

#### 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

#### **BURT LAZARIN** Chair

JESSE R. BODINE District Manager

October 17, 2019

Lorelai Salas Commissioner Department of Consumer Affairs 42 Broadway New York, NY 10004

Ed Pincar Manhattan Borough Commissioner NYC Department of Transportation 59 Maiden Lane, 37<sup>th</sup> Floor New York, NY 10037

Re: Newsstand Application on West 30<sup>th</sup> Street, West of Tenth Avenue, PHA #0852V Application #: 10257-2019-ANWS

Dear Commissioners Salas and Pincar,

Manhattan Community Board 4 (MCB4) is pleased that the applicant <u>has agreed to withdraw</u> this application and will chose a more viable location, for both the applicant and the community. MCB4 will survey possible locations with the applicant.

The current application for a 12'x 6' newsstand, located 90'east of Tenth Avenue on the north side of West 30<sup>th</sup> Street is problematic. It does not account for the presence of security bollards along the curb, resulting in an inadequate 6'5" pedestrian path between the newsstand and the property line.

When consulted on that topic, the Department of Consumer Affairs indicated, "Unfortunately, bollards are not a part of the siting criteria for newsstands. So, while on a paper plan it could be argued that the operator does not have to provide any clearance to them, trying to construct a newsstand without any clearance to a line of bollards would be difficult, if not impossible. The footings of the bollards vary and would most likely interfere with the foundation and laying of conduit for the newsstand."

The property owner filed last year and got approval to install planters between the bollards. In addition, the newsstand would be located within 15' of a revolving door to a major office tower.

We look forward to working with the applicant to identify a proper location.

Manhattan Community Board 4 at its October  $2^{nd}$  Full Board meeting voted on this letter by a vote of 37 in favor, 0 against, 0 abstaining and 0 present but not eligible to vote.

Sincerely,

**Burt Lazarin** 

Mer Met

Chair

Manhattan Community Board 4

Christine Berthet

Co-Chair

Transportation Planning Committee

Dale Corvino Co-Chair

Transportation Planning Committee

### **Enclosure**

Cc: Colleen Chattergoon, NYC Department of Transportation

Tanjila Rahman, NYC Department of Consumer Affairs

Probir Dutta, Applicant



Engineers and Planners • 102 Madison Avenue • New York, NY 10016 • 212 929 5656 • 212 929 5605 (fax)

**TO:** Related Companies

**FROM:** Philip Habib & Associates

**DATE:** September 16<sup>th</sup>, 2019

**RE:** 10 HY Newsstand Application Assessment (PHA #0852V)

#### A. Introduction

Philip Habib & Associates (PHA) was retained to verify the legitimacy of a pending newsstand application at 10 Hudson Yards ("Project Site") based on the rules and regulations enumerated in city codes. PHA performed a site inspection and took measurements of the existing site conditions where the newsstand is proposed. It has been determined that the proposed location does <u>not</u> meet the siting criteria in Title 6 of the *Rules of the City of New York*.

#### B. Background

In September of 2019, Related Companies received notification of a newsstand application (attached in Appendix I) that was filed with NYC Department of Consumer Affairs (DCA) on the south frontage of its 501 West 30<sup>th</sup> Street (aka 10 Hudson Yards) property. The 10 Hudson Yards property (shown in Figure 1) is located in the Hudson Yards / Hell's Kitchen District between Tenth and Eleventh Avenue on West 30<sup>th</sup> Street, immediately adjacent to the High Line. It has an approximately 416 feet frontage on West 30<sup>th</sup> Street and an approximately 180 feet frontage on Tenth Avenue. The West 30<sup>th</sup> Street frontage, which includes private plaza area and the public sidewalk (15 feet in width), serves as the access point for High Line visitors and employees of 10 Hudson Yards. The newsstand application was filed for the West 30<sup>th</sup> Street frontage of the Project Site, approximately 92 feet from the northwest corner of Tenth Avenue and West 30<sup>th</sup> Street. The approximate proposed newsstand vicinity is pictured in photos #1 through #4 of Figure 1. The 10 Hudson Yards property is currently lined by NYPD and PDC-approved security bollards along the curb that would obstruct the installation of a newsstand. This memorandum identifies the pertinent regulations concerning the installation of a newsstand on the 501 West 30<sup>th</sup> Street frontage, particularly regarding the clear pedestrian path on the north sidewalk and proximity to existing security bollards.

#### C. Newsstand Rules & Applicant's Compliance

PHA has reviewed Title 6 of the *Rules of the City of New York* (the "*RCNY*" or "*Rules*") and the NYC Department of Consumer Affairs' (DCA) *Newsstand Size and Clearance Requirement* for standards, requirements, and restrictions for newsstand applicants. All of these restrictions are shown in Appendix II. The relevant rules and restrictions are briefed below and also illustrated in schematic Figure 2.

#### Size Restrictions

According to the NYC DCA, newsstands permitted by New York City are available in nine different sizes; including widths of four, five and six feet, and lengths of eight, ten and twelve feet. The stand must not be higher than nine feet and occupy a space no larger than 72 square feet. The newsstand applicant of this project site is proposing a 72 square feet newsstand (12'x6'), the largest permissible size.

## 10 HY Newsstand Application Assessment



1. Looking at bollards and curb line along W. 30<sup>th</sup> St.



3. Looking eastward on the W. 30<sup>th</sup> St. Street frontage from midblock btwn 10<sup>th</sup> and 11<sup>th</sup> Ave.



 Looking westward on the W. 30 St. frontage near the northwest corner of 10<sup>th</sup> Ave. and W. 30<sup>th</sup> St.



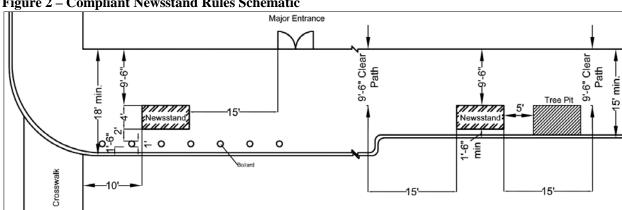
Looking northward onto W.30<sup>th</sup> St. frontage, showing the building entrance and proposed newsstand location.

Philip Habib & Associates

### 10 HY Newsstand Application Assessment

#### Siting Restrictions

The RCNY stipulates and specifies clearances and siting restrictions required when applying for and installing a new newsstand. Some of these rules, those most relevant to this application and project site, are outlined in Table 1. Refer to Appendix II for a more detailed summary of the rules and requirements for newsstand siting. Below, Table 1 summarizes the relevant rules, whether the application is compliant with those rules, and details regarding how the rules were or weren't adhered to. Figure 3 illustrates where the proposed newsstand would be located in proximity to the existing surrounding structures and infrastructure near the 10 Hudson Yards project site.

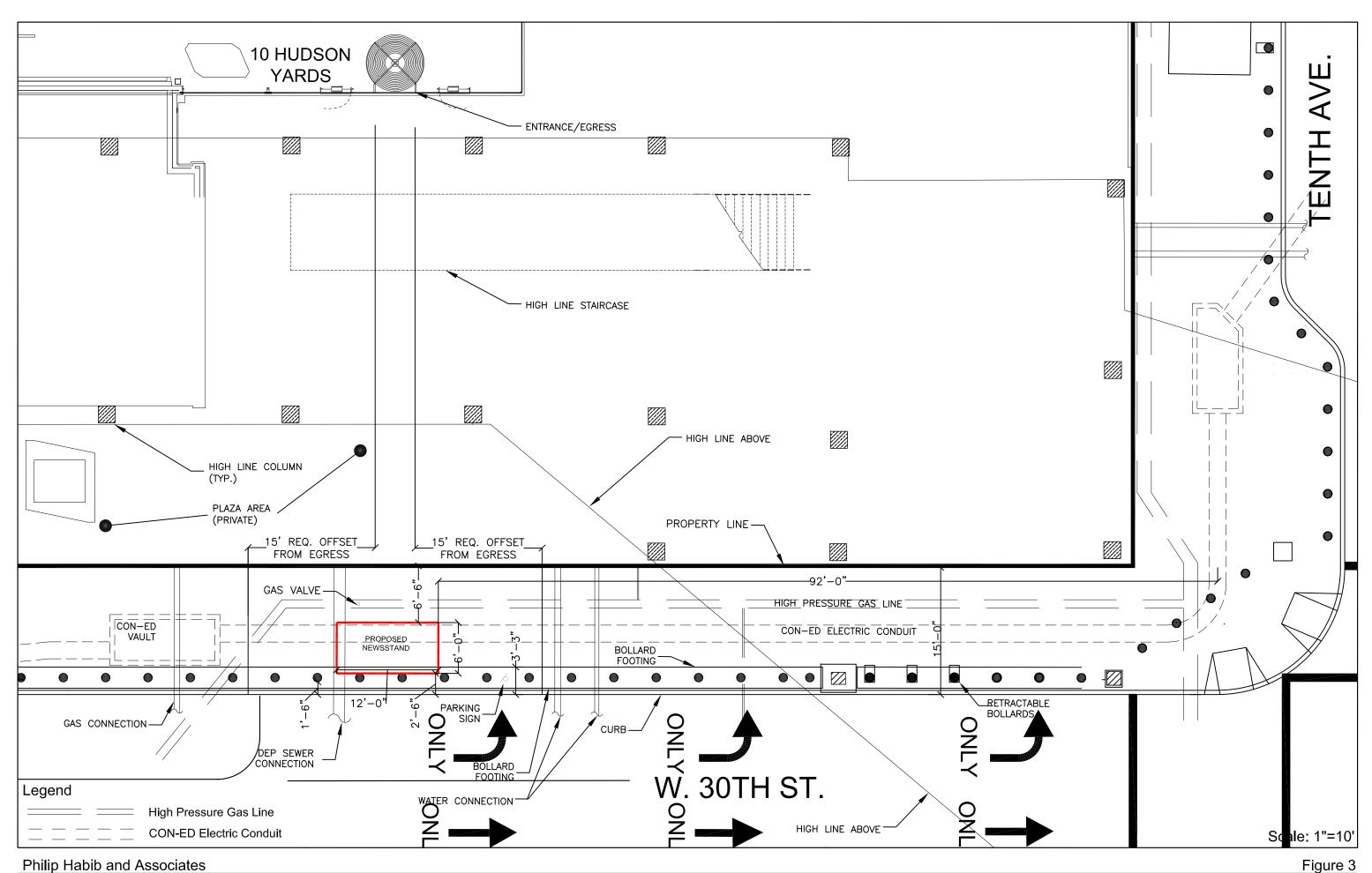


**Figure 2 – Compliant Newsstand Rules Schematic** 

<sup>\*</sup>Assumes ideal two feet from bollard face to clear bollard footing from newsstand foundation.

Table 1 – Summary of Relevant Rules and Applicant Compliance	<b>Table 1 – Summar</b>	y of Relevant	Rules and Ar	oplicant Compliance
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Rule	Compliant?	Provided
At least 1.5' from curb line.	Yes	Application incorrectly indicates that newsstand would be 1.5' from the curb. Fails to consider the bollard is located 1.5' from the curb. The stand would need to be at least 2.5' from the curb (adjacent to the bollard). This does not consider that the newsstand foundation could interact with the bollard footing, which extends 3'-3" from the curb line. See Figure 3.
At least 9.5' clear path in front of stand and 15' on either side \.	No	If the 6'x12' newsstand were placed in front of installed bollard, there would only be 6.5' of clear path on the public sidewalk (See Figure 3). The smallest potential newsstand of 4' would only provide 8.5' clear path.
15' (parallel to the curb) from a major entrance/egress.	No	The newsstand would be located directly in front of the revolving doors and not offset 15' east or west from the access/egress point. This would restrict emergency access to the office entrance.
10' from driveways, the area encompassed by the extension of property lines from the buildings to the curb at the intersection of 2 streets, fire hydrants, standpipes, & siamese connections.	Yes	
At least 3' from street lights or traffic signal.	Yes	
2' from manholes, access plates, adjoining building vaults or transformer vaults, street signs, parking meters, telephones, fixed litter baskets, & valve boxes.	Yes	
At least 5', in any direction, from tree pits and canopies.	Yes	



### 10 HY Newsstand Application Assessment

Note that the existing bollards were approved by NYC Public Design Commission (PDC), the NYPD Counterterrorism Bureau, and Department of Environmental Protection (DEP) in 2015, and have been installed on West 30<sup>th</sup> Street. Please see Appendix III for relevant drawings and approvals.

Lastly, it should be noted that below the north sidewalk of West 30<sup>th</sup> Street, there are several utilities that run below grade. These are illustrated in Figure 3, including a Con-Edison electrical conduit carrying electric lines and a 20-inch high-pressure gas line. Also shown in Figure 3, below the sidewalk are several utility connections made to the City's sewer and water main on West 30<sup>th</sup> Street. The proposed newsstand would be above the Con-Ed conduit as well as the NYCDEP sewer connection to 10 Hudson Yards.

#### D. Conclusion

PHA was able to determine that the application for a newsstand on the West 30<sup>th</sup> Street frontage of 10 Hudson Yard inaccurately and incorrectly illustrates the proposed newsstand relative to the existing surrounding infrastructure, including existing bollards. The newsstand would not provide the required minimum clearance of 9.5' and would not be in adherence to the 15' major entrance rule. The proposed newsstand would <u>not</u> be compliant with all the regulations of *The Rules of the City of New York (RCNY)*. The newsstand would also be located directly above a Con-Ed conduit and sewer connection. As such, the newsstand application, filed on the West 30<sup>th</sup> Street frontage of 501 West 30<sup>th</sup> Street (aka 10 Hudson Yards), should be rejected.

APPENDIX I
Pending Newsstand Application

RECEIVED



# **BASIC LICENSE APPLICATION**

Please print.

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Section 1 – All ap		П	AUG	28	2019				
What is your Business	's legal structure?	0		DEPT	UE CO	MCHIM	I'D APP		
<ul> <li>☐ Business/General Partnership</li> <li>☐ Corporation</li> <li>☐ Limited Liability Company</li> <li>☐ Limited Liability Partnership</li> </ul>			☐ Limited Partr☐ Non-Profit☐ S-Corporatio☐ Sole Propriet	n	DEFT	Ur GU	MOUM	ER AFFA	IRS J
If your Business's legal structure is Sole Proprietorship or if your Business has an individual general partner, complete Sections 1, 2, and 4.  If your Business's legal structure is NOT Sole Proprietorship and your Business does not have an individual general partner, complete Sections 1, 3, and 4.									
<b>Business Informa</b>	tion								
Business Name (The Business Name that yo PROBIR KUMAR	u provide must be exactly	as file	d with the New York	State Secretary	of Stat	e or Cou	nty Cle	erk.)	
Doing-Business-As (DE (The DBA/Trade Name that )	3A)/Trade Name you provide must be exact	ly as fi	led with the New Yo	rk State Secreta	ry of St	ate or Co	ounty (	Clerk.)	
Premises Address (Build 10 HUDSON YAI	ding Number, Street Name RD, NWC <sup>W</sup> 30T	e, Apai H S	rtment/Suite/Other) TREET 10T	H AVENU	JE			5)	
city NEW YORK	State NY		Code 001	Country/Re USA	gion				
E-mail  (By providing your e-mail address, you consent to receive communications electronically from the Department of Consumer Affairs (DCA), and you affirm that the e-mail listed is a reliable form of communication for you.)  PROBIRDUTTA89@YAHOO.COM									
Phone 1 (Primary)	Phone 2 (Alternate)		Text Telephon	e (TTY Phone)		Fax			
646, 500-4043	( )					(	١.		
Employer Identification (Required for sole proprietors corporations, and partnership)	hips with paid employees,	()	lew York State S Certificate of Auth You must comple lumber" is a requ hecklist.)	ority Applica ete this section	tion C	onfirma Sales T	ation ax Ide	Numbe <i>entifica</i>	τ tion
*	*	A	he Sales Tax Identificew York State Departuthority. If you have to 6-digit confirmation polication for a Certification for a C	tment of Taxation not received you n number you re	on and I ir Certifi ceived	Finance (	Certific	ate of	enter
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Basic License Application, 02/21/2018

# **Contact Mailing Information**

If you want DCA correspondence addressed and mailed to a contact other than the business name and address provided on page 1, please complete the information below.

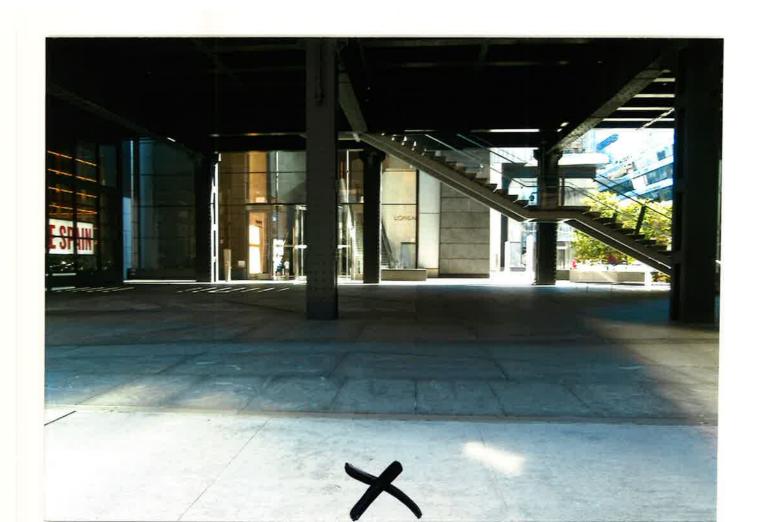
First Name PROBIR	Middle Nar		Last Name		
Title/Position (Check one box only.) OWNER	☐ Chairman ☐ Director ☐ Officer ☐ President ☐ Secretary		3	☐ Treasurer ☐ Trustee ☐ Vice President ☐ Other. Please specify.	
Mailing Address (Building Number, Street Name, Apartment/Suite/Other) 4045 HAMPTON STREET, APT 3F					
ELMHURST	State NY	ZIP Code 11373		untry/Region	

# Section 2 - Sole Proprietors and Individual General Partners

Sole proprietors and individual general partners must provide Social Security number or Individual Taxpayer Identification Number (ITIN) so the City of New York can confirm whether they have outstanding child support obligations.

Individual #1 (Sole Proprietor or Individual General Partner #1) Last Name Suffix First Name Middle Name (optional) (Jr., Sr., Esq.) (optional) DUTTA **PROBIR KUMAR** Home Address (Building Number, Street Name, Apartment/Suite/Other) 4045 HAMPTON STREET, APT 3F City State ZIP Code Country/Region **ELMHURST NEW YORK** 11373 **USA** 







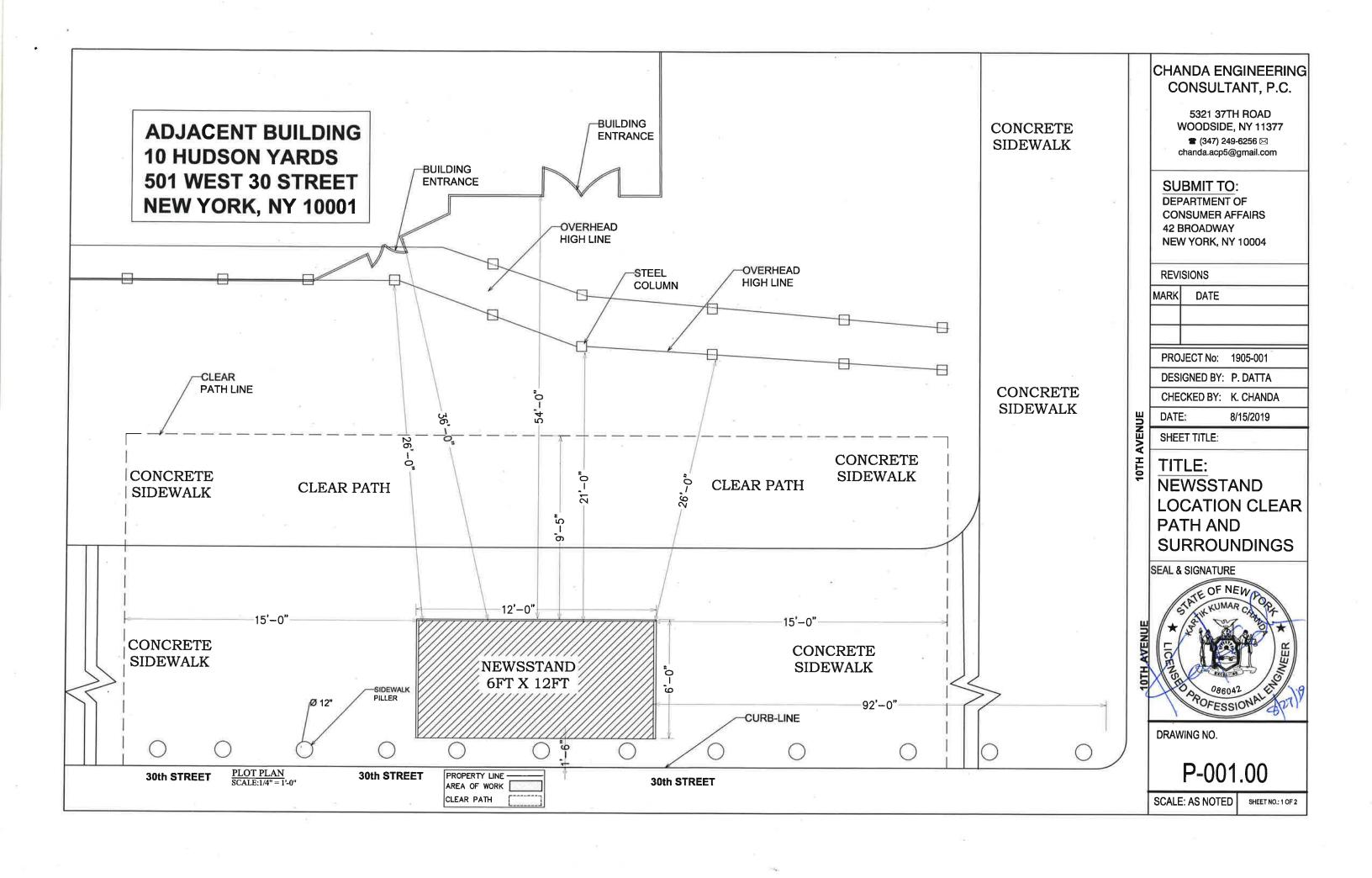


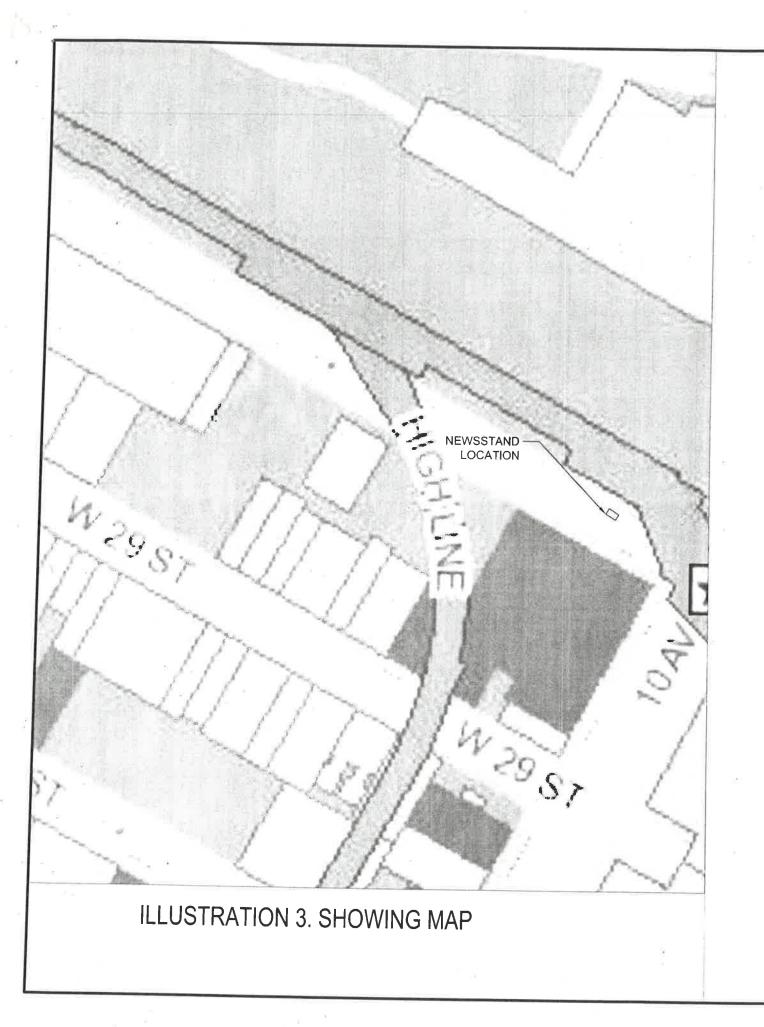












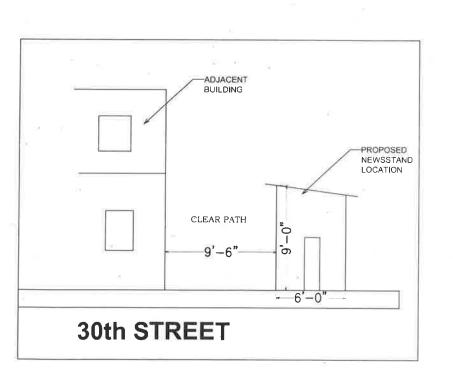


ILLUSTRATION 3. SHOWING CLEAR PATH

SCALE: 1" = 1"

CHANDA ENGINEERING CONSULTANT, P.C.

5321 37TH ROAD WOODSIDE, NY 11377 **1** (347) 249-6256 □ chanda acp5@gmail.c

SEAL & SIGNATUR



PROPOSED NEWSSTAN 30TH STREET & 10TH AVE INTERSECTION NEW YORK, NY

SUBMIT TO: DEPARTMENT OF CONSUMER AFFAIRS 42 BROADWAY NEW YORK, NY 10004



REVISIONS
MÁŘÍK DATE DESCRIPTION

PROJECT No: 1905-001

DESIGNED BY: P. DATTA

CHECKED BY: K. CHANDA

DATE: 8/15/2019

SHEET TITLE:

TITLE: NEWSSTAND LOCATION MAP AND CLEAR PATH.

DRAWING NO.

P-002.00

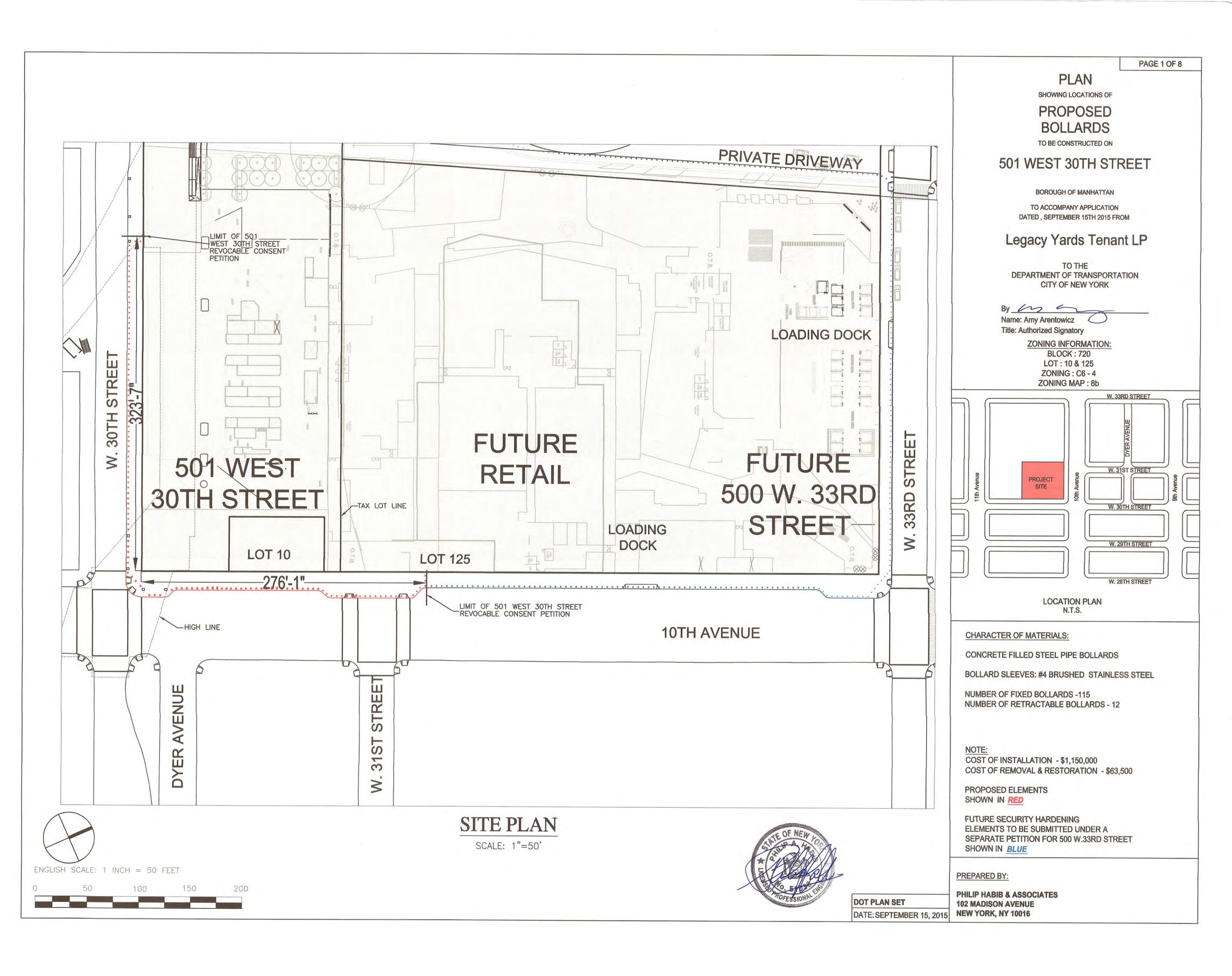
SCALE; AS NOTED SHEET NO: 02

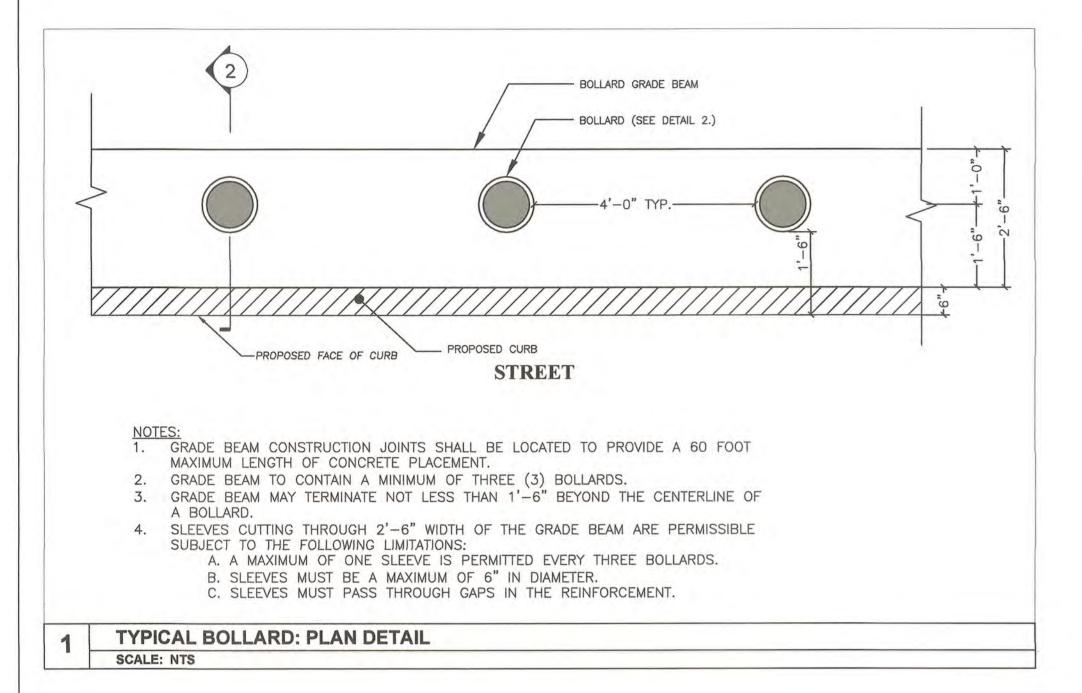
APPENDIX II
Newsstand Restrictions

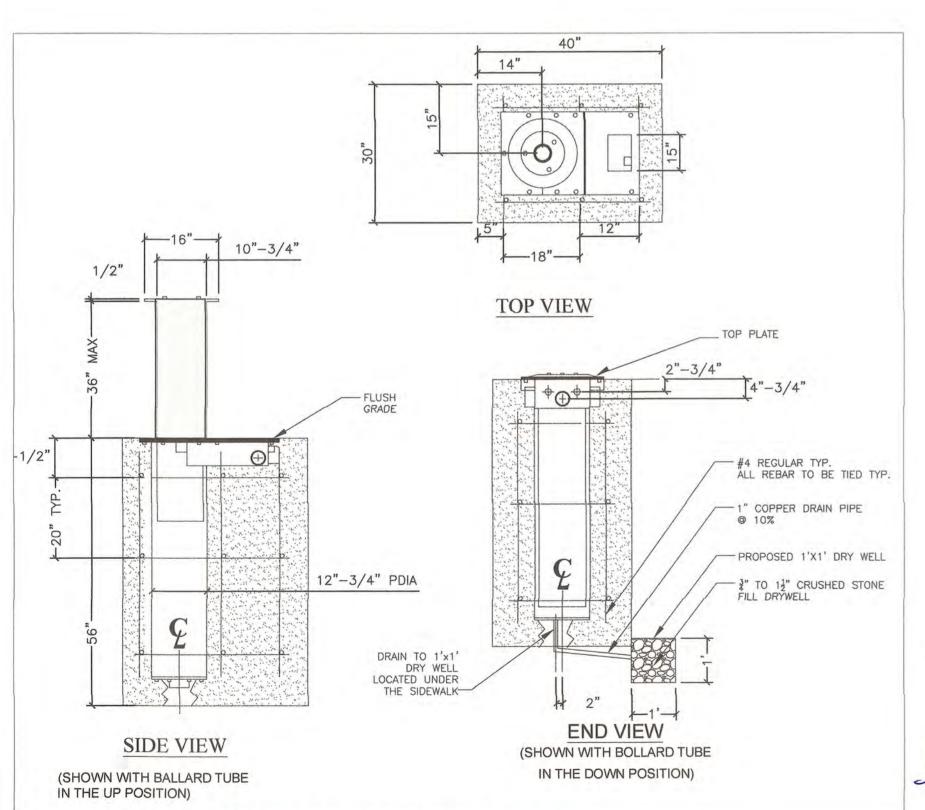
Restriction Description	Restriction Type	Limiting detail
Access Plates	Siting	>2 ft
All Other Retail Entrances and Building Entrances	Siting	>5 ft
Area occupied	Size	<72 sf
Automated Public Toilets	Siting	>15 ft
Building Vaults	Siting	>2 ft
Bus Shelters	Siting	>15 ft
Cellar Doors	Siting	>2 ft
Clear space for pedestrians 15' left and right of stand	Siting	>9.5 ft
Clear space for pedestrians in front stand	Siting	>9.5 ft
Curb Cuts (to truck loading, driveways, garages, etc)	Siting	>15 ft
Curbs	Siting	>1.5 ft
Distance from PL (unless with owner permission)	Siting	>3 ft
Entrances to Houses of Worship*	Siting	>15 ft
Fire Hydrants	Siting	>10 ft
Grates and cellar doors	Siting	>2 ft
Height	Size	<9 ft
In area that will impede pedestrian traffic	Position	May not be placed
Information Kiosks	Siting	>15 ft
Litter Baskets/Mailboxes	Siting	>2 ft
Main Entrance to bank, theaters, box offices*	Siting	>15 ft*
Main Entrance to governmental major buildings	Siting	>15 ft*
Manholes	Siting	>2 ft
Newsstands	Siting	>15 ft
Non residential lobby to 16+ floor building (if frontage is		
100' / 140' on narrow /wide street) *	Siting	>15 ft*
Parking Meters	Siting	>2 ft
Property lines extended at intersection of two streets	Siting	>10 ft
Scaffolding or construction materials	Siting	>15 ft
Service or Freight Entrances	Siting	>10 ft
Siamese Connections	Siting	>10 ft
Sidewalk Cafés	Siting	>15 ft
Standpipes	Siting	>10 ft
Street Lights	Siting	>3 ft
Street Signs	Siting	>2 ft
Subway Entrances/Exits	Siting	>15 ft
Telephones	Siting	>2 ft
The trunk of any tree (in any direction) or canopy or pit	Siting	>5 ft
Traffic Signal Poles	Siting	>3 ft
Transformer Vaults	Siting	>2 ft
Under fire escapes	Position	May not be placed
Ventilation or Other Grills	Siting	>2 ft
Within bus stops or taxi stands	Position	May not be placed
Within frontage of building with retail on more than 3		
floors	Position	May not be placed

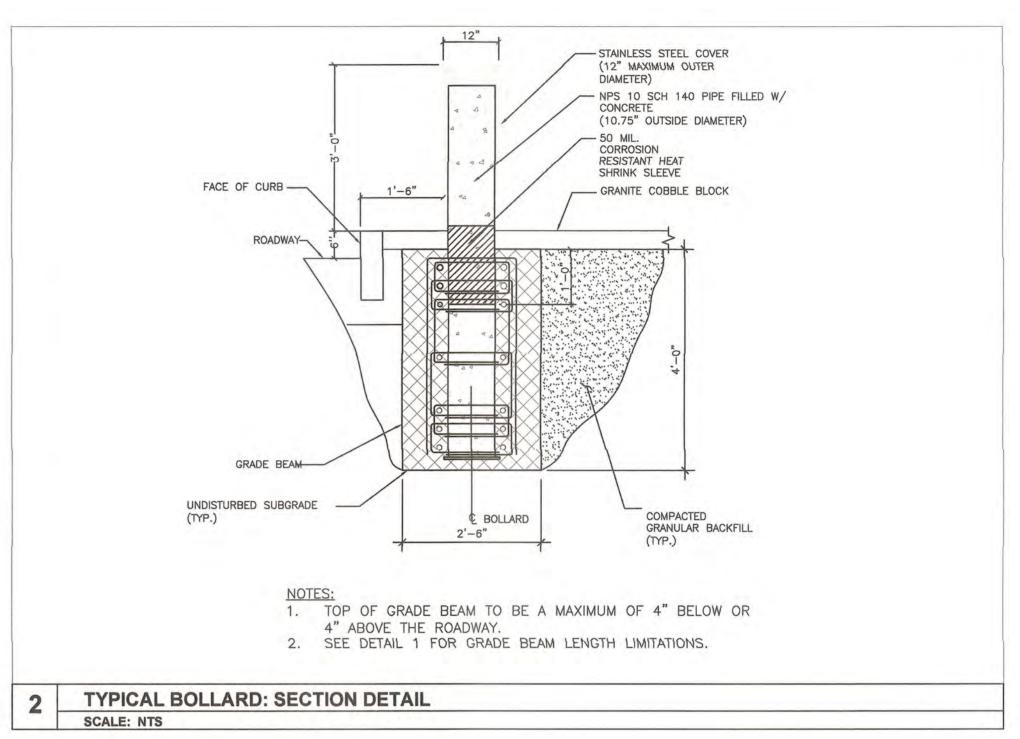
Sources: New York City Administrative Code & Rules of the City of New York \*Measured parallel to the curb

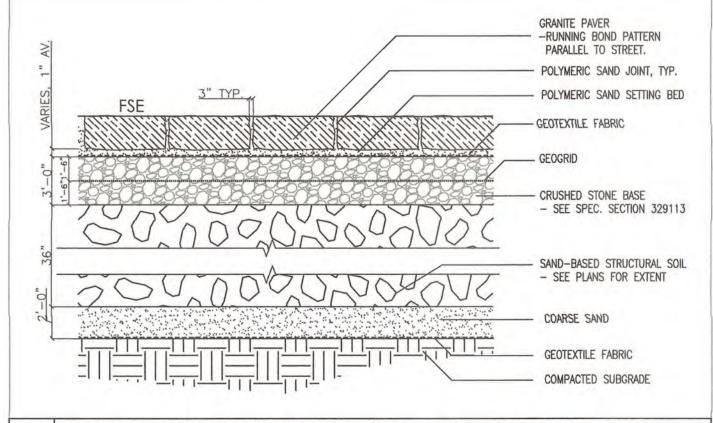
APPENDIX III
Bollard Plans and Approvals

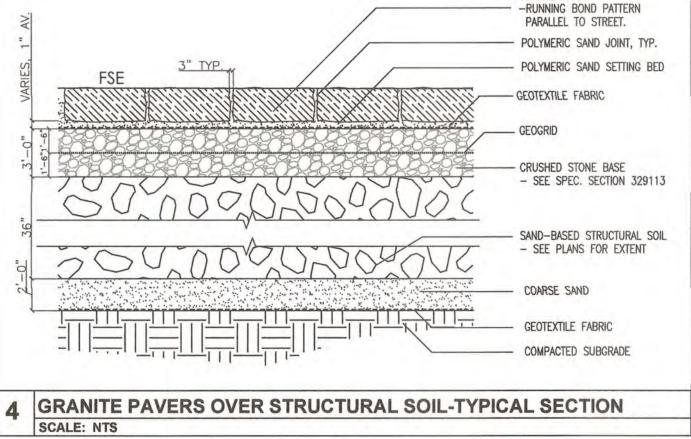












# GENERAL NOTES:

- 1. CONCRETE SHALL BE AIR ENTRAINED NORMAL WEIGHT CONCRETE WITH A MINIMUM COMPRESSIVE STRENGTH OF 4000 PSI AT 28 DAYS.
- 2. ALL REINFORCING BARS SHALL CONFORM TO ASTM A615, GRADE 60.
- 3. STAGGERED, CLASS A TENSION SPLICES SHALL BE ALLOWED FOR SPLICING OF HORIZONTAL BARS. UNLESS OTHERWISE NOTED, TERMINATE BARS AT DISCONTINUOUS ENDS WITH STANDARD HOOKS.
- 4. STEEL MATERIALS SHALL CONFORM TO THE FOLLOWING UNLESS OTHERWISE NOTED ON THE DRAWINGS:
- A. PIPE: ASTM A53, GRADE B (35 KSI) HOT DIPPED GALVANIZED B. PLATE: ASTM A36 (36 KSI)
- 5. ALL BACKFILL SHALL BE LOW-COHESIVE, WELL-GRADED CRUSHED OR BROKEN GRAVEL OF A PARTICLE SIZE DISTRIBUTION AS DESCRIBED HEREIN. THE BACKFILL SHALL BE COMPACTED TO A DENSITY OF NOT LESS THAN 90% MAXIMUM DRY DENSITY.

SIEVE SIZE MASS PERCENT PASSING 100% 1 IN 75%-95% 40%-75% % IN NO. 4 30%-60% NO. 10 20%-45% NO. 40 15%-30%

NO. 200 5%-20%

- 6. BOLLARDS TO BE INSTALLED PLUMB WITHIN THE TOLERANCES PROVIDED IN THE AISC "CODE OF STANDARD PRACTICE FOR BUILDINGS AND BRIDGES" FOR
- 7. CONTRACTOR TO PROVIDE SHOP DWGS. OF INTENDED CONSTRUCTION JOINTS. PENETRATIONS, ANCHOR BELT LAYOUTS, AND OTHER ITEMS AFFECTING THE GRADE BEAM.
- 8. ALL RELOCATED SIGNS TO BE APPROVED FOR RELOCATION BY NYC DOT BOROUGH ENGINEER



TYPICAL RETRACTABLE BOLLARD: SECTION DETAIL

SCALE: NTS



October 5, 2015

CERTIFICATE

25529

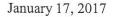
RESOLVED That the Design Commission, having considered designs for the installation of a distinctive sidewalk, security bollards, and streetscape improvements, 501 West 30th Street, Manhattan, submitted by the Department of Transportation, represented by exhibits 7008-AO, AP, AQ, AR & AS of record in this matter, hereby gives to the same unanimous preliminary and final approval.

Final approval is conditioned upon commencement of work before October 5, 2017 and submission of comprehensive photographic documentation of the completed project consisting of 8" x 10" archival-quality color photographs.

A true copy of resolution adopted by the Design Commission at its meeting on October 5, 2015.

Faith Rose

Executive Director





Vincent Sapienza, P.E. Acting Commissioner

Ms. Irina Fridman Revocable Consents Specialist New York City Department of Transportation Division of Franchises, Concessions and Consents 55 Water Street, 9<sup>th</sup> floor New York, NY 10004

Anastasios Georgelis, P.E. Acting Deputy Commissioner Bureau of Water and Sewer Operations Franchise of Revocable Consent for Hudson Yards, 501 West 30<sup>th</sup> Street Tower C Plaza Landscape And DEP Easement, Shaft 26B Block: 702, Lot: 10 Borough of Manhattan

59-17 Junction Boulevard Flushing, NY 11373

watersewerplanning@dep.nyc.gov

Dear Ms. Fridman:

RE:

This is in reply to the email dated January 10, 2017 and a revised plans prepared by Philip A. Habib, P.E. regarding the petition for a Revocable Consent from the NYC Department of Transportation (DOT) to construct, maintain and use bollards to be constructed at 501 West 30<sup>th</sup> Street in the Borough of Manhattan.

Primary Property Beneficiary: 501 West 30<sup>th</sup> Street Block# 702, Lot# 10 New York, NY

The Division has completed the examination as requested and has no further comments.

You must schedule a pre-construction meeting for the proposed bollards installation. Should you have any question regarding this review, please contact Ms. Mona Abdelmessih of this office @ (718) 595-5215. Address all submissions and correspondence to Mr. Guo Zhan Wu, P.E. , Chief, Site Connections, Green Infrastructure & Plan Review, Bureau pf Water & Sewer Operations, 59-17 Junction Blvd, 3<sup>rd</sup> Floor Low-Rise, Flushing, NY, 11373-5108.

Very truly yours,

Guo Zhan Wu, P.E., Chief

Site Connection, Green Infrastructure

And Plan Review