

DRAFT 6.3



Minutes of the regular Community Board Five meeting held on **Thursday, June 13, 2019 at Xavier High School, 2nd Floor Library, 30 West 16th Street (b/t 5th & 6th Aves.), at 6:00pm.** Nicholas Athanail, Vice Chair, presided.

Members Present

David Achelis
Nicholas Athanail
James Beitchman
Andreas Benzing
Renee Cafaro
Christopher Clark
Sarah Dowson
Aaron Ford
Laura Garcia
Dominic Gatto
Jordan Goldman
Nancy Goshow
Michael Greeley
Tristan Haas
John B. Harris, Jr.
Matthew Hartman
William Heyer
Robert Isaacs
Samuel Johnson
Michael Kaback
E.J. Kalafarski
Renee Kinsella
Layla Law-Gisiko
Sam Levy
Richard Mann
Kimberly McCall
Evan Meyerson
Charles Miller

Jonathan Rabar
David Sandler
Tod Shapiro
Craig Slutzkin
Clayton Smith
Barbara Spandorf
Daniel Spence
Simon Tschinkel
Jessica Verdi
Pete Webb
Rachel Weintraub
Ryan Whalen
July Yang

Present Part

Absent
Julie Chou
Candy Cook
James Dale
Jennifer Kasner
Lucas Lopes
Blaga Lucic
Joseph Maffia
Janet Pawson

Excused
Vikki Barbero

Public Members

Tony Testa
Hugo Law-Gisiko

Elected Officials

Rosie Mendez
BP Brewer
Abigail Bessler
Councilmember Powers
Carlina Rivera
Councilmember

Laurie Harjowaroga
Speaker Johnson

Justin Flagg
Senator Krueger

David Kruger
Senator Hoylman

Phil Marius
Assemblyman Gottfried

Staff

Wally Rubin
District Manager

Luke Szabados
Community Associate

Public Attendees

David Holowka
Mario Messina
Tony Bueno
Risa Honit
Lisa Wager
John Jhee
Tom Malloney
Rafael Ban
Alejandra O'Connell
Zach Bahor
Noberto Robaina

At 6:10 p.m., the Full Board meeting for May 9, 2019 of Manhattan Community Board Five was called to order by Vice Chair, Nicholas Athanail.

PUBLIC SESSION

Abigail Bessler – Representing Councilmember Powers – Spoke on tragic incident of helicopter crash on 52nd and 7th. Has communicated frequently with the EDC about issues local residents have expressed with helicopter traffic, including noise and quality-of-life concerns, will continue dialogue and believes steps must be taken. Additionally, has been coordinating with Congresswoman Carolyn Maloney’s office and the Federal Aviation Administration (FAA) in an attempt to curb the proliferation of flights over parts of Manhattan. Spoke on escalator at 53rd Street-Lexington Avenue Subway Station that is out of order 86% of the time. City Council passed two bills in June that will impact criminal justice system: to improve how incarcerated individuals access healthcare, and addressing how complaints are processed. Two individuals in correction custody have died recently; the Councilmember is pushing for answers. Also pushing for funding to address voucher discrimination.

Laurie Hardjoworogo – Representing Speaker Johnson – spoke of the May 16 Fair Criminal Justice for 2020. She also announced three upcoming events, which included Shred Day June 20! Food Bag Program 2019.

Justin Flagg – Representing Senator Krueger – Spoke of an agreement on rent regulation reforms, which the governor has committed to signing. The session ends next Wednesday; many issues are still on the table, including, among many others, rent regulations, adult-use marijuana, comprehensive climate action and Inclusive Equal Rights Amendment.

Phil Marius – Representing Assembly Member Gottfried – announced that the application for the Williams Pipeline (connecting New Jersey to the Rockaways through New York Bay) was denied. He also announced that on May 29, the Assembly passed bills to support Persons with Disabilities, also the passing of the Affordable Housing Legislation. He also spoke of the upcoming CB6 Senior Resource Fair at Baruch.

David Kruger – Representing Senator Hoylman – spoke of the passing of a bill to end non-medical exemptions to vaccination. Also set to pass is the Pro-Tenant Rent Laws. He also announced the 3rd annual senior resource fair on July 16th.

David Holowka – Representing Alliance for a Human Scale City – spoke against issuing a variance for Marble Collegiate Church. Also spoke on conflicts of interest in the “revolving door” that real estate industry provides for city servants.

Mario Messina – Representing 29th Street Neighborhood Association – spoke in opposition to the variance requested for the Marble Collegiate Church and against the height of the building in general. He spoke of the concerns on whether it will match the design that has been presented.

Greg Lozier – Chair of Elders and Deacons of Marble Collegiate Church – introduced himself as the Chair of the elders and deacons of the Marble Collegiate Church and spoke of the two proposals before the board. On issue of the street sign, the design has been replaced by a subdued one. On the issue of variance for the connection with the neighboring tower under development, they are committed to working with the board.

Risa Honig – Representing New York Public Library – spoke of the NYPL proposal and thanked the Landmarks and CB5 for their support and site visit.

Tom Mullaney – 26th Street Resident – spoke of issues of noise at the Black Door bar applying for a live music permit, and spoke on their previous agreement with CB5 to close their doors at 10pm. Said that live music is currently played in the front with all doors and windows open.

Lisa Wager – Representing Fashion Institute of Technology – gave updates on the many programs and awards. Introduced Roberto Bobby Urbina, who will step in for Lisa when she is not available.

Rosie Mendez – Representing Manhattan Borough President Brewer – spoke on the issue of vanity address for Waldorf. She held a public hearing on the Manhattan component of the Mayor’s borough-based jails plan as part as part of the city’s effort to close Rikers Island and replace it with smaller jails in Manhattan, Brooklyn, Queens, and the Bronx, including a 50-story building planned for Canal Street. Announced that the Borough President is spearheading the discussion to have the \$42,000 funds permanently in the CB budget.

Carolina Rivera – Councilmember – welcome new members and spoke of the \$92 billion 2020 budget. Also mentioned she is on the City Council’s census task force, and that \$73 billion in federal funds is on the line for New York City. She invited anyone to contact her office on any issues.

BUSINESS SESSION

- **VOTE ON THE MAY 2019 MINUTES**

The May 2019 minutes passed with a vote of 38 in favor, 0 opposed, 3 abstaining, as follows: **IN FAVOR:** Achelis, Beitchman,, Benzing, Cafaro, Clark, Dowson, Ford, Garcia, Gatto, Goldman, Goshow, Greeley, Haas, Harris Jr., Hartman, Heyer, Isaacs, Johnson, Kaback, Kalafarski, Kinsella, Law-Gisiko, Levy, Mann, McCall, Meyerson, Miller, Rabar, Sandler, Shapiro, Slutzkin, Smith, Spence, Tschinkel, Verdi, Webb, Weintraub, Whalen. **ABSTAIN:** Athanail, Spandorf, Yang.

- **NOMINATING COMMITTEE VOTE – MICHAEL GREELEY**

The Nominating Committee Chair, Michael Greeley, announced on behalf of the Nominating Committee, the slate of Officers for the term from July 1, 2019 to June 30, 2020: **Chair**, Vikki Barbero; **1st Vice Chair**, Nick Athanail; **2nd Vice Chair**, Clayton Smith; **Secretary**, Craig Slutzkin; **Asst. Secretary**, EJ Kalafarski; **Treasurer**, Renee Cafaro. The slate passed with a vote of 41 in favor, 0 opposed, 0 abstaining, as follows: **IN FAVOR:** Achelis, Athanail, Beitchman, Benzing, Cafaro, Clark, Dowson, Ford, Garcia, Gatto, Goldman, Goshow, Greeley, Haas, Harris Jr., Hartman, Heyer, Isaacs, Johnson, Kaback, Kalafarski, Kinsella, Law-Gisiko, Levy, Mann, McCall, Meyerson, Miller, Rabar, Sandler, Shapiro, Slutzkin, Smith, Spandorf, Spence, Tschinkel, Verdi, Webb, Weintraub, Whalen, Yang. **ABSTAIN:** None.

- **CHAIR’S REPORT – VIKKI BARBERO**

Vice Chair Nicholas Athanail invited the new member, Barbara Spandorf, to give a brief introduction regarding her background and reasons for wanting to serve on the Board.

He also read a letter from Chair Barbero regarding a letter for budget funding increase request for the Board.

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

District Manager Rubin announced that on Tuesday, September 17, Community Board Five will have a mandatory retreat. He announced that information will be sent out on the location and time.

PUBLIC SAFETY & QUALITY OF LIFE – NICHOLAS ATHANAIL

Craig Slutzkin gave a report from the Public Safety & Quality of Life Committee.

PSQL is currently reviewing a number of liquor license applications within and around the area on Broadway between 28th and 30th Streets which, when added to the number of hotel and other licenses recently added in and around this small area, creates cause for great concern about this area. The potential for such a large number of new licenses in a small area has the ability to seriously and abruptly transform the nature of this neighborhood. PSQL has created a task force to address the various issues related to the abundance of new licenses. Members of the task force include several members of PSQL and from the public. Mr. Slutzkin invited any other interested parties to contact him to join the task force.

BUDGET, EDUCATION AND CITY SERVICES – RENEE KINSELLA

Ms. Kinsella gave brief updates on Mt. Sinai Beth Israel practices.

• LAND USE, HOUSING AND ZONING COMMITTEE – LAYLA LAW-GISIKO

Ms. Law-Gisiko gave a brief presentation on the following resolution:

BSA # 19-138M, 1 West 29th Street, Marble Collegiate Church, application for a Variance pursuant to Section 72-21 of the Zoning Resolution of the City of New York and Section 666 of the New York City Charter, to allow an enlargement to the Church's existing building and complex.

WHEREAS, Marble Collegiate Church, located at 1 West 29th Street, has applied to the Bureau of Standards and Appeals (BSA) for a variance from the Zoning Resolution's rear-yard requirements, in order to allow for an enlargement of the Church's existing building; and

WHEREAS, Marble Collegiate Church was built in 1854 and is the oldest continuously operating ~~church~~ *protestant congregations* in the United States; and

WHEREAS, The Existing Building is located partly in a C5-2 district and partly in an M1-6 district within the Madison Square North neighborhood and is an individual New York City landmark, designated as such in 1967; and

WHEREAS, Marble Collegiate Church is proposing an enlargement by expanding its facility to the west to create a Church Fellowship Hall and community facilities at the base of a commercial tower on lot 30, block 831, having an address at 3-7 West 29th Street; and

WHEREAS, Marble Collegiate Church has partnered with New York based developer HFZ Capital to develop such facility, and would retain ownership of the newly created community and office space to be located on the cellar, second and third floor levels of the tower; and

WHEREAS, The variance is needed to modify the applicable provision of the Zoning Resolution pertaining to a rear yard (ZR Section 43-26) to accommodate the Proposed Enlargement; and

WHEREAS, Marble Collegiate Church has roughly 4,000 members and hosts hundreds of congregants each Sunday for services and other fellowship meetings currently held at 276 Fifth Avenue; and

WHEREAS, Currently, members must exit the Church after services and walk to rented space directly north of the Church, at 276 Fifth Avenue, for fellowships and other church events; and

WHEREAS, The applicant claims this poses a difficult transition and discourages members from attending activities after Church, especially for young children, the elderly, and the visually impaired; and

WHEREAS, The applicant is proposing to connect the existing Church structure to the new enlargement located at the base of a new office tower by constructing a 4 stories structure on the rear yard; and

WHEREAS, Lot 33 and lot 30 have a lot line frontage of 98.75 feet, and the church's western wall that will abut the new tower is 61'1" long; and

WHEREAS, The new office tower will be a block-through tower with frontage on West 29th Street and West 30th Street; and

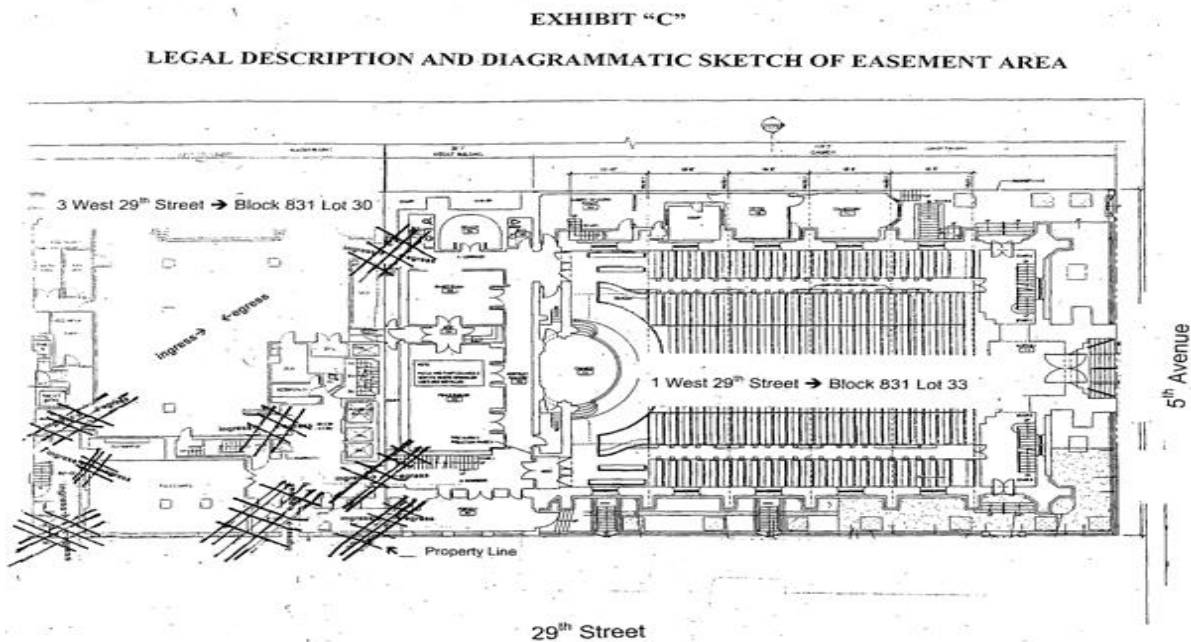
WHEREAS, The Church sold their excess TDR, aka unused air rights, to HFZ KIK 30th St Owner LLC, the LLC created by HFZ Capital to pursue this assemblage and development, on October 31st, 2013 for \$32,831,876.00, and

WHEREAS, The Church and HFZ Capital have entered a Declaration of Zoning Lot restrictions to merge lots 28, 29, 30, 48, 49 and 33, and at the present time these lots have been merged; and

WHEREAS, According to statements by Meenakshi Srinivasan, counsel to the applicant with the law firm of Kramer Levin Naftalis & Frankel LLP, HFZ Capital may also be the fee owner or the owner of air rights for lots 20, 26, 50, 51 and 52; and

WHEREAS, HFZ Capital and the Church entered into a light and air easement agreement on July 13, 2018 to allow the new enlargement and tower to reduce access to required access to air and light at the detriment of the Church; and

WHEREAS, HFZ Capital and the Church entered into an ingress and egress easement agreement on December 3rd 2010 on which exhibit C shows three areas of easement along the west wall of the church, and states "Those portions of the building(s) situated on Block 831 Lot 33 which adjoin connect, abut and/or share entrances, doorways, portals or any other types of means of ingress or egress into the building(s) located on or about Block 831 Lot 30 which are in existence today or shall be created now or at any time in the future are covered by this Easement"; and



Those portions of the building(s) situated on Block 831 Lot 33 which adjoin, connect, abut and/or share entrances, doorways, portals or any other types of means of ingress or egress into the building(s) located on or about Block 831 Lot 30 which are in existence today or shall be created now or at any time in the future are covered by this Easement.

WHEREAS, Although the church's 61'1" long western wall will abut the new tower, the Church wishes to construct a structure on the rear yard to provide access to the enlargement; and

WHEREAS, The applicant is requesting relief from rear yard requirements through a variance to modify the provision of the Zoning Resolution, ZR Section 43-26; and

WHEREAS, The applicant states that the need for the BSA application arises from a confluence of factors related to the Existing Building's history of development, its configuration on the Church Lot, its landmark designation and current zoning regulations that were adopted after the construction of the Existing Building, specifically to avoid disrupting the Church's interior space; and

WHEREAS, The proposed connector would be approximately 1,400 square feet and would connect the third floor of the Church to the second floor of the enlargement, and would include the following alterations:

- (1) Adding two elevators and mechanical rooms on the cellar level;
- (2) Adding two elevators, landing, and stairs on the first floor;
- (3) Adding a landing and stairs "encroaching into the rear yard which would require a variance," on the second floor;
- (4) Building elevators, landing, and stairs "encroaching into the rear yard which would require a waiver," on the third floor;
- (5) Building two elevators, a landing, and stairs at the attic level which would require a waiver; and

WHEREAS, This new structure is to be located on the rear yard of the church, will be visible from 5th Avenue, and will obstruct eight windows on the adjacent property to the north; and

WHEREAS, The Church was granted a COFA (Certificate of Appropriateness) by NYC Landmarks Preservation Commission issued on June 7, 2016 (LPC 17-6458) and amended at staff level and without review by or notification to Community Board Five on June 5, 2019 under COFA 19-40489; and

WHEREAS, In order to be eligible for a variance under Section 72-21 of the Zoning Resolution, each of the waivers that an applicant is seeking must satisfy all five specific findings set forth in the Zoning Resolution, with failure to satisfy any one of the five findings resulting in a rejection of the application; and

WHEREAS, These five findings are:

- (a) that there are unique physical conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to and inherent in the particular zoning lot; and that, as a result of such unique physical conditions, practical difficulties or unnecessary hardship arise in complying strictly with the #use# or #bulk# provisions of the Resolution; and that the alleged practical difficulties or unnecessary hardship are not due to circumstances created generally by the strict application of such provisions in the neighborhood or district in which the zoning lot is located;
- (b) that because of such physical conditions there is no reasonable possibility that the development of the zoning lot in strict conformity with the provisions of this Resolution will bring a reasonable return, and that the grant of a variance is therefore necessary to enable the owner to realize a reasonable return from such #zoning lot#; this finding shall not be required for the granting of a variance to a non-profit organization;
- (c) that the variance, if granted, will not alter the essential character of the neighborhood or district in which the zoning lot is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare;

(d) that the practical difficulties or unnecessary hardship claimed as a ground for a variance have not been created by the owner or by a predecessor in title; however where all other required findings are made, the purchase of a zoning lot subject to the restrictions sought to be varied shall not itself constitute a self-created hardship; and

(e) that within the intent and purposes of this Resolution the variance, if granted, is the minimum variance necessary to afford relief; and to this end, the Board may permit a lesser variance than that applied for; and

WHEREAS, Supporting case law, courts have ruled that educational and religious institutions are exempt from the burden of the proof of Finding (a), as stated in *Cornell Univ. v Bagnardi*, 68 N.Y.2d 583 (1986), and

WHEREAS, Finding (b) shall not be required to be made for a non-profit organization, under which the Church falls; and

WHEREAS, Finding (c) is not met, as the proposed variance would "alter the essential character of the neighborhood or district in which the #zoning lot# is located" by facilitating a glass tower enlargement of at least 300,000 square feet on the merged lot that would be 32 stories, as represented by the applicant's representative in a public hearing held by the Land Use, Housing and Zoning Committee of Community Board Five; and

WHEREAS, Although the applicant claimed that they did not have knowledge of the bulk, massing, or design of the remaining portion of the tower at the time of the CB5 committee hearing, information publicly available on the website of the project's developer, HFZ Capital, advertises a "proposed development, which will consist of more than 600,000 square feet of office space," with a supertall glass tower rendering that would irrevocably alter the character of the block as well as the adjacent Madison Square North Historic District; and



WHEREAS, Finding (c) is not met for an additional reason, as the proposed variance would "substantially impair the appropriate use or development of adjacent property" by blocking eight windows on the adjacent property; and

WHEREAS, Finding (c) is also questionable because the enlarged development would be detrimental to the public welfare due to an easement agreement between HFZ Capital and the Church that would allow for reduced access to air and light and would cast shadows on the Church, light-sensitive historic structure and individual landmark; and

WHEREAS, Finding (d) is questionable because the practical difficulties or unnecessary hardship claimed as grounds for the variance have been created by the Church for electing not to create a penetration in the existing 61'1" long western wall that would result in a compliant connection, for reasons that pertain to a design choice rather than any existing code or regulation enforcement; and

WHEREAS, The BSA should be reminded that the Church and the developer have entered into an ingress and egress easement agreement permitting such connection to be created at various locations without the need of a variance; and

WHEREAS, The BSA should note that zoning-compliant egress located at the cellar or third floor levels of the Church would not cause a disturbance to the Peale Parlor Room, which is located on the first floor of the church, which has been cited as the reason for the Church's design preference; and

WHEREAS, While the applicant is exempt from findings (a) and (b), Finding (c) is not met for more than one reason, and Finding (d) is not clearly met in the opinion of Community Board Five, failure to meet any single finding is sufficient grounds for a BSA denial; therefore, be it

RESOLVED, Community Board Five **recommends denial** of the application by the Marble Collegiate Church, located at 1 West 29th Street, for a variance from the Zoning Resolution's rear-yard requirements, in order to allow for an enlargement of the Church's existing building in order to accommodate access to a new community facility located at the cellar, second and third floor levels of a planned adjoining tower.

After much discussion the above resolution passed with a vote of 40 in favor, 0 opposed, 1 abstaining: **IN FAVOR**: Achelis, Beitchman, Benzing, Cafaro, Clark, Dowson, Ford, Garcia, Gatto, Goldman, Goshow, Greeley, Haas, Harris Jr., Hartman, Heyer, Isaacs, Johnson, Kaback, Kalafarski, Kinsella, Law-Gisiko, Levy, Mann, McCall, Meyerson, Miller, Rabar, Sandler, Shapiro, Slutzkin, Smith, Spandorf, Spence, Tschinkel, Verdi, Webb, Weintraub, Whalen, Yang. **ABSTAIN**: Athanail.

• **LANDMARKS – LAYLA LAW-GISIKO**

Ms. Law-Gisiko gave brief presentations on the following five (5) bundled resolutions.

New York Public Library, - Application for alteration to the interior South Court the main branch of the NYPL at 476 5th Avenue between West 40th and West 42nd Streets adjacent to Bryant Park in Midtown

WHEREAS, The New York Public Library has applied for a certificate of appropriateness to make alterations to the interior South Court of their Stephen Schwarzman Building at 476 5th Avenue, between 40th & 42nd Streets; and

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

WHEREAS, The applicant proposes alterations that are largely confined to the South Court of the Building, which is not an interior landmark, but the façade that used to be part of the exterior envelope is part of the designated landmark; and

WHEREAS, South Court is a six-story infill structure in the open south courtyard of the Center for the Humanities Building, designed by Davis Brody Bond; constructed between 1998 and 2002; and

WHEREAS, The Brody Bond designed South Court uses glass and metal as primary materials and defers in style, size, materials and scale to the original building; and

WHEREAS, The objective of the current application is part of a phased renovation that address programmatic needs; increases public space by creating Exhibition space, modernizes infrastructure, enhances life safety with a new egress stair; and improves vertical circulation with two new public ADA compliant elevators and improves public circulation by creating three new openings in the landmarked South Court original historic facade:

1. on the 1st floor connecting Gottesman Hall to South Court by converting an existing window into a doorway
2. on the 1st floor connecting the relocated Library Shop & Café to new elevator lobby by enlarging an existing window into a doorway
3. and on the mezzanine level connecting existing offices to additional office space by enlarging an existing opening window to a doorway; and

WHEREAS, The proposed design elements, in the east elevation of South Court are modern stainless steel, structurally glazed guard rails and simple white finishes to match the design intent of the 2002 renovation by Davis Brody Bond, as to blend in and not create disparate pieces and parts from different decades; and

WHEREAS, The proposed design elements, in the north elevation of South Court use historic materials, bronze metal and glass door with transom similar to original Gottesman Hall door; and

WHEREAS, The appearance of the new doorways are unified and ADA compliant; and

WHEREAS, All original materials being removed, such as Danby Marble and metal windows will be salvaged and stored on site, and applicant will consider used salvaged bronze frieze in the café or other appropriate public places; therefore be it

RESOLVED, Community Board Five **recommends approval** of the New York Public Library's application for a certificate of appropriateness for the alteration to the interior South Court of the main branch of the New York Public Library, the Stephen Schwarzman Building, at 476 5th Avenue.

620 Sixth Avenue, Siegel Cooper Building in the Ladies Mile Historic District, application to modify the main entrance on Sixth Avenue and garage loading bays on 18th and 19th Streets, and to create a storefront master plan including signage and lighting

WHEREAS, The Siegel Cooper Building at 620 Sixth Avenue has applied to modify the main entrance on Sixth Avenue and the garage loading bays on 18th and 19th Streets, and to create a storefront master plan including signage and lighting; and

WHEREAS, 620 Sixth Avenue is located between 18th and 19th Streets in the Ladies Mile Historic District; and

WHEREAS, The building was constructed in 1895-97 as a store designed by DeLemos & Cordes in the Beaux-Arts style for the owner Siegel Cooper Dry Goods Store; and

WHEREAS, The current owner, RXR Realty, is seeking to return much of the building to its original condition; and

WHEREAS, The new Master Plan is a significant improvement over the existing, LPC-approved Master Plan; and

WHEREAS, The owner proposes to add 3 additional entrances at the ground floor façade on 18th St, 3 additional entrances on 19th St, and 2 additional entrances on 6th Ave; and

WHEREAS, The applicant proposes to return an original loading bay to its original position on 18th St; and

WHEREAS, The applicant proposes to restore the original doors and entrances on 19th St; and

WHEREAS, The applicant proposes to create a storefront Master Plan for lighting and signage; and

WHEREAS, The applicant proposes to remove the existing awnings from the building; therefore be it

RESOLVED, Community Board Five **recommends approval** of RXR Realty's application for a Master Plan for 620 Sixth Ave with the following requests:

1. the applicant return to the CB5 Landmarks Committee as tenants lodge requests for new or additional signage; and
2. the applicant appears before the Transportation and Environment Committee of Community Board Five to address concerns from the community about increased pedestrian and vehicular congestion on 18th St.

873 Broadway, application for new signage and legalization of a louver grille

WHEREAS, Ole and Steen (“Applicant”), owners of a storefront in the Hoyt Building at 873 Broadway, is proposing to install new signage and to legalize a louver grille on their storefront; and

WHEREAS, 873 Broadway is a Second Empire Commercial style building that was designed by Griffith Thomas for the prominent merchant Edwin Hoyt; and

WHEREAS, The Hoyt Building is located on the west side of Broadway between East 18th Street and East 19th Street and is characteristic of the first commercial development phase of the Ladies' Mile Historic District where it is located; and

WHEREAS, The Applicant is proposing to install a 2’ square, non-illuminated black blade sign with white lettering; and

WHEREAS, The blade sign will be located on the left side of the storefront for structural reasons instead of on the right side near the entrance where blade signs are usually approved for installation; and

WHEREAS, The Applicant is requesting that a black louver grille located above the storefront entrance be legalized; and

WHEREAS, The louver grille was installed without LPC's approval due to inadequate managerial oversight; and

WHEREAS, The Applicant has stated and confirmed that a black glass panel on the right side of the storefront is not a new installation but part of existing storefront fabric; and

WHEREAS, The Applicant has installed an illuminated sign which is 18" behind the storefront window; and

WHEREAS, The Applicant has agreed to reduce the brightness of the illuminated sign to a level, color and temperature that is appropriate for the Ladies' Mile Historic District (approx. 3000 Kelvin degrees); and

WHEREAS, The new blade sign and louver grille are harmonious with the Applicant's storefront and the Hoyt Building and are appropriate for the Ladies' Mile Historic District; and

WHEREAS, Though Community Board Five generally takes an unfavorable position toward legalization requests, a recommendation of approval may be made when an applicant has not acted in bad faith; therefore be it

RESOLVED, Community Board Five **recommends approval** of Ole and Steen's application for new signage and the legalization of a louver grille at their storefront in the Hoyt Building at 873 Broadway.

45 West 21st Street, (Ladies' Mile Historic District) - Application for installation of signage

WHEREAS, 45 West 21st Street (Applicant) is seeking approval from the NYC Landmarks Preservation Commission to install an exterior blade sign; and

WHEREAS, 45 West 21st Street, located in the Ladies' Mile Historic District, is a six-story Beaux-Arts store and loft building built in 1902; and

WHEREAS, The proposed signage is a 12 foot tall by 16" wide, non-illuminated, non-back-lit blade sign on the western corner of the building comprised of two sheets of painted metal attached to an interior frame element; and

WHEREAS, Although no signage was present on the building at the time of construction or designation, there is historic precedent for the location of the proposed signage based on photographs of a larger blade sign in the same location on the building in the 1940s and 1950; and

WHEREAS, The proposed sign was approved with modifications by Community Board Five in 2012; and

WHEREAS, The applicant revised the 2012 proposal to fully address the Community Board reservations in its meetings with the Landmarks Preservation Commission; and

WHEREAS, The Landmarks Preservation Commission approved the modified proposal in 2012; and

WHEREAS, The applicant is submitting this proposal because approval granted in 2012 expired in 2018; and

WHEREAS, Community Board Five considers the proposed signage to be appropriate for the Ladies Mile Historic District based on historic precedent at this location and is contextual to the Ladies' Mile Historic District; therefore, be it

RESOLVED, Community Board Five **recommends approval** of the proposed signage for 45 West 21st Street in the Ladies' Mile Historic District.

1 West 29th Street, Marble Collegiate Church, application to replace the existing the exterior sign at the southeast corner of the property

WHEREAS, The Marble Collegiate Reformed Church, located at 275 Fifth Avenue, has applied for a certificate of appropriateness to replace the existing free-standing exterior sign located at the southeast corner of the property; and

WHEREAS, The Marble Collegiate Reformed Church is a designated individual landmark completed in 1854, and

WHEREAS, The proposed new sign is made up of a LCD color monitor, similar to a TV screen, illuminated and able to screen moving images; and

WHEREAS, In order to support the large and heavy proposed screen, a new larger and heavier frame would be installed; and

WHEREAS, The monitor would be displaying a rotation of moving images and written information and would be on at all times of day and night; and

WHEREAS, The screen would be equipped with surveillance cameras to protect against vandalism; and

WHEREAS, Community Board Five finds the new sign design, which contains a full motion color LCD video screen, is unacceptable in front of this building and on Fifth Avenue as it is inharmonious with the historic building, inconsistent with the design and function of the existing sign, and removes historic fabric that is part of the existing sign; therefore be it

RESOLVED, Community Board Five **recommends denial** of Marble Collegiate Reformed Church's application for a certificate of appropriateness to remove their existing free-standing exterior sign and replace it with a LCD monitor screen sign.

After some discussion, the above five (5) bundled resolutions passed with a vote of 40 in favor, 0 opposed, 1 abstaining: **IN FAVOR:** Achelis, Beitchman, Benzing, Cafaro, Clark, Dawson, Ford, Garcia, Gatto, Goldman, Goshow, Greeley, Haas, Harris Jr., Hartmen, Heyer, Isaacs, Johnson, Kaback, Kalafarski, Kimsella, Law-Gisiko, Levy, Mann, McCall, Meyerson, Miller, Rabar, Sandler, Shapiro, Slutzkin, Smith, Spandorf, Spence, Tschinkel, Verdi, Webb, Weintraub, Whalen, Yang. **ABSTAIN:** Athanail.

TRANSPORTATION/ENVIRONMENT – E.J. KALAFARSKI

Mr. Kalafarski gave brief presentations on behalf of the Committee on the following two (2) bundled resolutions:

Tishman Speyer application for a temporary StreetSeat on Vanderbilt Avenue between 44th and 45th Streets at their 200 Park Avenue (MetLife Building) property

WHEREAS, The Applicant, Tishman Speyer Properties and The Irvine Company, seek to install a 6-foot-by-40-foot temporary, seasonal "StreetSeat" in front of 200 Park Avenue, between 44th and 45th Streets on the east side Vanderbilt Avenue, with open seating for the public; and

WHEREAS, The site in question is a no-travel lane currently demarcated as a "No Standing" zone; and

WHEREAS, The Applicant is conducting a renovation of a larger lobby and the exterior sidewalk/facade of 200 Park Avenue (the "MetLife Building") from November 2018 through November 2020, and proposes the StreetSeat as an addition of public space earmarked for pedestrians in a crowded district marked by insufficient open space; and

WHEREAS, The 2017 East Midtown Rezoning envisioned a more pedestrian-friendly Vanderbilt Avenue, including the planned pedestrian plaza a block south of this site between 42nd and 43rd Street; and

WHEREAS, The Applicant proposes to model the spaces after the existing StreetSeat template and program allowed across the city by the Department of Transportation, including a full application process and Community Board approval, of which 18 were approved and maintained during the 2018 calendar year; and

WHEREAS, The Applicant proposes a typical StreetSeat configuration, including two 20-foot segments, flush with the curb, with temporary materials to create moveable seating in the space, clearly marked with paint separated from other street parking by concrete wheel stop bars and flexible delimiters and from traffic by planters and stainless steel cables; and

WHEREAS, Each location will be marked with signage to indicate it is open to the public for anyone to use, with no alcohol or smoking allowed; and

WHEREAS, No commercial activity will be allowed in the proposed space; and

WHEREAS, The Applicant is committed to, and responsible for, cleaning and "resetting" the spaces every night through a maintenance agreement with the Department of Transportation; and

WHEREAS, The Applicant intends to maintain this space on the typical schedule for a StreetSeat with a season of March through the end of November; and

WHEREAS, The Applicant owns the entire frontage of 200 Park Avenue in front of which the StreetSeat will sit; and

WHEREAS, The Grand Central Partnership is aware of the application and has no objection; therefore be it

RESOLVED, Community Board Five **recommends approval** of Tishman Speyer's Application to the Department of Transportation for the installation of a seasonal StreetSeat in front of 200 Park Avenue.

After some discussion, the above two (2) bundled resolutions passed with a vote of 40 in favor, 0 opposed, 1 abstaining: **IN FAVOR:** Achelis, Beitchman, Benzing, Cafaro, Clark, Dowson, Ford, Garcia, Gatto, Goldman, Goshow, Greeley, Haas, Harris Jr., Hartman, Heyer, Isaacs, Johnson, Kaback, Kalafarski, Kinsella, Law-Gisiko, Levy, Mann, McCall, Meyerson, Miller, Rabar, Sandler, Shapiro, Slutzkin, Smith, Spandorf, Spence, Tschinkel, Verdi, Webb, Weintraub, Whalen, Yang. **ABSTAIN:** Athanail.

PARKS AND PUBLIC SPACES – CLAYTON SMITH

Clayton Smith gave brief presentations on the following three (3) bundled resolutions:

Application from Madison Square Park Conservancy for "David Yurman Summer Solari Art Installation," a marketing event in Madison Square Park from June 20th thru June 23rd, 2019

WHEREAS, The Madison Square Park Conservancy ("Applicant") has submitted a permit application to the Parks Department for "David Yurman Summer Solari Art Installation Marketing Event" to be held in the southwest gravel section of Madison Square Park; and

WHEREAS, Set-up would begin at 8 AM on June 20th, with the event beginning at 8 AM on June 21st, ending at 9 PM on June 23rd, and with cleanup and dismantling of the event in all respects to be finished the afternoon of June 24th by 2 PM; and

WHEREAS, The event is to consist of a series of oversized colorful inflatable shapes, setup and maintained by low-noise, low power inflatable fans, representing pieces of jewelry displaying the latest designs of noted jewelry designer Jihan Zencirli, featured by David Yurman's retail operation, and that the shapes will be open to the general public for inspection, viewing, interaction, and conversation with up to six brand ambassadors; and

WHEREAS, Signage will be limited to two standing placards that are restrained and suitable, with information about the featured jewelry in question, and the designer; and

WHEREAS, There will be a small press event on June 21st from 7 to 9 PM, with introductory remarks by the David Yurman operation; and

WHEREAS, There will be no amplified sound (aside from limited amplified sound during the press event), no products distributed, no food distributed, and every effort will be made to minimize the impact on the use of the park by the general public while this event is ongoing; and

WHEREAS, Applicant has indicated that in return for the private use of public space for this event, a substantial contribution to the Park will be made, which is consistent with past practice and necessary for the funding of the Park per its contractual agreement with the Parks Department, that allows for four annual marketing events, of which this is the first for 2019; and

WHEREAS, All operational aspects of the event, including sanitation and potential queueing, have been planned for in a satisfactory manner; 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 the four marketing events done in past years; therefore, be it

RESOLVED, Community Board Five **recommends approval** of the application from Madison Square Park Conservancy for "David Yurman Summer Solari Art Installation," a marketing event in Madison Square Park from June 20th thru June 23rd, 2019.

Newsstand application at the Southwest corner of 23rd and Lexington

WHEREAS, Mohammed Ahmet ("Applicant") seeks a permit to install and operate a newsstand on the SWC of Lexington and 23rd 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 was required to attend the public hearing and post notification in the community, but did neither; and

WHEREAS, The applicant's representation refused to cooperate with requests from Community Board Five for public posting and attendance at the public hearing, stating that they had no intention to do so; therefore, be it

RESOLVED, Community Board Five **recommends denial** of the application to install a newsstand at the SWC of Lexington and 23rd 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 should refund the fee for any application denied.

Application by 200 Park LP for a Distinctive Sidewalk at 200 Park Avenue, also known as the MetLife Building

WHEREAS, Tishman Speyer has proposed a Distinctive Sidewalk at 200 Park Avenue, also known as the MetLife Building; and

WHEREAS, 200 Park Avenue occupies approximately one-half of the super block shared with Grand Central Station between E 42th and E 45th streets, and between Vanderbilt and Park Avenues; and as such, it occupies a prominent position centered on the axis of Park Avenue to the north and south and among major New York City destinations; and

WHEREAS, The building was completed in 1963, and was originally known as the Pan American Building until ownership changed to MetLife in 1980; an iconic building with a pre-cast concrete and glass tower and podium façade sitting on top of a three-story high predominantly glass base and colonnades that interface with the pedestrians and surrounding neighborhood; and

WHEREAS, The existing sidewalks surrounding 200 Park Avenue were originally designed as part of the original architectural composition and have been repaired or replaced extensively throughout the building's lifetime, with the most recent renovation in 2006 reconstituting the terrazzo pavement between the building facade and the existing DOT steel-faced curb; and

WHEREAS, According to the architect working on the application, the current distinctive sidewalk is not the original sidewalk, and is not the design of Walter Gropius, the original architect; and

WHEREAS, The proposed ground plane along Vanderbilt Avenue and E 45th Street is conceived as a monolithic civic plinth of Impala Grey Granite, with the scale of the stone flags corresponding to and aligning with the interior lobby pavement; and

WHEREAS, The proposed material will be a significant improvement in improving safety of pedestrians, as the current treatment results in slippery surfaces and injuries when there is precipitation; and

WHEREAS, The granite pavement is proposed to extend to the curb line from the building, with the curb itself to be upgraded to a 12" width in the same Impala Grey Granite; existing drainage patterns are to be largely maintained, but enhanced to improve surface flow of water and eliminate any potential for standing water and maintain ADA-compliance in the right-of-way sidewalks; therefore, be it

RESOLVED, Community Board Five **recommends approval** of an application by 200 Park LP for a Distinctive Sidewalk at 200 Park Avenue, also known as the MetLife Building.

After some discussion, the above three (3) bundled resolutions passed with a vote of 40 in favor, 0 opposed, 1 abstaining: **IN FAVOR:** Achelis, Beitchman Benzing Cafaro, Clark, Dowson, Ford, Garcia, Gatto, Goldman, Goshow, Greeley, Haas, Harris Jr., Hartman, Heyer, Isaacs, Johnson, Kaback, Kalafarski, Kinsella, Law-Gisiko, Levy, Mann, McCall, Meyerson, Miller, Rabar, Sandler, Shapiro, Slutzkin, Smith, Spandorf, Spence, Tschinkel, Verdi, Webb, Weintraub, Whalen, Yang. **ABSTAIN:** Athanail.

There being no further business, the regularly scheduled meeting of Community Board Five adjourned at 7:55 p.m.

Respectfully submitted by,

Craig Slutzkin
Secretary

E.J. Kalafarski
Assistant Secretary