



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**JEAN-DANIEL NOLAND**  
Chair

**ROBERT J. BENFATTO, JR., ESQ.**  
District Manager

January 12, 2009

Jonathan Mintz  
Commissioner  
Department of Consumer Affairs  
42 Broadway  
New York, NY 10004

Margaret Forgione  
Borough Commissioner  
Department of Transportation  
59 maiden Lane, 35th Floor  
New York, NY 10038

**Re: Non-conforming newsstand – 23<sup>rd</sup> Street and Eighth Avenue**

Dear Commissioner Mintz and Borough Commissioner Forgione:

Manhattan Community Board 4 (CB4) is concerned by the multiplicity of sidewalk obstructions. We request that the NYC Department of Consumer Affairs (DCA) and Department of Transportation (DOT) ensure that the newsstand at the north east corner of 23<sup>rd</sup> Street and Eighth Avenue conforms to published guidelines. We also request that you consider other measures to reduce excessive clutter on our sidewalks. In particular, CB4 would favor removing the recently installed bike shelter adjacent to the newsstand, especially since it shelters garbage instead of bicycles (see attached photo).

In addition, CB4 asks that DCA and DOT revise their guidelines to address the current lack of accountability for the placement of containers adjacent to the operation of newsstands.

The northeast corner of 23<sup>rd</sup> Street and Eighth Avenue is a busy intersection. Going east from the pedestrian crossing, we count a DOT sign, a phone booth with two large press boxes chained to it, a newsstand, a subway entrance kiosk, a bike shelter, and a store canopy used as a billboard.

The newsstand itself does not comply with the published regulations in many respects:

- It is within 11 ft of the subway entrance instead of the required 20 ft.
- There is only 7.5 ft of clear path from the newsstand to the side of the subway kiosk instead of the required 9.5 ft. As you will note on the photograph included when customers are standing in front of the stand, there is barely 6 ft of clear path.
- There are two large metallic storage boxes chained to the nearest phone booth occupying another 18 sq ft. This brings the total occupied area to 90 sq ft exceeding the 72 sq ft maximum authorized.

We have now heard that such containers are in fact part of the installation. However, if this is confirmed, that information is neither published in the guidelines nor are the size and placement of such containers taken in consideration to measure distances from obstructions. As it stands, no one can enforce the proper placement of the containers, since the licensee claims they are the property of the press companies and they – the licensees - have no control over them.

This is not an isolated incident; we have observed the presence of these containers in many installations. The Board's office has received complaints about:

- Ninth Avenue @ 58<sup>th</sup> Street (SEC),
- Ninth Avenue @ 60<sup>th</sup> Street (SEC) and,
- West 42<sup>nd</sup> Street between Seventh and Eighth Avenue, two new stands on the south side of the street.

In addition, DOT should amend the newsstand guidelines to include any permanent object adjacent to the newsstand operation in the "Occupied Space" and measure obstructions from such "Occupied Space" boundaries, and/or add a clause to the license to make the licensee responsible for storing the press containers inside their stand during opening hours with penalties for non-compliance.

We appreciate your assistance in this matter.

Sincerely,



Jean-Daniel Noland  
Chair  
Manhattan  
Community Board 4



Christine Berthet  
Co-Chair  
Transportation Planning  
Committee



Jay Marcus  
Co-Chair  
Transportation Planning  
Committee

c.c.

Brooke McKenna, DOT  
Colleen Chattergoon, DOT  
Ricky Wong, DCA  
Speaker Christine Quinn  
Senator Thomas Duane  
Manhattan Borough President Scott Stringer  
Assembly member Richard Gottfried

Attached: photographs



NEC West 23<sup>rd</sup> Street at Eighth Avenue, looking southeast (December 16, 2008)



NEC West 23<sup>rd</sup> Street and Eighth Avenue, looking northwest (December 16, 2008)

