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**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, February 13, 2020 at Xavier High School, 2nd Floor Library, 30 West 16th Street (b/t 5th & 6th Aves.), at 6:00pm.**

Nicholas Athanail, 1st Vice Chair, presided.

Members Present

David Achelis
Nicholas Athanail
James Beitchman
Andreas Benzing
Julie Chou
Christopher Clark
James Dale
Sarah Dowson
Aaron Ford
Laura Garcia
Michael Greeley
Tristan Haas
John B. Harris, Jr.
William Heyer
Samuel Johnson
Michael Kaback
E.J. Kalafarski
Jennifer Kasner
Renee Kinsella
Layla Law-Gisiko
Lucas Lopes
Blaga Lucic
Joseph Maffia
Kimberly McCall
Evan Meyerson
Charles Miller

Janet Pawson
Jonathan Rabar
Tod Shapiro
Craig Slutzkin
Clayton Smith
Daniel Spence
Jessica Verdi
Rachel Weintraub
Pete Webb
July Yang

Present Part

Absent

Jordan Goldman
Nancy Goshow
Matthew Hartman
Robert Isaacs
Sam Levy
Barbara Spandorf
Simon Tschinkel

Excused

Vikki Barbero
Ryan Whalen

Public Members

Elected Officials

Abigail Bessler
Councilmember Powers

Jeremy Unger
Councilmember Rivera

Laurie Harjowaroga
Speaker Johnson

Justin Flagg
Senator Krueger

Brian Lafferty
Borough President
Brewer

Luke Wolf
Comptroller Stringer

Betsy Schmid
Congresswoman
Maloney

Samuel Vasquez
Senator Hoylman

Staff

Wally Rubin
District Manager

Luke Szabados
Community Associate

Public Attendees

Chriss Williams
Curt Rohner
Gloria Giordano
Noah Stern
Florence Friedman
Peter Conrad
Lisa Wager
Bobby Robaino
Andy Toledo
Gail Klan
Zool Zulkowitz
Simon Yeung
Martha Legrand

At 6:00 p.m., the Manhattan Community Board Five February 13th, 2020 full Board meeting was called to order by 1st Vice Chair, Nicholas Athanail.

PUBLIC SESSION

Laurie Hardjoworogo – Representing Speaker Johnson – announced that the City Council worked with over 100 stakeholders and advocates for months to create a comprehensive, long-term vision to address one of our city’s longest running issues – housing and homelessness. She stated that some of the Council’s recommendations include the following: a pilot program for families with children to target people earlier in the housing instability spectrum, more support for seniors at risk of homelessness, solutions to address the barriers to the development of supportive housing, and enhanced aftercare programs to give people transitioning from shelter to permanent housing. She also announced the upcoming Community Resource Fair on February 25 as well as the distribution of reusable bags.

Brian Lafferty – Representing Borough President Brewer – spoke of the launching of age-friendly Manhattan survey about the nature and quality of resources and amenities available to older people. He announced the Community Board application deadline on February 14. He also provided an update on the 14th Street busway. He announced that Borough President Brewer wrote to the Governor about the delay in naming members for the congestion-pricing panel and urging Manhattan representation on the panel.

Justin Flagg – Representing Senator Krueger – announced the distribution of reusable bags at their office. He also announced that Senator Krueger will join with other members of the New York State Senate delegation at a forum on the State Budget on February 29.

Abigail Bessler – Representing Councilmember Powers – spoke of new tree plantings and tree guards throughout the district through the participatory budget process. She spoke of the passing of a bill to require businesses to accept cash payments, which will make take away the burden on individuals that do not have access to bankcards or credit cards. She also announced a reusable bag giveaway on March 1 outside of 1066 3rd Avenue. She announced the hosting of a workshop that focuses on Uniform Land Use Review Procedure (Put the “You” in ULURP) on February 26 which will cover the basics of land use planning in New York City.

Jeremy Unger – Representing Councilmember Rivera – spoke of the Councilwoman’s call to end prejudice amid the Coronavirus fears. He spoke of his office’s efforts working with the Mayor’s office, Department of Health and the NYC Health and Hospital to continue to monitor the coronavirus outbreak. He announced pursuit of a new birthing center at Mount Sinai Beth Israel. He also announced the passing of Councilwoman’s bill, which will ensure that the City conduct thorough investigations when pregnant mothers test positive for lead exposure and require that DOH monitor children’s lead levels after birth.

Betsy Schmid – Representing Congresswoman Maloney – announced that the House passed the bill to create a Smithsonian Women’s History Museum. She also spoke of the hearing on the 2020 census. She also announced that Congresswoman Maloney who is the Chairwoman of the Committee on Oversight and Reform, issued a statement condemning the Trump Administration’s decision to exclude New York residents from the Trusted Traveler Program enrollment.

Sam Vasquez – Representing Senator Hoylman – spoke of joining with other members of the New York State Senate delegation at a forum on the State Budget on February 29. He announced that Senator Hoylman introduced bill to extend seat belt requirements to the back seat of taxis and another new bill requiring NYS to release demographic data on judges to understand diversity issues and promote diversity. He also announced legislation to implement moratorium on the use of facial recognition by Law Enforcement Agencies.

Andy Toledo – Representing Civic Engagement Commission Office – introduced and explained the mission of the Civic Engagement Commission.

Luke Wolf – Representing Comptroller Stringer – announced the NYC Comptroller’s 2020 Paid Summer Internship Program and encouraged youth to apply. He also announced the Comptroller

proposed a new Universal Affordable Housing policy, which would require 25% permanently low-income affordable housing in all new development with ten or more units, ending the 421a tax abatement program, and expand moderate and middle-income homeownership.

Peter Conrad – 15th Street resident – spoke of application before the Board for Sidebar at 118 East 15th Street and the issues such as crowding, noise and sanitation be considered and asked for the resolution be adopted.

Florence Friedman – 15th Street Resident – spoke of the history of Sidebar and their poor management.

Curt Rohner – spoke of 595 Madison Avenue before the Board. He gave update on the previous presentation for the massing of the cooling towers. He spoke of energy cooling of historic buildings.

Michael Kaback – announced free tours to learn interesting facts about the flatiron and fashion districts.

Lisa Wager – Representing Fashion Institute of Technology – announced that FIT salary data proof was ranked 19th nationwide. She also announced other upcoming events.

BUSINESS SESSION

- **VOTE ON THE JANUARY 2020 MINUTES**

The January 2020 minutes passed with a vote of 35 in favor, 0 opposed, 1 abstaining, as follows: **IN FAVOR:** Achelis, Beitchman, Chou, Clark, Dale, Dowson, Ford, Garcia, Greeley, Haas, Harris Jr., Heyer, Johnson, Kaback, Kalafarski, Kasner, Kinsella, Law-Gisiko, Lopes, Lucic, Maffia, McCall, Meyerson, Miller, Pawson, Rabar, Shapiro, Slutzkin, Smith, Spence, Verdi, Webb, Weintraub, Yang. **ABSTAIN:** Athanail.

- **CHAIR’S REPORT – VIKKI BARBERO/NICHOLAS ATHANAIL**

COMMITTEE REPORTS

Mr. Athanail reminded Board Members and the public that the deadline for applying to the Community Board is February 14.

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

PARKS AND PUBLIC SPACES – CLAYTON SMITH

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

Application # 17-2020-ASWC 118 East 15th Street NY, NY 10003-2102 LM Restaurant Group LLC DBA “Sidebar” for a new unenclosed sidewalk café at 118 East 15th Street (at University Place) featuring 19 tables and 38 chairs

WHEREAS, LM Restaurant Group LLC, DBA “Sidebar” (“Applicant”) is applying for a new unenclosed sidewalk café license at 118 East 15th Street NY NY 10003-2012 (Block Number 870 Lot 24), to be located on 15th Street and University Place; and

WHEREAS, Applicant seeks to have a sidewalk café occupying a space totaling approximately 500 square feet, with 19 tables and 38 chairs on University Place, composed of 4 rows of two-top tables, such that approximately three-quarters of the space will be on the sidewalk adjacent to Applicant’s establishment; and

WHEREAS, Community Board Five has serious doubts that the proposed café footprint complies with DCA regulations, as nearby tree pits with guardrails significantly obstruct pedestrian traffic on this block, and are not far enough from the café to warrant DCA approval without the replacement of existing guardrails with flush tree grates, which have not been proposed by the Applicant; and

WHEREAS, Furthermore, DCA regulations require that notice of any proposed change to the tree beds performed by the Applicant must be provided to the relevant Community Board, which has not occurred; and

WHEREAS, Community Board Five has serious additional reservations with respect to the reputation and operation of the Applicant, given a substantial and significant number of submitted complaints from neighboring residents in the last two years regarding crowd control, public safety, unruly behavior, noise complaints and amplified sound complaints; and

WHEREAS, Neighborhood residents have registered issues with loud sound and music, unruly behavior, sanitation and other factors in connection with the operation of Sidebar both inside and outside the premises over the last several months and CB5 has concerns that the granting of the outdoor café, in the absence of agreed upon remedial actions by the establishment, will increase these problems; and

WHEREAS, CB5 has serious concerns about the potential for unmanageable congestion as a result of the proposed sidewalk café, given its location *near a heavily trafficked school entrance*, on a major East-West pedestrian thoroughfare on 15th Street leading to a major public transit hub at Union Square, as the proposed layout reduces available pedestrian space, and no pedestrian counts or serious study was given to this issue by the Applicant; and

WHEREAS, Applicant has insisted on pursuing the Application in advance of suggested community meetings between their management team and local residents, and implementation and proof of the effectiveness of agreed upon remedial steps that might mitigate the impact of the enumerated issues listed above so as to allay residents and CB5’s concerns; and

WHEREAS, A significant number of members of the public raised objections and concerns about all the issues mentioned herein; therefore, be it

RESOLVED, Community Board Five **recommends denial** of application # 17-2020-ASWC 118 East 15th Street NY NY 10003-2102 LM Restaurant Group LLC DBA “Sidebar” for a new unenclosed sidewalk café at 118 East 15th Street (at University Place) featuring 19 tables and 38 chairs.

Applications from Union Square Partnership for their 2020 Roster of Programming

WHEREAS, The Union Square Partnership ("Applicant") is a neighborhood BID and a community-based organization working to ensure the best possible neighborhood for its residents, businesses and visitors; and

WHEREAS, Applicant is a non-profit 501(c)3 organization that works to provide the Union Square district's continued growth; and,

WHEREAS, Applicant has submitted applications for their roster of annual programming for 2020, comprised of:

- "It's My Park! Day": sustainability-focused activities for families on the Center Lawn on Saturday, June 6th from 11 AM - 2 PM
- "Summer in the Square": fitness and kids activities, live music, and movie nights on the North and South Plazas, every Thursday June 11th - August 6th, 7 AM - 8:30 PM
- "Harvest in the Square": food and dining event featuring local restaurants, raising funds for Union Square Partnership on the North Plaza on Thursday, September 17th from 6 PM - 9 PM
- "Happy Pawlidays": pet and family-focused activities to celebrate the opening of the Urbanspace Holiday Market on the West Plaza on Sunday, November 22nd from 11 AM - 2 PM

WHEREAS, With the exception of "Harvest in the Square", which is an annual fundraiser, all events are free and open to the public; and

WHEREAS, Set-up for each proposed special event would begin no earlier than 6:00 PM the evening before the event (upon expiration of the Greenmarket permit, when relevant), and dismantling and cleanup to be completed before 6:00 AM on the morning following the event; and

WHEREAS, There is a long-standing precedent for these events in Union Square Park, with support from surrounding stakeholders; and

WHEREAS, Applicant has agreed to provide Community Board Five with all information and renderings of any sponsorship of any events, and that when presenting future event applications, that they will clearly state whether those events are occurring concurrently with previously approved special events; and

WHEREAS, If there are any material changes in the event from previous years, i.e. signage, set-up, scale, location, and/or ancillary activities, Applicant has agreed to return and present these changes to Community Board Five; and,

WHEREAS, Applicant's programs include sanitation, public safety, economic development and marketing services, and investment in the beautification and maintenance of Union Square Park, a crown jewel of the district; and

WHEREAS, Applicant has an impeccable record of reliable and clear presentations to the public and execution of their events; and

WHEREAS, Applicant has shown diligence in applying recommendations and suggestions from Community Board Five; therefore, be it

RESOLVED, Community Board Five **recommends approval** of the applications from Union Square Partnership for their 2020 Roster of Programming.

Int. 1524, A Local Law to amend the administrative code of the City of New York, in relation to the use of pesticides by City agencies

WHEREAS, Council Members Carlina Rivera and Keith Powers, among others, have introduced a bill to amend the list of substances approved for use by city agencies to exclude certain chemically-based pesticides; and

WHEREAS, Currently, city agencies are permitted to use pesticides and herbicides containing chemical compounds such as glyphosate, the primary ingredient in the commercial product Round-Up; and

WHEREAS, Glyphosate and similar chemical compounds have been assessed by the World Health Organization's International Agency for Research on Cancer as "probably carcinogenic;" and

WHEREAS, New York City Parks Department employees have been diagnosed with cancers related to glyphosate exposure in numbers that far exceed the norm; and

WHEREAS, In 2017 the State of California added glyphosate to its list of products that require consumer warnings in recognition of its carcinogenic effects on humans; and

WHEREAS, All relevant city agencies, including the Parks Department, have indicated their support for this legislation; and

WHEREAS, This legislation represents the most comprehensive stance that the city can take regarding the use of chemically-based pesticides, as legislation to ban the use of chemically-based pesticides by private individuals would fall under the jurisdiction of the State Legislature; and

WHEREAS, Community Board Five supports efforts to protect those who visit, live or work in our district and our city from exposure to carcinogens, and recognizes the disproportionate impact of such carcinogenic pollution on lower-income neighborhoods and communities of color; therefore, be it

RESOLVED, Community Board Five **supports** Int. 1524, and urges the City Council to bring it up for consideration and a vote.

Application from Madison Square Park Conservancy for "Nintendo Animal Crossing," a marketing event to be held in Madison Square Park from March 12th through March 13th, 2020

WHEREAS, The Madison Square Park Conservancy ("Applicant") has submitted a permit application to the Parks Department for "Nintendo Animal Crossing," a marketing event to be held in the southwest gravel section of Madison Square Park (the "Park") on March 12th-13th, 2020 (the "Event"); and

WHEREAS, Set-up would begin at 8:00 PM on March 10th, 2020, with load-out to be completed before midnight on March 13th, the day of the event; and

WHEREAS, The Event would take place from 8 AM – 8 PM on March 12th and 13th, 2020, and is to consist of a 41-foot diameter and 18-foot high white igloo-type tented structure with a separate entrance and exit door, fully enclosed with internal projector screens and sound equipment; and

WHEREAS, The enclosed structure is the same that was used for a similar marketing event in 2019, which obtained Community Board Five's approval, as the event is contained to the gravel area and will have limited impact on use of the Park; and

WHEREAS, The proposed event will have no sanitation impact, and no amplified sound outside of the enclosed structure, whose doors will remain closed except when members of the public are entering and exiting the structure; and

WHEREAS, Signage identifying Nintendo will be very restricted on the edges of the canopies surrounding the structure, and is smaller than what normally would rise to the concern of Community Board Five; and

WHEREAS, Although additional signage identifying the "Animal Crossing" property and logo is larger than what is normally supported by Community Board Five, in response to community concerns, the

Applicant subsequently agreed to limit the signage to a few logo stamps on the globe, and reduce the overall size of the logo by ten percent; and

WHEREAS, The Event will be staffed by five brand ambassadors, who will not leave the gravel area of the Event; 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 per its contractual agreement with the Parks Department, which allows for four annual marketing events, of which this is the first for 2020; 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 held in the Park in past years; therefore, be it

RESOLVED, Community Board Five **recommends approval** of the application from the Madison Square Park Conservancy for “Nintendo Animal Crossing,” a marketing event to be held in Madison Square Park from March 12th through March 13th, 2020.

After some discussion and friendly amendments to the resolution on 118 East 15th Street (see italics), the above four bundled resolutions passed with a vote of 35 in favor, 0 opposed, 1 abstaining: **IN FAVOR:** Achelis, Beitchman, Chou, Clark, Dale, Dowson, Ford, Garcia, Greeley, Haas, Harris Jr., Heyer, Johnson, Kaback, Kalafarski, Kasner, Kinsella, Law-Gisiko, Lopes, Lucic, Maffia, McCall, Meyerson, Miller, Pawson, Rabar, Shapiro, Slutzkin, Smith, Spence, Verdi., Webb, Weintraub, Yang. **ABSTAIN:** Athanail.

LANDMARKS – LAYLA LAW-GISIKO

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

Knickerbocker Hotel, 1466 Broadway on the southeast corner of 42nd Street and Broadway, application to amend the tenant signage master plan, install interior storefront lighting, and install a new LED sign at retail corner

WHEREAS, The Knickerbocker Hotel, located at 1466 Broadway on the southeast corner of 42nd Street and Broadway in Times Square, is a Beaux Arts style building of red brick with terracotta details, and with a prominent mansard roof, which was designed by Marvin & Davis, with Bruce Price and built in 1902-1906, designated in 1988 and put on the National Register of Historic Places in 1980; and

WHEREAS, Its Annex was designed by Phillip C. Brown, built in 1894, and is a designated landmark as well; and

WHEREAS, Financed by John Jacob Astor, it was a luxurious hotel and a popular dining and dancing spot in New York's new theatre district, and is the only survivor out of several grand hotels that were built in the Times Square area; and

WHEREAS, The Knickerbocker closed in the 1920's during the Depression and was converted to office use and was later the home to Newsweek Magazine; and

WHEREAS, An application to alter the two-story commercial base, install canopies, construct a rooftop addition, remove a fire escape and install storefront infill at the Annex was approved in 2010; and

WHEREAS, An application was approved by CB5 in 2010 to alter the two-story commercial base, install canopies, construct a rooftop addition, remove a fire escape and install storefront infill at the Annex was approved in 2010; and

WHEREAS, A master plan to modify signage and install LED Panels inside the glass facades above the first floor with the kind of signage and lighting displays currently in operation in the Times Square area was approved by CB5 in 2014; and

WHEREAS, The applicant's revision to that master plan includes changes to the LED signs in the transoms and behind the windows;

WHEREAS, Those changes to the LED signs, including acrylic back-lit walls inside the ground floor windows and a fully illuminated LED sign on the corner of the building, do not fit the historical context of the building, and create significant levels of intense yellow lighting at street level; therefore be it

RESOLVED, Community Board Five **recommends denial** of the proposed signage and lighting changes at The Knickerbocker Hotel at 1466 Broadway and 42nd Street **UNLESS** the retail corner LED blade sign is removed and the illuminated yellow LED signs are drastically reduced in intensity, both in size and illumination, at both street level and in the first and second floor windows.

26 West 17th Street, application to install an overhead security grille and replace the existing limestone base with a granite base.

WHEREAS, 26 WEST 17th street is a twelve-story Beaux-Arts store and loft building constructed in 1907-08; and

WHEREAS, The building was designed by noted architect William C. Frohne for Philip Braender, a prolific builder and real estate operator; and

WHEREAS, The building enjoys a place in the Ladies Mile Historic District; and

WHEREAS, The building characterizes the later development phase of the district with its limestone, brick and terra-cotta façade organized in a tripartite scheme; and

WHEREAS, The applicant seeks to install an overhead security grille, where the grille opening is 13'-9" wide, 11'-10" tall, the fascia enclosure concealing the grille coil housing is 2'-6.5" high, the grille coil housing is 1'-8" tall and 1'-7" deep; and

WHEREAS, The installation of the overhead coiling security grille with transom enclosure will not require the removal of any historic fabric from the building; and

WHEREAS, The applicant is proposing to replace the existing limestone base with a granite base of 1'-2" high; and

WHEREAS, A large number of loft and store buildings typical of the Ladies Mile Historic District have a granite base of varying height, and are very typical of the district, and

WHEREAS, Not only is granite contextual but also desirable at this location as it is a denser and more durable stone that can better withstand the insults of city life, and

WHEREAS, Residents expressed support for the proposed alterations, provided that the tenants in the retail space can independently access and operate the grille; and

WHEREAS, The addition of an overhead security grille and the granite base is appropriate and respectful of the historic conditions of the building and the Ladies Mile Historic District; therefore be it

RESOLVED, Community Board Five **recommends approval** of the storefront alteration and façade repairs at 26 West 17th Street.

1158 Broadway, application for new facade to replace existing storefront and signage

WHEREAS, 1158 Broadway is located at the Northeast corner of Broadway and West 27th Street in the Madison Square North Historic District; and

WHEREAS, Per the designation report, the building was constructed in 1880-81 as a store designed by architect James Stroud for owner Christian Hanfield; and

WHEREAS, Most of the original historic facade of 1158 Broadway and adjacent 1160 Broadway was changed in 1959, designed by the architectural firm Telchin & Campanella, for owner Richard M. Piken; and

WHEREAS, Very little of the original fabric remains apart from the historic fire escape; and

WHEREAS, The building was designated as part of Madison Square North on June 26, 2001; and

WHEREAS, The building is currently mixed use with commercial entities on the bottom two stories with residential space above; and

WHEREAS, The commercial tenant, Oakberry Acai Bowls, is requesting a Certificate of Appropriateness to change the storefront facade and signage; and

WHEREAS, The retail space is approximately 400 square feet in total and approximately 15 feet wide; and

WHEREAS, The storefront faces 27th street only; and

WHEREAS, The applicant proposed the following modifications:

- New retail signage above the door in pin mounted letters; and
- New striped awning in accordance with LPC guidelines; and
- New, non illuminated blade sign in accordance with LPC guidelines; and
- New framing around the storefront in a metal frame painted black in keeping with the black frame around the residential entrance and to differentiate this retail space from the deli to the left and the residential entrance to the right; and
- New gray painted facade wall to match with existing color scheme of the building; and

WHEREAS, The existing door and window will remain as is; and

WHEREAS, The fire escape prevents modeling the residential entrance to the right; and

WHEREAS, CB5 is sympathetic to the applicant's difficulty in working with a building that provides many different styles and no master plan; and

WHEREAS, CB5 recognizes that each storefront within this building provides unique challenges; and

WHEREAS, CB5 recognizes the applicant's willingness to work with the Board; and

WHEREAS, CB5 finds that the design as presented harmonizes with the other storefronts in this building; therefore, be it

RESOLVED, Community Board Five **recommends approval** of Oakberry Acai Bowls' application for a Certificate of Appropriateness to change the retail facade at 1158 Broadway.

595 Madison Avenue, The Fuller Building, application to expand and replace a cooling tower on an exterior terrace of the 18th floor

WHEREAS, The Fuller Building located at 595 Madison Avenue and 41 East 57th Street is an office skyscraper constructed in a conservative Art Deco style; and

WHEREAS, It was built in 1929 by the prolific architecture firm Walker & Gillette and is notable as one of the first skyscrapers built so far north in Manhattan; and

WHEREAS, The building was designated as an exterior landmark in March of 1986 by the Landmarks Preservation Committee (as well as an interior landmark); and

WHEREAS, “The wide base with its complex setbacks rising to a tall tower” creates the dramatic silhouette and profile of the Fuller Building one that was “typical of this period of skyscraper building,” as noted in the LPC designation report; and

WHEREAS, The 1916 Building Code required setbacks at various floors allowing light and air to reach down to street level, the Fuller Building entirely fills its lot up with stories up to the 11th floor where Aztec influenced setbacks begin culminating in a majestic tower that rises from the 21st to the 40th floors; and

WHEREAS, The designation report continued that “another major design element of the Fuller Building is the tension created by the horizontal and vertical emphasis of its different sections;” and

WHEREAS, The applicant constructed a full-scale mock-up of the proposed new cooling tower system that they would like to place on an exterior terrace off the 18th floor; and

WHEREAS, This new cooling tower would be highly visible from numerous points particularly along the 57th corridor, specifically from the primary façade of the building, and would interrupt the landmark’s elegant, cascading silhouette and the deliberate architectural tension between the different sections; therefore, be it

RESOLVED, Community Board Five **recommends denial** of the application for the installation of a cooling tower on the exterior roof of the 18th floor of 595 Madison Avenue.

1501 Broadway – Application for Certificate of Appropriateness for New Marquee, Storefront & Signage at 43rd Street Facade

WHEREAS, The Paramount Building, located at 1501 Broadway and West 43rd Street in Times Square, was built in 1926-27, and has made a significant contribution to the development of the Broadway theater district; and

WHEREAS, The building was designed by the firm of Rapp & Rapp, who were among the best-known and most prolific designers of elaborate movie theaters in the 1920s; and

WHEREAS, The Paramount Building first served as the Eastern headquarters for the Famous Players-Lasky Corporation, the forerunner of Paramount Pictures; and

WHEREAS, The building's distinctive massing is exemplary of the innovative setback skyscraper type of the 1920s; and

WHEREAS, The building was designated an individual Landmark in 1985; and

WHEREAS, 1501 Broadway is a thirty-three story building with a clock tower and was the tallest structure on Broadway north of the Woolworth Building at the time of its completion; and

WHEREAS, The applicant is proposing a new marquee, storefront and signage at the 43rd Street façade at 1501 Broadway located to the west of the building's Main Entry, as well as a glass partition abutting the show window at a bay on Broadway; and

WHEREAS, The four applicable bays are to have new storefront framing installed, as governed by the parameters set forth by the LPC approved Master Plan (dated 4.30.18); and

WHEREAS, In confirming existing conditions, it has been discovered that it will not be possible to fully carry out the signage aspect of the Master Plan as defined by the aforementioned approval (ie: installing horizontal tube rails and applied signage lettering), due to minimum head clearances as a result of the upward sloping sidewalk; and

WHEREAS, Installing the tube rails and signage as designed would render conditions with head clearances less than the code required 10'-0" minimum; and

WHEREAS, The applicant wishes to eliminate these items from above the four (4) applicable bays; and

WHEREAS, In an attempt to maximize the height of the storefronts to counter the slope of the sidewalk, the applicant wishes to raise the storefront height whereby the end result closely resembles the proportions of the previously installed storefronts elsewhere in the building; and

WHEREAS, Failing to do so would render door heights of only 7'-0" with the impossibility of creating transoms above, in contrast to the parameters set forth by the Master Plan; and

WHEREAS, A new (second) marquee serving the reconfigured retail entry, which was originally part of the project scope before being eliminated in June 2017, is part of the scope once more; and

WHEREAS, The proposed marquee is modern, taking its design inspiration from the original marquees that were adjacent to the original decorative marquee which itself has since been replicated and installed above the building's main entrance; and

WHEREAS, Over the years, the Landmarks Preservation Commission has seen fit to approve signage alterations previously denied by Community Board Five; therefore be it

RESOLVED, Community Board Five registers a vote of **No Objection** to the application by The Paramount Building, located at 1501 Broadway and West 43rd Street, for a Certificate of Appropriateness for new marquee, storefront and signage at its 43rd Street facade.

After some discussion, the above five bundled resolutions passed with a vote of 35 in favor, 0 opposed, 1 abstaining except the resolutions on **1466 Broadway** and **1501 Broadway**, which passed with a vote of 34 in favor, 0 opposed, 1 abstaining and 1 present not entitled to vote: **IN FAVOR:** Achelis, Beitchman, Chou, Clark, Dale, Dowson, Ford, Garcia, Greeley, Haas, Harris Jr., Heyer, Johnson, Kaback, Kalafarski, Kasner, Kinsella, Law-Gisiko, Lopes, Lucic, Maffia, McCall, Meyerson, Miller, Pawson, Rabar, Shapiro, Slutzkin, Smith, Spence, Verdi, Webb, Weintraub, Yang. **ABSTAIN:** Athanail. **PRESENT NOT ENTITLED TO VOTE:** Clark (on 1466 Broadway and 1501 Broadway)

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

Application to relocate the existing glass entry doors of the first floor commercial space, from the current location over one bay to the left at 109 West 39th Street

WHEREAS, 109 West 39th Street (Springs Mills Building) is a 21-story office tower, located on a mid-block site between 39th and 40th streets and 6th Avenue and Broadway, constructed in 1961-63 and designed by architects Harrison & Abramovitz in mid-20th century glass curtain wall skyscraper style; and

WHEREAS, The applicant is proposing to relocate the existing historic entry door on the first floor commercial space on 39th street, from the current location over one bay to the left, and repair a broken portion of the black granite base adjacent to the door; and

WHEREAS, The proposed new entry location will utilize the same door, glass, and silver aluminum mullions from the original entry; and

WHEREAS, The new entry location would facilitate the flow of foot traffic within the new layout of the restaurant proposed for the commercial space; therefore be it

RESOLVED, Community Board Five **recommends approval** of the application for a Certificate of Appropriateness for the relocation of the glass entry door for the first floor commercial space on 39th Street and repair of the adjacent portion of the black granite base at 109 West 39th Street.

After some discussion, the above resolution passed with a vote of 20 in favor, 15 opposed, 1 abstaining: **IN FAVOR:** Achelis, Beitchman, Dale, Dowson, Garcia, Greeley, Haas, Kaback, Kalafarski, Lopes, Lucic, Maffia, McCall, Meyerson, Miller, Pawson, Shapiro, Spence, Verdi, Webb. **OPPOSED:** Chou, Clark, Ford, Harris Jr., Heyer, Johnson, Kasner, Kinsella, Law-Gisiko, Rabar, Slutzkin, Smith, Weintraub, Yang. **ABSTAIN:** Athanail.

TRANSPORTATION/ENVIRONMENT – EJ KALAFARSKI

Mr. Kalafarski gave brief presentations on the following two bundled resolutions.

Recommendations for Traffic Mobility Review Board (TMRB), charged with developing rules and rates for congestion pricing

WHEREAS, State law will allow congestion pricing to go into effect for vehicles traveling south of 60th Street in Manhattan as early as January 1, 2021; and

WHEREAS, A Traffic Mobility Review Board (TMRB) will be empowered to set the congestion fee for entering the zone below 60th Street, to establish hardship exemptions from the toll, and to allow for bridge and tunnel tolls to be rebated; and

WHEREAS, While the TMRB is to be comprised of six members, with two coming from the Metro-North and Long Island Rail Road regions, no members are required to represent Manhattan, the area most directly affected by this initiative; and

WHEREAS, MTA Board discussions regarding TMRB appointments are subject to open meeting laws, but TMRB's meetings are not, since they will make recommendations and not perform direct government actions that are subject to the open meeting law; and

WHEREAS, The MTA has committed publicly to be transparent and to work with local communities, elected officials, and advocates to inform them on progress regarding congestion pricing; and

WHEREAS, It has been announced that the TMRB will determine a public engagement process after the TMRB is constituted; and

WHEREAS, The fee and exemption structure prescribed by State legislation is not complete or adequate, and community boards should be included in the process of deciding final adequate fees and exemptions; and

WHEREAS, The TMRB cannot release its recommendations until November 15, 2020, by state law, leaving as little as 6 weeks for community engagement after the TMRB's recommendations are released before their implementation; and

WHEREAS, The stated goal of congestion pricing is as much the adjustment of traffic patterns and the reduction of vehicular traffic and vehicle use as much as the raising of revenue to fund mass transit options; and

WHEREAS, The MTA has not yet released plans for increased transit capacity or bus service to be implemented in conjunction with the anticipated reduction in vehicular car use; therefore be it resolved

RESOLVED, Community Board Five urges the MTA to appoint TMRB members as soon as possible, so that they can begin a deliberative process to create an effective and balanced congestive pricing plan; and be it further

RESOLVED, Community Board Five urges the State to require the TMRB to follow the same open meetings standards that other government and public bodies must adhere to; and be it further

RESOLVED, Community Board Five calls on the MTA to be transparent and to have a robust public engagement process, to keep the public informed and allow input on all decisions regarding the congestion pricing plan, including actively consulting community boards during the process of the TMRB deliberation, as well as actively consulting community boards after the TMRB adoption of recommendations but before implementation; and be it further

RESOLVED, Community Board Five urges the MTA and TMRB to work together to ensure that adequate transportation alternatives are available and running before the congestion pricing plan goes into effect; and be it further

RESOLVED, Community Board Five urges that at least two of the six members of the Traffic Mobility Review Board represent the interests of Manhattanites, with one representing the interests of those who live within the zone and the other representing the interests of those who live in Manhattan outside of the zone, as recommended by the Manhattan Borough President in her letter to the Governor of January 16, 2020.

Request on behalf of the NYC Department of Transportation and Department of Design and Construction (DDC), in partnership with Grand Central Partnership, to approve an update on planned capital improvements at the Pershing Square East plaza on Park Avenue between 41st and 42nd Streets.

WHEREAS, In 2009, Community Board Five recommended approval of the southbound lanes of Park Avenue between 41st and 42nd Streets, which had operated as a Seasonal Street activity for the past decade, for inclusion in the NYC Plaza Program, and

WHEREAS, In 2011, Community Board Five recommended approval of a design concept for the southbound lanes as a permanent year-round pedestrian plaza; and

WHEREAS, The resulting pedestrian plaza Pershing Square West is currently located and operated in the former southbound lanes of Park Avenue between 42nd and 41st Streets, flanked by the Altria Building at 120 Park Avenue and the landmark Pershing Square Viaduct; and

WHEREAS, In 2013, Community Board Five likewise supported the complementary closing to vehicular traffic of the northbound lanes of Park Avenue between 41st and 42nd Streets, to create a complementary pedestrian mall on the Pershing Square East plaza; and

WHEREAS, The Department of Transportation (DOT) and the Department of Design and Construction (DDC), in partnership with Grand Central Partnership (GCP), now seeks to transform the eastern plaza into a permanent installation for the benefit of residents, commuters and visitors of the Grand Central neighborhood, complementing the permanent design and features of the western plaza; and

WHEREAS, The proposed design concept mirrors the treatment of the western plaza, including tables and chairs, resurfacing the sidewalk and street to create a level grade for the benefit of pedestrians, and is aesthetically harmonious with the architectural character of the surrounding area including the landmark Grand Central Terminal, the landmark Park Avenue Viaduct, and the Pershing Square Building; and

WHEREAS, The proposed design accommodates the functional needs of the Pershing Square cafe restaurant and the Pershing Square Building, including egress and access; and

WHEREAS, The design incorporates and maintains access to the Citibike station currently operated in Pershing Square East, which is one of the most highly-trafficked and utilized stations in the city; and

WHEREAS, The design has been developed in collaboration with the Fire Department of New York (FDNY) to allow emergency access via horizontal swing gates aligned with the protective bollards of the plaza; and

WHEREAS, The transformation of the existing temporary plaza to a year-round installation will complete the creation of the approved neighborhood plaza under the NYC Plaza Program; and

WHEREAS, The design and transformation of the eastern plaza is supported by tenants and buildings bordering the plaza; and

WHEREAS, The design prioritizes pedestrian safety and security via incorporation of bollards placed in collaboration with the New York Police Department (NYPD), and while Community Board Five supports the inclusion of security precautions to the satisfaction of security professionals as a top priority, the board stresses that bollards and other security measures should be carefully and holistically designed to avoid redundancy, minimize pedestrian impediment, and maximize aesthetic integration with the surrounding area; and

WHEREAS, Community Board Five recognizes the benefit of the pedestrianization of both Pershing Square West and Pershing Square East, but also calls for the exploration of extending both plazas logically further south to 40th Street, where the Pershing Square Viaduct concludes, and calls for ongoing plans to expand the pedestrian plaza to be approached in a comprehensive way instead of piecemeal iteration; therefore be it

RESOLVED, Community Board Five **recommends approval** of the design concept and planned capital improvements proposed by the Department of Transportation and the Department of Design and Construction for the Pershing Square East plaza.

After some discussion and friendly amendment (see italics in 7th Whereas), the above two bundled resolutions passed with a vote of 35 in favor, 0 opposed, 1 abstaining: **IN FAVOR:** Achelis, Beitchman, Benzing, Chou, Clark, Dale, Dowson, Ford, Garcia, Greeley, Haas, Harris Jr., Heyer, Johnson, Kaback, Kalafarski, Kasner, Kinsella, Law-Gisiko, Lopes, Lucic, Maffia, McCall, Meyerson, Miller, Pawson, Rabar, Shapiro, Slutzkin, Smith, Spence,, Verdi, Webb, Weintraub, Yang. **ABSTAIN:** Athanail.

BUDGET, EDUCATION AND CITY SERVICES – RENEE KINSELLA

Ms. Kinsella gave a brief presentation on the following resolution.

Resolution In Support of the Creation of a DOE Public School Program for Dyslexic Students at the Bleecker School Site

WHEREAS, Although the New York City Department of Education (DOE) does not specifically track the number of students labeled with dyslexia, it is known to affect as much as 5-20% of the population, regardless of primary language or background, and is a condition present in 80-90% of all those with learning disabilities; and

WHEREAS, Left unmitigated, dyslexia increases the risk of anxiety, depression, low self-esteem, peer rejection, and absenteeism. As a result, children with unlabeled dyslexia are more likely to drop out of school and, as adults, have higher rates of unemployment, anxiety and depression and are more likely to interact with the criminal justice system; and

WHEREAS, The achievement gap between typical and dyslexic readers impacts students as early as kindergarten and persists and often worsens over time, making addressing the needs of dyslexic students a critical education and equity issue for the city; and

WHEREAS, The DOE currently has few and inconsistent systems to address the needs of students with dyslexia; and

WHEREAS, Families of students with dyslexia face a steep and costly path, often through a labyrinth of government bureaucracy, to obtain critical services. Only those families with significant time and/or financial resources are able to navigate the complex system to fund, for example:

1. Private neuropsychological evaluations to identify dyslexia;
2. Private tutoring;
3. Tuition for private special education, potentially in excess of \$60,000 annually; and,
4. Annual retainers for special education lawyers to sue the DOE to recover the cost of tuition; and,

WHEREAS, The DOE conducts a psychoeducational evaluation, not a neuropsychological evaluation, and a neuropsychological examination is most helpful in clarifying whether an identified reading disorder is due to dyslexia; and dyslexia was not until recently a classification in the DOE's Individualized Education Program (IEP) process, instead falling under the overinclusive term "Learning Disability;" and

WHEREAS, Currently the DOE and School Construction Authority (SCA) does not fund or build new schools or classroom space based on learning type; and

WHEREAS, The DOE currently operates no public schools solely devoted entirely to teaching children with dyslexia; and

WHEREAS, Due to the lack of publicly provided in-school resources, many dyslexic students are forced to leave public schools and instead seek special education services provided by private schools, which the City will sometimes subsidize; and

WHEREAS, City spending on private school tuition for learning disabled children was upwards of \$244 million in 2017-2018; and

WHEREAS, While dyslexia is never cured, there are private and charter schools that follow a curricula including the Orton-Gillingham (OG) approach to reading that have allowed some children with dyslexia to return to mainstream educational tracks, particularly when those students' dyslexia was identified early and the curricula implemented before the end of the third grade; and

WHEREAS, New York City has the option to build a 100,000 square foot public school on the Bleecker School site in Greenwich Village on land owned by New York University; and

WHEREAS, If New York City fails to exercise the option of creating a school, the opportunity to utilize this site will pass back to NYU; and

WHEREAS, The proposed creation of a public school program for dyslexic students is to ensure access to the program by those who need it most, including those who are least able to navigate the current system; and

WHEREAS, The ultimate city-wide goal is to encourage dyslexia screening of all students; and

WHEREAS, The intention is to work with experts to define a simpler, more accessible, and more tailored screening methodology; and

WHEREAS, The admissions criteria and screening process for the proposed Bleecker Street school site is still to be determined; and

WHEREAS, The curriculum has also not yet been determined, but the intent is to follow approaches and methods such as OG that have been successful in allowing some children to return to the general education population by high school; and

WHEREAS, While CB5 recognizes that there is a chance that creating a school solely for dyslexic children could lead to additional stigmatization, CB5 feels such a school would more effectively serve the needs of such children than the currently available alternatives; and

WHEREAS, The intention for this school is to create a model that can be replicated; and

WHEREAS, The DOE has failed to develop comprehensive early screening, curriculum, teacher training, programs and schools to support and teach children with dyslexia, creating a deeply inequitable system that is out of reach for the vast majority of New York City families; therefore, be it

RESOLVED, Community Board Five **supports** the development of the Bleecker School Site; and be it further

RESOLVED, Community Board Five **supports** the creation of a DOE public school for dyslexic students at the Bleecker Street school site.

After some discussion, the above resolution passed with a vote of 35 in favor, 0 opposed, 1 abstaining: **IN FAVOR:** Achelis, Beitchman, Benzing, Chou, Clark, Dale, Dowson, Ford, Garcia, Greeley, Haas, Harris Jr., Heyer, Johnson, Kaback, Kalafarski, Kasner, Kinsella, Law-Gisiko, Lopes, Lucic, Maffia, McCall, Meyerson, Miller, Pawson, Rabar, Shapiro, Slutzkin, Smith, Spence, Verdi, Webb, Weintraub, Yang.
ABSTAIN: Athanail.

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