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Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2019-AEA-1875-OE

Issued Date: 09/03/2019

Ryan Masters  
West 66th Sponsor LLC  
805 Third Ave, 7th Floor  
New York, NY 10022

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\* (CORRECTION)**

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building 50 West 66th St -Center
Location:	New York, NY
Latitude:	40-46-22.09N NAD 83
Longitude:	73-58-48.87W
Heights:	80 feet site elevation (SE)
	795 feet above ground level (AGL)
	875 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 L Change 2, Obstruction Marking and Lighting, red lights - Chapters 4,5(Red),&12.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- ☒ At least 10 days prior to start of construction (7460-2, Part 1)  
☒ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

As a result of this structure being critical to flight safety, it is required that the FAA be kept apprised as to the status of the project. Failure to respond to periodic FAA inquiries could invalidate this determination.

This aeronautical study included evaluation of a structure that exists at this time. Action will be taken to ensure aeronautical charts are updated to reflect the most current coordinates, elevation and height as indicated in the case description.

See attachment for additional condition(s) or information.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 03/03/2021 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before October 03, 2019. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Airspace Policy Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Room 423, Washington, DC 20591, via email at [OEPetitions@faa.gov](mailto:OEPetitions@faa.gov), or via facsimile (202) 267-9328.

This determination becomes final on October 13, 2019 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Airspace Policy Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as

indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Darin Clipper, at (404) 305-6531, or [darin.clipper@faa.gov](mailto:darin.clipper@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-AEA-1875-OE.

**Signature Control No: 398015347-416167997**

( DNH )

Mike Helvey

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Case Description

Map(s)

## **Additional information for ASN 2019-AEA-1875-OE**

The existing building (foundation poured), consisting of five (5) case study points not exceeding a height of 795 feet (ft.) above ground level (AGL), 875 ft. above means sea level (AMSL) is located approximately 4.90 - 4.93 nautical miles (NM) west of LaGuardia Airport's (LGA) airport reference point (ARP), and 5.90 - 5.93 NM southeast of Teterboro (TEB) airport's, airport reference points.

The proposal was studied at the following heights and locations:

2019-AEA-1871-OE: 40-46-22.24N/ 73-58-47.61W / 795 ft. AGL / 875 ft. AMSL  
2019-AEA-1872-OE: 40-46-21.21N/ 73-58-48.33W / 795 ft. AGL / 875 ft. AMSL  
2019-AEA-1873-OE: 40-46-21.99N/ 73-58-50.21W / 795 ft. AGL / 875 ft. AMSL  
2019-AEA-1874-OE: 40-46-23.03N/ 73-58-49.47W / 795 ft. AGL / 875 ft. AMSL  
2019-AEA-1875-OE: 40-46-22.09N/ 73-58-48.87W / 795 ft. AGL / 875 ft. AMSL

The proposal is identified as an obstruction under the standards of Title 14, Code of Federal Regulations (CFR), Part 77, as applied to LGA and TEB:

Section 77.17 (a) (1): A height more than 499 ft. AGL.

2019-AEA-1871-OE: by up to 296 ft.  
2019-AEA-1872-OE: by up to 296 ft.  
2019-AEA-1873-OE: by up to 296 ft.  
2019-AEA-1874-OE: by up to 296 ft.  
2019-AEA-1875-OE: by up to 296 ft.

Section 77.17 (a) (2): A height that is 200 ft. AGL, or above the established airport elevation, whichever is higher, within 3 NM of the established reference point of an airport, excluding heliports, with its longest runway more than 3,200 ft. in actual length, and that height increases in the proportion of 100 ft. for each additional NM from the airport up to a maximum of 499 ft. The proposal exceeds by up to the following:

2019-AEA-1871-OE: Exceeds TEB by up to 303 ft. and LGA by up to 406 ft.  
2019-AEA-1872-OE: Exceeds TEB by up to 303 ft. and LGA by up to 405 ft.  
2019-AEA-1873-OE: Exceeds TEB by up to 305 ft. and LGA by up to 402 ft.  
2019-AEA-1874-OE: Exceeds TEB by up to 306 ft. and LGA by up to 403 ft.  
2019-AEA-1875-OE: Exceeds TEB by up to 304 ft. and LGA by up to 404 ft.

Section 77.17 (a) (3). A height that increases a minimum instrument flight altitude within a terminal area (TERPS criteria). The proposal exceeds by up to the following:

2019-AEA-1871 and 1872-OE

At 875 ft. AMSL 4D, N90 (New York TRACON) N90\_MVA\_FUS3\_2019\_v1, Minimum Vectoring Altitude (MVA), increase N90 Sector X from 1800 ft. to 1900 ft.

2019-AEA-1873, 1874 and 1875-OE

At 875 ft. AMSL 4D, N90 (New York TRACON) N90\_MVA\_FUS3\_2019\_v1, Minimum Vectoring Altitude (MVA), increase N90 Sector X from 1800 ft. to 1900 ft.

New York N90 (TRACON), NY. N90\_MVA\_FUS3\_2019\_V1, Minimum Vectoring Altitude (MVA), increase N90 Sector G from 1800 ft. to 1900 ft.

In response to Notice of Presumed Hazard letters issued on April 18, 2019, a request was received from the sponsor's consultant on April 25, 2019 for circularization to the public. For the sake of efficiency, the cases were circularized under case study 2019-AEA-1871-OE the same day. After circularization to all known aviation interests and non-aeronautical interests that may be affected by the proposal, no letters of objection were received from the public or from any other FAA, state, local, municipal authority, or military offices.

Study for possible instrument flight rules (IFR) effect disclosed the proposal penetrates LGA RWY 22 and RWY 31 40:1 departure surfaces and the TEB RWY 19 and RWY 31 40:1 departure surfaces, however, required climb gradient or departure procedure mitigate the proposal and there would be no associated IFR effect. However, the proposal does require a 100 ft. increase to both MVA Sector G and Sector X. The necessary increases were reviewed by the controlling agency, the New York TRACON (N90), and were not considered to be significant. The TRACON shall isolate the proposal and it is not anticipated to affect the capacity or efficiency for LGA, TEB or any airport or heliport within the NY/NJ metropolitan area. The proposal, and increase to said MVA's, would not affect the complexity or inadequately compress airspace in the area. There would be no other effects on any existing or proposed arrival, departure, or en route IFR operations or procedures as it relates to current or future runway extensions or to any existing or proposed public-use or military airports.

Study for possible visual flight rules (VFR) effect disclosed that the proposal would exceed 77.17 (a) 1, 77.17 (a) 2 but would have no effect on any existing or proposed arrival or departure VFR operations or procedures. It would not conflict with airspace required to conduct normal VFR traffic pattern operations at LGA or TEB. The proposal would have no other effects on any other known public-use airports, military airports, or public use/military heliports or helipads. At up to 795 ft. AGL, the proposal would not have a substantial adverse effect on VFR en route flight operations or on any other VFR routes or VFR helicopter routes or charted visual procedures in the vicinity of this location.

It is recommended the proposal be lit to make it more conspicuous to airmen should circumnavigation become necessary.

The cumulative impact of the proposal, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any adverse effect on existing or proposed public-use or military airports or navigational facilities, nor does the proposal affect the capacity of any known existing or planned public-use or military airport.

Therefore, it is determined that the proposal would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation as long as all conditions written within this determination are met, to include lighting recommendations.

Additional notification requirements:

1. Notification to the New York TRACON at [jordan.e.klein@faa.gov](mailto:jordan.e.klein@faa.gov) and the Obstacle Evaluation Specialist at [darin.clipper@faa.gov](mailto:darin.clipper@faa.gov) is mandatory at least 90 days in advance by email prior to the proposal exceeding 849 ft. AMSL to initiate MVA sector increases. Without proper notification, a work stoppage may occur until procedural changes have been implemented as to not compromise safety of flight, or persons or property in the vicinity of this location.

2. Any cranes used for this project should be e-filed with FAA for evaluation at least 90 days in advance of exceeding the overall building AMSL height and also be e-filed at the lowest possible height to complete the proposal. An email shall be sent to [darin.clipper@faa.gov](mailto:darin.clipper@faa.gov) as soon as a crane cases are e-filed with the FAA. A crane jump schedule shall be submitted with any proposal as well as a marking and lighting plan. Either a 1A or 2C survey may be required to assist in mitigating IFR effects to local airports.

Additional information:

1. Websites for supplemental information are as follows:

<https://www.gcr1.com/5010web/airport.cfm?Site=LGA>

<https://www.gcr1.com/5010web/airport.cfm?Site=TEB>

[http://www.faa.gov/air\\_traffic/flight\\_info/aeronav/digital\\_products/vfr/](http://www.faa.gov/air_traffic/flight_info/aeronav/digital_products/vfr/)

[http://www.faa.gov/air\\_traffic/flight\\_info/aeronav/digital\\_products/mva\\_mia/mva/#n](http://www.faa.gov/air_traffic/flight_info/aeronav/digital_products/mva_mia/mva/#n)

## **Case Description for ASN 2019-AEA-1875-OE**

Proposed 775 AGL building. Foundation has been poured.









