus, located adjacent to the CPS (of this, 26-foot wide portions on each side street frontage would be beneath the Building and the remainder would be open to the sky); and

WHEREAS, The Applicant would create an approximately 31-foot high window at the rear of the Building's lobby to provide increased visibility of the landscaped CPS from Madison Avenue, encouraging pedestrian use and enjoyment of the space; and

WHEREAS, The Applicant would install a water feature along the side of the space to provide gentle background noise and visual interest to the space, and increased plantings and approximately 47 new trees would be provided; and

WHEREAS, The Applicant would lease three retail kiosks to yet-to-be identified contractors; and

WHEREAS, CB5 believes that open air seating in a privately owned public space may be a public benefit only when seating and tables can be used by the public without a need for purchase of food or beverage; and

WHEREAS, CB5 believes that if the public ends up unable to use the seating without purchase of food or beverage, the public costs associated with some commercial activity in this public space would outweigh any other potential public benefit associated with this space; and

WHEREAS, If the seating in the space are permitted to be used by the public without a need for purchase of food or beverage, but signage is not required to make clear to the public that they can use seating and tables without need for a purchase, we do not believe the public would have any knowledge that such seating is available to them; and

WHEREAS, If the seating ends up being available for the public to use both with and without purchase, the future retail kiosks could benefit; and

WHEREAS, The Applicant would provide signage clearly identifying the space and making it clear to pedestrians that the space is for public use and enjoyment during the designated hours of operation; and

WHEREAS, The Applicant would develop the area in a sustainable, environmentally friendly manner, by collecting rain water and reusing it for horticultural needs; and

WHEREAS, The Applicant would create eight public bathrooms that would be maintained at Applicant's expense and would be open during regular hours of operation; and

WHEREAS, The AT&T Tower has had a historic commitment to art (Golden Boy Statue murals by Dorothea Rockburne) and the applicant is committed to honoring this tradition by displaying art in the POPS; and

WHEREAS, Members of advocacy groups favoring real estate development, as well as neighboring business owners, spoke in favor of the proposed POPS and submitted letters of support; and

WHEREAS, Community Board Five fears the increased trend of commercialization of public spaces that make the areas unusable/inaccessible for the public; and

WHEREAS, Community Board Five fears that the NYC Department of City Planning is not adequately taking into account the sentiments the community has towards the continuing commercialization of its public space, nor planning how to optimize use of said space; and

WHEREAS, Community Board Five is opposed to any project or plan that would continue the monopolization of public spaces for commercial spaces, including but not limited to Winter Villages, street vendor fairs, and private concerts; and

WHEREAS, The Applicant has agreed to the following language that will be incorporated into the property's Restrictive Declaration as well as to any relevant section of DCP's approvals: **Owner shall not use the covered pedestrian space for farmers, holiday, or other markets which are commercial in nature and revenue-generating, or any entertainment for which a fee is paid. This prohibition shall not affect the existing permission for up to twelve one-day closures per year, permitting up to six closures for private events and up to six for local community or not-for-profit events;** and

WHEREAS, Community Board Five commends the architectural, environmental, and social engineering aspects of the proposed space, which exemplifies everything that the rezoning of the area aims to accomplish, and notes the irony that the Applicant is providing these public benefits willingly and not because of any city mandated mechanism as the development is not the result of the East Midtown Subdistrict zoning mechanism; and

WHEREAS, The applicant has shown remarkable willingness during the POPS Land Use Review process to work with the community, engaging in discussions, seeking input and incorporating community's objections into the final proposal in a collaborative fashion; therefore be it

RESOLVED, Community Board Five **recommends approval** of the application (N200165 ZCM) for (1) a certification pursuant to Section 81-231(e) of the Zoning Resolution of the City of New York (the "Zoning Resolution") to eliminate arcade areas for which a floor area bonus is not utilized; (2) minor modification of special permits by the City Planning Commission under ULURP No. C 841023 ZSM, as subsequently modified, with respect to a covered pedestrian space on the Project Site provided in connection with the construction of an existing office tower; and (3) minor modification of a Restrictive Declaration governing public space at the Project Site.

After some discussion, the above two resolutions passed with a vote of 36 in favor, 0 opposed, 1 abstaining: **IN FAVOR:** Achelis, Athanail, Beitchman, Benzing, Chou, Clark, Dale, Dowson, Ford, Garcia, Goshow, Greeley, Haas, Harris Jr., Hartman, Isaacs, Johnson, Kalafarski, Kasner, Kinsella, Law-Gisiko, Levy, Lucic, Maffia, McCall, Meyerson, Miller, Pawson, Shapiro, Slutzkin, Smith, Spandorf, Verdi, Webb, Weintraub, Yang. **ABSTAIN:** Barbero.

There being no further business, the regularly scheduled meeting of Community Board Five adjourned at 7:58 p.m.

Respectfully submitted by,

Craig Slutzkin
Secretary

Julie Chou
Assistant Secretary