



**Burt Lazarin**  
Chair

**Jesse R. Bodine**  
District Manager

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)

January 3, 2019

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

**Re: Newsstand Application – 577 Ninth Avenue (N/W/C of 41<sup>st</sup> Street)**

Dear Commissioner Salas,

At its January 2<sup>nd</sup> Full Board meeting, Manhattan Community Board 4 (CB4) **opposed** the installation of a newsstand at this location with 32 in favor, 1 against, 1 abstaining and 0 present but not eligible to vote. As mentioned in our letter dated June 12, 2018 (attached), there are two utility accesses on the ground and the newsstand would be in the line of sight for the vehicles turning west on 41<sup>st</sup> Street. This is a particularly dangerous intersection where two pedestrians were killed in the past.

In the last month we learned from its owner that the retail ground floor facing the proposed newsstand has been leased. Big Apple, an affordable supermarket that is currently located further south on Ninth Avenue will move in very soon. This market displays its produce in front of the store usually occupying the whole frontage for a depth of 4-ft. In this configuration the right of way will be much less than the 9.6-ft required.

The Hudson Yards/Hell's Kitchen Business Improvement District also expressed its opposition to a newsstand at this location.

In light of this development we reached out to the applicant's lawyer and suggested a new location (N/E/C of 42<sup>nd</sup> Street and Ninth Avenue, on 42<sup>nd</sup> in front of TD bank), where the sidewalk is wider and the foot traffic is much higher than on 41<sup>st</sup> Street. We are scheduling a walk through with the applicant and his lawyer in early January.

We request that you do not approve this location as it would cause a serious bottle neck for the applicant, the business and the pedestrians, but rather consider the new substitute application that will be forthcoming in January 2019.

Sincerely,



Burt Lazarin  
Chair  
Manhattan Community  
Board 4



Christine Berthet  
Co-Chair  
Transportation Planning  
Committee



Dale Corvino  
Co-Chair  
Transportation Planning  
Committee

Enclosure

CC: Hon. Corey Johnson, NYC Council, Speaker  
Ms. Colleen Chattergoon, Department of Transportation  
Mr. Max Bookman, Representative  
Ms. Ayesha Khatun, Applicant



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June 12, 2018

Lorelei Salas  
Commissioner  
Department of consumer Affairs  
42 Broadway  
New York, NY 10004

Luis Sanchez  
Manhattan Borough Commissioner  
NYC Department of Transportation  
59 Maiden Lane, 37th Floor  
New York, NY 10037

**Re: Newsstand Installation at N/W/C of 9<sup>th</sup> Avenue and West 41<sup>st</sup> Street**

Dear Commissioners Salas and Sanchez,

Manhattan Community Board 4 (MCB4), at its June 6<sup>th</sup> Full Board meeting, voted unanimously to deny this application by a vote of 36 in favor, 0 against, 0 abstaining, and 0 present but not eligible to vote. MCB4 absolutely opposes the installation of a newsstand at the above location for the safety reasons enumerated below.

The Hudson Yards/Hell's Kitchen Alliance BID has also expressed its opposition to this installation.

- The measurements provided do not take into account the opening of a traffic control box. This location is five feet away from a very large smart sign belonging to the Port Authority of New York and New Jersey. This sign was installed after 9/11 to dynamically direct traffic in case of an emergency. The electronics are located in a box affixed to the sign, with a door facing the south side of the proposed newsstand. When the door is open, a technician must have enough space to stand and work on the equipment inside the box.
- The installation would limit the visibility for the drivers making the westbound turn. The newsstand would be located very close to the westbound turn from

Ninth Avenue to West 41<sup>st</sup> Street, an entrance to the Lincoln Tunnel. This area is extremely congested and dangerous: two pedestrians were killed there crossing West 41<sup>st</sup> Street.

- It does not appear that the newsstand application notice was posted on adjacent buildings.
- This sidewalk is a block away from the bus terminal and well travelled by commuters and shoppers going to a nearby supermarket. The sidewalk is unusually narrow on Ninth Avenue, leaving the minimum clearance required for the pedestrian right of way.

The applicant was invited but did not show up at the Transportation Planning Committee meeting to discuss these issues.

We ask the Department of Consumer Affairs to not grant this application and direct the applicant to contact MCB4 for help with finding a better-suited location.

Sincerely,



Burt Lazarin  
Chair  
Manhattan Community  
Board 4



Christine Berthet  
Co-Chair  
Transportation Planning  
Committee



Dale Corvino  
Co-Chair  
Transportation Planning  
Committee

CC Rick Cotton, Port Authority of NY and NJ  
Richard Born, The POD Hotel  
Robert Benfatto, Hudson Yards/Hell's Kitchen Alliance BID