

1 **Chelsea Land Use Committee**

**Item: 1**

2  
3 March XX, 2014

4  
5 Hon. Meenakshi Srinivasan, Chair  
6 Board of Standards and Appeals  
7 40 Rector Street New York, NY 10006

8  
9 **Re: BSA No. 2-14 BZ**  
10 **Special Permit at 555 Sixth Avenue**

11  
12 Dear Ms. Srinivasan:

13  
14 On the recommendation of its Chelsea Land Use Committee and after a duly noticed public  
15 hearing at the regular Board meeting on March 5, 2014, Manhattan Community Board 4 (CB4),  
16 by a vote of \_\_ in favor, \_\_ opposed, \_\_ abstaining and \_\_ present but not eligible, voted to  
17 recommend, with the conditions set out below, approval of an application to the Board of  
18 Standards and Appeals (BSA) for a physical culture establishment (PCE) at 555 Sixth Avenue.  
19 The application seeks a special permit to allow the operation of a Physical Culture Establishment  
20 (PCE).

21  
22 The facility will be known as BFX (Boutique Fitness Experience), a company that is a division  
23 of the New York Sports Club. The site is located in three zoning districts: C6-2A, R8A and R8B.  
24 The PCE would be limited to the 100 foot depth of the C6-A zoning district in which it is a  
25 permitted use. The facility would occupy 9,492 square feet, and would be located in portions of  
26 the first floor and the cellar with an entrance on the first floor. These parts of the building are  
27 currently vacant. Other ground floor spaces have been renovated for new commercial uses. The  
28 rest of the building is occupied with residential units.

29  
30 The BFX facility will offer individual fitness training, classes and machines for physical  
31 exercise. Classes would be in the front area. No Olympic style weight lifting (where weights are  
32 permitted to fall from overhead) is planned. The applicant has stated that the New York Sports  
33 Club has a long history of many well-run facilities, and that every residential apartment will be  
34 notified about the BSA application for this BFX facility.

35  
36 The siting of a PCE in a residential building may result in noise and vibrations which can disturb  
37 residents. The applicant has endeavored to avoid such disturbances from this facility by:

- 38  
39
- 40 • Retaining the services of an acoustical consulting and engineering firm;
  - 41 • Conducting tests in residential apartments for sound and vibrations from typical  
42 equipment in the gym space;
  - 43 • Based on testing, selecting sound and insulation measures (such as “box in box” design)  
44 to insulate residential and commercial uses in the building from disturbances; and
  - 45 • Specifying these measures in a plan which is part of the BSA application.

46 We therefore recommend approval of the application with the following conditions:

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- Programming will either not include potentially disruptive activities or will demonstrate conclusively with an acoustical engineering report that equipment use and classes will not disturb building residents; and
- If operation of the facility leads to complaints from residents or from the community, the operators of BFX will attend meetings set up by the Board and quickly take any steps necessary to correct the problems leading to the complaints.

Sincerely,  
Christine, JLC, Betty

DRAFT

1 **Chelsea Land Use Committee**

**Item # 2**

2  
3 March XX, 2014

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5  
6 Hon. Robert B Tierney  
7 Chair  
8 Landmarks Preservation Commission  
9 Municipal Building, 9<sup>th</sup> floor  
10 One Centre Street  
11 New York, NY 10007

12  
13 **Re: Terminal Stores**  
14 **220 Twelfth Avenue**  
15 **West Chelsea Historic District**  
16

17 Dear Chair Tierney:

18  
19 At a regular Board meeting on March 5, 2014 Manhattan Community Board 4 by a vote of \_\_\_  
20 in favor, \_\_opposed, and \_\_\_abstaining and \_\_present but not eligible, voted to recommend,  
21 with comments, approval of an application for an exterior renovation master plan for the  
22 Terminal Stores building in the West Chelsea Historic District. This vote reflects the  
23 recommendation of the CB4 Chelsea Land Use Committee which voted on this application on  
24 February 25, 2014.

25  
26 The building occupies a full block between Eleventh and Twelfth Avenues from West 27<sup>th</sup> to 28<sup>th</sup>  
27 Streets, and was designated as a landmark in 2008. It has an extraordinary vaulted passageway  
28 originally constructed to accommodate the tracks of the New York Central Railroad, entering the  
29 two ends of the building through enormous arches. The building was constructed as 26 separate  
30 parcels during the late nineteenth and early twentieth centuries. Over time it has suffered a major  
31 fire and a resultant partial rebuilding, and has contained many uses, including one of the first  
32 refrigerated warehouses.

33  
34 A previous master plan proposal approved by the Commission 2012 is a guideline for replacing  
35 the existing windows. The applicant is now proposing a master plan to accommodate the reuse of  
36 the building from a storage warehouse to a pedestrian-friendly retail and office facility. Two  
37 Certificates of Appropriateness for the building are proposed:

- 38 1. For the following building elements:
- 39 • First floor storefronts
  - 40 • Storefront platforms
  - 41 • Canopies
  - 42 • Exterior lighting.
- 43
- 44 2. For the approval of a single ground floor tenant's exterior signage at Eleventh Avenue and West  
45 28<sup>th</sup> Street  
46

47 A comprehensive signage master plan proposal being prepared by the applicant and will be  
48 brought for separate review at a later date.

49  
50 The Board commends the applicant for a well-reasoned, sensitive and clear presentation of a  
51 complex proposal to the Chelsea Land Use Committee. The Board finds the proposal generally  
52 appropriate, including its introduction of an applied steel channel around the building at canopy  
53 level, recalling its historic continuous canopy and grounding the building to the site in a similar  
54 manner. The removal of non-original white paint from extensive areas of exterior brick façade is  
55 appreciated by the Board, as is the proposed use of glass for the canopies' roof surface.

56  
57 The Committee finds the proposed multiple gooseneck lighting fixtures illuminating the new  
58 single tenant signs to be out of character with the building and neighborhood, and suggests that  
59 alternate lighting be studied and proposed for these signs. The Committee does not object to the  
60 painted-on-brick nature of this signage in this one instance, but would like to go on record as  
61 noting that it should not necessarily be viewed as an agreeable building-wide precedent during  
62 consideration of the forthcoming signage master plan.

63  
64 CB4 encourages the reconstruction of the two original tall cornices, recreating the tower effect at  
65 the building's corners. The historic photograph in the applicant's presentation material shows a  
66 freight engine emerging from the building's large arched opening on Eleventh Avenue. This  
67 photo shows that the "bookend" corner elements originally had taller brick cornices which gave  
68 them the appearance of corner towers. These tall cornices anchored the building's corners and  
69 giving it a distinct visual dynamic. They provided counterpoints to the central arched avenue  
70 opening, while giving it the appearance of a castle drawbridge portal. This fanciful castle  
71 expression gave the structure a distinctive identity and advertised safekeeping in the manner of  
72 an armory.

73  
74  
75 Sincerely,  
76  
77 Christine, Lee, Betty

1 **Transportation Planning Committee**

Item #: 16 **RATIFICATION**

2  
3 February 26, 2014

4  
5 Jonathan Mintz  
6 Commissioner  
7 Special Application Unit  
8 Department of Consumer Affairs  
9 42 Broadway, 5<sup>th</sup> Floor  
10 New York, N.Y. 10004

11  
12 **Re: Newsstand Application at N/E/C Eleventh Avenue & West 44<sup>th</sup> Street**  
13 **Application #: 2089-2013-ANWS**

14  
15 Dear Commissioner Mintz:

16  
17 Manhattan Community Board 4 (CB4) approves the proposed newsstand on the east side of  
18 Eleventh Avenue approximately 21 feet north of West 44<sup>th</sup> Street. The applicant appeared at the  
19 public hearing to present their proposal and indicated that family members would be operating  
20 the newsstand. The building along Eleventh Avenue in front of the newsstand is setback seven  
21 feet from the street line near the perimeter of the newsstand and it thus, enables a 17 foot path in  
22 front of the newsstand for pedestrians. The location meets both DCA and CB4 newsstand  
23 guidelines. It should be further noted that the applicant notified both the building owner and  
24 retail tenant whose entrance is six feet to the north (and ten feet to the east) by certified mail last  
25 month and neither expressed any concerns.

26  
27 We request that the Newsstand operator consult with the building owner on the location of their  
28 not yet installed street trees to ensure the location is not in a planned tree planting spot. We  
29 request DCA enable the applicant to move the newsstand a few feet north or south to  
30 accommodate such tree planting without considering a new location.

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32  
33 Sincerely,

34  
35 Christine Berthet  
36 Chair

Jay Marcus  
Co-Chair, Transportation  
Planning Committee

Ernest Modarelli  
Co-Chair, Transportation  
Planning Committee

37

1 **Transportation Planning Committee**

Item #: 17

2  
3 Mr. Timothy Beaudette  
4 Inspector  
5 Midtown North Precinct  
6 306 West 54<sup>th</sup> Street  
7 New York, NY 10019

8  
9 Mr. Edward Winski  
10 Inspector  
11 Midtown South Precinct  
12 357 West 35<sup>th</sup> Street  
13 New York, NY 10001

14  
15 Mr. David Midler  
16 Captain  
17 10<sup>th</sup> Precinct  
18 230 West 20<sup>th</sup> Street  
19 New York, NY 10011

20  
21 **Re: Enforcement Request *Vision Zero* - pedestrians and bicyclists**

22  
23 Dear Inspector Beaudette, Inspector Winski and Captain Midler:

24  
25 Manhattan Community Board 4 (CB4) looks forward to working with you in moving forward on  
26 the Mayor's *Vision Zero* Initiative. Several of the intersections with the highest pedestrian  
27 injuries and deaths in New York City are in CB4. Enforcement remains the most crucial element  
28 of preventing these accidents from occurring.

29  
30 As pointed out in the Mayor's *Vision Zero* report, 70 percent of pedestrian fatalities are from  
31 causes outside of the pedestrian's control, typically driver speeding or failure to yield. The  
32 success of *Vision Zero* will thus be dependent on the active involvement of NYPD to increase  
33 enforcement for vehicle violations such as improper turns, phoning/texting while driving, and  
34 speeding. We are pleased the Mayor's initiative includes providing NYPD with an increased  
35 number of speed guns. Similarly we are glad the Mayor has proposed increased training for  
36 officers on how to investigate and preserve crash site evidence and expanding the Collision  
37 Investigation Squad's jurisdiction to include crashes with critical injuries, a position this  
38 Community Board endorsed several years ago.

39  
40 Aggressive enforcement efforts in such cities as Washington D.C. and London have shown that  
41 enforcement is the most powerful tool available to deter reckless driving. We encourage you to  
42 take leadership in this effort.

43  
44 Given the extensive number of both enclosed and unenclosed bicycle lanes in CB4, we also  
45 recommend increased ticketing of unsafe bicyclists. While ultimately we believe increased  
46 bicycle use will lead to a safer (and healthier) street environment, we understand that the

47 transition toward that goal requires bicyclists to respect traffic rules and regulations and to  
48 respectful of the “pedestrian first” culture that defines the City of New York.

49  
50 We note that *Vision Zero* calls for precinct level traffic plans that focus on enforcement at  
51 dangerous intersections and pedestrian safety. We hope you will work closely with CB4 and the  
52 Precinct Community Council, in identifying high risk intersections and creating effective *Vision*  
53 *Zero* precinct level plans.

54  
55 We appreciate your consideration and partnership in realizing the important life saving potential  
56 of *Vision Zero*.

57  
58 Sincerely,  
59 Christine Berthet/Jay Marcus/Ernest Modarelli

DRAFT

1 **Transportation Planning Committee**

**Item #: 18**

2  
3 February XX, 2014

4  
5 Mayor Bill de Blasio  
6 City Hall Park  
7 New York, NY 10007

8  
9 **Re: Request for continued work of DOT responsiveness**

10 Dear Mayor de Blasio:

11  
12 Manhattan Community Board 4 (CB4) would like to complement the NYC Department of  
13 Transportation for their increasing responsiveness to community concerns and Community  
14 Board requests and hope you will encourage DOT to continue that trend.

15  
16 During the last few years, DOT has been responsive to important CB requests and active in  
17 accommodating our concerns. Such recent steps as the rapid approval (within two weeks) of  
18 CB4's request to install a delayed left turn signal at West 57<sup>th</sup> and Ninth Avenue, traffic light  
19 timing and sidewalk improvements along Ninth Avenue and West 42<sup>nd</sup> and West 41<sup>st</sup> Street  
20 based on the recently completed Lincoln Tunnel Traffic study, the quick investigation and  
21 approval of a CB4 recommended alternative site for intercity bus stop, traffic light timing  
22 improvements around Naturally Occurring Retirement Communities, and an increase in placing  
23 speed bumps at requested areas, evidence of this change just during the last year. We also note  
24 that CB4 recommendations for parking rule changes are typically approved and implemented  
25 within one to two months. Most CB4 recommendations for Citibike Station placements were  
26 accepted and all bus one of the few problem locations (out of over 70 Citibike locations in CB4)  
27 were changed within a couple of months. The above responsiveness has been an increasingly  
28 welcome trend over the last several years.

29  
30 Much of the above responsiveness is credit to our hard working DOT Community representative  
31 Colleen Chattergoon who has been remarkable both in her availability and involvement in the  
32 community (attending most CB4 Transportation Planning Committee meetings and answering  
33 phone calls and emails within hours). Particularly in the last few years, Colleen has been  
34 instrumental in ensuring CB4 requests become quick victories and ensuring when we are denied  
35 that we get a full hearing and clear explanations. Borough Commissioner Margaret Forgiione  
36 always encouraged active CB4 involvement in decisions, often taking a direct involvement in  
37 reviewing CB4 requests (including those that differed from initial DOT recommendations) and  
38 typically enabling their success.

39  
40 We still have major disagreements with DOT on important issues. While we appreciate their  
41 active support for the New York State law that enabled city regulation of intercity bus locations,  
42 we are disappointed by the process they permitted for existing bus intercity bus stops to be  
43 grandfathered in. We remain disappointed that left turn signals were not installed at several  
44 dangerous intersections along enclosed bicycle lanes. Additionally, CB4's long term request to  
45 have Eleventh Avenue southbound only north of West 44<sup>th</sup> Street remains unheeded.

46

47 However, the trend toward acting positively and often expeditiously on CB4 requests and DOT's  
48 implementation of most CB4 recommendations is a welcome change of the last several years and  
49 one that we hope you administration will continue.

50

51 Sincerely,

52 Christine Berthet/Jay Marcus/Ernest Modarelli

DRAFT

2  
3 February 24, 2014

4  
5 Owen Wells  
6 Director of Environmental Review  
7 City of New York Parks & Recreation  
8 The Arsenal  
9 Central Park  
10 New York, NY 10065

11  
12 Adam Ganser  
13 Director of Planning and Design  
14 Friends of the High Line  
15 The Diller – von Furstenberg Building  
16 820 Washington Street  
17 New York, NY 10014

18  
19 **Re: EAS (negative declaration) for The High Line, Section 3**

20  
21 Dear Mr. Wells and Mr. Ganser,

22  
23 We thank you for your participation at the Waterfront, Parks and Environment Committee on  
24 Thursday February 13, 2014. Manhattan Community Board 4 continues to be a supporter of the  
25 High Line and its further development. While we look forward to the completion of Section 3 of  
26 the High Line, we do have several concerns as expressed below.

27  
28 The Environmental Assessment Statement you reviewed with us contains ample description of  
29 the project itself, but it does not comment on several of the Board's concerns. While we  
30 understand that these concerns are not required to be addressed in the EAS and that a Negative  
31 Declaration was issued on January 25, 2012, the Board is urging you to push beyond the  
32 requirements as these environmental issues are important to our community. Both the NYC  
33 Department of Parks and Recreation (DPR) and Friends of the High Line have the opportunity to  
34 become prototypes encouraging other developers to follow suit. In addition you have the unique  
35 opportunity to provide public education about environmental protection in our community.  
36 Stormwater capture, recycling and composting, as discussed below, should be included in each  
37 of DPR's new projects and especially in this High Line project.

38  
39 **Stormwater**

40 It is clear that the plantings on the High Line capture and retain a portion of the rain water falling  
41 on it. However, there is much it does not capture. The excess rain water is directed to the City's  
42 stormwater system and is thereby directed either to the North River Sewage Treatment Plant or  
43 as overflow along with raw sewage into the Hudson River Estuary. This need not be the case in  
44 Section 3 as the developers could include stormwater capture storage devices from which the  
45 water could be taken and beneficially used in dry periods.

46

47 **Recycling**  
48 The High Line is already collecting materials for recycling, particularly at the Chelsea Market  
49 Underpass where there are food vendors. We have been told that these vendors are using  
50 materials suited for recycling. The High Line could expand this program along its entire length  
51 by installing appropriate signage on its recycling containers while at the same time educating the  
52 public of the importance of reducing the stream of garbage in our city both by signage and by  
53 literature explaining how the materials destined for recycling are handled. One example is the  
54 Times Square Alliance’s installation, in partnership with BigBelly Solar with funding from  
55 Alcoa Foundation, of 30 BigBelly solar-powered waste and recycling stations in Times Square.  
56

57 **Composting**  
58 The garden on this narrow rail line does not provide much space for onsite composting.  
59 However, Section 3 gives the developers an opportunity to identify sufficient space for  
60 composting vegetative materials taken from these gardens offering the opportunity for public  
61 education by installing appropriate signage. In addition, the product of composting could be  
62 displayed and its beneficial reuse could be demonstrated. This would be particularly useful in  
63 light of current discussion of a new city wide residential compost collection program.  
64

65 We note that members of the committee have offered additional suggestions subsequent to our  
66 meeting, including: Green Energy use for specific items on the High Line; solar power to provide  
67 power for WiFi; a demonstration wind power project to provide electricity to part of the High  
68 Line. These are offered as ideas only, but they suggest the wide variety of ways this project  
69 could be expanded to demonstrate more sustainable uses of our environment.  
70

71 One final question: The EAS informs readers “residents within a half mile of the project site are  
72 currently underserved by public open space with approximately 1.01 acres of open space per  
73 1,000 residents. This number is below the City’s recommended ratio of 2.5 acres per 1,000  
74 residents.”(Page A-5) The Board is unclear how these numbers were determined. You offered to  
75 follow up on this issue especially in light of the planned residential construction over the rail  
76 yards.  
77

78 Again, we thank you for your discussion with the Board on these issues, your willingness to  
79 consider implementing these procedures and look forward to continuing to work with you on the  
80 improvement of the High Line, and of parks in general, in our district.  
81

82 Sincerely,

83  
84 Christine Berthet  
85 Chair

Maarten de Kadt  
Co-Chair, Waterfront, Parks  
& Environment Committee

Delores Rubin  
Co-Chair, Waterfront, Parks  
& Environment Committe

87  
88 CC: Brad Hoylman, NY State Senator  
89 Richard Gottfried, NY State Assemblymember  
90 Jerrold Nadler, Congressman  
91 Gale Brewer, Manhattan Borough President  
92 Corey Johnson, NYC Councilmember

3  
4 March 5, 2014

5  
6 Mr. William T. Castro  
7 Manhattan Borough Commissioner  
8 City of New York Parks & Recreation  
9 Arsenal West  
10 24 West 61<sup>st</sup> Street  
11 New York, NY 10023

12  
13 **Re: Appointment of Full Time Gardener for District 4**

14  
15 Dear Commissioner Castro,

16  
17 Manhattan Community Board 4 (MCB4) would like to thank Park Manager Elliott Sykes for  
18 attending our Committee meeting and informing us of the appointment of Javier Tavares as a  
19 full-time gardener for our district. MCB4 is pleased to have additional staff dedicated to the  
20 parks of our area. While we welcome the additional staff to attend to the beautification of our  
21 green spaces, we have some concerns on behalf of the volunteer corps in place for many of our  
22 parks.

23  
24 In the absence of a full-time gardener for parks within the boundaries of MCB4 many residents  
25 have dedicated their time and resources to ensure that these parks in their neighborhoods provide  
26 a pleasant experience for all visitors. Their activities have included plantings, upkeep and  
27 management of the flora, organizing events and providing additional waste management for their  
28 neighborhood parks. With respect to the flora, this is a source of pride for the many volunteers  
29 and it is our hope that Mr. Javier Tavares will consult and coordinate with these volunteers on  
30 the plantings.

31  
32 By establishing a partnership between Parks and the Community we can more easily achieve  
33 ideal green spaces within our district and in order to accomplish a good working relationship we  
34 need to have clear and consistent communication between Parks and the Community. We invite  
35 you and Park Manager, Mr. Elliott Sykes to regularly attend Community Board and Block  
36 Association meetings and/or to set up a liaison for the purpose of providing updates and  
37 receiving feedback on park happenings.

38  
39 The request for improving communication with Parks & Recreation stems from some incidents  
40 in recent years including:

- 41 • Minimal updates on capital improvement projects resulting in designs which do not
- 42 match the community's desires and expectations.
- 43 • Permits being issued for amplified music without community consultation.
- 44 • Permits granted to religious groups allowing distribution of food and paraphernalia
- 45 without community input and notification.
- 46 • Events planned by Parks that are not well communicated to the community.

47

48 MCB4 appreciates the additional staffing for our area and we look forward improving the overall  
49 relationship between Parks and MCB4 with increased and better communication going forward.  
50 The future partnership with the newly appointed full-time gardener and the many hard working  
51 volunteers in District 4 will help to achieve wonderful open spaces in our part of the City and  
52 improve the overall quality of the outdoor experience for all park users.

53

54 Sincerely,

55

56 Christine Berthet  
57 Chair

Maarten de Kadt Co-Chair  
Waterfront, Parks &  
Environment Committee

Delores Rubin Co-Chair  
Waterfront, Parks &  
Environment Committee

58

59

60

61 Cc: Elliott Sykes, City of New York Parks & Recreation  
62 Brad Hoylman, NY State Senator  
63 Richard Gottfried, NY State Assemblymember  
64 Jerrold Nadler, Congressman  
65 Gale Brewer, Manhattan Borough President  
66 Corey Johnson, NYC Councilmember

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1 **New Business**

**Item #: 21 RATIFICATION**

2  
3 February 19, 2014

4  
5 Michael Jones, Esq.  
6 Deputy Chief Executive Officer  
7 NYS Liquor Authority  
8 317 Lenox Avenue  
9 New York, NY 10027

10  
11 **Re:** *New Applicant: **Aura 3 LLC d/b/a TBD**, 642 Tenth Avenue (45/46)*  
12 *Current OP License at this Address: **Lux Bar & Lounge LLC d/b/a Bartini***  
13 ***Ultra Lounge** Serial number 1224178, expires August 31, 2015*

14  
15 Dear Mr. Jones:

16  
17 Manhattan Community Board 4 (MCB4) writes again with respect to the application for  
18 an On-Premise Liquor License by **Aura 3 LLC** at 642 Tenth Avenue, New York, NY  
19 10036 and the current on-premise liquor license at this location for **Lux Bar & Lounge**  
20 **LLC d/b/a Bartini Ultra Lounge** Serial number 1224178.

21  
22 MCB4 has reason to believe that the new applicant Aura 3 LLC may have taken over  
23 ownership of Lux Bar & Lounge LLC d/b/a Bartini Ultra Lounge as well as using the  
24 current liquor license to operate. As we recently wrote to you in our February 14, 2014  
25 letter there is an ownership issue and lawsuit in relation to this establishment and current  
26 license. The new applicant has appeared before us twice and when asked who owns and  
27 is running the establishment they have informed us that they only had a management  
28 agreement. At our last meeting they claimed that this agreement was no longer in effect.  
29 As a result, we are at a loss on whom actually the owner of the premises is and who is the  
30 present management of the establishment.

31  
32 In fact, as you can see from the attachment, there were invitations sent out announcing a  
33 “new owner and management” and inviting people to attend a party being held to  
34 celebrate this change in ownership and management. The date for this party and  
35 announcement was during a period of time we believe the applicant was operating the  
36 establishment.

37  
38 Given this fact and the nature of the specific transaction, as we outlined in our letter of  
39 February 14<sup>th</sup>, we ask that the SLA immediately institute an investigation to fully  
40 understand who is operating this venue and under what pretenses.. And given the serious  
41 quality of life concerns related to this establishment – detailed in our February 14, 2014  
42 letter – we ask that efforts be made to place the current license on hold and refrain from

43 any action on any new application associated with this venue until all matters related to  
44 this establishment have been understood by all parties and resolved.

45  
46 Thank you.

47  
48 Sincerely,

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50  
51 Christine Berthet  
52 Chair

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DRAFT

1 **New Business**

**Item #:22**

2  
3 March --, 2014

4  
5 Hon. Meenakshi Srinivasan  
6 Chair  
7 Board of Standards and Appeals  
8 40 Rector Street  
9 New York, NY 10006

10  
11 **Re: BSA Application No. 1-14-BZ /Special Permit at 525 West 42<sup>nd</sup> Street**

12  
13 Dear Ms. Srinivasan:

14  
15 After a duly noticed public hearing at the regular Board meeting on March 5, 2013, Manhattan  
16 Community Board 4 voted to recommend the granting of a special permit to Ewing Massage  
17 Enterprises LLC d/b/a Message Envy – Midtown West for a physical culture establishment  
18 (PCE) at 525 west 42<sup>nd</sup> Street.

19  
20 According to plans submitted by the applicant, the facility will occupy 3600 square feet of floor  
21 area on the ground floor of the two story commercial portion of a building lot that also includes a  
22 33-story residential building. The entrance for the commercial portion is on the 42<sup>nd</sup> Street side  
23 and will have provisions for ADA accessibility.

24  
25 This particular PCE is for a spa facility and not a gym. Message Envy is a well established entity  
26 with other facilities throughout the City of New York. There are no residential apartments  
27 located above the proposed use on this site. A site visit on Wednesday, February 26, 2014 found  
28 that the site was not yet in operation, but that when it is licensed and operating it will have no  
29 adverse and detrimental impact on the area and is in keeping with the mixed use residential and  
30 commercial character of the neighborhood.

31  
32 We believe that the facility meets the required findings in ZR 73- 36 and will be an appropriate  
33 and attractive addition to the community. We thus recommend the granting of the requested  
34 special permit.

35  
36 Sincerely,

37  
38 Christine Berthet/JD Noland

39  
40 cc : NYC Council Member Corey Johnson  
41 Manhattan Borough President's Office  
42 NYS Assemblyman Richard Gottfried  
43 NYS Senator Brad Hoylman  
44 U.S. Congressman Jerrold Nadler

DRAFT