



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

Aeronautical Study No.
2021-AEA-1938-OE

Issued Date: 06/16/2021

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**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

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 Pt. 1
Location:	NEW YORK, NY
Latitude:	40-45-07.64N NAD 83
Longitude:	73-59-53.87W
Heights:	46 feet site elevation (SE) 950 feet above ground level (AGL) 996 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 M, Obstruction Marking and Lighting, red lights-Chapters 4,5(Red),&15.

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)

See attachment for additional condition(s) or information.

This determination expires on 12/16/2022 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 July 16, 2021. 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 Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on July 26, 2021 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 Rules and Regulations 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 David Maddox, at (202) 267-4525, or david.maddox@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2021-AEA-1938-OE.

Signature Control No: 468855968-484903422

(DNH)

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Case Description

Map(s)

Additional information for ASN 2021-AEA-1938-OE

The proposed building, consisting of six (6) study points, at a height of up to 950 feet (ft.) above ground level (AGL), 996 ft. above mean sea level (AMSL), and would be located approximately 5.90 nautical miles (nm) west of the LaGuardia Airport (LGA) Airport Reference Point (ARP), Flushing, NY., and 2,520 ft. east of West 30th Street Heliport (JRA), New York City, New York.

The proposal was studied at the coordinates, AGL and AMSL heights identified below:

2021-AEA-1938-OE: 40-45-07.64N / 73-59-53.87W / 950 ft. AGL / 996 ft. AMSL

2021-AEA-1939-OE: 40-45-07.47N / 73-59-53.45W / 950 ft. AGL / 996 ft. AMSL

2021-AEA-1940-OE: 40-45-07.09N / 73-59-53.72W / 950 ft. AGL / 996 ft. AMSL

2021-AEA-1941-OE: 40-45-07.26N / 73-59-54.15W / 950 ft. AGL / 996 ft. AMSL

2021-AEA-1942-OE: 40-45-08.25N / 73-59-53.90W / 948 ft. AGL / 994 ft. AMSL

2021-AEA-1943-OE: 40-45-07.17N / 73-59-54.70W / 948 ft. AGL / 994 ft. AMSL

2021-AEA-1944-OE: 40-45-06.23N / 73-59-52.48W / 948 ft. AGL / 994 ft. AMSL

2021-AEA-1945-OE: 40-45-07.32N / 73-59-51.69W / 948 ft. AGL / 994 ft. AMSL

Individual determinations will be issued.

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

Section 77.17 (a) (1): A height more than 499 ft. AGL. The proposed crane exceeds by up to 451 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 459 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 the following:

At 996 AMSL, 4D, Teterboro (TEB) Teterboro, NJ. Obstacle penetrates RWY 19 40:1 departure surface 89 feet, however, current published departure routing mitigates penetration, therefore No IFR Effect.
LaGuardia (LGA) New York, NY. Obstacle penetrates RWY 22 40:1 departure surface 120 feet, however current published departure routing mitigates penetration, therefore No IFR Effect.

Obstacle penetrates RWY 31 40:1 departure surface 49 feet, however current published departure routing mitigates penetration, therefore No IFR Effect.

Section 77.17 (a) (5): The surface of a takeoff and landing area of an airport or any imaginary surface established under 77.19, 77.21, or 77.23. However, no part of the takeoff or landing area itself will be considered an obstruction.

Section 77.23 (b): Heliport Imaginary Surfaces (Approach Surface): The approach surface begins at each end of the heliport primary surface with the same width as the primary surface, and extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet. The slope of the approach surface is 8 to 1 for civil heliports and 10 to 1 for military heliports. The proposal exceeds the Approach Surface at West 30th Street Heliport (JRA) by up to 685 ft.

The proposal was not circularized to the public for comment, because the proposal is located in proximity to numerous buildings of greater height previously studied by the FAA, the including FAA ASN 2016-AEA-11137-OE, at 995 ft. AGL / 1042 ft. AMSL, and there are no plans on file with the FAA to remove the structures.

Aeronautical study disclosed that the proposal would increase approach minimums on the approach listed above; however, would have no further effects on existing or proposed arrival, departure, or en route instrument flight rule (IFR) operations, minimum flight altitudes, minimum vectoring altitudes (MVA), aeronautical procedures, aeronautical facilities at LGA or at any other known public use or military airport. Information on the proposal shall be forwarded for appropriate aeronautical charting.

Study for possible visual flight rules (VFR) effect disclosed the proposal would exceed section 77.23 (d), a Helicopter Approach Surface, as noted above, but would have no greater effect on any existing or proposed arrival or departure VFR operations or procedures. VFR helicopters flying in NYC are required to transition to landing directly to JRA from the Hudson River Route, and transitions through the Manhattan peninsula must follow the Central Park Route to join the Bronx and East River Routes, located approximately 1.50 NM north of the proposal. The proposal would not conflict with any airspace required to conduct normal VFR traffic pattern and/or visual approach operations at LGA or at any other public-use, joint-use, or military airport. The proposal would not require a VFR aircraft to change its regular flight course or altitude, restrict VFR operations in any way, or create a dangerous situation during a critical phase of flight while operating under VFR conditions. Therefore, at a height of up to 438 ft. AGL, the proposed buildings would have no substantial adverse effects on any existing or proposed VFR arrival, VFR departure, en route, minimum flight altitudes, or VFR helicopter routes in the vicinity of this location.

The proposals should be lit with red lights at select locations to make them more conspicuous to airmen should circumnavigation be 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 effects 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.

Construction of new building.

