



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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CHRISTINE BERTHET
Chair

JESSE R. BODINE
District Manager

March 10, 2015

Hon. Margery Perlmutter
Chair
Board of Standards and Appeals
250 Broadway, 29th Floor
New York, NY 10007

Re: BSA Cal. # 340-05-BZ Variance at 270 W17th Street (AKA 124-128 Eighth Avenue)

Dear Ms. Perlmutter,

On the recommendation of its Chelsea Land Use Committee, following a duly noticed public hearing at the regular Board meeting on March 4, 2015, Manhattan Community Board No. 4 (CB4), by a vote of 39 in favor, 0 opposed, 0 abstaining and 0 present but not eligible to vote, voted to recommend the granting of an extension of a variance to allow the continued operation of New York Sports Club (NYSC) at 270 W17th St., subject to the condition regarding noise set forth below.

NYSC operates a physical culture establishment (PCE) at 270 W17th Street, with an entrance on the east side of Eighth Avenue between 16th and 17th Streets. The facility is located primarily in the cellar and is accessed by a stairway and an elevator. The majority of the facility is located in a C6-1A district, which does not permit PCEs, with a small portion in the cellar located in the adjacent C6-2A district. Programming includes exercise and weight machines, aerobics classes and free weights, but does not include Olympic-style lifting where weights are dropped from standing positions.

The Board of Standards and Appeals (BSA) first granted a special permit for a PCE in this location in 1994 when the zoning was C2-8. In 2001 BSA granted a change in operator to NYSC, which continues to operate the facility. When the ten year term of the initial special permit expired, the owner was unable to apply for an extension because CB4's 197-a plan, signed into law in 2000, had rezoned the location to C1-6A/C6-2A. The owner applied to BSA for a use variance, and with CB4's January 2006 unanimous recommendation for approval, BSA granted the variance, allowing the continued operation of the PCE.

The Board is aware of only one complaint regarding the NYSC facility. One business located on Eighth Avenue reported several years ago loud, disruptive music from the facility below. During visits in February 2015, businesses above the facility reported no disturbances.

The applicant stated that they are aware of the possibility of disruptive noise, most likely from overly enthusiastic aerobics instructors, but have had no complaints. They stated that the

businesses located above the facility have phone numbers to contact on-site managers and that managers are instructed to take whatever steps are necessary to resolve any issue quickly.

CB4 believes that this NYSC facility is a well-run operation and recommends approval of the extension to the variance allowing the continued operation of the PCE with the condition that on-site managers continue to monitor noise levels, make themselves easily available to those who might be disturbed by noise from the facility and rectify problems as quickly as possible once they are brought to their attention.

Sincerely,



Christine Berthet
Chair



J. Lee Compton
Co-Chair
Chelsea Land Use Committee



Betty Mackintosh
Co-Chair
Chelsea Land Use Committee