



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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JEAN-DANIEL NOLAND
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

January 7, 2008

Hon. Meenakshe Sirinavan, Chair
Board of Standards and Appeals
40 Rector Street
New York, NY 10007

Re: BSA No. Special Permit and Variance at 213-219 West 23rd Street

Dear Ms. Sirinavan,

After presentations at the Chelsea Preservation and Planning Committee and at a duly noticed public hearing at the regular Board meeting on January 2, 2008, Manhattan Community Board No. 4 voted unanimously that it had no objection to granting a special permit and a zoning variance for a Physical Culture Establishment at 213-219 West 23rd Street.

The applicant operates The David Barton Gym, a Physical Culture Establishment, in the former McBurney YMCA building on 23rd Street. The building occupies a through-lot block from 23rd Street to 24th Street. The lot is split into a C2-7A district on the 23rd Street side and an R-8A district on the 24th Street side.

According to statements made and documents submitted by the attorney for the applicant, as well as a brief visit, DBG offers a variety of exercise and fitness activities and equipment in 31,812 SF on three floors and a mezzanine. The entrance to, and the bulk of, the facility are located on 23rd Street in the C2-7A district. On each of the three floors one room extends 22'3" into the R-8A district. These rooms are used for weight lifting, fitness classes and other physical culture activities.

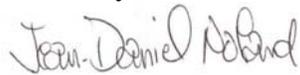
A PCE use is allowed in the C2-7A district by special permit but requires a variance in the R-8A district. The applicant states that it has been unable to apply for these until now because of a dispute with the landlord, but has obtained all other necessary permits, including those from the Department of Health. The applicant has been operating under a temporary month-to-month permit from the Department of Buildings pending the resolution of the dispute.

CB4 has received no complaints regarding DBG and knows of none other than a noise complaint stemming from a faulty bearing in an HVAC unit that was fixed quickly. The

Board believes that DBG is operating responsibly and has no objections to the application for a special permit and a variance.

Although this applicant requires a variance in addition to the normal special permit, the Board wishes to restate its previously-expressed concern that this elaborate permit process for a Physical Culture Establishment is unnecessarily burdensome in a world where gymnasiums and beauty parlors with extended services are common in commercial districts. It creates major costs and delays, particularly for small businesses that must invest money they often cannot afford, and wastes the time of applicants, Community Boards and the Board of Standards and Appeals alike. A simple process of authorization after a routine investigation of the applicants would avoid the relatively rare case of abuse and encourage legitimate businesses.

Sincerely,



Jean-Daniel Noland
Chair



Lee Compton, Co- Chair
Chelsea Preservation and Planning

[signed 1/7/07]

Lynn Kotler, Co-Chair
Chelsea Preservation and Planning