

FINAL 1.3



**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, January 16, 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
Andreas Benzing
Julie Chou
James Dale
Sarah Dowson
Aaron Ford
Laura Garcia
Jordan Goldman
Nancy Goshow
Michael Greeley
Tristan Haas
John B. Harris, Jr.
Matthew Hartman
Robert Isaacs
Samuel Johnson
Michael Kaback
E.J. Kalafarski
Renee Kinsella
Layla Law-Gisiko
Blaga Lucic
Joseph Maffia
Kimberly McCall
Evan Meyerson
Charles Miller
Janet Pawson
Tod Shapiro
Craig Slutzkin
Clayton Smith
Barbara Spandorf

Simon Tschinkel
Rachel Weintraub
July Yang

Present Part

William Heyer

Absent

James Beitchman
Christopher Clark
Jennifer Kasner
Sam Levy
Lucas Lopes
Jonathan Rabar
Daniel Spence
Jessica Verdi
Pete Webb

Excused

Vikki Barbero
David Sandler
Ryan Whalen

Public Members

Elected Officials

Keith Powers
Councilmember
Richard Gottfried

Assembly Member

Carlina Rivera
Councilmember

Jeremy Unger
Councilmember Rivera

Laurie Harjowaroga
Speaker Johnson

Senator Liz Krueger

Justin Flagg
Senator Krueger

Brian Lafferty
Borough President
Brewer

Luke Wolf
Comptroller Stringer

Betsy Schmid
Congresswoman
Maloney

Samuel Vasquez
Senator Hoylman

Phil Marius

Assembly Member
Gottfried

Lilah Mejia
Public Advocate
Williams

Staff

Wally Rubin
District Manager

Luke Szabados
Community Associate

Public Attendees

Zach Bahar
Chriss Williams
Lisa Wager
Joseph Frewer
Alison Sabastain
Sarah Macall
Noah Stern
Gail Fox
Prosha Koranagy
Joe Sifk
Robin Gould
Alisa Finkelstein
Ben Cohn
Roni Lawrence

At 6:00 p.m., the Manhattan Community Board Five January 16th, 2020 full Board meeting was called to order by 1st Vice Chair, Nicholas Athanail.

PUBLIC SESSION

Councilmember Carlina Rivera – thanked Community Board Five for their great work. She gave a City Budget briefing and noted the \$6 billion cut to Medicare. She also discussed the disaster in Puerto Rico after the most recent hurricane and how to take care of the island and its residents responsibly. She also announced that she was working on legislation on an after-hour construction regulation, housing and quality of life issues, transportation and 14th Street busway. She also spoke on hate crimes against Jewish community.

Sam Vasquez – Representing Senator Hoylman – announced Senator Hoylman’s bill requiring any taxi or livery passenger aged 8 years or older to wear a seat belt when in the back seat. He also announced a proposed bill requiring any deposition of land or buildings by NYCHA be subjected to the ULURP process. Spoke of the support to protect the Demarest Building at 335-339 5th Avenue.

Laurie Hardjoworogo – Representing Speaker Johnson – announced a survey by Department of Transportation (DOT) for feedback on the impact the 14th Street busway pilot project has had on the people who live and work in the area. She spoke of the legislation that passed requiring developers receiving city funding to allocate 15% of units to homeless individuals and families. She announced a SCRIE/DRIE workshop on January 22.

Betsy Schmid – Representing Congresswoman Maloney – reported on a hearing at the U.S. House of Representatives’ Oversight Committee on the Census Bureau to reach hard to reach communities. She spoke of a letter sent to the Trump Administration to demand more information on reports on Iran. She spoke of joining New Yorkers on January 5 for the No-Hate, No Fear rally against anti-Semitism. She announced that Rep. Maloney released a statement in Support of the Empire State Complex and Penn Station Improvements. She also spoke on vote on impeachment of President Trump and also the Victim Compensation Fund award.

Brian Lafferty – Representing Borough President Brewer – announced that Community Board applications and reapplications are open until February 14. He announced that the 2021 budget allocation will provide one full time social worker for each city school.

Justin Flagg – Representing Senator Krueger – announced the start of session in Albany. He highlighted legislation requiring that a study be done to disclose the percentage of women directors on all boards, in addition to legislation to require all individuals engaged in the design, construction, inspection, maintenance and repair of elevators or other automated people moving conveyances to be licensed by New York State. He spoke of proposals to tweak voting law to exempt schools from early voting sites citing the massive disruption for extended periods of time they cause.

Lilah Mejia – Representing Public Advocate Williams – introduced herself as the new liaison for Community Board Five.

Gail Fox – 14th Street Coalition – Thanked the Board and spoke of 14th Street busway enforcement experiences, and asked that the Community Board still fight for the local residents.

Robin Gould – 27th Street Resident – spoke of application for bar at 1165 Broadway and issues with noise and disorderly conduct from patrons.

Lisa Wager – Representing Fashion Institute of Technology – spoke of pre-college program registration.

Assembly Member Gottfried – announced that earlier this month, Governor Cuomo announced that the State plans to accelerate improvements to Penn Station including easier access to the street and to trains and adding 8 new tracks under the block south the Station (30th to 31st Streets, Seventh to Eighth Avenues). This will increase Penn Station's train capacity by 40 percent. This will help assure Penn

Station's vital role as the busiest transit hub in the Western Hemisphere long into the future. He also spoke of the State budget shortfall that will threaten Medicaid.

Luke Wolf – Representing Comptroller Stringer – spoke of auditing of subway cars due to withdrawal of cars because of malfunction of doors. He also spoke of reduction of energy bills and ConEd's rate hike.

BUSINESS SESSION

- **VOTE ON THE DECEMBER 2019 MINUTES**

The December 2019 minutes passed with a vote of 30 in favor, 0 opposed, 1 abstaining, as follows: **IN FAVOR:** Achelis, Chou, Dale, Dowson, Ford, Garcia, Goldman, Goshow, Greeley, Haas, Hartman, Isaacs, Johnson, Kaback, Kalafarski, Kinsella, Law-Gisiko, Lucic, Maffia, McCall, Meyerson, Miller, Pawson, Shapiro, Slutzkin, Smith, Spandorf, Tschinkel, Weintraub. **ABSTAIN:** Athanail.

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

Mr. Athanail asked Craig Slutzkin to provide a report from the Manhattan Borough Board meeting.

Mr. Slutzkin noted that he had reported at the Borough Board meeting that recruitment for new members of Community Board Five was made challenged by the recent city vote to impose term limits on members. Several chairs of other Manhattan Borough Boards concurred with this assessment. At that time, Borough President Brewer reiterated her opposition to such term limits and encouraged the Community Boards, if so inclined, to either pass resolutions or write letters reiterating their opposition, which she could then take to the City Council. Mr. Athanail noted that the Board would take this issue up.

At that point, Mr. Athanail asked Councilmember Rivera to comment on this issue. Councilmember Rivera remarked that while she was unaware that term limits were still an issue, she would look into.

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

COMMITTEE REPORTS

TRANSPORTATION/ENVIRONMENT – E.J. KALAFARSKI

Mr. Kalafarski spoke on preliminary findings on the pilot 14th Street busway. He discussed the various concerns brought up at the recent committee meeting. He announced that CB5 would send a letter to the Department of Transportation, highlighting specific concerns, issues and request for better data. Amongst the concerns highlighted were taxis and other for-hire vehicles refusing to pick up or drop off passengers due to fear of being ticketed, negative effects on local businesses, and an inability of local residents to do personal loading and unloading. The letter included asking that Department of Transportation revisit the pedestrian zones.

The Committee Report was interrupted to introduce Councilmember Keith Powers who spoke on the participatory budget and asked anyone interested in helping to submit organizations who they think deserve to be considered to his office. He spoke of his support for the 14th Street busway. He also thanked the Community Board on the support for Rockefeller Center pedestrianization and stated that they are now gathering more data to see how and if it will work on a permanent basis in more areas. He also spoke on various other bills being put forward.

At this point in the meeting, the Committee Report resumed:

LAND USE, HOUSING AND ZONING – LAYLA LAW-GISIKO

Ms. Law-Gisiko gave brief report on design concept for JP Morgan Chase POP overview. She announced that the applicant has not yet filed an application for this project, and will come to the Board.

LANDMARKS – LAYLA LAW-GISIKO

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

935 Broadway, application to replace 2 existing clocks, install new signage, flagpoles and new service window along the Broadway façade.

WHEREAS, The applicant, Warner Bros d.b.a. The Wizarding World of Harry Potter, is proposing signage and alterations to 935 Broadway; and

WHEREAS, 935 Broadway, also known as the Mortimer building is a six-story Italianate-style store and office building constructed in 1861-62; and

WHEREAS, The building was designed by noted architect Griffith Thomas for prominent real estate magnate Rixhard Mortimer; and

WHEREAS, The building enjoys a prominent place in the Ladies Mile Historic District, with three full facades, fronting Broadway, East 22nd Street and Fifth Avenue, across from the Flatiron Building; and

WHEREAS, The building is a prime example of Italianate architecture with austere and elegant brownstone facades, fluted columns and a dentilled and modillioned cornice; and

WHEREAS, The applicant seeks to increase the signage by installing six flagpoles, two blade signs and three signs over entrances; and

WHEREAS, The applicant seeks to change the mechanism of one of the historic showcase windows into an operable half window for food and beverage purposes; and

WHEREAS, The applicant seeks to remove the two existing clocks to replace them with multi-faced halo lit clocks surmounted by a 3 foot tall fiberglass dragons; and

WHEREAS, The wand style flagpoles and the dragon themed clocks would necessitate numerous penetrations of the original stone facade; and

WHEREAS, The clocks and wand shape flagpoles are so strongly branded that a new tenant would not be able to reuse them, leaving the building vulnerable to even further alterations; and

WHEREAS, Holes done to stones, especially stones 158 years old, are very difficult to patch seamlessly and end up aging very poorly; and

WHEREAS, The proposed new opening would remove significant portions of the bay window and significantly alter the ground floor symmetry as well as the streetscape; and

WHEREAS, Community Board Five is concerned with the removal and penetration of historic material on the building, including multiple façade perforations and the replacement of two clocks that existed at the time of designation; and

WHEREAS, In addition to objections to the removal of the clocks, the penetration of historic original fabric and the fenestration alteration, the proposal for signage and non-contextual design for the replacement clocks, instead of a replacement in kind, is objectionable; and

WHEREAS, The branded dragon design surmounting the clocks is too large, is halo lit, is not in keeping with the character of the district, and detracts from the building; and

WHEREAS, Flagpoles, whether one or six, are not appropriate for signage in historic districts; and

WHEREAS, Internal illuminated signs and halo lit signs are not appropriate for the Ladies Mile Historic District; and

WHEREAS, Flag poles and overwhelming signage are inappropriate for buildings in historic districts; and

WHEREAS, Community Board Five is on record as being concerned about the change of opening mechanisms to historic windows; and

WHEREAS, The Flatiron and Ladies Mile Historic District area are growing retail hubs that have provided a vibrant and stable retail environment; and

WHEREAS, The application if approved would set an unfortunate precedent that would entice other retailers to apply for non-contextual, overwhelming signage and alterations that would denature the integrity of the historic district and are not in the interest of the community; therefore be it

RESOLVED, Community Board Five **recommends denial** of the application by Warner Bros d.b.a. The Wizarding World of Harry Potter at 935 Broadway to replace two existing clocks, install new signage, flagpoles, and new service window along the Broadway façade.

After some discussion, the above resolution passed with a vote of 32 in favor, 0 opposed, 1 abstaining: **IN FAVOR:** Achelis, Chou, Dale, Dowson, Ford, Garcia, Goldman, Goshaw, Greeley, Haas, Harris Jr., Hartman, Heyer, Isaacs, Johnson, Kaback, Kalafarski, Kinsella, Law-Gisiko, Lucic, Maffia, McCall, Meyerson, Miller, Pawson, Shapiro, Slutzkin, Smith, Spandorf, Tschinkel, Weintraub, Yang. **ABSTAIN:** Athanail.

PARKS AND PUBLIC SPACES – CLAYTON SMITH

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

Application from Crown Architecture & Consulting DPC, on behalf of their client 444 Park Avenue South Associates LLC, for a modification of an unenclosed sidewalk café at Cleo restaurant at the Mondrian Park Avenue, located at 444 Park Avenue South (between 30th and 31st Streets)

WHEREAS, Crown Architecture & Consulting DPC, on behalf of their client 444 Park Avenue South Associates LLC and the Mondrian Park Avenue (“Applicant”), has submitted an application to modify an unenclosed sidewalk café at Cleo restaurant at the Mondrian Park Avenue, along the 30th Street side of the location at 444 Park Avenue South, between 30th and 31st Streets; and

WHEREAS, The applicant had previously agreed to Community Board Five’s request to reduce the footprint of the original proposal for the café, placing no tables or chairs on Park Avenue South but only along 30th Street; and

WHEREAS, The maximum number of tables in the current café is 18 and the maximum number of chairs in the café is 36; and

WHEREAS, The applicant is looking to increase the footprint of the café to 24 tables and 58 chairs by adding back the original extra tables and chairs on Park Avenue South that they had originally removed to address community concerns, and adding seats to the tables on 30th Street; and

WHEREAS, There have been multiple complaints about the sidewalk café from neighbors and the 29th Street Association, that the café has been encroaching on the sidewalk beyond their approved footprint, and have serious concerns about the additional seating capacity being proposed; and

WHEREAS, The sidewalk café is not even yet due for its first renewal; and

WHEREAS, Community Board Five does not see any substantial evidence or reason to change our original position on this application prior to the renewal timeline; therefore be it

RESOLVED, Community Board Five **recommends denial** of the application from Crown Architecture & Consulting DPC, on behalf of their client 444 Park Avenue South Associates LLC, for a modification of the unenclosed sidewalk café at Cleo restaurant at the Mondrian Park Avenue, located at 444 Park Avenue South, between 30th and 31st Streets.

Applications from Madison Square Park Conservancy for Annual Roster of Programming in 2020

WHEREAS, Madison Square Park Conservancy ("Applicant") has submitted applications for their annual roster of programming for 2020, comprised of the following events:

- Kids Music Events: Kids Concerts on six days throughout June and July;
- Fundraisers: Party in the Park in March; and Celebrate Madison Square Chefs in July; Parktoberfest in October
- Horticultural ("Hort") Programming: Public Greenhouse activation March through May; City Nature Challenge in April; Hort Talks and Workshops on eleven days in April and May; Lunchtime Migratory Bird Watching on four days in May; "Open Green" lawn access seven days a week May through September, along with an open Family Lawn near Playground; Lunchtime Garden Walks and evening Park Tours once a month May through September; Full Moon Garden Tours once a month in September and October; Lunchtime Migratory Bird Watching on four days in September and October; Twilight Tour in October; Symposium and Symposium Cocktails in November

- Art Programming: Reflection Board for three days in January; Art Talk in February; Art Panel Conversation beginning of March; Live Story Share end of March; P.E.N. World Voices Festival in May; Film Screening in May; Evening Music Concerts on seven days during July and August;
- Celebratory Days: Spring Celebration in March, Earth Week in April; Arbor Day Celebration in April, National Public Gardens Week in May; Summer Solstice Celebration in June; Climate Week in September; Kids Fest: Circus in the Circle in October; Kids Fest: Stages in the Square in October; Howl-O-Ween in October; Leaf Fest in November; and the Holiday Celebration & Tree Lighting in December; and

WHEREAS, Applicant has terminated the Big Apple BBQ and Madison Square Eats; and

WHEREAS, Applicant has pared down summer evening events from a larger stage with amplification in the south end of Madison Square Park to acoustic small scale events in the north end of Madison Square Park; and

WHEREAS, Applicant has significantly reduced the total number of events as well as the footprint for many events; and

WHEREAS, Community Board Five believes that the nature of the programming is greatly to the public's benefit, and will continue to improve public access to Madison Square Park on event days from prior years; and

WHEREAS, Applicant has committed to return to Community Board Five to separately discuss any additional marketing or commercial events in 2020, subject to Community Board Five's standard review process and public hearings; and

WHEREAS, There is long-standing precedent for these events in Madison Square Park, and Community Board Five has found a significant amount of support for these events from residents and stakeholders in the community; and

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

WHEREAS, When presenting future event applications, Applicant will clearly state whether or not these events are occurring concurrently with previously approved special events; therefore, be it

RESOLVED, Community Board Five **recommends approval** of the applications from Madison Square Park Conservancy for their annual roster of programming for 2020.

After some discussion, the above two bundled resolutions passed with a vote of 32 in favor, 0 opposed, 1 abstaining: **IN FAVOR:** Achelis, Chou, Dale, Dowson, Ford, Garcia, Goldman, Goshow, Greeley, Haas, Harris Jr., Hartman, Heyer, Isaacs, Johnson, Kaback, Kalafarski, Kinsella, Law-Gisiko, Lucic, Maffia, McCall, Meyerson, Miller, Pawson, Shapiro, Slutzkin, Smith, Spandorf, Tschinkel, 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