

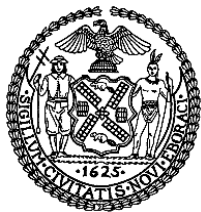
**PROPOSED STIPULATIONS FOR THE HELL'S KITCHEN MARKET
(39th Street, between Ninth and Tenth Avenues)**

1. Hell's Kitchen Market will operate on 39th Street, between Ninth Avenue and Tenth Avenue, including the sidewalk. Only three vendors may 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 Hell's Kitchen Market 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 4AM Saturday until 8PM Sunday
 - (c) Staff and materials will remain on-site over-night on Saturday
 - (d) No loading or unloading of vendor merchandise will occur before 6:00 AM
 - (e) Hell's Kitchen Market will be open for business from 9:00 AM until 5:00 PM
5. Hell's Kitchen Market management will meet with Manhattan Community Board No. 4 on a monthly basis for a minimum of one year following its opening, or upon request.
6. Hell's Kitchen Market will maintain a fire lane of at least 12' in order to provide access for emergency vehicles. Hell's Kitchen Market staff will be equipped with a wireless communication system to aid in the direction of pedestrian traffic, if necessary.
7. Traffic will be blocked at 39th Street and Ninth Avenue, however the portion of the street extending from Ninth Avenue through 411 West 39th Street (the westernmost building) will remain open in order to provide access to vehicles loading or unloading for residents, businesses, and customers. Signage will be provided at the Ninth Avenue barrier clearly indicating this access. This signage will specifically indicate the names of all businesses on the block. Market staff will be on hand 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 market staff. Trash will be collected and stored in closed bins at the west end of the street. Trash will be collected by a private carting company on Monday morning.

9. Hell's Kitchen Market 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 Hell's Kitchen Market and approved by the NYC Department of Transportation.
10. Vendor Setup:
 - (a) Vendor setup will begin at 6:00 AM, starting at the west end of the street.
 - (b) Loading will occur from the west end of the street (Tenth Avenue). Vehicles will not be driven to the east end of the street. Vendors will unload and move using rubber wheeled carts.
 - (c) When the market is not fully booked, empty space will be consolidated to the eastern end of the market to the greatest extent logistically feasible.
11. Staffing: During regular operation Hell's Kitchen Market will be secured by at least four security guards and maintained by at least five maintenance staff. Security staff are off-duty police officers.
12. Hell's Kitchen Market anticipates a financial loss during its start-up phase. Annex Antiques Fair and Flea Market, Inc. anticipates the need to invest substantial resources to finance operation and payments to New York City during this period.
13. 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 in consultation with and at the recommendation of Manhattan Community Board No. 4.
14. 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.
15. The Hell's Kitchen Market 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 by June 2003 in accordance with the attached plan.
16. Hell's Kitchen Market staff will help to maintain the painted promenade, and will repaint any damage which occurs during the operation of the market.
17. In order to further reduce problems for 39th Street businesses, HKFM will staff its Ninth Avenue information booth at all times, will ensure that staff is properly trained to

facilitate the entry of customers and suppliers to 39th Street, and will maintain suitable, highly visible signage informing customers and suppliers that they may enter the street.

18. Before 9AM HKFM will maintain a ten booth buffer zone between the eastern-most booth and the buildings on the east end of 39th Street. Beginning at 9AM HKFM may fill this open space with booths, starting at the west end of the buffer zone.
19. HKFM will not employ a raised stage.
20. On the advice of the Police Department and the Department of Transportation, the Board requests that the permit not include the weekend of May 15-16, 2004, which includes "Gridlock Sunday," when traffic disruptions from the Ninth Avenue Food Festival, the Fordham University commencement and a Fifth Avenue parade combine to make midtown nearly impassable.
21. The renewal will be on a month-to-month basis in consultation with the Board, with inspection and oversight by the appropriate City agencies to ensure that HKFM meets all requirements, complies with all stipulations and does not cause unforeseen problems. The Board will review the HKFM's growth in vendor participation before any renewal for 2005 to determine whether the market has attained a size sufficient to justify the continued closing of 39th street every weekend.



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD No. 4

330 West 42nd Street, 26th floor New York, NY 10036
tel: 212-736-4536 fax: 212-947-9512
www.ManhattanCB4.org

WALTER MANKOFF
Chair

ANTHONY M. BORELLI
District Manager

March 4, 2005

Mildred Duran, Director
Street Activity Permit Office
100 Gold Street, 2nd floor
New York, NY 10038

Applicant: Hell's Kitchen Flea Market
Location: West 39th Street, between Ninth and Tenth Avenues
Date: Saturdays & Sundays, April 5th through December 18th, 2005
Time: 10:00 a.m. to 6:00 p.m.

Dear Ms. Duran:

At its February 16, 2005 meeting, the Transportation Planning Committee of Manhattan Community Board No. 4 reviewed the above Street Activity Permit application. Some residents and business owners on the block have expressed concern in the past about this application. In response to their concerns, stipulations for the operation of the market were developed.

No one appeared in opposition to the application at the February 16 meeting. Several members of the committee were concerned about the market's low attendance last year, however; the market's management indicated a steady increase in attendance during the summer.

At the request of the market's management, the Committee agreed to modify one of the Board's previous stipulations, allowing the presence of three booths near Ninth Avenue to increase the market's visibility. The remaining stipulations are unchanged and should continue to apply.

At its meeting on March 2, 2005, the full Board approved this application with the enclosed stipulations.

Sincerely,

Walter Mankoff
Chair
Manhattan Community Board No. 4

Jay Marcus
Chair
Transportation Planning Committee

cc: Elected Officials
Applicant