

PARKS & ENVIRONMENT COMMITTEE

Klari Neuwelt, Chairperson

August 2, 2017

Meeting Start: 7:05 pm. Present: P&E Committee Members: Klari Neuwelt, Steven Brown, Meisha Hunter Burkett, Ken Coughlin, Brian Jenks, Susan Schwartz. Non-committee Board Members: Mark Diller, Ira Mitchneck, Roberta Semer, Mel Wymore, George Zeppenfelt-Cestero,

1. Meeting with the Big Apple Circus (Damrosch Park, Lincoln Center) about expected operations and community concerns.

Background: Before it declared bankruptcy in 2016, the not-for-profit Big Apple Circus was located, for several months in the fall/winter of each year for many years, in Damrosch Park, a New York City park on the Lincoln Center campus that is licensed by DPR to and operated by Lincoln Center for the Performing Arts, Inc (LCPA). Certain assets of that circus were purchased in the bankruptcy proceedings by Compass Partners LLC, the owner of the new for-profit Big Apple Circus (BAC). The new BAC is scheduled to perform in Damrosch Park under a Sublicense Agreement between BAC and LCPA that permits it to occupy Damrosch Park for as long as from October 8, 2017, and February 1, 2018. Under the terms of the ten-year Sublicense Agreement, the new circus may occupy Damrosch Park during the same dates for each of the next 10 years.

Damrosch Park has been a focus of community complaints regarding non-park uses of the park and restrictions to public access. A lawsuit by some community members and park advocates against DPR and LCPA culminated in a 2014 settlement agreement.

At the P&E Committee meeting, representatives of BAC and Lincoln Center discussed certain terms of the Sublicense Agreement and answered questions and heard concerns of members of the committee, non-committee board members and community members. Representing LCPA were Russell Granet, executive vice president, and Peter Flamm, vice president of concert halls and operations. Speaking for BAC was Neil Kahanovitz, chairman of the new circus entity.

KLARI NEUWELT, committee chair: Damrosch Park is a public park. Our overall concern is public access to and enjoyment of our parks. Lincoln Center has entered into an agreement with a new for-profit entity, Big Apple Circus. Our committee heard concerns about the non-park uses of Damrosch Park several years ago, and many community members still have the same or similar concerns.

RUSSELL GRANET: Addresses why the circus should be located at Lincoln Center. We are committed to making Lincoln Center a true community center. The circus offers a multitude of art forms. It's a no-brainer for us to host BAC here.

NEIL KAHANOVITZ: He helped get BAC out of bankruptcy court. He was once a circus performer who became a pediatric spinal surgeon. He is now in "private equity", and lives in the Lincoln Center area. The Big Apple Circus is the most respected circus in the U.S. today. BAC's goal is to continue the great legacy of the cultural experience for all New Yorkers. Circus arts is a huge area of interest for young people. BAC has put aside 16,500 tickets primarily for school children that will be priced at no more than \$10. There will also be more shows for circus-goers with autism, as well as a specially adapted "circus of the senses" for those with sensory deprivations. BAC is also working with Amsterdam Houses and the Borough President to provide free tickets for children there. There will also be turkey donations at Thanksgiving and toy donations at Christmas. Prices will be no more than \$3 to \$4 above what prices were for the former, not-for-profit Big Apple Circus. We can't control resellers' prices, however.

Committee/board questions:

STEVEN BROWN: Can you make a long-term commitment to low-priced tickets, not just this year?

KAHANOVITZ: We will make sure that any child will be able to come.

BROWN: What is the significance of going from non-profit to for-profit?

KAHANOVITZ: The operations are essentially the same. But BAC is now able to upgrade facilities and invest in circus infrastructure, such as restroom facilities, the tent, seating. BAC is making a huge investment in upgrading the physical plant. The show is now better than it's been in years. We can invest because we're not dependent on donations.

BROWN: Expresses concerns about the disruption to neighborhood from the load in/load out process.

PETER FLAMM: BAC is trying to compress the time frame to load in and load out, so this requires overtime and work during non-work hours. It's a balancing act [between getting the work done quickly and generating noise during non-work hours].

BROWN: We need a working scenario. If he lived there, he would want some other arrangement. You need to be sensitive to the community.

SUSAN SCHWARTZ: Concerned about the amount of time the circus will be taking Damrosch Park offline.

KAHANOVITZ: It will be less time than in the circus's last incarnation in Damrosch Park.

BRIAN JENKS: What occupancy is allowed under the agreement?

KAHANOVITZ: October 8 to February 1 [confirmed by Neuwelt referencing the BAC Sublicense Agreement document], less time in Damrosch Park than the old Big Apple Circus.

SCHWARTZ: Did you consider relocating BAC to Central Park?

FLAMM: No. Parking and food service would be problems. In addition, BAC provides a value to Lincoln Center and the surrounding area. It exposes attendees to other programs at Lincoln Center.

NEUWELT: Believes that the idea would have been a non-starter for Central Park.

SCHWARTZ: How is the site plan coming along?

FLAMM: The plan will be similar to the one used in 2015.

KEN COUGHLIN: Does "occupancy" include load in/load out?

KAHANOVITZ: Yes. Performances will be October 27 to January 7, with one performance on Tuesdays and Wednesdays, one or two on Thursdays and Fridays, two or three on Saturdays and two on Sundays. There will be 16,000 tickets per week.

COUGHLIN: What will be the price of a regular ticket?

KAHANOVITZ: The average ticket price is \$45. The most expensive ticket is a VIP ticket with backstage access, priced at \$179.

COUGHLIN: Why aren't the fees being paid by BAC to LCPA publicly available information?

FLAMM: It is Lincoln Center's prerogative not to make this information public. LCPA has to maintain the public spaces at Lincoln Center. The revenue from the BAC is less than ½ of what the constituent organizations pay toward maintaining the public spaces.

COUGHLIN: You can assure us that no trees or other vegetation will be removed as a result of the new BAC?

FLAMM: Yes. The installation will be very careful. However, there could be some damage to plantings in planters because tent guidelines can be secured to planters.

MEISHA HUNTER BURKETT: Is concerned about the stewardship of the historic Lincoln Center hardscape at Damrosch Park.

FLAMM: There has never been a comprehensive renovation of the hardscape. BAC is on the hook for any damage resulting from its use of the park. Lincoln Center currently has no capital funding to restore the hardscape (planters, etc.) at Damrosch Park. This would be a major capital undertaking for the 2 ½ acre park.

BURKETT: How about some contributions from BAC towards restoration?

FLAMM: The sublicensee fee is helping to offset overall costs of maintaining public areas at Lincoln Center. But this and other agreements with sublicensees account for only half of what we're paying each year for maintenance. We would need a big campaign to do to the scale of work you're envisioning. We do leverage the dollars into maintenance and repairs but capital projects are of a different scale.

GEORGE ZEPPENFELDT-CESTERO: Over the past 15 years he has seen a decreasing level of support among larger non-profits for small non-profits and would like to see that change. It has changed somewhat, but he wants to

see continued buy in. In particular, it is a challenge for small non-profits to get space, and large non-profits [like Lincoln Center] should open their doors.

KAHANOVITZ: Cites a non-profit that asked to hand out literature, but can't remember its name. Would be open to that.

MARK DILLER: Expresses his concern about using public space for a private for-profit enterprise.

Says that we need to see a detailed planting-impacts drawing to help preserve what we have. We need a detailed site plan so we can relax about that.

Asks whether unionized workers in the prior circus will be replaced by non-union workers now that BAC is for-profit and has debt service and return-on-investment requirements.

KAHANOVITZ: The only prior union deal was with the musicians union. BAC will now have eight musicians, compared to seven previously.

MEL WYMORE: If the new circus is making so few such changes, how do you plan to make a profit?

KAHANOVITZ: Whereas the old circus had 640 employees, we now will have between 125 and 150, maximum.

WYMORE: Questions transparency surrounding this deal. Contends that the 2014 settlement agreement between advocates for Damrosch Park and DPR requires notice of a new concession in the park. Did this happen? And why were the budgets and costs redacted from the Sublicense Agreement? They should not have been; the public needs to know what's coming.

FLAMM: We did provide notice and copies were sent to Community Board 7. There has been consistent and constant notice. Regarding the financial terms of the agreement, we can redact and we feel we've provided the information needed.

NEUWELT: Seems very off-putting to use our very scarce public space for a for-profit enterprise. It is not clear whether DPR approved this particular circus, and whether DPR knew in advance of any approval that BAC would be a for-profit circus.

Comments/questions from community:

CLEO DANA, President of Friends of Damrosch Park: The load in/load out process is six weeks of disruption to the community. The Dan Kiley gardens have been destroyed.

No one was copied on the contract between Lincoln Center and the new Big Apple Circus. There was no Big Apple Circus until February. In March we were not told; we read about it in the paper. The settlement agreement that we worked so hard on requires notice to community. This shows contempt for the community by ignoring requirements of that agreement. This is no place for an expanded circus. Things have changed since the 1980s. Garbage is overflowing. Fumes from trucks. Trailers that stretch from Columbus to Amsterdam, bigger every year. Chaos and traffic. Amsterdam Houses says that school buses can't get through. We object to this little 2.4-acre park accommodating a much larger circus. Lincoln Center should have consulted with the community.

FLAMM: There is no requirement in the agreement to consult with the community regularly. Regarding restoration of the entire landscape, we don't have the money for what could be a nine-figure restoration of Damrosch Park.

NEUWELT: We are advocates for neighbors, but the legal issues between the parties to the litigation are not part of this discussion, and are not necessarily identical to the issues that concern us as representatives of our broad community.

TAKEMA UENO, resident south of Damrosch Park. People will be using the park in early October, when the weather is still nice. How about pushing back the start of the circus by a few weeks?

BETTY WERNER: Has a problem with privatizing public land for a third of the year.

ROBERT JORDAN, resident of Amsterdam Houses. The circus is beneficial to the kids. The pros outweigh the cons on this issue. Everyone seems to be forgetting that this is for the youth. In the past the old Big Apple Circus provided some jobs for locals.

NEUWELT: Will there be employment opportunities for local residents?

KAHANOVITZ: Yes, will hire employees locally for a number of positions, such as ushers, and will certainly hire in the Lincoln Center area. Doesn't know the minimum age for hiring, but probably 18.

BURKETT: What kind of job outreach will be made?

KAHANOVITZ: Doesn't know, but it is to the BAC's advantage to hire locals who don't need to commute.

BOB DINEEN, Director of Public Safety at Fordham's Lincoln Center campus: Wants to make sure that the impact on Fordham's regular business activities is minimal. Fordham needs access to its loading dock. Will we be able to see a site plan for load in/load out and the circus operation?

FLAMM: The impact will be similar to other events that take place in the area. We will minimize the impact.

BILL ROUDENBUSH: This is a public park. Quotes from the 2014 settlement agreement: "The City and [Lincoln Center] intend to further expand public access to the Park by not entering into agreements for commercial events substantially similar in nature, size and duration to Fashion Week for which access is not generally available to the public." Quotes earlier in the agreement: "... special events that limit public access to substantially all of Damrosch Park should be the exception ..."

Expresses concern that a representative of DPR did not attend the meeting. This is a done deal.

FLAMM: Fashion Week was not a public event. BAC is open to all who have tickets. Nowhere in the settlement agreement is BAC named. It's our counsel's opinion that it's an appropriate park-like use. Our agreement with the City of New York doesn't distinguish between for-profit and non-profit entities for special events.

HANNAH REALE: Where are the employee cuts being made?

KAHANOVITZ: I don't know. I just have numbers.

REALE: When will a full site plan be available?

FLAMM: It has not been determined when it would be released.

NEUWELT: Will it be available to the public?

FLAMM: We'll consider releasing it.

SIDNEY GOLDFISCHER: We need a site plan. Without a plan there is no transparency.

How many free tickets were made available under the prior non-profit circus?

NEUWELT: Hopes that as the new circus gets better at load in/load out it will find it doesn't need to start as early in the fall. Urges that the operators try to be as efficient as possible.

Notes that BAC sublicense for Damrosch Park is not limited to conducting a circus there. Are there any other activities that the new entity will conduct in Damrosch Park?

KAHANOVITZ: No other activities other than BAC are planned.

NEUWELT: What performers of the old Big Apple Circus will be carried over?

KAHANOVITZ: Grandma and maybe some other acts.

LAURA MINER: This is one of the saddest things I've heard in a long time. Circus doesn't have its own dedicated space in a neighborhood that really needs it. The circus could offer internships for youth, school programs. \$10 [ticket price] isn't nothing. One of the signs of a declining democracy is when the public space is taken away.

HELEN ROSENTHAL, City Council member, District 6: Says she is not a lawyer and doesn't know the law, but it sounds like there are some things in the settlement agreement [not being followed]. Help me understand why it's OK for Lincoln Center to have done this. You have to understand why people start with red flags all over the place. Maybe we should hire a lawyer.

Has heard 10 suggestions from the community that are really good ideas. Why not meet with the community to hear suggestions and consider them? \$10 is genuinely a burden for some. What about next year? [In prior years] our office and [Manhattan Borough President] Gale Brewer gave public funds so many in public housing could attend the circus for free. Public funds went to a non-profit. Now, the wider New York City public has lost funds.

NEUWELT: Are you barred from providing free tickets now because the circus is for-profit?

ROSENTHAL: Yes.

Can we set up a committee that would address community concerns on a regular basis?

This is very discouraging. And if it's a done deal, that gives me information to go back and work with. There was just no public review and opportunity for comment. The least you could do is set up regular meetings.

ROBERTA SEMER: Community Board 7 would be happy to host these meetings.

NEUWELT: Suggests that we go through this season with the new BAC and schedule a session with representatives of Lincoln Center and the circus at the April 2018 meeting of CB7's Parks and Environment committee. The Sublicense Agreement isn't totally silent on where things should be. Let's all plan to be here next April to talk about how it worked this coming season.

MINER: Can Lincoln Center provide space for people to meet?

FLAMM: We have done that in some places. Users don't need to prearrange. There are a lot of spaces for community-oriented activities – the Atrium, Geffen Hall – that we encourage the public to utilize and enjoy.

MINER: Ever do such CB7 meetings in a webinar format? Would be marvelous.

NEUWELT: Our committee doesn't do that at this point.

ROSENTHAL: Could the proposed BAC committee include neighbors who have access to bulletin boards?

SEMER: We do that. We include everyone. We can meet here or on the Lincoln Center campus.

REGINA KARP: This project is like the last straw. Everything is private now. Our schools – charter schools. We have no breathing space left here.

NEUWELT: [to Kahanovitz] Are you now selling tickets through your site?

KAHANOVITZ: Yes, go to bigapplecircus.com. I can assure you that there are tickets at all prices, and seating is still available.

2. Committee Updates:

Belvedere Castle: Neuwelt advised that the Public Design Commission (PDC) gave its approval of Central Park's Belvedere Castle restoration, but the presentation to PDC of the planned new accessible walkway to the castle was deferred by the Central Park Conservancy. The Conservancy is refining its plans for the walkway and may come back to our committee with further design details. It is likely to go through a little more public exposure before it goes to PDC.

Tavern on the Green parking lot: Neuwelt reported on a conversation with the Conservancy's Lane Addonizio, who said that turning the parking lot into something greener is on its list of projects. The Conservancy has targeted a few million for redeveloping the space. Neuwelt proposes inviting the Conservancy to a future meeting to talk about it, and perhaps we could vote on a resolution asking the Conservancy to move the project up on its list.

Diller: Suggests holding some sort of process where community members could offer ideas for what could be done with the space.

Neuwelt: We could make that a part of that meeting.

Neuwelt said that limousines and other private vehicles sometimes currently park in the lot and Addonizio said the Conservancy will look into why there has been no enforcement concerning this and why no "No Parking" signs are there.

There is committee consensus to try to push for sooner rather than later "greening" of the former parking lot space for park uses.

Susan Schwartz expressed concerns about the traffic impacts elsewhere in the district stemming from the planned Riverside Park rotunda construction, especially in light of the fact that the construction of the new addition to the American Museum of Natural History, which is planned to take place at roughly the same time.

Meeting ended at 9:12 pm

PRESERVATION COMMITTEE

Jay Adolph and Gabrielle Palitz, Co-Chairpersons

August 10, 2017

Present: Jay Adolf, Gabrielle Palitz, Louisa Craddock, Mark Diller and Peter Samton. **Absent:** Miki Fiegel and Meisha Hunter Burkett.

The meeting was called to order at 6:30 pm and adjourned at 7:04 pm.

Co-chair Jay Adolf disclosed a personal relationship with the owners of the property that is the subject of the first item on the agenda, which relationship does not include a pecuniary or financial interest of any kind. Co-chair Gabrielle Palitz and the members of the Committee thanked Jay for his disclosure, and agreed that there was no cause under our bylaws or otherwise for him to recuse himself from voting on the matter under consideration.

The following matters were considered and actions taken.

321 West 103rd Street (West End Avenue – Riverside Drive). Application to the Landmarks Preservation Commission for front façade restoration and work at the lower level and entrance.

Presentation Anita Brandt, ABB Architects.

- Townhouse currently painted white. Stoop removed ca 1940s.
- One of 5 houses built ca 1891-92.
- The western-most house was demolished as part of building the Master Apartments on Riverside Drive.

Proposal includes:

- Removing the white paint and restoring the brownstone finish on the entire facade.
- Removing white enameled brick surrounding the main entrance
- Installing a decorative pair of pilasters with a cornice frame around the areaway main entrance. Brownstone finish.
- Installing bush-hammered rusticated stone rectangles surrounding the new door surround to match the existing rusticated panels between the bay windows in the areaway. Details to match the existing condition on the neighboring building.
- Refurbishing the areaway, with blue stone paving and steps.
- Installing newel posts and knee wall in front of the areaway, which will turn the corner down widened steps from the sidewalk to the areaway. Knee wall has a scoring panel effect to emulate the detail from a neighboring building within the group. Brownstone cladding to match the restored building facade.
- New door will be solid mahogany painted a dark greyish-brownish-black, with a large glass opening above and a recessed panel below.

Resolution to approve as presented.

VOTE: 5-0-0-0.

Calendared September 12, 2017

18 West 74th Street, 5th Floor (Central Park West). Application to the Landmarks Preservation Commission for enlargement of one rear façade window.

Presentation by Kyle O'Donnell of LAWP Architecture.

- Proposal is to enlarge a top-floor rear window of a townhouse built ca 1902-07 as part of a group.
- No consistency in the fenestration in the donut.
- The top floor includes a group of 3 french doors leading out to a terrace above the L extension. Replacement of the 3 french doors with a system of accordion-folding 4-panels has been approved at LPC Staff level. The contrasting stone lintel was replaced with a steel lintel, preventing any economical introduction of the stone lintel.
- Proposal is to replace the existing paired casement window in the historic punched opening with a larger window the size of a French door leading to a Juliet balcony.
- Proposal would retain the contrasting stone lintel in the punched opening.
- French doors to be made of mahogany.
- New metal railing for Juliet balcony to align with top of metal railing at adjacent roof deck, be of similar design.

Committee Comments:

- Recommendation to add a contrasting stone lintel above the four bi-fold doors

Resolution to approve with a recommendation to add a stone lintel above the 4-bifold doors opening onto the terrace.

VOTE: 5-0-0-0

Not yet calendared at LPC