

DRAFT 9.3



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

VIKKI BARBERO, CHAIR VACANT, DISTRICT MANAGER

Minutes of the regular Community Board Five meeting held on **Thursday, September 10, 2020 via teleconferencing, at 6:00pm. Vikki Barbero, Chair, presided.**

Members Present

Nicholas Athanail
Zach Bahor
Vikki Barbero
James Beitchman
Kelly Burton
Renee Cafaro
Julie Chou
Christopher Clark
Sarah Dowson
Aaron Ford
Joseph Frewer
Laura Garcia
Jordan Goldman
Nancy Goshow
Tristan Haas
John B. Harris, Jr.
Matthew Hartman
William Heyer
Robert Isaacs
Samuel Johnson
Michael Kaback
Renee Kinsella
Layla Law-Gisiko
Sam Levy
Blaga Lucic

Joseph Maffia
Kimberly McCall
Evan Meyerson
Charles Miller
Jonathan Rabar
Tod Shapiro
Craig Slutzkin
Clayton Smith
Barbara Spandorf
Daniel Spence
Noah Stern
Jessica Verdi
Rachel Weintraub
Ryan Whalen
July Yang

Present Part

David Achelis
Jamie Kang
Pete Webb

Absent

Mary Brosnahan
Janet Pawson

E.J. Kalafarski
Sarah BJ Sung
Simon Tschinkel

Excused

Public Members

Miriam Berman
Suzanne Johnson
Joel Maxman
Tony Testa

Elected Officials

Liz Krueger
Senator

Brad Hoylman
Senator

Gale Brewer
Borough President

Laurie Harjowaroga
Speaker Johnson

Luke Wolf
Comptroller Stringer

Betsy Smith
Congresswoman
Maloney

Justin Flagg
Senator Krueger

Abigail Bessler
Councilmember
Powers

Staff

Luke Szabados
Community Associate

Public Attendees

Aaron Weiner
Kristen Guthenberg
Nicholas White
Elaine Korne
Lisa Wager
Raynard Loki
Sharon Pope

At 6:00 p.m., the Manhattan Community Board Five September 10, 2020 full Board meeting was called to order by Chair, Vikki Barbero.

PUBLIC SESSION

Liz Krueger - State Senator: spoke of passing of legislations and voting virtually for Spring and Summer. She announced virtual town halls on various issues including voting rights. She then spoke of the disturbing action that the city was trying to take regarding the Harmonia adult family shelter on West

31st Street to move approximately 300 people. She discussed the efforts of her fellow elected officials Keith Powers, Dick Gottfried, Gail Brewer and Brad Hoylman who joined her to argue the outrageousness of the move and the staff losing their jobs.

Brad Hoylman - State Senator: spoke of his dismay in the decision to move the people from the Harmonia shelter. He thanked the Board for their call to action and the testimony on the Empire Station Complex. He spoke of his colleagues concerns of existing zoning and local law. He spoke on voting and presenting of prototype ballot dropbox. He announced that his office remains active on unemployment insurance cases.

Luke Wolf, Comptroller Scott Stringer's Office: spoke on school reopening and making it safe as possible. He mentioned providing expanded access to childcare and the ability to bike to school by providing students with Citibike memberships and locating Citibikes around schools. He spoke of the release of the Save Main Street Initiatives to ensure small businesses will be able to survive the pandemic that include supporting both existing and inspiring entrepreneurs and building stronger neighborhoods through repurposing public spaces.

Laurie Harjowaroga – Speaker Johnson’s Office: spoke of indoor dining which will start September 30th at a 25% capacity and with strict restrictions. She announced the upcoming cleanup day on 26th Street and 7th Avenue. She also announced Rat Academy on September 23 which will be a virtual training on rat prevention.

Abigail Bessler – Councilmember Powers Office: announced that the Councilmember will be holding a press conference with other elected officials on the Harmonia shelter and the unacceptable situation. She spoke of legislative updates. She announced the COVID-19 Small Business Recovery Lease Act that would allow small business tenants to negotiate a recovery lease with their landlords. She also spoke of co-sponsoring bills to ban housing discrimination based on criminal record and also to lower the number of units in a building that source of income discrimination covers. She also announced upcoming hearing in the Criminal Justice Committee on COVID in the city jails and also the councilmember’s fight to end solitary confinement in the city.

Betsy Schmid, Congresswoman Carolyn Maloney's Office: announced that Congresswoman Maloney held a hearing on the importance of ensuring that the U.S. Census Bureau has enough time to ensure the complete count. She also announced a roundtable on the Pandemic Risk Insurance Act. She spoke of a call for Postmaster DeJoy’s suspension after allegation of awarding of bonuses to employees who made donations to republican campaigns at his request. She spoke of the campaign of retaliation against Alexander Vindman.

At this point in the meeting Chair Vikki Barbero introduced the following speaker:

Gale Brewer – Borough President: spoke of Harmonia Shelter and its challenges. She thanked the elected officials for jumping in. She spoke of the involvement of hundreds and hundreds who attended the zoom and in person community board involvement. She spoke of the loss of Harmonia’s 41 staff members. She then spoke of a report on the police barricades and how the barricades fully or partially shut down the street from pedestrian or vehicle traffic and thinks it doesn't help police community relations. She spoke of the issue of small businesses and the increase in vacancies especially along Broadway. She spoke of concerns of school reopening and her meeting with CEC members. She discussed funding to the NYC Department of Education. She also gave a brief update on census and absentee ballots, voting, outdoor dining and testing sites.

Elaine Korne – spoke of issues with Amazon loading dock and the use of sidewalk for business.

Suzanne Johnson – spoke of homelessness, harassments, and prostitution and drug sales under scaffoldings in the city.

Lisa Wager – Fashion Institute of Technology – gave update on campus reopening. Spoke of students designing of the Girl Scout uniforms. She announced that an FIT alum helped to design the illustration for LeBron James New York Times best-selling children’s book.

BUSINESS SESSION

- **VOTE ON THE JULY 2020 MINUTES**

The July 2020 minutes passed with a vote of 42 in favor, 0 opposed, 1 abstaining, as follows: **IN FAVOR:** Achelis, Athanail, Bahor, Beitchman, Burton, Cafaro, Chou, Clark, Dale, Dowson, Ford, Frewer, Garcia, Goldman, Goshow, Haas, Harris Jr., Hartman, Heyer, Johnson, Kaback, Kang, Kinsella, Law-Gisiko, Levy, Lucic, Maffia, McCall, Meyerson, Miller, Rabar, Shapiro, Slutzkin, Smith, Spandorf, Spence, Stern, Verdi, Webb, Weintraub, Whalen, Yang. **ABSTAIN:** Barbero.

- **CHAIR’S REPORT**

Chair Barbero called on First Vice-Chair Nicholas Athanail to update the Board on the search for a new district manager. Mr. Athanail stated that the search committee report is very positive in response to the district manager posting. He stated that there were 57 applicants. Four of the applicants were given interviews by the search committee. He announced that the search committee was now in the final stages of the process and expects that one of those four will become the next district manager. He informed the Board that they are moving quickly with the finalization of the process and stated that Chair Barbero will have to call a special board meeting for the Board to approve the appointment of the new district manager and that could happen as early as next week and as soon as a decision is made the motion will be made to the full board to accept the new district manager.

COMMITTEE REPORTS

BUDGET, EDUCATION AND CITY SERVICES – RENEE KINSELLA

Ms. Kinsella gave the following presentation:

The city is proposing the relocation of the 280 adult male clients from the Lucerne hotel to the Harmonia permanent shelter, located at 12 East 31st street, between Madison and Fifth Avenues. She stated that 150 adult families would be moved from the Harmonia and 280 adult male clients from the Lucerne will move into the Harmonia. She stated that at this stage there is no idea where the families will be relocated. She gave a brief background on the Harmonia, which is a DHS funded facility and provides temporary emergency and transitional housing to adult single families of two people adult families and managed by SUS.

After further discussion, a motion was made to second and the following resolution was adopted with a vote 44 in favor, 0 opposed, 0 abstaining, as follows: In Favor: Achelis, Athanail, Bahor, Barbero, Beitchman, Burton, Cafaro, Chou, Clark, Dale, Dowson, Ford, Frewer, Garcia, Goldman, Goshow, Haas, Harris Jr., Hartman, Heyer, Isaacs, Johnson, Kaback, Kang, Kinsella, Law-Gisiko, Levy, Lucic, Maffia, McCall, Meyerson, Miller, Rabar, Shapiro, Slutzkin, Smith, Spandorf, Spence, Stern, Verdi, Webb, Weintraub, Whalen, Yang.

Harmonia Shelter, 12 East 31st Street.

WHEREAS, The Harmonia Shelter is located at 12 East 31st Street in the former Chandler Hotel; and

WHEREAS, The Harmonia is a Department of Homeless Services (DHS) funded facility that provides temporary emergency and transitional housing to adult families; and

WHEREAS, The Harmonia provides temporary housing for 170 adult families, many with disabilities; and

WHEREAS, the Harmonia has been in operation since 2018, and is one of the few family shelters that serves adult families with disabilities and senior citizens; and

WHEREAS, Services for the Underserved (SUS) is the provider at the Harmonia, and provides extensive intake and residential programs for those individuals who are referred to the Harmonia by DHS; and

WHEREAS, Harmonia staff work with families to develop Independent Living Plans that map personal and family goals, and

WHEREAS, The Harmonia shelter includes case managers, nurses, educators and food service employees along with security to provide stability and support to the residents; and

WHEREAS, SUS have been making inroads into placing Harmonia clients into permanent and supportive housing; and

WHEREAS, DHS and SUS have stated that stability, continuity, and connection with in-house supportive services as well as nearby services within the community are all necessary supports for clients living within the Harmonia; and

WHEREAS, The residents of the Harmonia have been summarily notified that they will be moved from the Harmonia and away from the services and supports they need there in order to accommodate residents of the Lucerne Hotel; and

WHEREAS, Community stakeholders have been blindsided by this abrupt transfer of the vulnerable population at the Harmonia, having received no formal notice of the move; and

WHEREAS, Community stakeholders have not been notified of, or participated in, any decisions to displace the current Harmonia families in favor of the residents of the Lucerne, despite requesting information on the Lucerne move; and

WHEREAS, The community has not been given any stat-based facts to explain the Mayor's rationale behind this sudden uprooting of these homeless shelter clients from the Lucerne aside from complaints from some residents of the Upper West Side; and

WHEREAS, The administration has the resources and ability to find alternative housing for the Lucerne's homeless shelter clients that does not displace the homeless families, elderly and disabled communities of the Harmonia; and

WHEREAS, All districts in NYC should share the responsibility of fixing the City's homeless problem, and we call upon the Mayor to stick to his commitment to partner with community stakeholders to expand shelter services and allow community stakeholders to weigh in on the movement of these clients; and

WHEREAS, We decry the hypocrisy of the administration in shuffling vulnerable populations haphazardly, which undermines the stability and support the City claims must be provided to these clients; and

WHEREAS, We find it outrageous that the employees of SUS who have worked with families at the Harmonia may be in danger of losing their jobs as a result of this hasty decision; therefore, be it

RESOLVED, Community Board Five condemns in the strongest possible terms the removal of families at the Harmonia and insists that any eviction processes be immediately halted; and be it further

RESOLVED, Community Board Five strongly urges the City, DHS and DSS to develop clear and transparent plans for the housing of the homeless in temporary shelters and that these plans must involve the meaningful participation of community stakeholders; and be it further

RESOLVED, Community Board Five strongly urges the Mayor and the administration to develop and follow data-driven metrics in siting and removing hotel populations rather than the current arbitrary and capricious actions evidenced by the removal of vulnerable families from their home at the Harmonia.

Ms. Kinsella then gave brief presentation on the following resolution:

Core Budget Principles for NYPD

Community Board Five's response to the fiscal year 2021 Executive Budget with regard to the distribution of cuts among agencies, some of which directly serve communities disproportionately impacted by the COVID-19 pandemic and the New York Police Department, and a statement of principles to be incorporated into the Board's fiscal year 2022 budget request.

WHEREAS, New York City faces a historic fiscal crisis due to the devastating and ongoing impact of COVID-19 on our city, state, and nation; and

WHEREAS, There is a projected loss of at least \$9 billion in tax revenue to the City in fiscal year 2021 ("FY21"); and

WHEREAS, Mayor de Blasio’s April update to the preliminary Executive Budget for FY21 called for devastating cuts to social services, housing, education, and infrastructure that are crucial to youth, seniors, and communities of color that have a history of under-investment and have been disproportionately impacted by COVID-19; and

WHEREAS, Those proposed cuts would have left the New York Police Department (“NYPD”) budget largely untouched with a less than 0.4 percent reduction; and

WHEREAS, Manhattan Community Board Five (“CB5”) is on record rejecting such disproportionate impacts to children and traditionally underserved populations, demanding that critical frontline services to rebuild communities ravaged by COVID-19 be prioritized, and strongly recommending that the NYPD not be exempt from its share of the significant budget cuts that needed to be made; and

WHEREAS, In addition to the fiscal crisis, the 2020 Executive budget coincides with broad and sustained activism led by the Black Lives Matter movement, which demands an end to police violence that disproportionately harms Black Americans and a rethinking of the role of police in our communities; and

WHEREAS, In New York City, many residents and local elected officials called for a reduction of at least \$1 billion in funding for NYPD in the FY21 budget; and

WHEREAS, In the FY21 budget that passed, the NYPD was allocated \$5.22 billion, which constitutes a \$414 million reduction in City spending; and

WHEREAS, Of this savings, \$55 million was achieved by cutting one of the four annual classes of new recruits, \$5 million by putting a hiring freeze on “non-safety positions,” \$5.4 by filling fewer Traffic Enforcement Administration vacancies, \$4.2 million by cancelling the FY21 cadet class, \$12 million by canceling or reducing some outside contracts, \$4.5 million by shifting some homeless outreach services to Department of Homeless Services (“DHS”), and \$328.1 million by reducing overtime payments to officers; and

WHEREAS, NYPD exceeded its overtime budget by \$398 million and \$407 million in fiscal years 2019 and 2020, respectively, and the mayor has not outlined any specific mechanisms to produce a different outcome this year; and

WHEREAS, While the budget reduces overtime spending by 60 percent in FY21, it includes no reductions in overtime spending in subsequent years; and

WHEREAS, The budget counts on partial hiring freezes at most agencies, as well as on the achievement of agreements with the City’s municipal labor unions for \$1 billion in labor savings, the absence of which would lead to lay-offs of 22,000 workers; and

WHEREAS, The mayor has claimed that NYPD’s budget was reduced by a total of \$1 billion when all but \$62 million comprises either fringe benefits, unenforceable overtime reductions, shifts to other departments that which were presented as cuts, and future commitments that were not included in the signed budget itself; and

WHEREAS, These future commitments consist of a \$307.5 million shift of school safety agents and a \$42.4 million shift of school crossing guards to the Department of Education (“DOE”), a shift of the associated pension and insurance costs from NYPD to that agency, and other minor changes; and

WHEREAS, The units of appropriation in the NYPD budget are especially broad, reports of past spending are less detailed than future spending projections, and overtime spending is grouped together in larger units of appropriation, making it difficult for the public and elected officials to adequately oversee NYPD spending; and

WHEREAS, CB5 has begun its advisory process for the fiscal year 2022 budget and thus seeks to communicate its position on the FY21 Executive Budget, especially as it relates to CB5's June 2020 resolution regarding the NYPD budget and the City's overall investments in children, communities of color, and frontline services to support those who have suffered from the COVID-19 pandemic; and

WHEREAS, This position will inform the Board's budgetary recommendations for fiscal year 2022 and is inextricably linked to the burgeoning public conversation regarding how public safety is best achieved, where resources dedicated to public safety should be invested, and how the NYPD should change to better fulfill its mission; and

WHEREAS, To that end, CB5 believes that its stance on future NYC budgets can be clarified by a commitment to a set of core guiding principles and by the adoption of the below recommendations:

CORE PRINCIPLES

1. **BUDGET AS A STATEMENT OF VALUES:** Municipal budgets are reflections of a city's values, and as New York City prides itself on its commitment to justice, economic opportunity, diversity, and inclusion, budgetary decisions must be made in alignment with those values; and
2. **EFFICIENT USE OF FUNDS:** New York City must seek to allocate funding to and within agencies such that maximal value is achieved with available funding, and must leverage advances in technology to improve efficiency in the delivery of City services across the board; and
3. **EQUAL OPPORTUNITY:** The design, funding, and provision of public safety and city services should be oriented toward providing all New Yorkers with a safe environment, quality healthcare and education, and an equal opportunity of achieving economic security, regardless of characteristic or socioeconomic status; and
4. **PURPOSE AND MISSION:** Budgetary decisions must be made in alignment with the self-described mission of a given agency, which in the case of the NYPD is "to enhance the quality of life in New York City by working in partnership with the community to enforce the law, preserve peace, protect the people, reduce fear, and maintain order," whether or not those outcomes are achieved within the agency itself; and
5. **DIVERSITY:** City agencies must reflect the diversity of New York City throughout their hierarchies, and budgetary decisions should further this goal; and
6. **TRANSPARENCY AND ACCOUNTABILITY:** The budgets, spending, policies, procedures, actions, and impacts of city agencies must be as transparent and detailed as possible, such that they and their employees can be effectively overseen and held accountable for their performance by the public and its elected officials; and
7. **ETHICAL AND LEGAL BEHAVIOR:** No agency or employee is exempt from the expectation of consistently ethical and legal behavior, including those that face dangerous and even life-threatening circumstances as a part of their job; and
8. **TRUST AND RESPECT:** Public trust and respect of city agencies and their employees is of utmost importance, and these agencies must embody diversity, practice transparency, hold themselves accountable to the public, and consistently practice ethical and legal behavior to earn this trust and respect; therefore be it

RESOLVED, CB5 believes that partial hiring freezes forced upon the agencies that most directly serve children and vulnerable communities, in contrast with the cancellation of only one out of four NYPD

cadet classes throughout the year, reflects a failure to both prioritize frontline services during a pandemic and to fairly distribute budget cuts across agencies including the NYPD; be it further

RESOLVED, CB5 requests that the mayor and City Council outline their rationale, given the above, for having maintained funding for three out of four new NYPD cadet classes, especially when almost all other agencies are subject to a partial hiring freeze; be it further

RESOLVED, CB5 demands clear and honest communication from elected officials about budget decisions, which is critical to fulfilling its statutory mission of submitting budget requests on behalf of its district; be it further

RESOLVED, CB5 recognizes that budgets are living documents and as circumstances change so too may our recommendations with regard to the budget; be it further

RESOLVED, CB5 requests that the mayor and NYPD immediately issue a formal plan to ensure that the latter will achieve its targeted reduction in overtime spending, as this composes the vast majority of the NYPD spending reductions in the budget; be it further

RESOLVED, CB5 requests that the mayor and City Council provide a formal plan for the thoughtful and expeditious transition of school safety agents and school crossing guards from the NYPD to the DOE, as well as regular reporting on the ongoing shift of some homeless outreach services from NYPD to DHS; be it further

RESOLVED, CB5 requests that the Mayor's Office of Management and Budget ("OMB") work with the NYPD to develop revised units of appropriation to be incorporated in the fiscal year 2022 budget that are organized in a logical manner, and developed with the purpose of maximizing transparency, oversight, and accountability; be it further

RESOLVED, CB5 requests that OMB standardize the formatting of its publications of past, current, and future spending such that each and every budget line from any of the above may be compared to an identical budget line in any other of the above and follow best in class principles; be it further

RESOLVED, CB5 requests that NYPD release detailed information on an annual basis regarding its spending on the acquisition and maintenance of military-grade equipment, and on the specific projected and historic uses thereof; be it further

RESOLVED, CB5 requests a formal plan from the mayor and City Council to enable and require NYPD to dismiss, rather than keep on modified duty (e.g., desk duty), officers who have committed illegal and/or unethical behavior or have demonstrated a consistent pattern of bias in enforcement; and be it further

RESOLVED, CB5 recognizes that the NYPD has become tasked with some responsibilities that it is not able and ideally suited to accomplish. As part of its budget advisory process, the Board commits to a reconsideration of the role that police officers should play in our city, and of alternative agencies and initiatives that might better accomplish aspects of the NYPD's mission if they are funded accordingly.

After much discussion a motion was made for amendment to change the language on Military Grade Equipment in the resolution which failed with a vote of 13 in favor, 29 opposed, 1 abstaining: **IN FAVOR:** Achelis, Burton, Cafaro, Clark, Levy, Lucic, Meyerson, Rabar, Smith, Spence, Stern, Verdi, Whalen. **OPPOSED:** Athanail, Bahor, Beitchman, Chou, Dale, Dowson, Ford, Frewer, Garcia, Goldman,

Goshow, Haas, Harris, Hartman, Heyer, Isaacs, Johnson, Kaback, Kang, Kinsella, Law-Gisiko, Maffia, McCall, Miller, Shapiro, Slutzkin, Spandorf, Weintraub, Yang. **ABSTAIN:** Barbero

After further discussion and friendly amendments, the above resolution passed with a vote of 37 in favor, 5 opposed, 1 abstaining: **IN FAVOR:** Achelis, Athanail, Bahor, Burton, Cafaro, Chou, Clark, Dale, Dowson, Ford, Frewer, Garcia, Goshow, Haas, Harris Jr., Hartman, Isaacs, Johnson, Kaback, Kinsella, Law-Gisiko, Levy, Lucic, Maffia, McCall, Meyerson, Miller, Rabar, Shapiro, Smith, Spandorf, Spence, Stern, Verdi, Weintraub, Whalen, Yang. **OPPOSED:** Beitchman, Goldman, Heyer, Kang, Slutzkin. **ABSTAIN:** Barbero

Ms. Kinsella then presented the following resolution:

Community Board Five Support of NYC Councilmember Powers' Bill to Exempt Additional Small Businesses from the NYC Commercial Rent Tax

WHEREAS, New York City imposes a commercial rent tax on businesses of a certain size operating between Murray Street and 96th Street in Manhattan; and

WHEREAS, The tax is a 3.9% levy on annual rent applied to businesses paying more than \$500,000 in annual rent and with more than \$5 million in annual revenue; and

WHEREAS, The tax applies to thousands of businesses, small and large, in the designated area; and

WHEREAS, The tax represents a substantial revenue stream for New York City, but also represents a significant burden on small businesses; and

WHEREAS, In 2017, then-Councilmember Daniel Garodnick, with support from Mayor de Blasio, sought to alleviate some of that burden on up to 2,700 small businesses by raising the prior \$250,000 rent threshold to \$500,000 for those businesses earning \$5 million in revenue or less, and by implementing a discounted sliding scale on the tax for those businesses earning between \$5 and \$10 million in revenue with rent between \$500,000 and \$550,000. That bill was implemented beginning June 2018; and

WHEREAS, Councilmember Keith Powers has introduced a bill, Int 2007-2020, to temporarily suspend the commercial rent tax during the COVID-19 emergency for all businesses paying less than \$1 million in rent, regardless of business income; and

WHEREAS, This temporary suspension could exempt up to 5,000 additional businesses from the commercial rent tax, which represent slightly more than half of the total number of businesses subject to the commercial rent tax; and

WHEREAS, Councilmember Powers's office does not have a precise estimate for the impact this bill may have on City revenue or the budget for 2020, but noted that based on available 2019 data, this temporary suspension would cost the city \$21.3M in quarterly tax revenue; and

RESOLVED, Community Board Five strongly supports thoughtful and data-driven measures that will promote the sustainability and growth of small businesses in New York City, particularly during this time of economic crisis; and

RESOLVED, Community Board Five expressed concern that the proposed bill would include high-revenue businesses that are not in need of tax relief, but happen to rent smaller spaces between 96th Street and Murray Street in Manhattan. Community Board Five seeks to ensure that a temporary suspension of the commercial rent tax is focused on those businesses actually affected by the COVID-19 emergency, and strongly encouraged the City Council to establish additional requirements to ensure the temporary

suspension only applies to businesses in need, leaving it to the Council to determine the simplest way of doing so; and

RESOLVED, Assuming the bill seeking to temporarily suspend the commercial rent tax does develop additional requirements that ensure it applies to business actually in need, Community Board Five asks our Mayor and City Council to pass this legislation.

After much discussion, the above resolution passed with a vote of 41 in favor, 0 opposed, 1 abstaining: **IN FAVOR:** Athanail, Bahor, Beitchman, Burton, Cafaro, Chou, Clark, Dale, Dowson, Ford, Frewer, Garcia, Goldman, Goshow, Haas, Harris Jr., Hartman, Heyer, Isaacs, Johnson, Kaback, Kang, Kinsella, Law-Gisiko, Levy, Lucic, Maffia, McCall, Meyerson, Miller, Rabar, Shapiro, Slutzkin, Smith, Spandorf, Spence, Stern, Verdi, Weintraub, Whalen, Yang. **ABSTAIN:** Barbero

Ms. Kinsella then gave a report on a presentation from NYU for informational purposes about taking over the W Hotel in Union Square as a dorm to house several hundred students in single rooms for social distancing. She stated that NYU answered all of the committee's questions and will continue to follow up. She also reported on the support letter for the release of the Borough President allocated funding for education. She also reported on cuts to the Department of Sanitation's budget with fewer trucks, no Sunday collections, skip baskets and reduced street cleaning. She stated that they have received a lot of complaints and the committee letter asked for some of the restoration of services.

LAND USE, HOUSING AND ZONING – LAYLA LAW-GISIKO

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

590 Madison Avenue LLC – Application for Modification of Special Permit

WHEREAS, The applicant, 590 Madison Avenue LLC, is the owner of 590 Madison Avenue, an office tower located between 56th and 57th Streets and commonly known as the “IBM Building”; and

WHEREAS, The building opened to the public in 1983 and includes one of the most notable and successful examples of privately-owned public spaces in the city; and

WHEREAS, The privately-owned public space includes a multi-story glass enclosure, plantings, a sculpture garden, moveable tables and chairs, and a food kiosk; and

WHEREAS, A special permit was granted in 1977 as part of the original construction of the building to facilitate the creation of the privately-owned public space, providing a floor area bonus to the building owner in exchange for improvements; and

WHEREAS, To date, the applicant has received approval for three minor modifications to that special permit, including in 1984 and 1985 to establish hours of operation for the pedestrian space and arcade, add revolving doors, and reconfigure the sculpture pool, and in 1995 to create an indoor sculpture garden, redesign the seating plan, move the food kiosk, and allow for occasional closures for private and community events, and this third minor modification resulted in a restrictive declaration recorded alongside the deed; and

WHEREAS, The applicant now seeks a fourth minor modification to the special permit that would establish an area separated by acrylic barriers with additional tables and chairs that would be reserved for

patrons of the existing food kiosk, while maintaining the approved amount of public seating and amenities and retaining the public sculpture garden; and

WHEREAS, The indoor public space at this property includes three components, a 4,669 square feet through-block arcade connecting East 56th and East 57th Streets that generated a floor area bonus of 28,014 square feet, an as-of-right covered pedestrian space of 8,261 square feet that generated a floor area bonus of 103,263 square feet, and a non-bonused seating and retail area along the East 56th Street frontage that totals approximately 3,500 square feet in area that did not generate any floor area bonus for the building; and

WHEREAS, Obicà Mozzarella Bar is the current operator of the food kiosk within the non-bonused seating and retail area and has created a seating area with tables and chairs reserved for patrons of the kiosk with a perimeter of landscaped planters along the edge of the seating area; and

WHEREAS, The New York City Department of Buildings issued a violation to the applicant because the current seating plan for the food kiosk is not explicitly consistent with the 1995 restrictive declaration due to a unique situation in which the declaration is written broadly to cover the entire indoor public space despite the fact that part of the indoor public space includes the seating and retail area that did not generate any floor area bonus for the building; and

WHEREAS, The applicant seeks to cure this violation and register an approved seating plan for the food kiosk area in the non-bonused component of the indoor public space, and that requires a minor modification to the special permit as requested here; and

WHEREAS, Furthermore the Applicant is proposing these changes to enhance the ability of the food kiosk to expand its menu, attract a broader clientele, and therefore further activate the public space; and

WHEREAS, The applicant proposes to change the design of the perimeter of the café from the current landscaped planters to lower, free-standing acrylic barriers that will visually integrate the café seating area with the larger public space; and

WHEREAS, The applicant proposes to install three umbrellas in the café seating area since this part of the atrium is in direct sunlight during much of the day and it can become uncomfortable for patrons at tables that are not shaded by either the trees or the umbrellas, and furthermore, the atrium is home to a flock of birds, and the umbrellas provide essential protection from bird droppings; and

WHEREAS, The applicant believes that the color and texture of the umbrellas are a positive design element in the otherwise austere glass room; and

WHEREAS, The applicant proposes to upgrade public space signage at the entries to the indoor public space consistent with the latest POPS signage regulations; and

WHEREAS, The applicant proposes to relocate a number of the public tables and chairs to the public access area adjacent to the western edge of the café; and

WHEREAS, Manhattan Community Board Five recognizes that the circumstances of this application are unique and specific, with the food kiosk operating in the one portion of the indoor public space that did not generate a floor area bonus for the building, that the planned uses for that non-bonus space were always private in nature including a proposed newsstand and flower market in the original approved drawings, and the 1995 restrictive declaration was written broadly in a way that did not accommodate appropriate uses such as this proposed seating plan; and

WHEREAS, This proposed plan would further enhance continued activation of an iconic privately-owned public space, and would allow the café operator to maximize its ability to operate in the long term in a time when restaurants face existential crises about their survival; therefore, be it

RESOLVED, Manhattan Community Board Five **recommends approval** of the application by the owner of 590 Madison Avenue to receive fourth minor modification to 1977 special permit that will permit the changes noted above.

After some discussion the above two resolutions passed with a vote of 39 in favor, 0 opposed, 1 abstaining and 1 present, not entitled to vote: **IN FAVOR:** Athanail, Bahor, Beitchman, Burton, Cafaro, Chou, Clark, Dale, Dowson, Ford, Frewer, Garcia, Goldman, Goshow, Haas, Harris Jr., Hartman, Heyer, Isaacs, Johnson, Kaback, Kinsella, Law-Gisiko, Levy, Lucic, Maffia, McCall, Meyerson, Miller, Rabar, Shapiro, Slutzkin, Smith, Spandorf, Spence, Stern, Verdi, Whalen, Yang. **PRESENT, NOT ENTITLED:** Weintraub. **ABSTAIN:** Barbero.

PUBLIC SAFETY AND QUALITY OF LIFE – NICHOLAS ATHANAIL

Mr. Athanail gave a brief update on monitoring open street dining and informed the board that there were few complaints on social distancing.

PARKS AND PUBLIC SPACES – CLAYTON SMITH

Mr. Smith gave a report on the municipal arts society coordinating with New Yorkers for Parks about their advocacy and proposal for a new position in city government called Director of Public Realm. He stated that this position would be within the Mayor's office so it would be above any city agency. This would give this position the authority and ability to coordinate. He also announced that Youth Program will be returning to Parks.

LANDMARKS – LAYLA LAW-GISIKO

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

130 West 42nd Street, Bush Tower – Application for roof replacement.

WHEREAS, the building at 130 West 42nd Street was constructed in 1916 - 1918 by Helme & Corbett architects for the Bush Terminal Company and is known as the Bush Tower; and

WHEREAS, the building, a 30-story tower, is an influential prototype for set-back skyscrapers combining historical neo-Gothic detailing with pronounced vertical emphasis; and

WHEREAS the building was designated by the New York City Landmarks Preservation Commission as an individual landmark in 1988; and

WHEREAS, the crowning pavilion on the building is set back on all four sides, with a gabled copper roof and a pair of fleur-de-lis armatures at the north and south ends of a gabled ridge; and

WHEREAS, the copper roof has been repaired many times and today is covered with modified bitumen roofing membrane and flashing which need to be replaced, and all that remains of the fleur-de-lis armatures is a partial steel frame; and

WHEREAS the owner proposes to replace the existing roof with PMMA Resin, liquid applied, fleece reinforced, with a final coat of Patina Green color resin; and

WHEREAS, the roof is located approximately 400 feet above the sidewalk and is only minimally visible from distant public vantage points; and

WHEREAS, the owner's consultant reports that the proposed roof is superior to a copper roof as it has higher wind uplift ratings, is safer to install on a steeply sloped confined space, and will look like patinaed copper immediately upon installation; and

WHEREAS, while Community Board Five prefers that materials proposed as replacements on landmarked buildings match existing, historic precedent, the replacement materials proposed by the applicant for this building are appropriate given, among other things, the minimal visibility of the roof from the sidewalk; therefore be it

RESOLVED, Community Board Five **recommends approval** of the application for 130 West 42nd Street to replace the roof.

201 Park Av. So. AKA 50 Union Sq. E. Application by Beyer Blinder Bland for Rooftop Alterations, to include Deck and Seasonal Structures.

WHEREAS, The GERMANIA LIFE INSURANCE COMPANY BUILDING, is a 20-story commercial building located at **201 Park Av. So. AKA 50 Union Sq. E.** at the North East corner of 17th St. and Park Ave South, and

WHEREAS, Built in 1910-11, for The Germania Life Insurance Company building., the building changed its name to Guardian Life Insurance Co. at the time of World War I, and is has been the home of The W Hotel since 1999-2000; and

WHEREAS, the building roof is surmounted by a very large illuminated neon sign; and

WHEREAS, the building became an individual Landmark in 1988; and

WHEREAS, the architects of the building were Albert D'Oench and Joseph W. Yost, built in the Beaux-Arts style and has been on the US National Register of Historic Places since 2001 and is noted for its four story Mansard Roof; and

WHEREAS, the applicant plans to upgrade the mechanical system, improve the life safety system, and provide guest entry onto the roof, and provide open/enclosed roof space for guests; and

WHEREAS, the applicant plans to confine all work in this application to the flat roof top areas; and

WHEREAS, the applicant plans to reposition and replace most of the existing mechanical equipment and structures on the rooftop, including the generator, HVAC and cooling towers, and add a glass and metal structure for hotel guests, and

WHEREAS, the applicant plans to build a new entry onto the rooftop via stairs and elevator; and

WHEREAS, the new structure will be a one story metal and glass addition with large retractable portions allowing for an outdoor experience when weather permits; and

WHEREAS, the proposed addition will consist of three inter-connected sections, forming a right angled structure on the roof; and

WHEREAS: the dimensions of each of the sections are:

- Section A, (Facing Park Ave. So.) 11'-10 1/2" to 15' high by 39'-11 9/16" long, by 14'-9" Wide

- Section B, (Facing E. 17th St.) 11' - 10 1/2" to 15' High by 33' - 4" long, by 20' - 8 1/2" Wide
- Section C, (Triangular Section, Connecting Sections A & B) 15' high by 20' - 11 1/2" long at the bottom, Tapering to a point at the top or 15' height; and

WHEREAS: the Proposed materials for this structure will be 1" glass IGU wall panel and translucent polycarbonate ceiling panel with painted aluminum frame (PPG roman bronze)

WHEREAS, none of the alterations or additions will exceed the height of the existing tallest parapet wall to the north east; and

WHEREAS, most of the higher elements have been recessed on to the mid part of the roof top, out of view from the street; and

WHEREAS, the roof top structure will be very minimally visible from street level while existing mechanical equipment will no longer be visible; and

WHEREAS, the iconic neon sign facing southward on the rooftop will not be affected by any of these alterations, therefore be it

RESOLVED, Community Board Five **recommends approval** of the application of rooftop alterations at 201 Park Avenue South, aka 51 East 17th Street.

130 Fifth Avenue, proposed application for replacement of the storefronts on West 18th Street and Fifth Avenue, installation of one motion-activated, sliding door system at the eastern storefront on West 18th Street, and installation of new signage.

WHEREAS, 130 Fifth Avenue is an 11-story office and storefront building located at the northwest corner of Fifth Avenue and West 18th Street, in the Ladies Mile Historic District, built in 1903; and

WHEREAS, The applicant is ROC-Fifth Avenue Associates LLC; and

WHEREAS, The applicant proposes to make alterations to storefronts and entrances on West 18th Street and Fifth Avenue; and

WHEREAS, The applicant proposes to replace an existing service door on West 18th Street with a new service door of the same dimensions, and

WHEREAS, The applicant proposes to replace the remaining existing 3-pane windows with 5-pane windows; and

WHEREAS, The applicant proposes to vertically align the new window panes with vertical elements in the existing knee wall; and

WHEREAS, The applicant proposes to replace existing louvers with new louvers of the same dimensions; and

WHEREAS, The applicant proposes to add non-illuminated white external signage; and

WHEREAS, The applicant proposes to convert one window at the eastern storefront on West 18th Street into a motion-activated sliding door system, removing in the process the original window sill and masonry; and

WHEREAS, The applicant proposes to add bright interior lighting and lit signage consistent with CVS brand (white and red) that although located 18 inches inside the window, will bleed into the street and will impact the historic character of the neighborhood; and

WHEREAS, Although Community Board Five finds the proposed replacements of existing windows, door and louvers with new windows, door and louvers appropriate, the proposed motion-activated sliding door system is too modern, and is out of character and inappropriate for the building and the Ladies Mile Historic District; therefore be it

RESOLVED, Community Board Five **recommends denial** of the application by ROC-Fifth Avenue Associates, LLC for a certificate of appropriateness for alterations at 130 Fifth Avenue.

After some discussion the above three resolutions passed with a vote of 40 in favor, 0 opposed, 1 abstaining: **IN FAVOR:** Athanail, Bahor, Beitchman, Burton, Cafaro, Chou, Clark, Dale, Dowson, Ford, Frewer, Garcia, Goldman, Goshaw, Haas, Harris Jr., Hartman, Heyer, Isaacs, Johnson, Kaback, Kinsella, Law-Gisiko, Levy, Lucic, Maffia, McCall, Meyerson, Miller, Rabar, Shapiro, Slutzkin, Smith, Spandorf, Spence, Stern, Verdi, Weintraub, Whalen, Yang. **ABSTAIN:** Barbero.

There being no further business, the regularly scheduled meeting of Community Board Five adjourned at 8:30 p.m.

Respectfully submitted by,

Craig Slutzkin
Secretary

Julie Chou
Assistant Secretary