



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

330 West 42<sup>nd</sup> Street, 26<sup>th</sup> floor New York, NY 10036

tel: 212-736-4536 fax: 212-947-9512

[www.nyc.gov/mcb4](http://www.nyc.gov/mcb4)

**DELORES RUBIN**

Chair

**Jesse Bodine**

District Manager

August 8, 2016

Alba Pico, First Deputy Commissioner  
Special Application Unit  
Department of Consumer Affairs  
42 Broadway 5th Floor  
New York N.Y. 10004

**Re: Newsstand Application S/E/C 11th Avenue & W. 36th Street**

Dear Deputy Commissioner Pico,

Manhattan Community Board 4 (CB4) recommends approval for the application for a newsstand on the southeast corner of Eleventh Avenue and West 36th Street unless the Department of Transportation (DOT) determines the clearance on the sidewalk does not meet required 9 feet 6 inches of adequate sidewalk width in front the location of the newsstand. After reviewing the location CB4 has determined that the sidewalk at the requested location is extremely wide with minimal obstructions and even with the newsstand, necessary clearance for pedestrians will remain. However, the Javits Convention Center to which the parcel of sidewalk being discussed is leased to by the New York Conventions Center Development Corporation opposes this application claiming adequate clearance will not exist once the newsstand is installed. Although CB4 has determined the sidewalk would be wide enough we believe it is best for the DOT to make a final determination on the existence of adequate clearance.

In addition to opposition from the Javits Center, the MTA has opposed this application as expressed in a letter to CB4, suggesting that stray paper from the stand will interfere with the ventilating fans in their building. Without a representative from the MTA we are unable to determine the severity of their claims and ask that DOT investigate to determine if there is a real danger.

Despite the opposition CB4 has found the newsstand to be consistent with required guidelines and should be approved if DOT determines there will in fact be adequate sidewalk clearance in front of the newsstand. Furthermore, we believe this newsstand will be a valuable resource to passengers using the new 7 Train station less than a block from this location and the many developments under way in nearby Hudson Yards.

As always, thank you for your consideration

Sincerely,



Delores Rubin  
Chair



Christine Berthet  
Co-Chair, Transportation  
Planning Committee



Ernest Modarelli  
Co-Chair, Transportation  
Planning Committee

Enclosure



JACOB K. JAVITS CONVENTION CENTER OF NEW YORK®

Henry R. Silverman Chairman of the Board  
Alan E. Steel President and Chief Executive Officer

July 18, 2016

VIA US Postal

Patricia Gouris  
Community Associate  
Manhattan Community Board 4  
330 West 42<sup>nd</sup> Street, 26<sup>th</sup> Floor  
New York, NY 10036

Re: Newsstand Application

Dear Ms. Gouris:

The New York Convention Center Operating Corporation (a/k/a The Javits Center), a New York State public authority, on behalf of itself and the New York Convention Center Development Corporation ("NYCCDC"), submits this letter in opposition to the application of Narender Bajaj to install a newsstand ("Newsstand") in front of the premises known as 418 11<sup>th</sup> Avenue, New York, New York 10001 ("Premises"). A copy of the application is attached hereto as Exhibit A. The Premises is a parcel leased to the Javits Center by NYCCDC. In short, the construction of the Newsstand on the sidewalk in front of the Premises cannot comply with the requirements of § 20-231 of the New York City Administrative Code because the sidewalk is simply too narrow.

The proposed location for the Newsstand is the sidewalk on the east side of 11th Avenue between West 35<sup>th</sup> and West 36<sup>th</sup> Street, at some undefined point closer to 36<sup>th</sup> Street. This would place it squarely in front of the MTA air vent for the Number 7 Line subway. The total width of the sidewalk for that entire city block is 8 feet, 10 inches. § 20-231(e) of the Administrative Code requires, among other things, that "[i]n no event shall there be less than a width of nine and one-half feet maintained on the sidewalk for pedestrian movement" around a proposed newsstand. Here, the sidewalk itself is less than the required pathway. Even if the Newsstand was placed all the way at the curb (which would also not be permissible under the Administrative Code) that would only leave 4 feet 10 inches. That would be 4 feet 8 inches too narrow.<sup>2</sup>

Consequently, there is no way the applicant's Newsstand could be placed and constructed in in compliance the requirements of § 20-231, and therefore must be rejected.

Sincerely,

Bradley A. Siciliano  
General Counsel

<sup>2</sup> While the requirements of § 20-231(e) are sufficient to deny the application, the proposed Newsstand would also run afoul of § 20-231(a) requiring the property owners consent as well as possibly § 2-65(a)(1) of Title 6 of the Rules of the City of New York pertaining to distances from things such as light poles, fire hydrants. And other potential obstacles.



## Metropolitan Transportation Authority

State of New York

July 12, 2016

Patricia Gouris  
Community Associate  
Manhattan Community Board 4  
330 West 42nd Street, 26th Fl.  
New York, NY 10036

RE: Proposed sidewalk newsstand at south east corner of West 36<sup>th</sup> Street & 11<sup>th</sup> Avenue, Manhattan

Dear Ms. Gouris:

MTA-New York City Transit ("NYCT") was forwarded the enclosed letter from Mr. Bradley A. Siciliano, Senior VP at the Javits Center. According to this letter, Mr. Narender Bajaj is interested in opening a sidewalk newsstand approximately 25 feet from the south east corner of West 36<sup>th</sup> Street and 11<sup>th</sup> Avenue. This would be directly in front of NYCT Fan Plant # 7243. (Fan plants are facilities housing high-speed fans and ancillary equipment which are used to clear smoke and heat from the subway tunnels in case of a fire or a smoke condition.)

The NYCT Maintenance of Way Divisions of Engineering and Infrastructure assessed the potential consequences of having a newsstand at this location and have raised the following concerns: (1) a newsstand open for business would hold significant quantities of paper as well as likely having standing papers that are delivered to, or being picked up from the newsstand which creates the potential of having papers and material drawn in to the fan plant and impeding necessary air flow. This would create a safety hazard to the NYCT system and our passengers; (2) at other existing fan plant locations, NYCT has not historically allowed newsstands in front of, or in proximity to the ventilation louvers and granting permission at this location would be setting a precedent that is not in the best interest of NYCT operations or customer safety.

In addition, NYCT Security reviewed the proposal and objected to the proposed location.

Given the above objections, this letter is to formally state MTA-NYCT's objection to Mr. Narender Bajaj's proposed newsstand on the south east corner of W. 36<sup>th</sup> Street and 11<sup>th</sup> Avenue.

If you have any questions or would like to discuss this matter, please feel free to contact me at 212-878-4733 or [isalsber@mtahq.org](mailto:isalsber@mtahq.org). Thank you very much.

Sincerely,

A handwritten signature in blue ink that reads "Ian Salsberg".

Ian Salsberg  
Senior Real Estate Manager  
MTA Real Estate Department

CC: Bradley A. Siciliano, Javits Center

*The agencies of the MTA*

MTA New York City Transit  
MTA Long Island Rail Road

MTA Metro-North Railroad  
MTA Bridges and Tunnels

MTA Capital Construction  
MTA Bus Company

June 9, 2016

NEW YORK CONVENTION CENTER  
JACOB K. JAVITS CONVENTION CTR  
655 West 34<sup>th</sup> ST.  
NEW YORK, NY 10001

To Whom It May Concern:

Per section 2-64 of Title 6 of the Rules of the City of New York, I send this letter to *notify* you that I will be submitting an application for a Newsstand license to the Department of Consumer Affairs within 30 calendar days. You are listed as the owner of record or the agent who represents the owner's building or lot directly adjacent to the site of the proposed newsstand.

This letter is not intended to ask the building owner for any permission of any kind, but simply a notification as a part of application process with the New York City Department of Consumer Affairs Licensing Center.

My Contact Information
Name: Narender Bajaj
Mailing Address: 38-11 Ditmars Blvd #280 Astoria NY 11105
Telephone Number: 516-308-2609
E-mail Address: narinderbajaj17@gmail.com

- I have included basic information about the proposed newsstand below. *OR*  
 I have attached a site plan to this letter. As required, the plan includes the *dimensions of the proposed newsstand* and its *distance and direction from the closest intersection*.

Proposed Newsstand Information	
Dimensions: 4' X 12'	
Borough: Manhattan	<input type="checkbox"/> Bronx <input type="checkbox"/> Brooklyn <input checked="" type="checkbox"/> Manhattan <input type="checkbox"/> Queens <input type="checkbox"/> Staten Island
The newsstand will be <i>in front of</i> this building address: 418 11 <sup>th</sup> Ave. New York, NY 10001	
The newsstand's closest intersection: South East Corner of 11 <sup>th</sup> Avenue & West 36 <sup>th</sup> Street	
Distance of proposed newsstand from closest intersection: Approximately 25 Feet	Direction of proposed newsstand from closest intersection: South

Regards,

Narender Bajaj

