

Manhattan Community Board No. 4

STIPULATIONS FOR THE HELL'S KITCHEN FLEA MARKET (HKFM) (West 39th Street, between Ninth and Tenth Avenues)

revised September 3, 2003

1. HKFM will operate on 39th Street, between Ninth Avenue and Tenth Avenue, including the sidewalk. No vendors will be located on the eastern end of the street from Ninth Avenue through 411 West 39th Street (the area in front of all occupied buildings).
2. Pedestrian access will be maintained through the street at all times, including set-up and cleaning. There will be no charge to customers visiting the market.
3. Annex Antique Fair & Flea Market, Inc. will not subcontract management of any portion of the HKFM to any outside party, nor will it allow its vendors to sublet any portion of their space.
4. Schedule and hours of operations:
 - (a) Every Saturday and Sunday
 - (b) The street will be closed from 4:00 AM until 9:00 PM every Saturday and Sunday
 - (c) No loading or unloading of vendor merchandise will occur before 6:00 AM
 - (d) HKFM will be open for business from 9:00 AM until 6:00 PM
5. HKFM management will be available to meet with Manhattan Community Board No. 4 as issues arise or whenever an update is requested.
6. HKFM will maintain a fire lane of at least 12' in order to provide access for emergency vehicles. HKFM staff will be equipped with a wireless communication system to aid in the direction of pedestrian traffic, if necessary.
7. Traffic will be blocked from entering 39th Street at Ninth Avenue; however, vehicles making deliveries to, or pick-ups from, block residents or businesses will be granted access to the portion of the street extending from Ninth Avenue through 411 West 39th Street. HKFM will erect signage at the Ninth Avenue barrier clearly indicating this access and the names of all businesses on the block. HKFM staff will be on hand at the Ninth Avenue entrance to remove barricades and assist vehicles requiring access.
8. The entire street, including the sidewalk and street in front of all buildings, will be maintained in a broom-clean condition throughout the operation of the market. Trash receptacles will be provided and maintained by HKFM staff. Trash will be removed at the end of the market day on Saturday and before 4:00 AM Monday morning.
9. HKFM will provide signage to alert traffic to the street closure and to direct traffic to alternate routes. A detailed signage plan will be provided by HKFM and approved by the NYC Department of Transportation.

10. Vendor Setup:
 - (a) Vendor setup will begin at 6:00 AM, starting at the western end of the street.
 - (b) Loading will occur from the western end of the street (Tenth Avenue). Vehicles will enter from Tenth Avenue, unload, and then exit at Ninth Avenue. There will be no stopping, loading or unloading in front of residential buildings.
 - (c) Vendor space will be marked by DOT-approved stenciled dots.
11. During regular operation HKFM will be secured by no less than two (2) and up to four (4) security guards and maintained by no less than two (2) and up to five (5) maintenance staff, depending on vendor participation. Security staff members are off-duty police officers who will ensure the safety of customers.
12. From time to time, the HKFM may feature a musical performance. Musicians will be situated by the café area. HKFM will ensure that the volume of music does not disturb people near the residential buildings on W. 39th Street or at Tenth Avenue. If the music is amplified, HKFM management will secure all required permits in advance.
13. HKFM anticipates a financial loss during its start-up phase. Annex Antiques Fair and Flea Market, Inc. anticipate the need to invest substantial resources to finance operation and payments to New York City during this period.
14. At least two spaces will be made available each day to local community groups, or charitable non-profit organizations, without charge. An application form will be made available to any qualifying group or organization upon request. Space will be assigned to groups on a rotating basis. Spaces will be assigned giving priority to local groups or groups recommended by Manhattan Community Board No.4.
15. Vendors will be selected on the basis of quality, type, and price of merchandise. There will be no discrimination on the basis of race, color, national origin, religion, sex, sexual orientation, age, disability, or veteran status. Vendors suspected of fraud or intentional misrepresentation of merchandise or who otherwise fail to maintain good customer relations may be excluded from market. A vendor application will be provided upon request. Priority may be assigned to vendors who have formerly sold at the Hell's Kitchen Market or at the Annex Antiques Fair.
16. HKFM will secure all necessary permits to install and plant street trees along the southern sidewalk from the southwest corner of Ninth Avenue to western edge of 408 West 39th Street during the fall 2003 New York Parks Department planting season (October 15 – December 15), pending required approvals by all property owners.
17. HKFM staff will help to maintain the painted promenade, and will re-paint any damage which occurs during the operation of the market.

18. HKFM's information/management booth shall be set up on the southern side of W. 39th Street at Ninth Avenue and shall be staffed at all times. Staff at this booth shall assist local deliveries/pick-ups as described in stipulation no. 7.
19. A zone extending 50' to 75' from the easternmost allowed vendor spaces shall remain empty of vendor booths unless full participation by vendors requires the use of that space.
20. HKFM agrees to respond to all complaints or grievances submitted by mail at 124 West 19th Street, 4th Floor, New York, NY 10011 or by fax at 212-463-7099 within 72 hours of their receipt.