


DRAFT 9.2



**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, September 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 Benzeng
Renee Cafaro
James Dale
Sarah Dowson
Aaron Ford
Laura Garcia
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
Jennifer Kasner
Renee Kinsella
Layla Law-Gisiko
Sam Levy
Lucas Lopes
Blaga Lucic
Joseph Maffia
Kimberly McCall
Evan Meyerson
Charles Miller
Janet Pawson

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

Present Part

Absent

Julie Chou
Christopher Clark
Candy Cook
Dominic Gatto
Rachel Weintraub

Excused

David Sandler

Public Members

Elected Officials

Brad Hoylman
Senator

Keith Powers
Councilmember

Ben Kallos
Councilmember

Samuel Vasquez
Senator Hoylman

Ben Jacobs
Councilmember Powers

Jeremy Unger
Councilmember Rivera

Laurie Harjowaroga
Speaker Johnson

Justin Flagg
Senator Krueger

Jessica Mates
Borough President
Brewer

Lucas Wolf
Comptroller Stringer

Henry Robins
Speaker Johnson

Betsy Schmid
Congresswoman
Maloney

Wilfredo Lopez
Councilmember Kallos

Kevin JeanBaptiste
Manhattan DA

Staff

Wally Rubin
District Manager

Luke Szabados
Community Associate

Public Attendees

Kathleen Kalmes
Frank Angelino
Kathrin Apitz
Nick Harfraz
Lisa Wager
Bobby Robaina
Zach Bahor
Theo Chino

At 6:10 p.m., the Full Board meeting for September 12, 2019 of Manhattan Community Board Five was called to order by Chair, Vikki Barbero.

PUBLIC SESSION

Senator Brad Hoylman – Introduced Sam Vasquez as his new representative. The New York State Senate had a hearing on robocalls and ways to mitigate them. September is National Suicide and Prevention Month; as part of honoring this, the Senator has proposed legislation that allows for a student to be excused for a day if they have mental health concerns. The Senator reported that the Child Victims Act has gone into effect which will allow adult victims of abuse to make civil claims against their abusers even though the statute of limitations has passed. The Senator discussed the issue of floating billboards and the ways that vendors are trying to circumvent the new laws prohibiting them. The New York City Council recently pulled back legislation that would ban conversion therapy, with the intention to replace it with a stronger bill. A similar bill has already passed on the state level for children.

Councilmember Keith Powers – The Councilmember is having a Town Hall on September 17 with Speaker Johnson at the CUNY Graduate Center to discuss any issues concerning their respective districts. His office has kicked off the Participatory Budgeting process in which \$1 million gets allocated to the district based on the wishes of the constituency. The Councilmember will be hosting a Senior Health Fair on October 10 from 4pm to 8pm. He is also spending some time focusing on Koreatown and how to improve services in that area.

Justin Flagg – Representing Senator Krueger – The Senator is conducting a constituent survey for people in her district. The Senator held a forum on rent regulations which was recorded and can be accessed on her website. She will be hosting forums on recycling as well as information for coops and condominium residents/owners.

Kevin JeanBaptiste – Representing Manhattan District Attorney – Thanked everyone who participated in National Night Out. Mr. JeanBaptiste discussed the District Attorney’s public safety curriculum. District Attorney Vance filed a petition with the New York County Defender and Legal Aid Societies to seal old marijuana arrests. District Attorney Vance has taken steps to expand the “Saturday Night Lights” program.

Luke Wolf – Representing Comptroller Scott Stringer – Discussed the upcoming 2020 Census. Comptroller Stringer issued a report noting that many people do not have access to internet so will be unable to access the census.

Councilmember Ben Kallos – Discussed the upcoming ballot questions and gave an overview of each of the questions posed.

Laurie Hardjoworogo – Representing Speaker Johnson – Discussed New York City Council bill Intro 1332a which will mandate an Office of Constituent Services. On September 25, the Speaker will hold a voter registration drive from 10am to 1pm. The food bag program for seniors will continue through November 6.

Betsy Schmid – Representing Congresswoman Carolyn Maloney – Congresswoman Maloney is now back in Washington DC. In July she visited the southern border. The Congressman worked with her delegation for Humanitarian Standards Act and recently had a gun safety town hall.

Jeremy Unger – Representing Councilmember Rivera – Thanked the 29th Street Association for their recent efforts and their recent meeting to discuss various community issues. The Councilmember has secured additional funding for ACE. The Councilmember recently condemned the President’s proposed public charge rules for immigrants.

Kathleen Kalmes – Representing New York Public Library – Reported a program for financial planning at the Library on September 20. This entails a four-part activity including a financial fair.

Theo Chino – Discussed lifting CB5’s moratorium on street naming to name the street in front of Trump Towers “Barack Hussein Obama Avenue”.

Lisa Wager – Representing Fashion Institute of Technology – Discussed upcoming events at FIT.

Jessica Mates – Representing Manhattan Borough President Brewer – Noted that there will be early voting this year. Unfortunately, there are only nine sites in New York City. Discussed rules on holding green cards. Noted that if an organization wanted to use a school building for an activity or event, the Borough President may be able to cover the fee. Discussed the Borough President’s helicopter task force.

BUSINESS SESSION

- **VOTE ON THE JULY 2019 MINUTES**

The July 2019 minutes passed with a vote of 42 in favor, 0 opposed, 1 abstaining, as follows: **IN FAVOR:** Achelis, Athanail, Beitchman, Benzing, Cafaro, Dale, Dowson, Ford, Garcia, Goldman, Goshow, Greeley, Haas, Harris Jr., Hartman, Heyer, Isaacs, Johnson, Kaback, Kalafarski, Kasner, Kinsella, Law-Gisiko, Levy, Lopes, Lucic, Maffia, McCall, Meyerson, Miller, Pawson, Rabar, Shapiro, Slutzkin, Smith, Spandorf, Spence, Tschinkel, Verdi, Webb, Whalen, Yang. **ABSTAIN:** Barbero.

- **CHAIR’S REPORT – VIKKI BARBERO**

Chair Barbero announced Renee Cafaro’s decision to retire as a member of CB5 after 10 years of outstanding service to the Board and the community and spoke of the many contributions she has made by serving on numerous committees including PSQL, Consents & Variances, Education, Housing & Human Services (Vice Chair), and Landmarks (Vice Chair), and also by serving as Treasurer from 2012 - present.

Chair Barbero mentioned that Ms. Cafaro’s reason for her departure from the Board is due to her demanding schedule with her present responsibilities that require her to travel. She announced that, thankfully, Ms. Cafaro will continue on as a Public Member on the Landmarks Committee.

Upon leaving the Full Board, in honor of her years of service and dedication to the community, Ms. Cafaro was presented with a “Citation of Appreciation” from Borough President Gale Brewer.

With Ms. Cafaro’s resignation, a vacancy opened up as Treasurer for CB5. Aaron Ford was nominated for the position; no other nominations were made. Voting for the position will occur at the next meeting.

Chair Barbero also noted that E.J. Kalafarski has been appointed as the Acting Chair of the Transportation & Environment Committee. He has resigned as Assistant Secretary for CB5, creating a vacancy. Julie Chou was nominated for the position; no other nominations were made. Voting for the position will occur at the next meeting.

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

District Manager Rubin reminded the Board that the mandatory orientation will be held on Tuesday, September 17 at the 3 West Club.

COMMITTEE REPORTS

TRANSPORTATION/ENVIRONMENT – E.J. KALAFARSKI

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

Application for a Hotel Loading Zone at the Whitby Hotel, 18 West 56th Street

WHEREAS, The Applicant, the Whitby Hotel, 18 West 56th Street, a two year old 86-room hotel located west of 5th Avenue on the south side of 56th Street, has requested a hotel loading zone to serve their customers; and

WHEREAS, Such loading zones are standard at the main entrance to larger hotels in New York City, and the Department of Transportation regularly creates such zones in front of hotels larger than 100 rooms; and

WHEREAS, The Department of Transportation requires hotels below 100 rooms in size to come before the Community Board to hear any objections to their loading zone before such a permit is issued; and

WHEREAS, The Whitby Hotel has complied with this requirement, and at the CB5 Transportation & Environment Committee meeting at which this application was discussed, neighbors testified their support for the application and no opposition to the loading zone was heard; and

WHEREAS, The applicant requested a loading zone measuring 55 feet in length, to allow for both a single vehicle to drop off and pick up passengers at the main entrance of the hotel and a delivery truck at its service entrance; and

WHEREAS, The Whitby Hotel management testified that in addition to the hotel guests that there are also clients who use their restaurant, three meeting rooms, 130-seat movie theater, and conference space for a daily average of 650 guests entering the hotel; and

WHEREAS, The current parking regulations in front of the Whitby Hotel are for 3-hour Commercial parking Monday to Friday, 7am-6pm and 6-hour metered parking Monday to Friday, 6pm-12am and Saturdays 8am-12am; and

WHEREAS, The Whitby Hotel is located more than 200 feet from East 56th Street, which currently is closed from 5th Avenue to Madison Avenue due to Trump Tower security precautions; and

WHEREAS, This security situation has created both an even higher demand for available commercial parking in the immediate area and a back up in vehicle traffic on the first block of West 56th Street because all vehicles must turn onto 5th Avenue while waiting for pedestrians crossing the avenue; and

WHEREAS, There is no reason why this loading zone would obstruct traffic, either vehicular or pedestrian, and in fact it will likely reduce the potential for double-parked standing vehicles; and

WHEREAS, Community Board Five believes that a sign indicating DOT's Hotel Loading Zone regulations in front of the Whitby Hotel would be more effective than No Standing regulations for

mitigating double-parking and would likely assist the hotel in proper management of the loading zone space; and

WHEREAS, DOT will normally permit a one-vehicle length loading zone of 30 feet in front of a 100-room hotel, a two-vehicle length loading zone to a 300-room hotel, and only use No Standing regulations in front of a hotel less than 100-rooms; and

WHEREAS, Community Board Five does not have enough data to comfortably decide that a 55-foot loading zone is an appropriate length for this block; and

WHEREAS, Such loading zones should be approved only on a case-by-case basis, and no precedent with regard to these zones should be presumed in response to this application; therefore be it

RESOLVED, Community Board Five **recommends approval** of the application by the Whitby Hotel at 18 West 56th Street for a hotel loading zone with the conditions that

1. DOT post a Hotel Loading Zone parking regulations sign in front of 18 West 56th Street as DOT does with 100-room or greater hotels, and
2. DOT must determine an appropriate length of a Hotel Loading Zone at 18 West 56th Street given the competing demands for commercial parking, curbside access, and traffic flow.

Application by inter-city bus operator MJM Travel Group, Inc, for a bus stop on Broadway between 52nd and 51st Streets, in front of 1651 Broadway

WHEREAS, MJM Travel Group, Inc seeks approval from the Department of Transportation (“DOT”) of an Application to operate a bus service between New York City and Woodbury Common, New York on the west side of Broadway Ave between West 52nd and 51st Sts; and

WHEREAS, The Applicant proposes four (4) daily pickups between the hours of 7:00 AM and 10:00AM; and

WHEREAS, The Applicant proposes two (2) daily drop-offs between the hours of 5:00 PM and 7:00 PM.

WHEREAS, The Port Authority Bus Terminal currently operates at or above capacity; and

WHEREAS, In response, several companies began offering low-cost inter-city bus services from on-street pickup and drop off locations without formal authorization from DOT; and

WHEREAS, Without regulation, a high concentration of inter-city bus services developed in certain areas of midtown Manhattan, quickly resulting in increased sidewalk congestion, traffic gridlock, and increased on-street bus parking and double parking, all of which combined to create safety concerns for drivers, pedestrians, local business owners, and residents; and

WHEREAS, The State Legislature adopted Vehicle and Traffic Law § 1642-a in 2013 to address these concerns, empowering DOT to create a permitting system; and

WHEREAS, This law authorizes the City to: prohibit inter-city buses from loading or unloading passengers on City streets, except at designated on-street bus stop locations; require inter-city bus owners and/or operators to submit an application for each proposed on-street bus stop location; establish criteria for assigning on-street bus stop locations, including traffic considerations and the applicant's preferences; provide for consultation with the local Community Board and, where appropriate, the Metropolitan Transportation Authority and the Port Authority of New York and New Jersey; authorize DOT to issue inter-city bus permits and to charge a fee; provide for the relocation of an existing permitted on-street bus stop, upon 90-day notice to the permit holder and the local Community Board; grandfather existing inter-

city bus services that currently have designated on-street bus stop locations, by granting a permit to continue to use those locations for up to three years; and

WHEREAS, No other inter-city bus service currently uses this location, which is currently allotted to the defunct tour-bus brand Big Bus; and

WHEREAS, Community Board Five assessed this application on a range of criteria in accordance with its past assessments and found this stop to be significantly less burdensome than the average application, while offering a service not currently satisfied by competing bus operators; and

WHEREAS, Neighbors and community organizations including the Times Square Alliance generally expressed support for the location as more appropriate than alternatives in the area; therefore be it

RESOLVED, Community Board Five **recommends approval** of MJM Travel Group, Inc’s application for a bus stop on the west side of Broadway Ave between West 52nd and 51st Streets.

After some discussion, the above two (2) bundled resolutions passed with a vote of 42 in favor, 0 opposed, 1 abstaining: **IN FAVOR:** Achelis, Athanail, Beitchman, Benzing, Cafaro, Dale, Dowson, Ford, Garcia, Goldman, Goshow, Greeley, Haas, Harris Jr., Hartman, Heyer, Isaacs, Johnson, Kaback, Kalafarski, Kasner, Kinsella, Law-Gisiko, Levy, Lopes, Lucic, Maffia, McCall, Meyerson, Miller, Pawson, Rabar, Shapiro, Slutzkin, Smith, Spandorf, Spence, Tschinkel, Verdi, Webb, Whalen, Yang. **ABSTAIN:** Barbero.

PARKS AND PUBLIC SPACES – CLAYTON SMITH

Mr. Smith gave brief presentations on the following four (4) bundled resolutions:

Newsstand application at the Southwest corner of 5th Avenue and East 37th Street (IFO 397 5th Avenue)

WHEREAS, Bajaj Narendra (“Applicant”) seeks a permit to install and operate a newsstand on the SEC of 5th Avenue & East 37th Street, in front of 397 5th Avenue; 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; therefore, be it

RESOLVED, Community Board Five **recommends denial** of the application to install a newsstand at the SEC 5th Avenue & East 37th Street, in front of 397 5th Avenue; 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.

Newsstand application (8198-2019-ANWS) at the Northwest corner of 5th Avenue and East 36th Street, in front of 400 5th Avenue

WHEREAS, Nargis Aktar (“Applicant”) seeks a permit to install and operate a newsstand on 5th Avenue between East 37th Street and 36th Street, in front of 400 5th Ave; 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, An adjacent hotel, The Langham, has an entrance directly in front of the newsstand’s location and has filed a letter requesting denial of the application; and

WHEREAS, The applicant was required to attend the public hearing and post notification in the community, but did neither; therefore, be it

RESOLVED, Community Board Five **recommends denial** of the application to install a newsstand at the NWC of 5th Avenue & East 36th Street, in front of 400 5th Avenue; 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 for installation of a distinctive sidewalk at the corner lot at 1241 Broadway located in the southwest quadrant of Broadway and West 31st Street

WHEREAS, Bohler Engineering NY PLLC, on behalf of their client GDS Development LLC, has submitted an application for installation of a distinctive sidewalk at the corner footprint at 1241 Broadway; and

WHEREAS, The site is located at the highly pedestrian trafficked corner lot on the southwest quadrant of Broadway and West 31st Street; and

WHEREAS, The property is currently an outdoor parking lot with vehicle stackers and will be developed into a twenty-two-story boutique mixed-use building with over 170,00 square feet of floor space with a main lobby and restaurant on the first floor and Class-A office space beginning on the second floor; and

WHEREAS, The new distinctive sidewalk replaces an existing sidewalk in poor condition with significant ponding issues in the right of way and will remediate current issues such as non-compliant crosswalk slopes, crumbling curbs and these areas where stormwater ponds, and also restore ADA compliance to the corner pedestrian ramp; and

WHEREAS, Many other distinctive sidewalks in the area make this installation appropriate and not disruptive; and

WHEREAS, The new distinctive sidewalk utilizes standard citywide NYCDOT designs and materials and enhances the visual quality of the streetscape at this corner; and

WHEREAS, The proposed sidewalk is in scale with standard NYCDOT sidewalk construction requirements and maintains H-1045 4” thick 5’ X 5’ sidewalk flags that will be simply rotated at an angle to fall in line with the building columns to provide seamless integration from the right of way to the proposed development, and which also architecturally transitions smoothly to the adjacent buildings; and

WHEREAS, This attention to detail is done with a goal to unify the existing neighborhood infrastructure of this bustling area, and Community Board Five recommends that NYCDOT create a master plan that supports similar aesthetic goals; and

WHEREAS, Be it noted that Community Board Five did not review or approve the installation of a snow melt system, as it was represented by the Applicant that none is planned; therefore, be it

RESOLVED, Community Board Five **recommends approval** of the application from Bohler Engineering NY PLLC for the installation of a distinctive sidewalk at the corner of 1241 Broadway at Broadway and West 31 Street.

After some discussion, the above three (3) bundled resolutions passed with a vote of 42 in favor, 0 opposed, 1 abstaining: **IN FAVOR:** Achelis, Athanail, Beitchman, Benzing, Cafaro, Dale, Dowson, Ford, Garcia, Goldman, Goshow, Greeley, Haas, Harris Jr., Hartman, Heyer, Isaacs, Johnson, Kaback, Kalafarski, Kasner, Kinsella, Law-Gisiko, Levy, Lopes, Lucic, Maffia, McCall, Meyerson, Miller, Pawson, Rabar, Shapiro, Slutzkin, Smith, Spandorf, Spence, Tschinkel, Verdi, Webb, Whalen, Yang. **ABSTAIN:** Barbero.

LANDMARKS – LAYLA LAW-GISIKO

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

18 West 27th Street, application for the installation of windows.

WHEREAS, 18 West 27th Street, located between 5th & 6th Avenues in the Madison Square North Historic District is a Beaux Arts, 12 stories loft and office building constructed in 1908 and designed by the architectural firm Neville & Bagge, and features three bays of windows, limestone, terra-cotta, wrought-iron railings and a metal cornice; and

WHEREAS, The original building windows from floors 3 to 12 are large wood sash, pivot windows pivoting along a centrally located vertical axis; and

WHEREAS, The original windows at the 2nd story were wood sash pivot windows surmounted by a transom; and

WHEREAS, Over time some windows have been replaced with aluminum frame double-hung windows; and

WHEREAS, The applicant proposes to replace all windows from floors 3 to 12 with an aluminum frame inward opening casement windows surmounted by a transom, and

WHEREAS, The transom element is not original, nor is it historic and would alter the appearance of the primary façade; and

WHEREAS, The aluminum frame is not historic and would diminish the historic integrity of the façade; and

WHEREAS, The casement opening mechanism is not historic, does not relate to the original pivot windows opening mechanism; and

WHEREAS, Pivot windows were a strong architectural feature of our manufacturing and commercial historic districts that have been lost over the years and are close to extinction today and the loss of yet another nine of these historic windows would be detrimental to the overall historic fabric of the district, therefore be it

RESOLVED, Community Board Five **recommends denial** of the application **unless** the applicant removes the added transom element from their design, restores the existing original windows, and replaces the non-original windows with new pivot windows.

After some discussion, the above resolution passed with a vote of 41 in favor, 1 opposed, 1 abstaining: **IN FAVOR:** Achelis, Athanail, Beitchman, Benzing, Cafaro, Dale, Dowson, Ford, Garcia, Goldman, Goshow, Greeley, Haas, Harris Jr., Hartman, Heyer, Isaacs, Johnson, Kaback, Kalafarski, Kasner, Kinsella, Law-Gisiko, Levy, Lopes, Lucic, Maffia, McCall, Meyerson, Miller, Pawson, Rabar, Shapiro, Slutzkin, Smith, Spandorf, Spence, Tschinkel, Verdi, Webb, Whalen, Yang. **OPPOSED:** Kaback. **ABSTAIN:** Barbero.

PUBLIC SAFETY & QUALITY OF LIFE – NICHOLAS ATHANAIL

Mr. Athanail gave an update on the Broadway Corridor Task Force. The next meeting of the Task Force will be on September 16. Mr. Athanail reported on the support from the various elected officials. The plan is to provide a report from the Task Force at the next meeting.

BUDGET, EDUCATION AND CITY SERVICES – RENEE KINSELLA

Ms. Kinsella gave an update on city agency budgets and CB5's budget priority process.

There being no further business, the regularly scheduled meeting of Community Board Five adjourned at 7:38 p.m.

Respectfully submitted by,

Craig Slutzkin
Secretary