



**Board of Standards  
and Appeals**

250 Broadway, 29th Floor  
New York, NY 10007  
212-386-0009 - Phone  
646-500-6271 - Fax  
www.nyc.gov/bsa

## ZONING (BZ) CALENDAR

Application Form

BSA APPLICATION NO. \_\_\_\_\_

CEQR NO. \_\_\_\_\_

RECEIVED

MAR 17 2014

BY COMMUNITY BOARD 8

### Section A

Applicant/  
Owner

Eric Palatnik, P.C.

NAME OF APPLICANT

32 Broadway, Suite 114

ADDRESS

New York NY 10004

CITY STATE ZIP

212 425-4343

AREA CODE TELEPHONE

212 968-7129

AREA CODE FAX

eric@ericpalatnikpc.com

EMAIL

783/5 Lex Associates LLC

OWNER OF RECORD

783 Lexington Avenue

ADDRESS

New York NY 10065

CITY STATE ZIP

Lush Cosmetics NY LLC

LESSEE / CONTRACT VENDEE

783 Lexington Avenue

ADDRESS

New York NY 10065

CITY STATE ZIP

### Section B

Site  
Data

783 Lexington Avenue

STREET ADDRESS (INCLUDE ANY A/K/A)

10065

ZIP CODE

Lexington Avenue between 61st and 62nd street

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

1396 22 Manhattan 8 n/a  
BLOCK LOT(S) BOROUGH COMMUNITY DISTRICT LANDMARK/HISTORIC DISTRICT

Hon. Daniel R. Garodnick C1-8X 8c  
CITY COUNCIL MEMBER ZONING DISTRICT ZONING MAP NUMBER

(include special district, if any)

### Section C

Dept of Building  
Decision

BSA AUTHORIZING SECTION(S) 73-36

for ☐ VARIANCE

☒ SPECIAL PERMIT (Including 11-41)

Section(s) of the Zoning Resolution to be varied

DOB Decision (Objection/ Denial) date: February 20, 2014 Acting on Application No: 121662664

### Section D

Description

(LEGALIZATION ☐ YES ☒ NO ☐ IN PART)

This is an application for a Special Permit to operate a Physical Culture Establishment (PCE), Lush Cosmetics, filed pursuant to Z.R. § 73-36 and Z.R. § 73-03. The application seeks a special permit authorizing a physical culture establishment which will occupy a total of 2,310 sq. ft. on the cellar, first and second floor of a five story building in a C1-8X zoning district.

### Section E

BSA History  
and  
Related Actions

If "YES" to any of the below questions, please explain in the STATEMENT OF FACTS

YES NO

1. Has the premises been the subject of any previous BSA application(s)? ..... ☐ YES ☒ NO

PRIOR BSA APPLICATION NO(S): \_\_\_\_\_

2. Are there any applications concerning the premises pending before any other government agency?.... ☐ YES ☒ NO

3. Is the property the subject of any court action?..... ☐ YES ☒ NO

### Section F

Signature

I HEREBY AFFIRM THAT BASED ON INFORMATION AND BELIEF, THE ABOVE STATEMENTS AND THE STATEMENTS CONTAINED IN THE PAPERS ARE TRUE.

Signature of Applicant, Corporate Officer or Other Authorized Representative

Eric Palatnik

Print Name

Attorney

Title

GONZALEZ ROBIN

NOTARY PUBLIC, STATE OF NEW YORK

SWORN TO ME THIS 11 DAY OF March 2014

NO. 01G06097403

QUALIFIED IN KINGS COUNTY

COMMISSION EXPIRES 08/18/07

NOTARY PUBLIC

**ERIC PALATNIK, P.C.**

ATTORNEY AT LAW  
32 BROADWAY, SUITE 114  
NEW YORK, NEW YORK 10004

(212) 425-4343  
FAX (212) 968-7129  
E-MAIL ERIC@ERICPALATNIKPC.COM

March 11, 2014

**STATEMENT OF FACTS AND FINDINGS**

Premises: 783 Lexington Avenue  
Block 1396, Lot 2  
New York, New York (the "Premises")

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**INTRODUCTION**

This is an application for a Special Permit to operate a Physical Culture Establishment (PCE), Lush Cosmetics, filed pursuant to Z.R. § 73-36 and Z.R. § 73-03. The application seeks a special permit authorizing a physical culture establishment in a C1-8X zoning district.

The Premises is located at 783 Lexington Avenue in the Borough of Manhattan and is identified on the New York City Tax Map as Block 2279, Lot 26. It is improved upon with a five story building which has commercial uses on the first two floors and fifteen residential units on floors three through five. The proposed physical culture establishment will occupy a total of 2,310 sq. ft. on the cellar, first and second floor of the building.

Pursuant to ZR § 73-36 (Physical Culture or Health Establishment), the Board of Standards and Appeals (the "BSA") may approve a special permit for a PCE in a C1-8X zoning district for a term of up to 10 years, provided that certain findings are made.

As discussed below, the instant application provides a sufficient basis for the BSA to make each of the required findings.

## **ERIC PALATNIK**

An application for the PCE under Job # 121662664 was denied by the Department of Buildings on February 20, 2014 for appeal to the BSA. The objection reads:

**“Proposed ‘Physical Culture Establishment’ at zoning C1-8X is not permitted as-of-right and a special permit by the Board of Standards and Appeals (BSA) is required as per ZR 73-36.”**

### **BACKGROUND**

The Premises is located on a 3,234 sq. ft. lot on Lexington Avenue between East 62<sup>nd</sup> and East 61<sup>st</sup> Street in the Borough of Manhattan. The lot is improved upon with a five story building which has commercial uses on the first two floors and fifteen residential units on floors three through five.

The proposed PCE, Lush Spa, will occupy the cellar, first and second floors of the building. As shown on the existing second floor plans, the space is currently occupied by a use group 6 commercial hair stylist and a real estate office space. The proposal will convert the office space into a PCE by altering interior partitions, subject to DOB approval. The proposed PCE will occupy a total of 2,310 sq. ft. on the cellar, first and second floor of the building.

As noted on the plan drawings submitted with this application, the proposed PCE will contain an approved interior fire alarm system throughout the entire PCE space. The system will include area smoke detectors, manual pull stations at each required exit; local audible and visual alarms; and connection of the interior fire alarm to a FDNY central station.

Also, minimum 3’0” wide exit pathways will be provided leading to the required exits. The pathways shall always be maintained unobstructed, including from any gymnasium equipment. Furthermore, Local Law 58/87 shall be complied with as approved by the D.O.B.

### **OPERATIONAL PLAN**

Monday through Saturday, Lush Spa will operate from 10 AM to 9 PM. On Sundays, Lush Spa will operate from 11 AM to 8 PM.

## ERIC PALATNIK

Lush Spa will have a retail area as well as a spa. The retail area will be on the first floor of the building and will occupy 1,260 sq. ft. The retail area will occupy a total of fifteen employees, it is anticipated that two employees will be present for opening and closing and it is anticipated that four to five employees will be working the floor during the midday.

The proposed spa area will occupy 1,800 square feet on the second floor of the building. The proposed space will have four treatment rooms, a consultation room, two bathrooms and an office. Interior partitions and exits shall be subject to DOB approval. Lush Spa anticipates that there will be three full-time New York State licensed masseurs / masseuses employed at this location.

Lush Spa will offer massage and scrubs to their customers. It is anticipated that the treatments will be booked for lengths of one to two hours and each masseur will have between three to four clients per day for a total of nine to twelve customers for the entire day.

### **Z.R. Section 73-36**

Z.R. § 73-36 authorizes the BSA to grant a special permit to allow a PCE to operate in a C1-8X zoning district for a term of up to 10 years, provided that certain findings are made. As shown on Zoning Map 8c, the subject site is located in a C1-8X zoning district. As discussed below, this application and supporting materials provide a sufficient basis for the BSA to make each of the required findings.

#### **73-36**

#### ***Physical Culture or Health Establishments***

*(a) In C1-8X, C1-9, C2, C4, C5, C6, C8, M1, M2 or M3 Districts, and in certain special districts as specified in the provisions of such special district, the Board of Standards and Appeals may permit #physical culture or health establishments# as defined in Section 12-10, including gymnasiums (not permitted under Use Group 9) or massage establishments other than #adult physical culture establishments#, for a term not to exceed ten years, provided the following findings are made:*

*(1) that such #use# is so located as not to impair the essential character or the future use or development of the surrounding area; and*

*(2) that such #use# contains:*

*(i) one or more of the following regulation size sports facilities: handball courts, basketball courts, squash courts, paddleball courts, racketball courts, tennis courts; or*

*(ii) a swimming pool of a minimum 1,500 square feet;*

*or*

*(iii) facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics or martial arts; or*

*(iv) facilities for the practice of massage by New York State licensed masseurs or masseuses.*

*Therapeutic or relaxation services may be provided only as #accessory# to programmed facilities as described in paragraphs (a)(2)(i) through (a)(2)(iv) of this Section.*

1) Granting the instant application will not impair the essential character nor the future use or development of the area. Lexington Avenue between 61<sup>st</sup> and 62<sup>nd</sup> Street is predominantly mixed use commercial and residential. The addition of an established business like Lush will not impair the essential character nor the future use or development of the area.

2) The proposed PCE will have facilities for the practice of massage by New York State licensed masseurs or masseuses.

Pursuant to Z.R. § 73-36(c), the BSA is required to receive a satisfactory report from the Department of Investigation prior to granting a special permit for a physical culture establishment. The operators have submitted the required questionnaires to initiate the background Investigation by the Department of Investigations.

### **Z.R. Section 73-03**

ZR Section 73-03 sets forth several additional finding that must be made by the BSA in connection with all special permit applications.

*The Board of Standards and Appeals shall have the power, as authorized by Section 73-01, paragraph (a) or (b), and subject to such appropriate conditions and safeguards as the Board shall prescribe, to grant special permit uses or modifications of use, parking, or bulk regulations as specifically provided in this Chapter, provided in each case:*

*(a) The Board shall make all of the findings required in the applicable sections of this Chapter with respect to each such special permit use or modification of use, parking or bulk regulations and shall find that, under the conditions and safeguards imposed, the hazards or disadvantages to the community at large of such special permit use or modification of use, parking or bulk regulations at the particular site are outweighed by the advantages to be derived by the community by the grant of such special permit. In each case the Board shall determine that the adverse effect, if any, on the privacy, quiet, light and air in the neighborhood of such special permit use or modification of use, parking or bulk regulations will be minimized by appropriate conditions governing location of the site, design and method of operation.*

*(b) In all cases the Board shall deny a special permit whenever such proposed special permit use or modification of use, parking or bulk regulations will interfere with any public improvement project (including housing, highways, public buildings or facilities, redevelopment or renewal projects, or right-of-way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate, Site Selection Board or the City Planning Commission as determined from the calendars of each such agency issued prior to the date of the public hearings before the Board of Standards and Appeals.*

*(c) When under the applicable findings the Board is required to determine whether the special permit use or modification of use, parking or bulk regulations is appropriately located in relation to the street system, the Board shall in its discretion make such determination on the basis of the Master Plan of Arterial Highways and Major Streets on the official City Map. Whenever the Board is required to make a finding on the location of a proposed special permit use or modification of use, parking or bulk regulations in relation to secondary or local streets and such classification of streets is not shown on the Master Plan, the Board in its discretion shall request the City Planning Commission to establish a report on the appropriate classification of such street.*

*(d) For applications relating to Sections 73-243, 73-48 and 73-49, the Board in its discretion shall request from the Department of Transportation a report with respect to the anticipated traffic congestion resulting from such special permit use or modification of use, parking or bulk regulations in the proposed location. If such a report is requested, the Board shall in its decision or determination give due consideration to such report and further shall have the power to substantiate the appropriate finding solely on the basis of the report of the Department of Transportation with respect to the issue referred.*

*(e) If a term of years is specified in the applicable section, the Board shall establish a term of years not to exceed such maximum. For those special permit uses or modification of use parking or bulk regulations for which a maximum term has not been specified, the Board may fix an appropriate term for any such special permit use or modification of use parking or bulk regulations.*

## ERIC PALATNIK

*(f) On application for renewal of any such special permit authorized in this Chapter, the Board shall determine whether the circumstances warranting the original grant still obtain. In addition, the Board shall ascertain whether the applicant has complied with the conditions and safeguards theretofore described by the Board during the prior term. In the event that the Board shall find the applicant has been in substantial violation thereof, it shall deny the application for renewal.*

*(g) The Board may permit the enlargement or extension of any existing use, which, if new, would be permitted by special permit in the specified districts under the provisions of Section 73-01 and other applicable provisions of this Chapter, provided that before granting any such permit for enlargement or extension within the permitted districts, the Board shall make all of the required findings applicable to the special permit use, except that:*

*(1) in the case of colleges or universities in R1 or R2 Districts, the Board may waive all such required findings set forth in Section 73-121 (Colleges and universities); and*

*(2) in the case of public utility uses, the Board may waive all such required findings set forth in Sections 73-14 (Public Service Establishments) or 73-16 (Public Transit, Railroad or Electric Utility Substations).*

*No such enlargement or extension shall create a new noncompliance or increase the existing degree of non-compliance with the applicable bulk regulations, except as may be permitted in accordance with the provisions of Sections 73-62 to 73-68, inclusive, relating to Modification of Bulk Regulations.*

### Suggested Findings pursuant to Z.R. § 73-36:

a) The proposed PCE will not produce any negative impacts on the surrounding area. As discussed above, Lexington Avenue, where the proposed PCE is to be located, is predominantly commercial. The presence of a brand new state of the art physical culture establishment with massages by New York State licensed masseurs or masseuses will not produce any negative impacts on the surrounding area.

It is not anticipated that the second floor spa will have any negative impacts on the residential uses on floors three through five of the building. A massage is a quiet procedure and will not produce such noise as to have a negative impact on the residential uses above.

b) The proposed PCE will not interfere with any public improvement projects.

c) ZR §73-03 (c) is inapplicable.

## **ERIC PALATNIK**

d) ZR §73-03 (d) is inapplicable.

e) In light of the many benefits that will be derived from the PCE, the absence of any negative impacts associated with the operation of the PCE, and the substantial financial investment that is being made in order to create this state of the art facility, it is requested that the BSA approve the requested special permit for the maximum term of 10 years.

f) ZR §73-03 (f) is inapplicable.

g) ZR §73-03 (g) is inapplicable.

### **VIOLATION PROFILE**

There are two ECB violations, under numbers 32070641M and 32070642Y. The violations are for the water heaters and chimney respectively (DOB electronic printouts are included with this submission). Both of the ECB violations have been paid, but a certificate of correction has not been recorded. There is also a DOB violation under violation number for failure to correct one of the aforementioned ECB violations. Please note that as shown on page 4 of 7 of the plans, the proposal includes new water heaters.

### **CONCLUSION**

For the foregoing reasons, we are confident that the findings of ZR § 73-03 and § 73-36 have been satisfied in the instant matter. Therefore, we respectfully submit that the granting of the requested special permit in this instant matter is both appropriate and fully supported by the facts.

Respectfully Submitted,

Eric Palatnik, P.C.





Department of Buildings  
280 Broadway  
New York, New York 10007  
(212) 566-5000 | TTY (212) 566-4769  
nyc.gov/buildings

MANHATTAN (1)  
280 BROADWAY 3<sup>RD</sup> FLOOR  
New York, NY 10007

BRONX (2)  
1932 ARTHUR AVENUE  
BRONX, NY 10457

BROOKLYN (3)  
210 JORALEMON STREET  
BROOKLYN, NY 11201

QUEENS (4)  
120-55 QUEENS BLVD.  
QUEENS, NY 11424

STATEN ISLAND (5)  
BORO HALL - ST. GEORGE  
STATEN ISLAND, NY 10301

## Notice of Objections

<b>Applicant:</b> WILLIAM D ADAMS BEACON ARCHITECTURAL ASSOCIATES 145 SOUTH STREET BOSTON MA 02111 NMAKEMSON@BEACONARCH.COM NYC DOB Examiner: HAI-WEN PENG, RA	<b>Date:</b> 2/20/2014 <b>Job Application #:</b> 121662664 <b>Application Type:</b> Alt 1 <b>Premises Address:</b> 783 Lexington Ave. <b>Zoning District:</b> C1-8X <b>Block:</b> 1396 <b>Lot:</b> 22
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To discuss and resolve these objections, please call 311 to schedule an appointment with the Plan Examiner listed above. You will need the application number and document number found at the top of this objection sheet. To make the best possible use of the Plan Examiner's and your time, please make sure you are prepared to discuss and resolve these objections before arriving for your scheduled plan examination appointment.

### Scope of Work

RESPECTFULLY SUBMIT THE PROPOSED COMMERCIAL SPACE ALTERATION AS PER PLANS FILED HEREIN.

	Code Sect.	Objections	Date Resolved
1.	ZR 32-15 ZR 73-36	Proposed 'Physical Culture Establishment' at zoning C1-8X is not permitted as-of-right and a special permit by the Board of Standards and Appeals (BSA) is required as per ZR 73-36.	
2.			
3.			
4.			

# DENIED

FOR APPEAL TO BOARD OF STANDARDS AND APPEALS

DATE FEB 20 2014

PER [Signature]

Borough Commissioner

**JOSEPH BRUNO**  
MANHATTAN CHIEF  
PLAN EXAMINER



250 Broadway, 29th Floor  
New York, NY 10007  
212-386-0009 - Phone  
646-500-6271 - Fax  
www.nyc.gov/bsa

## AFFIDAVIT OF OWNERSHIP AND AUTHORIZATION

### Affidavit of Ownership

ROBERT SIEGEL, being duly sworn, deposes and says that (s)he resides at 48 ETON ROAD, LARCHMONT, NY in the City of NEW YORK, in the County of WESTCHESTER, in the State of NEW YORK; that 783/5 LEX ASSOCIATES LLC is the owner in fee of all that certain lot, piece or parcel of land located in the Borough of Manhattan, in the City of New York and known and designated as Block 1396, Lot(s) 22, Street and House Number 783 Lexington Avenue; and that the statement of facts in the annexed application are true.

Check one of the following conditions:

- ☒ Sole property owner of zoning lot  
☐ Cooperative Building  
☐ Condominium Building  
☐ Zoning lot contains more than one tax lot and property owner

### Owner's Authorization

The owner identified above hereby authorizes Eric Palatnik, PC

to make the annexed application in her/his behalf.

Signature of Owner

Robert Siegel

Print Name

ROBERT SIEGEL

Print Title

OWNER

Sworn to before me this 3rd day

Of March 2014

Franzine Alvarez

FRANZINE FELICIA ALVAREZ

NOTARY PUBLIC-STATE OF NEW YORK

No. 01AL6261116

Qualified in Kings County

My Commission Expires May 07, 2016

Revised March 8, 2012



# BOARD OF STANDARDS AND APPEALS

40 Rector Street, 9<sup>th</sup> Floor  
New York, New York 10006-1705  
Phone: (212) 788-8500  
[www.nyc.gov/bsa](http://www.nyc.gov/bsa)

## AFFIDAVIT OF Lessee AND AUTHORIZATION

### Affidavit of Lessee

MARK WOLVERTON being duly sworn, deposes and says that (s)he resides  
at 1870 ST DENIS WEST PACV  
in the City of VANCOUVER in the County of BC in the  
State of VANCOUVER; that LVSH COSMETICS lessee  
is the owner in fee of all that certain  
lot, piece or parcel of land located in the Borough of Manhattan in the City of New York  
and known and designated as Block 1396 Lot(s) 22 Street and House Number  
783 Lexington Avenue and that the statement of facts in the annexed application are true.

Check one of the following conditions:

- ☐ Sole property owner of zoning lot  
☐ Cooperative Building  
☐ Condominium Building  
☐ Zoning lot contains more than one tax lot and property owner

### Lessee's Authorization

The lessee identified above hereby authorizes Eric Palatnik, PC

to make the annexed application in her/his behalf.

Signature of Lessee

Print Name

Print Title

Sworn to before me this 5<sup>th</sup> day

of March 2 2014

Revised March 8, 2012

SHABIR NANJI  
Notary Public for the  
Province of British Columbia  
8516 Granville Street  
Vancouver, BC  
V6P 4Z7 Canada  
Tel: 604-263-1177  
PERMANENT COMMISSION



## THE CITY OF NEW YORK

ALT TYPE 1 100602288



# DEPARTMENT OF BUILDINGS

## CERTIFICATE OF OCCUPANCY

BOROUGH MANHATTAN

DATE OCT 19 1994

NO.

105957

This certificate supersedes C.O. NO 43049

ZONING DISTRICT c1-8x

THIS CERTIFIES that the ~~xxx~~ altered ~~existing~~ building—premises located at

785 LEXINGTON AVENUE

Block 1396 Lot 22

CONFORMS SUBSTANTIALLY TO THE APPROVED PLANS AND SPECIFICATIONS AND TO THE REQUIREMENTS OF ALL APPLICABLE LAWS, RULES, AND REGULATIONS FOR THE USES AND OCCUPANCIES SPECIFIED HEREIN.

## PERMISSIBLE USE AND OCCUPANCY

STORY	LOAD LBS PER SQ FT	MAXIMUM NO OF PERSONS PERMITTED	ZONING DWELLING OR ROOMING UNITS	BUILDING CODE HABITABLE ROOMS	ZONING USE GROUP	BUILDING CODE OCCUPANCY GROUP	DESCRIPTION OF USE
CELLAR	O.G.						BOILER ROOM & STORAGE
1ST FLOOR	120	56					STORES
2ND FLOOR	50 50	23	1	2	2 6 6	RES. COMM. COMM.	ONE (1) APARTMENT RETAIL SALES & OFFICES
3RD, 4TH & 5TH FLOORS							FIVE (5) APARTMENTS ON EACH FLOOR
				RESIDENTIAL OLD CODE			

NOTE: SPRINKLER SYSTEM APPROVED BY FIRE DEPARTMENT AUGUST 16, 1956.

THIS CERTIFICATE OF OCCUPANCY MUST BE POSTED  
WITHIN THE BUILDING IN ACCORDANCE WITH THE RULES  
OF THE DEPARTMENT PROMULGATED MARCH 31ST, 1967.

## OPEN SPACE USES

(SPECIFY—PARKING SPACES, LOADING BERTHS, OTHER USES, NONE)

M.C.

NO CHANGES OF USE OR OCCUPANCY SHALL BE MADE UNLESS  
A NEW AMENDED CERTIFICATE OF OCCUPANCY IS OBTAINED

THIS CERTIFICATE OF OCCUPANCY IS ISSUED SUBJECT TO FURTHER LIMITATIONS, CONDITIONS AND  
SPECIFICATIONS NOTED ON THE REVERSE SIDE, M-1

*Romy A. Allison, P.E.*  
BOROUGH SUPERINTENDENT

*Joel M. Miller*  
COMMISSIONER

☒ ORIGINAL☐ OFFICE COPY—DEPARTMENT OF BUILDINGS☐ COPY

THAT THE ZONING LOT ON WHICH THE PREMISES IS LOCATED IS BOUNDED AS FOLLOWS:

BEGINNING at a point on the NORTH side of EAST 61 STREET  
 distant 0 feet from the corner formed by the intersection of  
 LEXINGTON AVENUE and EAST 61 STREET  
 running thence \_\_\_\_\_ feet; thence \_\_\_\_\_ feet;  
 thence NORTH 40'-5" \_\_\_\_\_ feet; thence EAST 80'-0" \_\_\_\_\_ feet;  
 thence SOUTH 40'-5" \_\_\_\_\_ feet; thence WEST 80'-0" \_\_\_\_\_ feet;  
 thence \_\_\_\_\_ feet; thence \_\_\_\_\_ feet;  
 to the point or place of beginning.

ALT TYPE 1 100602288

XXXXX ALT. No. DATE OF COMPLETION 9/20/94 CONSTRUCTION CLASSIFICATION CLASS 3 NON-FIRE-  
 BUILDING OCCUPANCY GROUP CLASSIFICATION HEIGHT 5 STORIES FEET PROOF  
 RESIDENTIAL 54'-8"

THE FOLLOWING FIRE DETECTION AND EXTINGUISHING SYSTEMS ARE REQUIRED AND WERE INSTALLED IN COMPLIANCE WITH APPLICABLE LAWS.

	YES	NO		YES	NO
STANDPIPE SYSTEM			AUTOMATIC SPRINKLER SYSTEM	X	
YARD HYDRANT SYSTEM					
STANDPIPE FIRE TELEPHONE AND SIGNALLING SYSTEM					
SMOKE DETECTOR					
FIRE ALARM AND SIGNAL SYSTEM					

STORM DRAINAGE DISCHARGES INTO:

A) STORM SEWER ☐ B) COMBINED SEWER ☐ C) PRIVATE SEWAGE DISPOSAL SYSTEM ☐

SANITARY DRAINAGE DISCHARGES INTO:

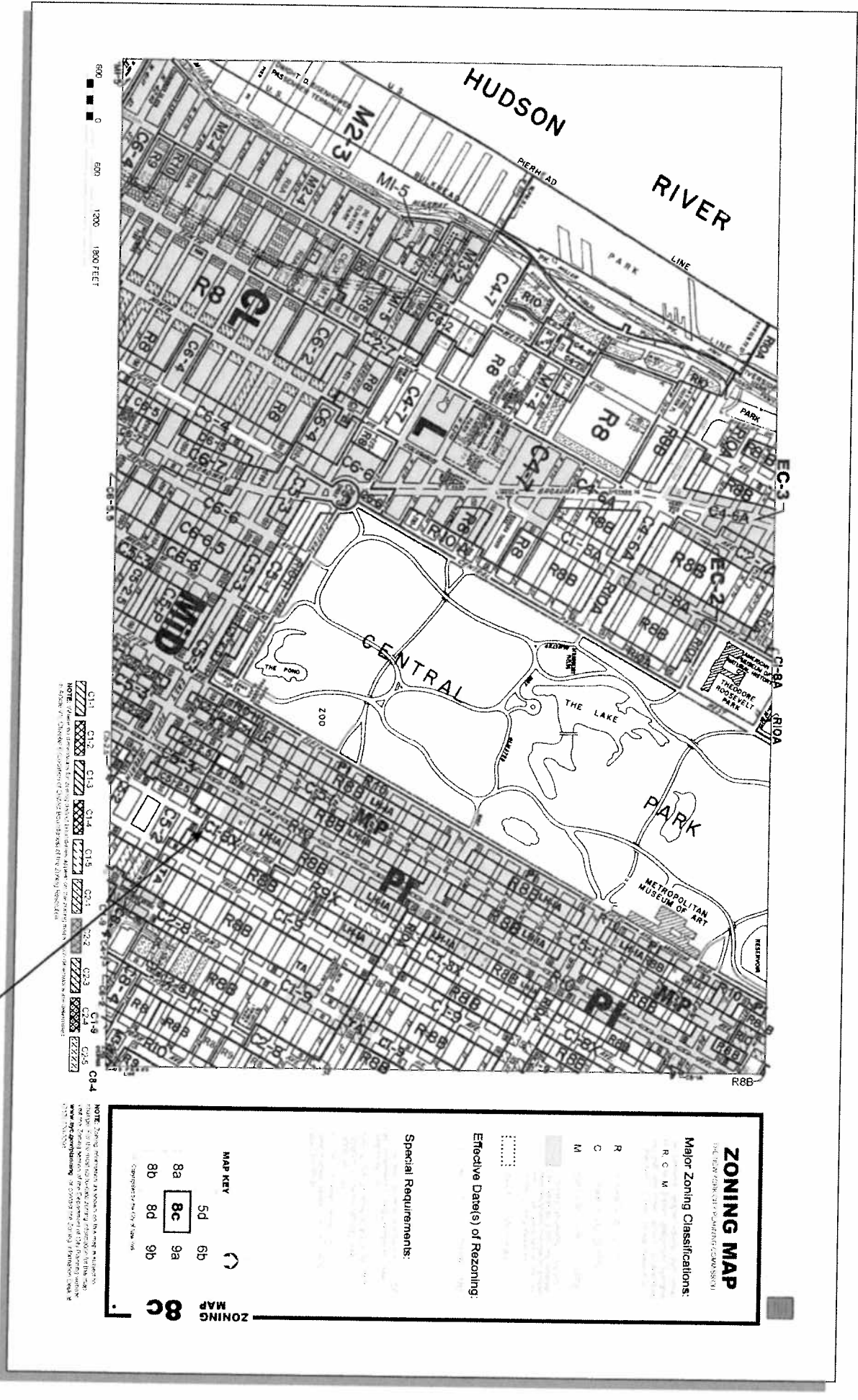
A) SANITARY SEWER ☐ B) COMBINED SEWER ☐ C) PRIVATE SEWAGE DISPOSAL SYSTEM ☐

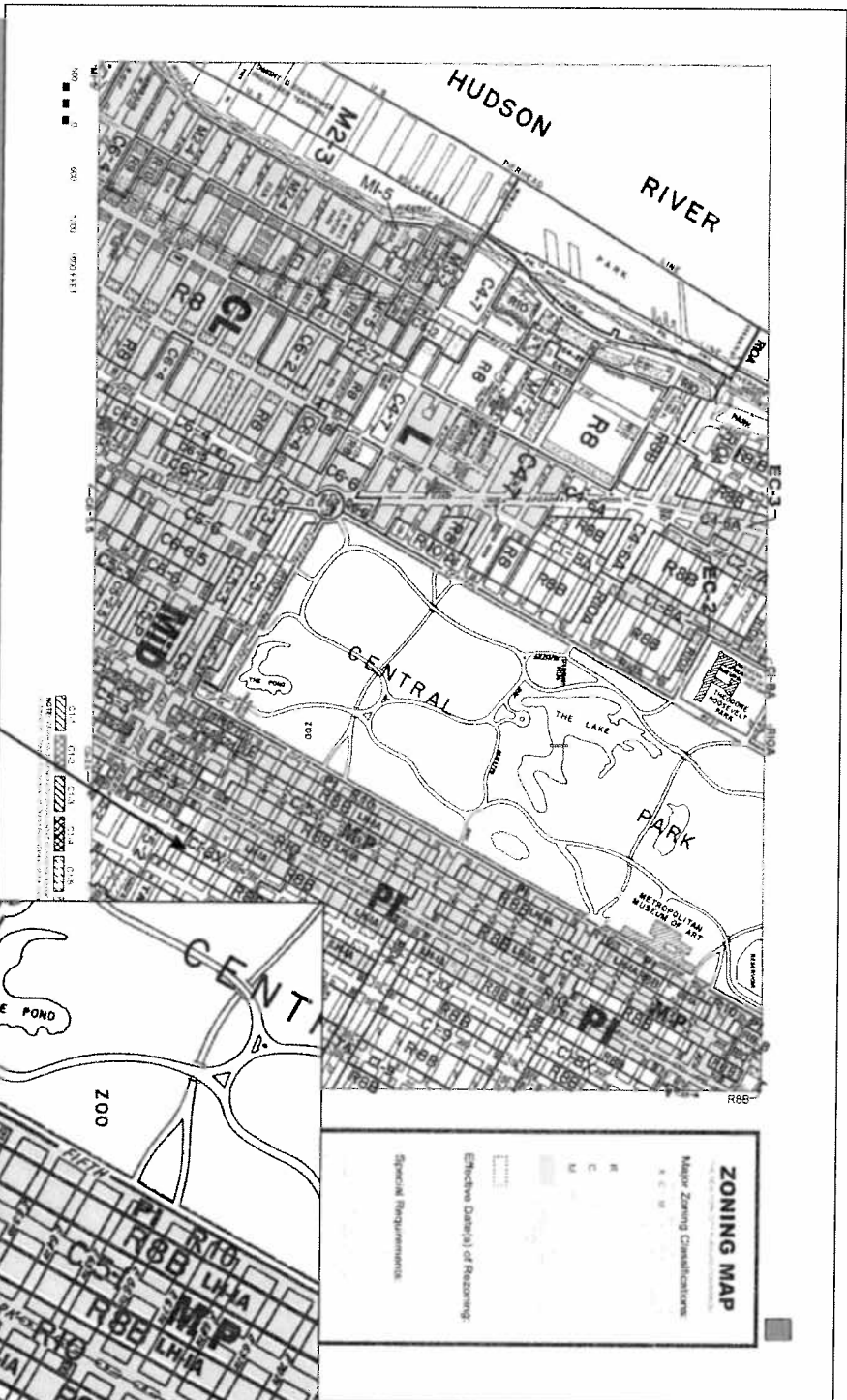
LIMITATIONS OR RESTRICTIONS:

BOARD OF STANDARDS AND APPEALS CAL. NO. \_\_\_\_\_

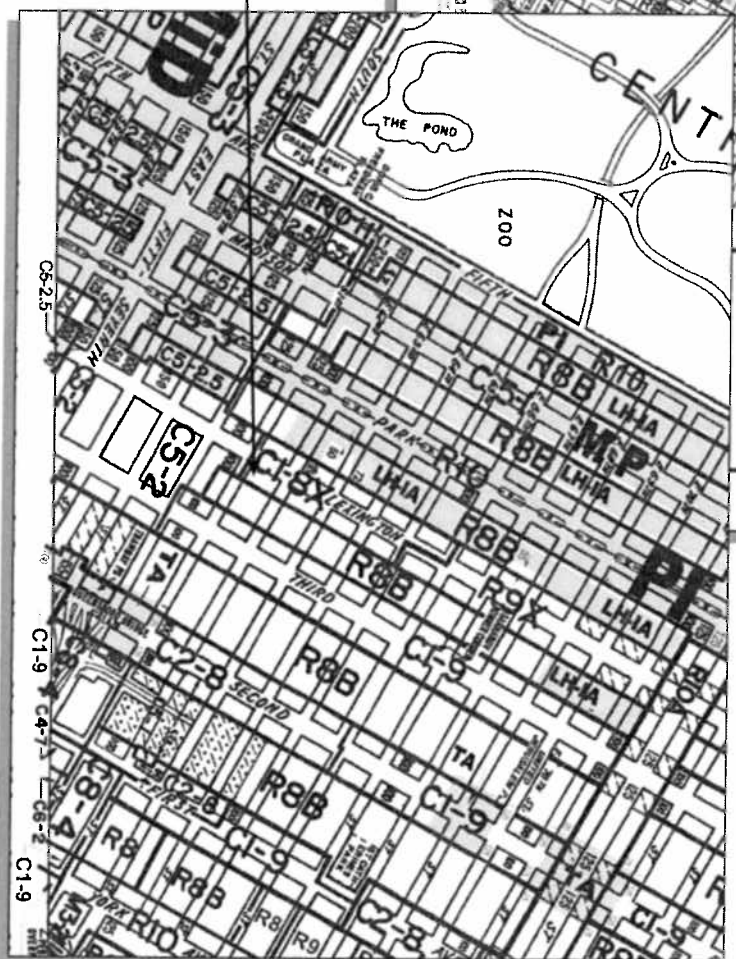
CITY PLANNING COMMISSION CAL. NO. \_\_\_\_\_

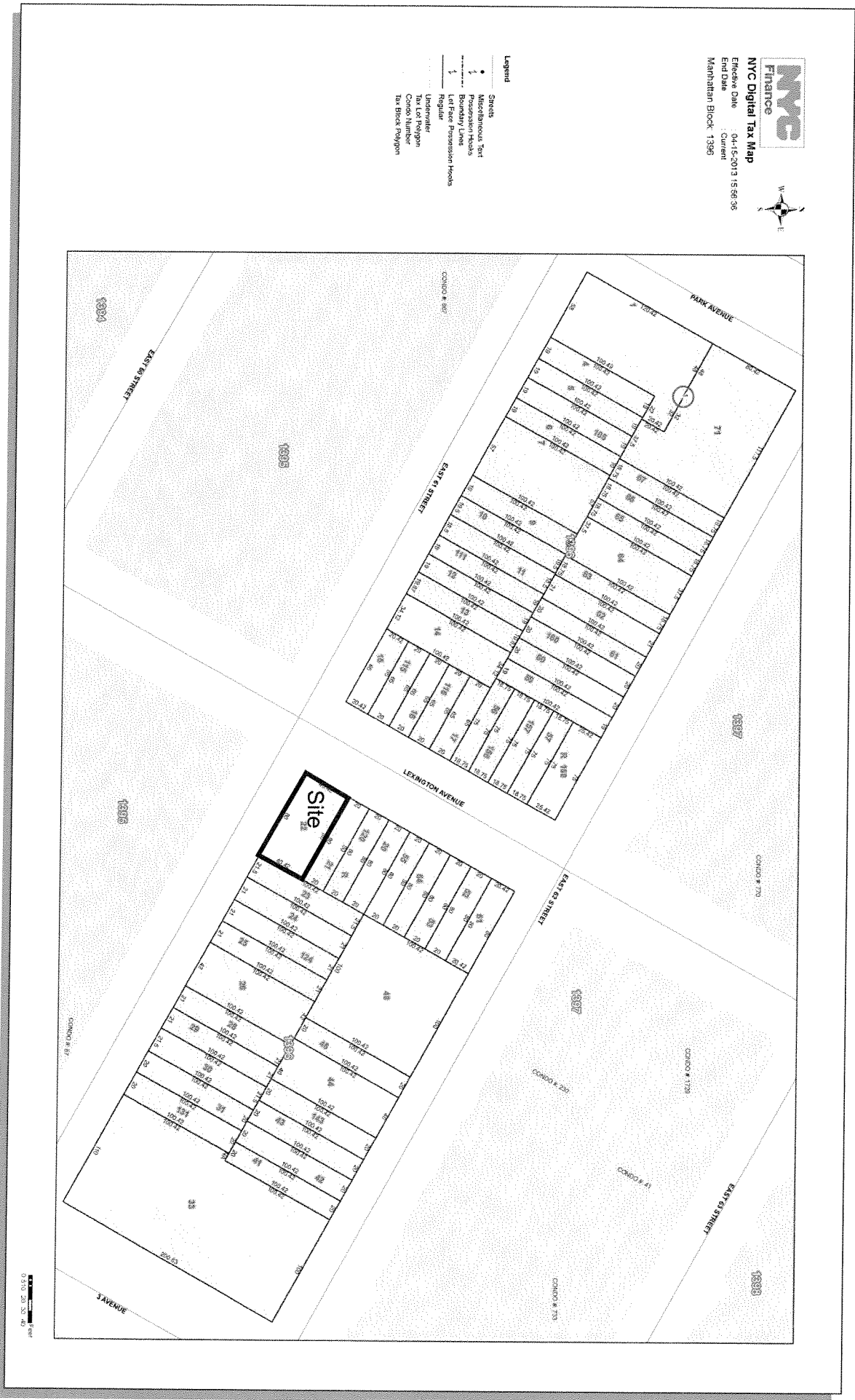
OTHERS: \_\_\_\_\_



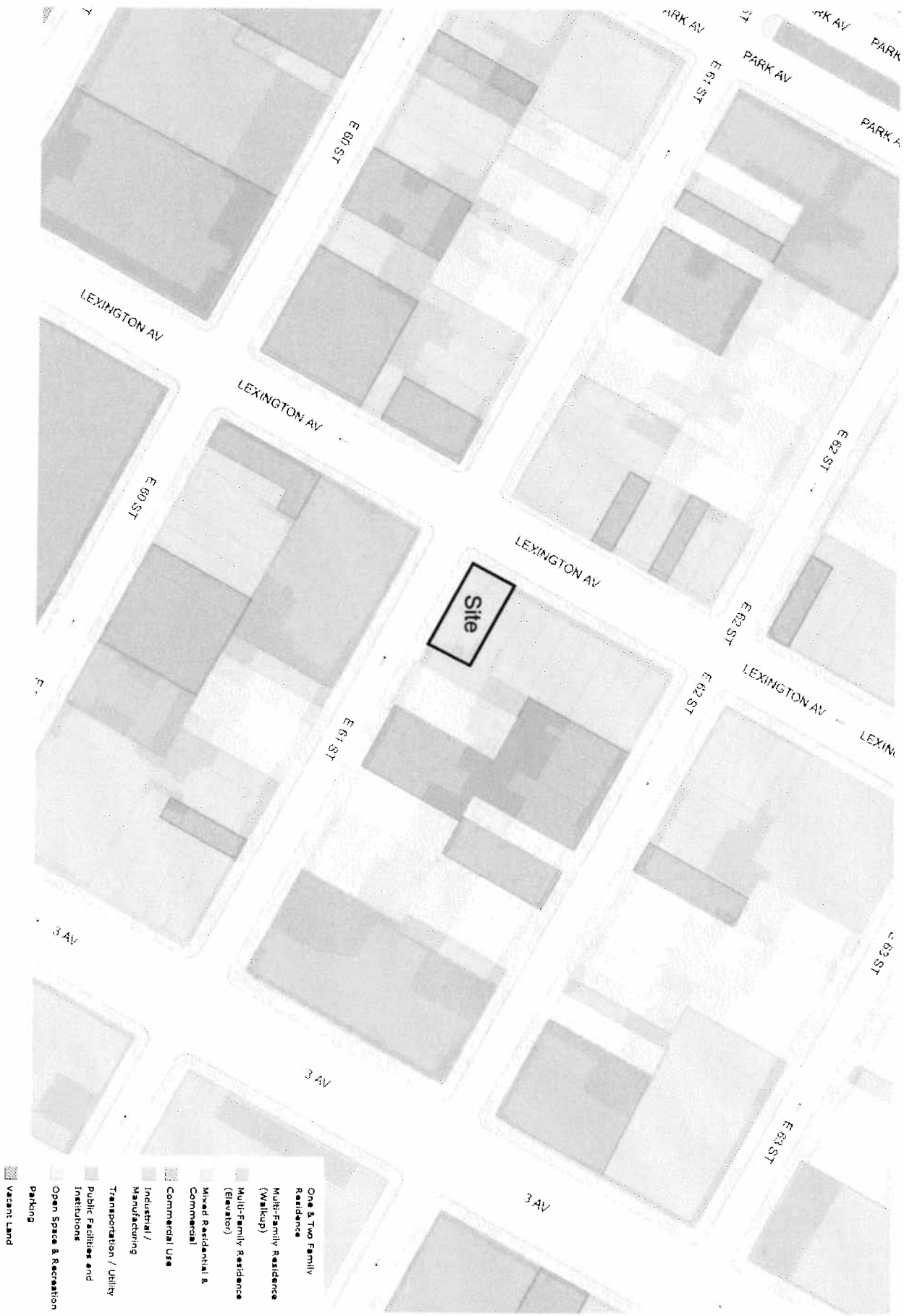


Site







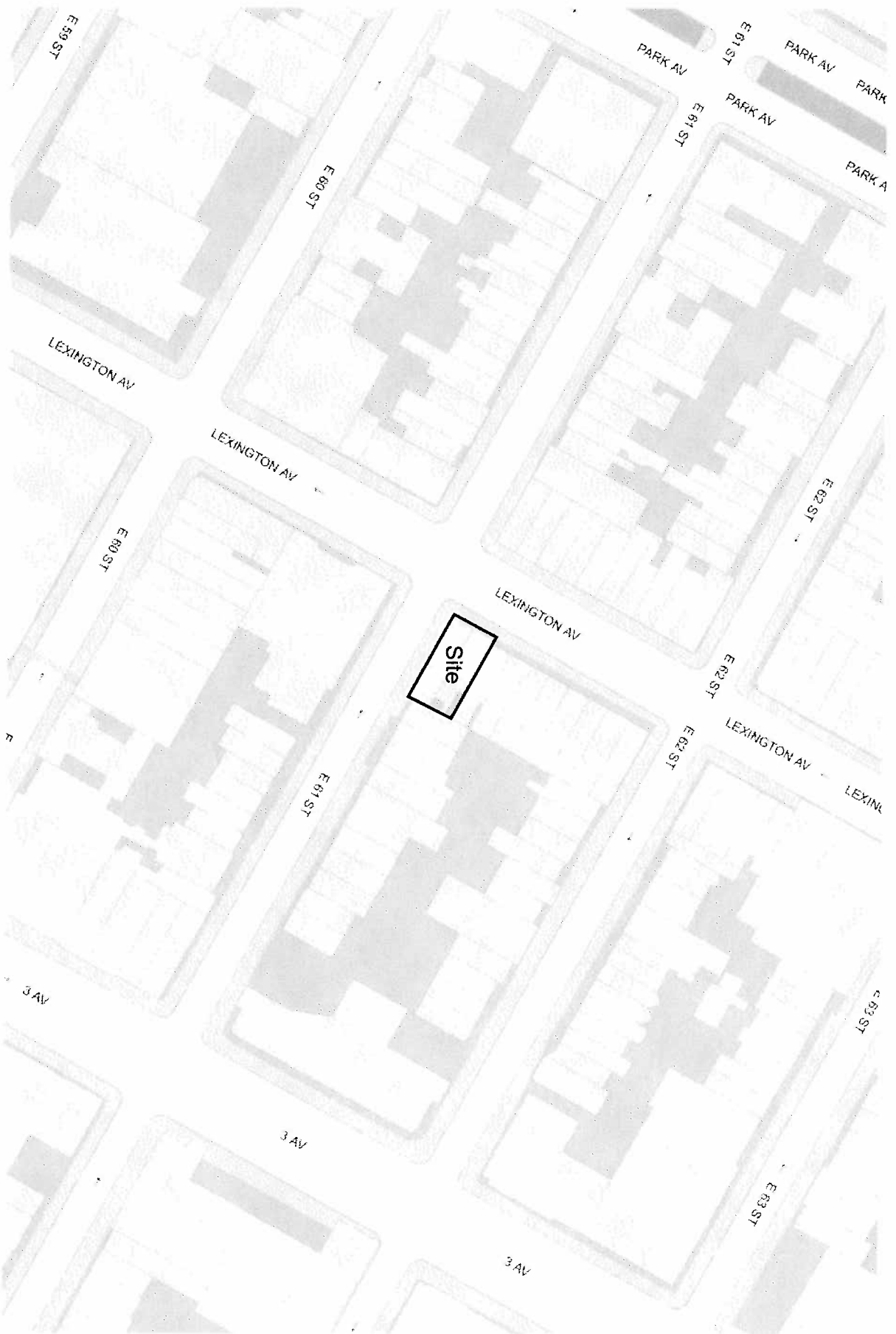


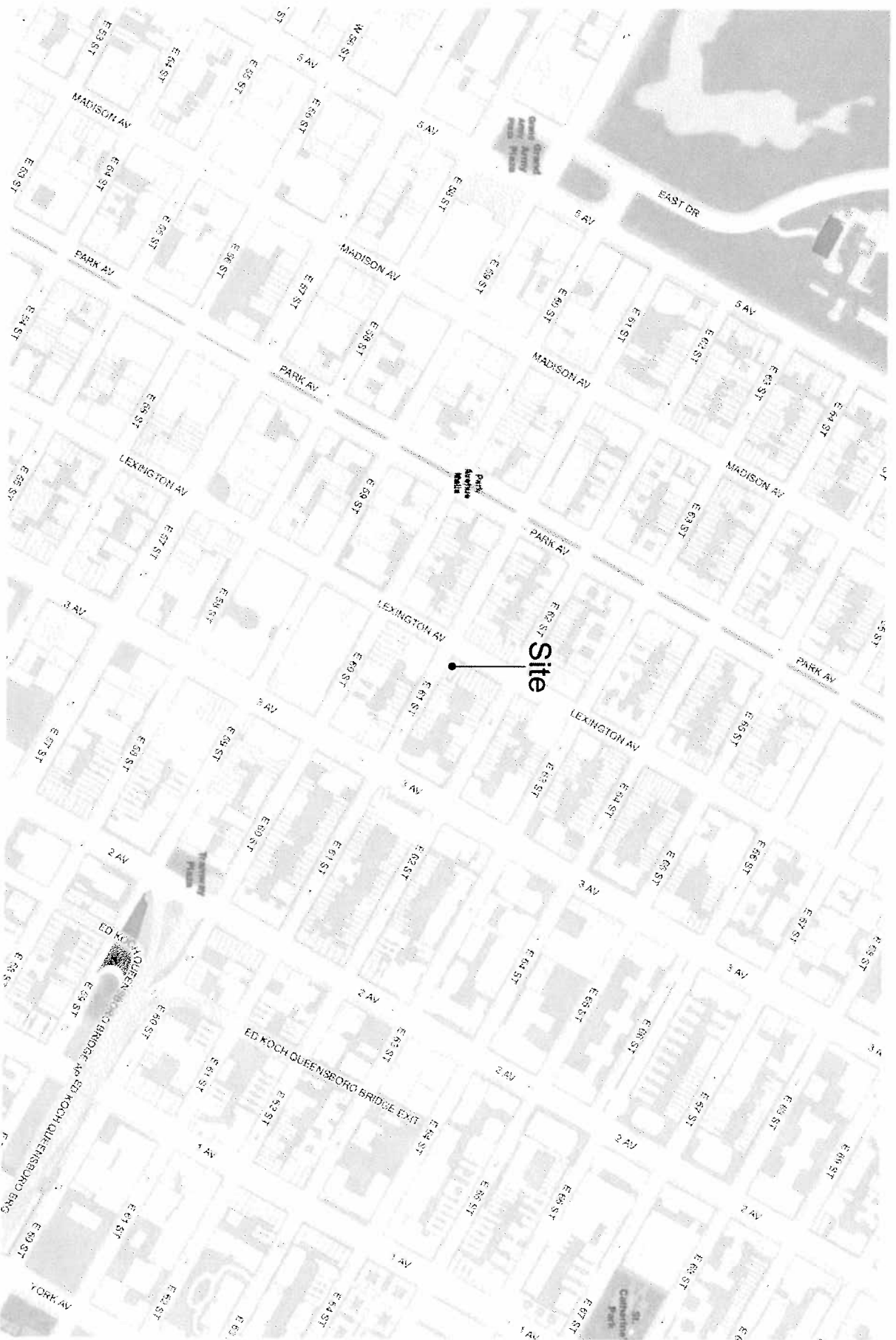












BSA CALENDAR NO. \_\_\_\_\_

BLOCK 1396

LOT 22

SUBJECT SITE ADDRESS \_\_\_\_\_

783 Lexington Avenue

APPLICANT \_\_\_\_\_

Beacon Architectural Associates

ZONING DISTRICT c1-8x

PRIOR BSA # \_\_\_\_\_

COMPLIANT: "Y"

SPECIAL/HISTORIC DISTRICT \_\_\_\_\_

IF NOT: "N" and

COMMUNITY BOARD \_\_\_\_\_

INDICATE AMT

OVER/UNDER

LOT AREA

LOT WIDTH

USE GROUP (S)

FA RESIDENTIAL

FA COMMUNITY FACILITY

FA COMMERCIAL/INDUST.

FLOOR AREA TOTAL

FAR RESIDENTIAL

FAR COMMUNITY FACILITY

FAR COMMERCIAL/INDUST.

FAR TOTAL

OPEN SPACE

OPEN SPACE RATIO

LOT COVERAGE (%)

NO. DWELLING UNITS

WALL HEIGHT

TOTAL HEIGHT

NUMBER OF STORIES

FRONT YARD

SIDE YARD

SIDE YARD

REAR YARD

SETBACK (S)

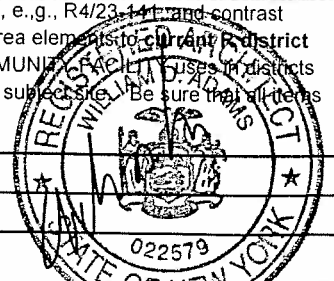
SKY EXP. PLANE (SLOPE)

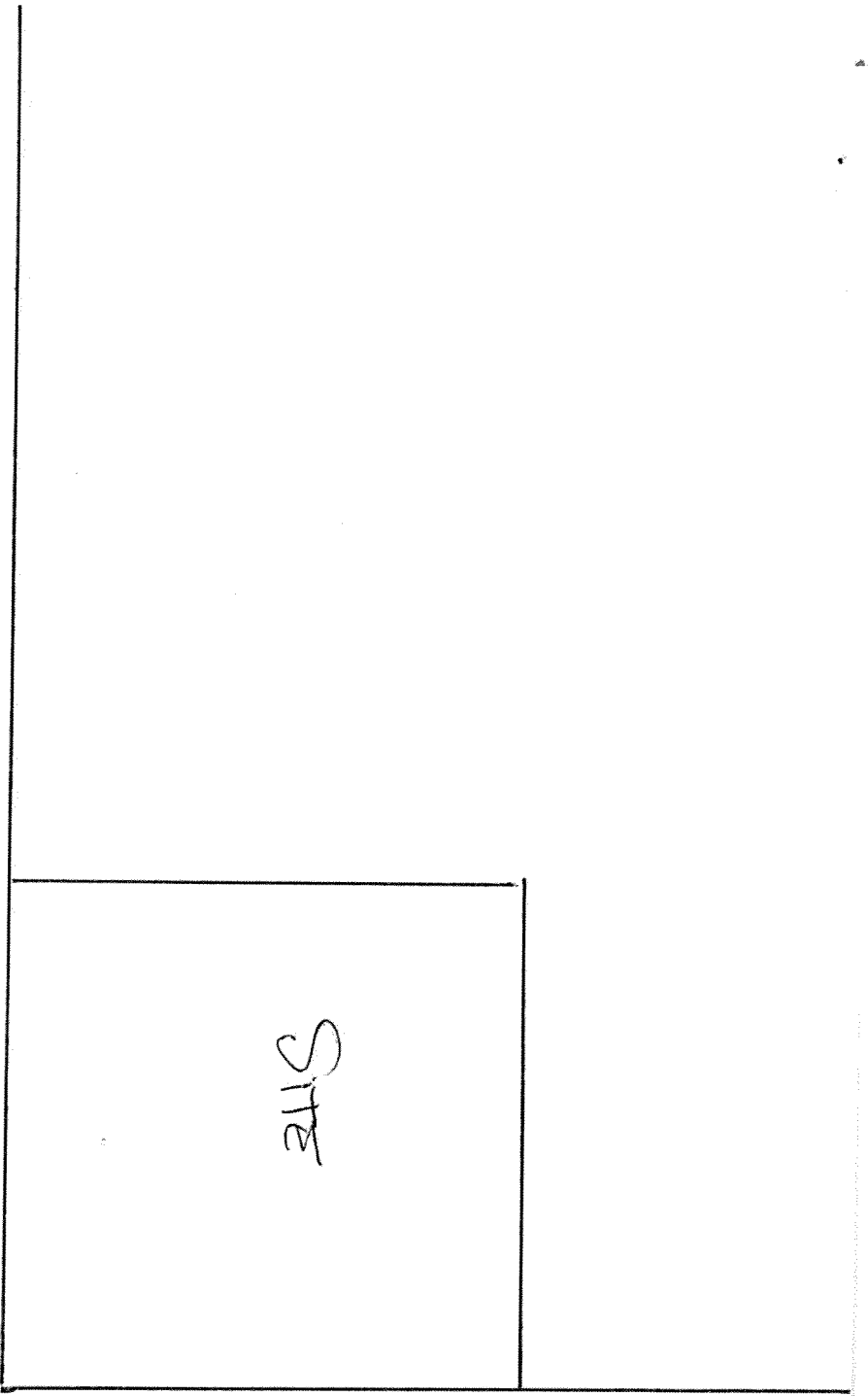
NO. PARKING SPACES

LOADING BERTH (S)

OTHER: \_\_\_\_\_

\* In Applicable ZR Section column: For RESIDENTIAL developments in non-residential districts, indicate nearest R district, e.g., R4/23-111 and contrast compliance. For COMMERCIAL or MANUFACTURING developments in residential districts, contrast proposed bulk and area elements to current R district requirements, except for parking and loading requirements (contrast to nearest district where use is permitted). For COMMUNITY FACILITY use in districts where not permitted, contrast to nearest district where permitted. For all applications, attach zoning map and highlight subject site. Be sure that all terms noted in the DOB Denial/Objection are included. NOTES: \_\_\_\_\_





E. 61<sup>ST</sup>. ST.

LEXINGTON AVE.

Site

②

783 LEXINGTON AVENUE  
BLOCK 1396  
LOT 22  
by by

①

③

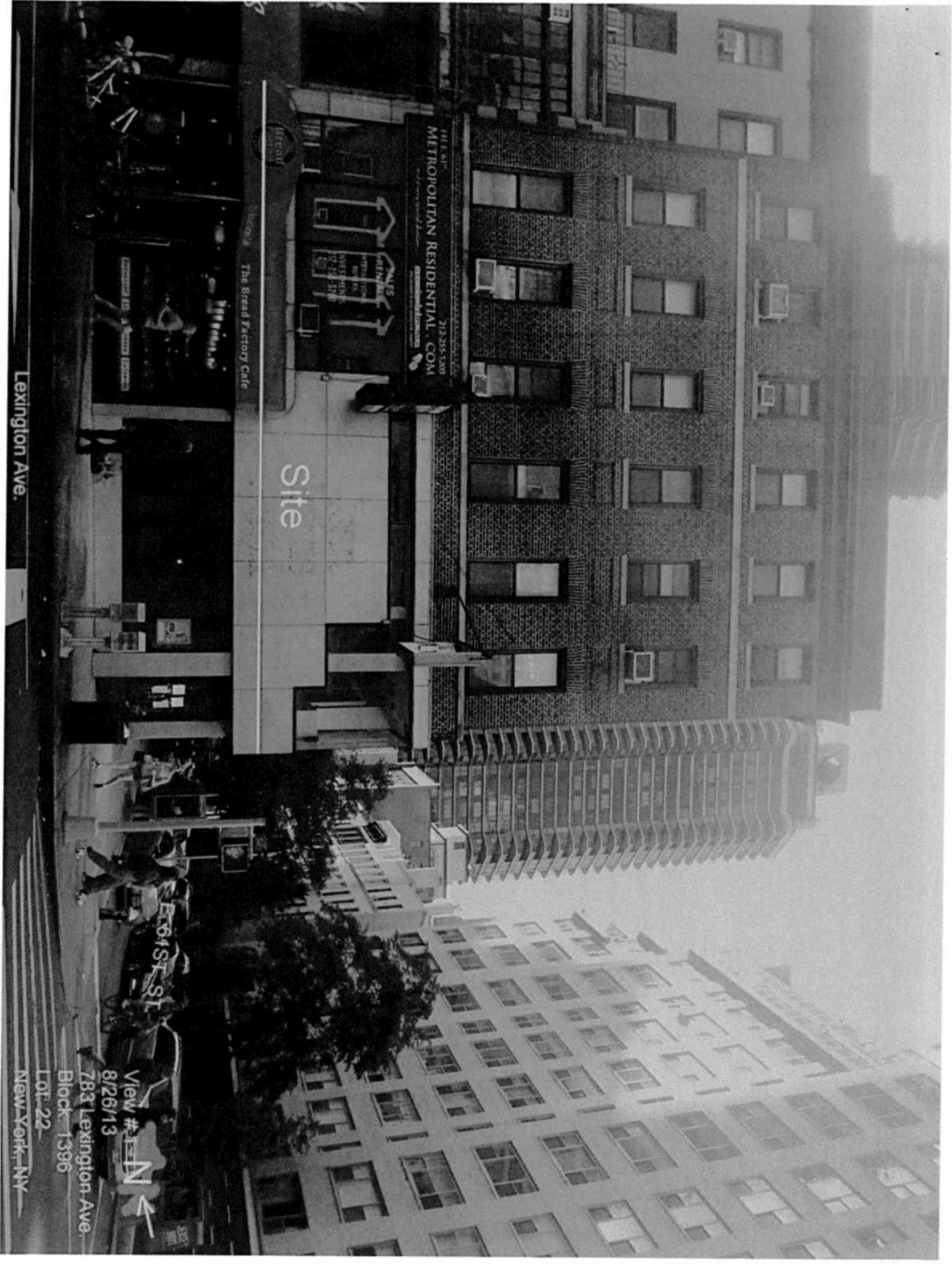
④

⑤

⑥

②





Lexington Ave.

Site

E 64 ST

View #1  
8/26/13  
N →

783 Lexington Ave.  
Block 1396  
Lot 22  
New York, NY

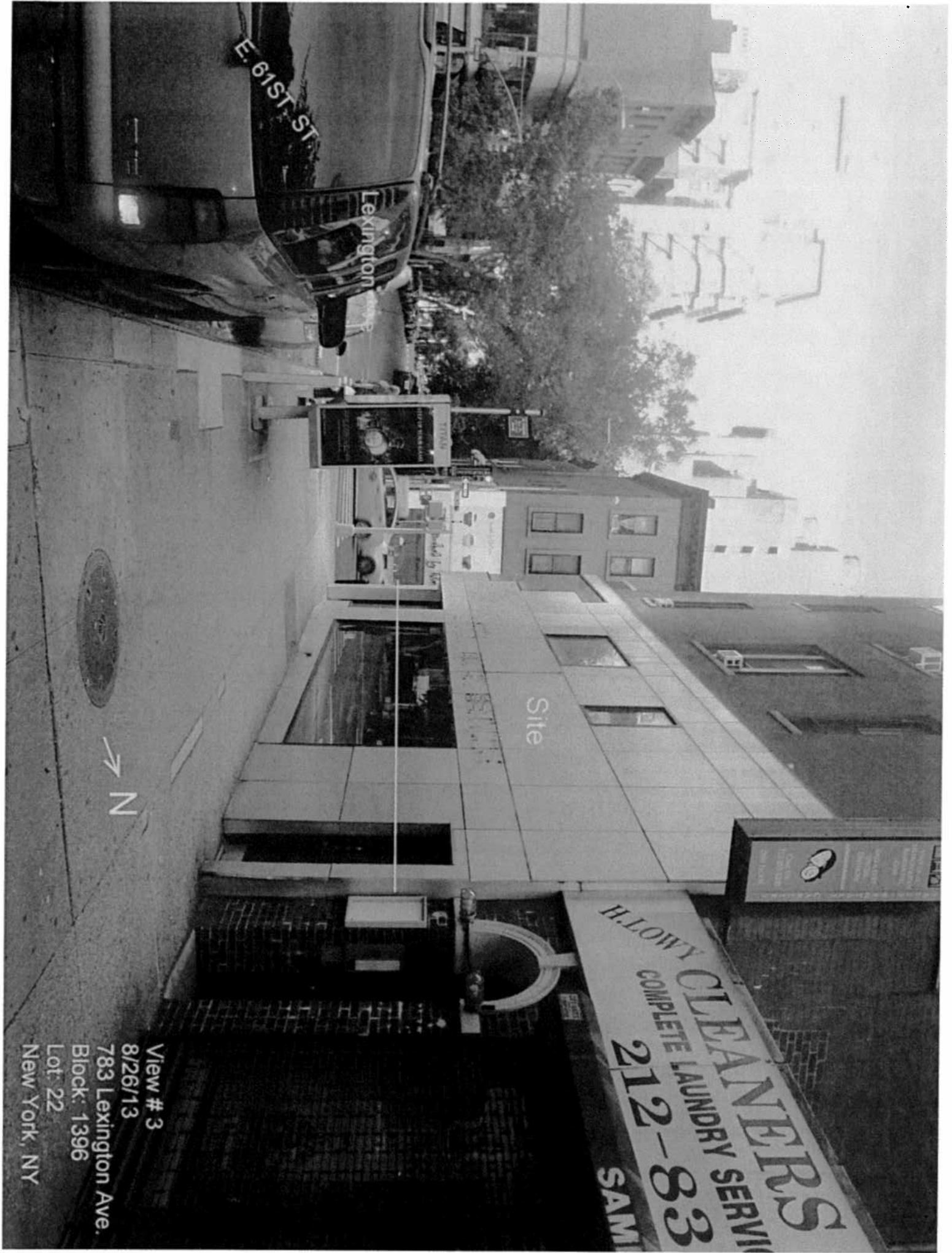


Lexington Ave

ONLY  
BUS

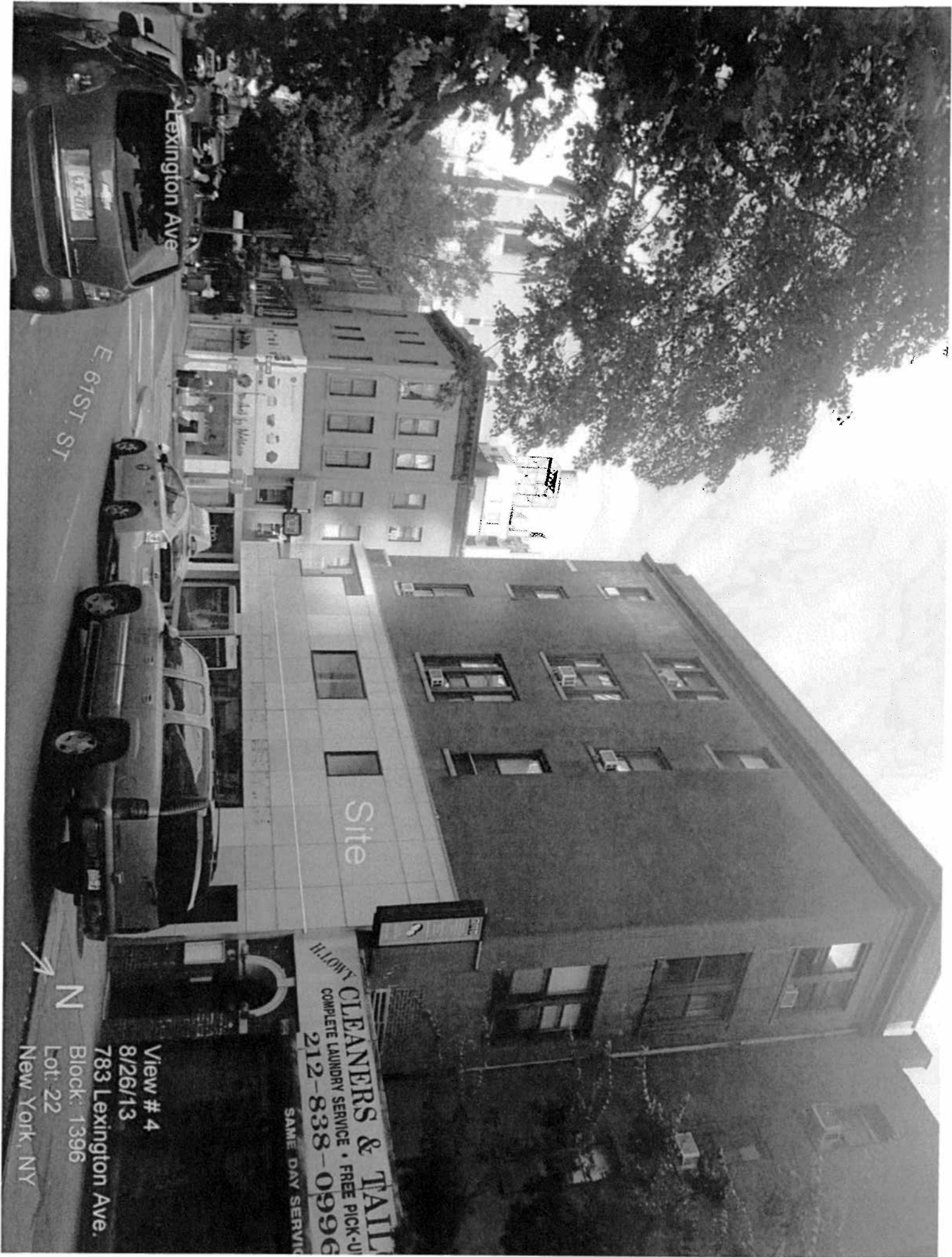
N ↑

View # 2  
8/26/13  
783 Lexington Ave.  
Block: 1396  
Lot: 22  
New York, NY



View # 3  
8/26/13  
783 Lexington Ave.  
Block: 1396  
Lot: 22  
New York, NY





View # 4  
8/26/13  
783 Lexington Ave.  
Block: 1396  
Lot: 22  
New York, NY





E. 61ST ST

N ←

Lexington Ave.

View # 6  
8/26/13  
783 Lexington Ave.  
Block: 1396  
Lot: 22  
New York, NY



**Board of Standards  
and Appeals**

250 Broadway, 29th Floor  
New York, NY 10007  
212-386-0009 - Phone  
646-500-6271 - Fax  
[www.nyc.gov/bsa](http://www.nyc.gov/bsa)

**CITY ENVIRONMENTAL QUALITY REVIEW  
VARIANCE AND SPECIAL PERMIT APPLICATIONS**

**BSA Cal. No.** \_\_\_\_\_

**CEQR No.** \_\_\_\_\_

Place an X in the box to the right of the category that applies to your application. If your project is a Type II, an environmental review is not required. If your project is a Type I, an Environmental Assessment Statement (EAS) is required. If you cannot find an appropriate item on the list, your project is most likely "unlisted" and requires the submission of an EAS.

If your application is unlisted or Type I, submit one (1) original and two (2) copies of the completed EAS and one (1) copy in PDF format on a CD. If your application is Type II, submit three (3) copies of the checklist.

If you require assistance in completing this form, please call the Board's CEQR Examiner at (212) 788-8749.

---

**PREMISES AFFECTED BY YOUR APPLICATION**

Street Address 783 Lexington Avenue Borough Manhattan

Tax Block 1396 Tax Lot 22

Zoning District C1-8X

**PROJECT DESCRIPTION:** Identify the action (variance or special permit), ZR section the application is filed under, ZR sections to be waived, if applicable, and a description of the proposal, including use, new construction or rehabilitation, square footage of development, and number of stories of proposed building.

PCE application pursuant to ZR s. 73-36, total proposed PCE size is 2,310 sq. ft. (Type II).



## GENERAL

1.	Any project or action which exceeds 25 percent of any threshold described in items 6-11 and 16 occurring wholly or partially within or substantially contiguous to any publicly-owned or operated parkland, recreation area or designated open space.	<input type="checkbox"/> Type I: EAS required
2.	Any unlisted action (unless the action is designed for the preservation of the facility or site) occurring wholly or partially within or substantially contiguous to any historic building, structure, facility, site or district or prehistoric site or that has been proposed by the New York State Board on Historic Preservation for a recommendation to the State Historic Preservation Officer for nomination for inclusion in the National Register, or that is listed on the State Register of Historic Places (The National Register of Historic Places is established by 36 Code of Federal Regulation (CFR) Parts 60 and 63, 1994 (see section 617.17 of this Part).	<input type="checkbox"/> Type I: EAS required
3.	Any Unlisted action that exceeds a Type I threshold established by an involved agency pursuant to section 617.14 of this Part.	<input type="checkbox"/> Type I: EAS required
4.	Any structure exceeding 100 feet above original ground level in a locality without any zoning regulation pertaining to height.	<input type="checkbox"/> Type I : EAS required
5.	Maintenance or repair involving no substantial changes in an existing structure or facility.	<input type="checkbox"/> Type II: No EAS required
6.	Interpretations of an existing code, rule or regulation.	<input type="checkbox"/> Type II: No EAS required
7.	Minor temporary uses of land having negligible or no permanent effect on the environment.	<input type="checkbox"/> Type II: No EAS required
8.	Mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns.	<input type="checkbox"/> Type II: No EAS required

## NEW CONSTRUCTION

9.	Any new office structure which has a minimum of 200,000 square feet of floor area and exceeds permitted floor area under existing zoning by more than 20 percent.	<input type="checkbox"/> Type I: EAS required
10.	Activities, other than residential construction, which meet or exceed any of the following thresholds:	
	(a) Parking for 1,000 or more vehicles.	<input type="checkbox"/> Type I: EAS required
	(b) A facility with more than 240,000 square feet of gross floor area.	<input type="checkbox"/> Type I: EAS required
11.	Any new community or public facility containing at least 100,000 square feet of floor area, or the expansion of an existing facility by more than 50 percent of floor area where the total size of the expanded facility exceeds 100,000 square feet of floor area.	<input type="checkbox"/> Type I: EAS required
12.	Granting of individual setback and lot line variances.	<input type="checkbox"/> Type II: No EAS required
13.	Granting of an area variance(s) for a single-family, two-family or a three-family residence.	<input type="checkbox"/> Type II: No EAS required
14.	Construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (11) and the installation, maintenance and/or upgrade of a drinking water well and a septic system.	<input type="checkbox"/> Type II: No EAS required



15.	Construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density.	<input type="checkbox"/> Type II: No EAS required
16.	Construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities.	<input type="checkbox"/> Type II: No EAS required

**EXPANSION, MAINTENANCE, ACCESSORY STRUCTURES**

17.	Expansion of an existing office facility by more than 50 percent of its floor area, where the total size of the expanded facility exceeds 240,000 square feet of floor area.	<input type="checkbox"/> Type I: EAS required
18.	Expansion of an existing non-residential facility which exceeds the following thresholds:	
	(a) Parking for 500 or more vehicles.	<input type="checkbox"/> Type I: EAS required
	(b) A facility with more than 120,000 square feet of gross floor area.	<input type="checkbox"/> Type I: EAS required
19.	Replacement, rehabilitation or construction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building and fire codes unless such a facility meets or exceeds any of the thresholds in section 617.4 of this Part.	<input type="checkbox"/> Type II: No EAS required
20.	Maintenance of existing landscaping or natural growth.	<input type="checkbox"/> Type II: No EAS required
21.	License, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities.	<input type="checkbox"/> Type II: No EAS required
22.	Routine activities of educational institutions, including expansion of existing facilities by less than 10,000 square feet of gross floor area and school closings, but not changes in use related to such closings.	<input type="checkbox"/> Type II: No EAS required

**AFFIRMATION:** I state that I am duly authorized by the fee owner/conditional owner of the said subject premises to make this application to the Board of Standards and Appeals. I have read this application thoroughly. I understand its contents and affirm to the best of my knowledge that the representations made above are true.

SIGNATURE

3/11/14

*Affix seal, if Registered Architect or Professional Engineer.*

**NOTE:** This CEQR checklist is not exclusive and lists the Type II actions typically filed at the Board of Standards and Appeals. For further reference, see New York State's Environmental Quality Review Act (SEQRA), Article 8 of the New York State Environmental Conservation Law, New York State Department of Environmental Conservation's SEQRA Regulations at 6 N.Y.C.R.R. '617, including 6 N.Y.C.R.R. '617.5 (Type II actions); 6 N.Y.C.R.R. '617.4 (Type I actions); Official Compilation of the Rules of the City of New York, Title 62, Chapter 5, Appendix A, '6.04 (exempt actions) and '6-15(a)(1), (2) (additional New York City Type I thresholds from Executive Order No. 91 of 1977 as amended); Rules of Procedure for City Environmental Quality Review (CEQR), DCP #91-15, September 1991.


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**NYC Department of Buildings  
ECB Query By Location**

Page: 1 of 1

Premises: 783 LEXINGTON AVENUE MANHATTAN

BIN: 1041977 Block: 1396 Lot: 22 CB: 108

Dept. of Buildings Violations & Compliance	
Total Issued = 4	Open (Non-Compliance) = 2

ECB Hearings	
Completed / Defaulted = 4	Pending = 0

ECB Number	Dept. of Buildings Violation Status	Respondent	ECB Hearing Status	Viol Date	Infraction Codes	ECB Penalty Due
<u>32070641M</u>	OPEN - CERTIFICATE DISAPPROVED Severity: CLASS - 1	783/5 LEX ASSOC C/O SIERR Inspect Unit: BOILER DIVISION	IN VIOLATION	05/20/2011	<u>154</u>	\$0.00
					Viol Type: BOILER	
<u>32070642Y</u>	OPEN - CERTIFICATE DISAPPROVED Severity: CLASS - 2	783/5 LEX ASSOCIATES C/O Inspect Unit: BOILER DIVISION	IN VIOLATION	05/20/2011	<u>254</u>	\$0.00
					Viol Type: BOILER	
<u>34110917K</u>	RESOLVED - CERTIFICATE ACCEPTED Severity: NON-HAZARDOUS	SIERRA REALTY CORP	STIPULATION/IN-VIO	06/13/1994	<u>B02</u>	\$0.00
					Viol Type: CONSTRUCTION	
<u>34172050K</u>	RESOLVED - CERTIFICATE ACCEPTED Severity: NON-HAZARDOUS	OWNER OF	IN VIOLATION	02/20/1998	<u>B5C, B8R</u>	\$0.00
					Viol Type: CONSTRUCTION	

**Compliance Status** (Open/Resolved) relates to whether a violation has been corrected/uncorrected. Dismissed violations do not require filing a Certificate of Correction.

**ECB Hearing Status** and the **ECB Penalty Due** are separate from **Compliance Status** (i.e. a penalty is still due in many cases even when the violating condition has been fixed).

**Severity Class**

Class 1 - Immediately Hazardous  
Class 2 - Major  
Class 3 - Lesser

HAZ - Hazardous - 1968 Building Code  
NON-HAZ - Non-hazardous - 1968 Building Code

**Violation Status Descriptions**

OPEN - No Compliance Recorded  
OPEN - Certificate Pending (Certificate of Correction submitted and under review)  
OPEN - Certificate Disapproved (Certificate of Correction disapproved/not in compliance)  
RESOLVED - N/A-Dismissed (at ECB - no Certificate of Correction required)  
RESOLVED - Certificate Accepted (Certification of Correction Accepted/in compliance)  
RESOLVED - Cure Accepted (early correction accepted - in violation/no penalty or hearing)

**ECB Hearing Status**

CURED/IN-VIO - In Violation/no hearing required  
STIPULATION/IN-VIO - No hearing required/in violation  
IN VIOLATION - Hearing decision completed  
DISMISSED - Hearing decision completed  
DEFAULT - Respondent failed to appear at hearing  
PUBLICLY-OWNED - No hearing required  
PENDING - Awaiting ECB hearing or decision  
ADMIT/IN-VIO - In Violation/no hearing required



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NYC Department of Buildings  
DOB Violations

Page: 1


Premises: 783 LEXINGTON AVENUE MANHATTAN

BIN: 1041977 Block: 1396 Lot: 22

NUMBER	TYPE	FILE DATE
V* 4653-74	DOB VIOLATION - DISMISSED	00/00/0000
<u>V* 031893LL629101657</u>	DOB VIOLATION - DISMISSED	03/18/1993
<u>V* 031894LL629101657</u>	DOB VIOLATION - DISMISSED	03/18/1994
<u>V* 060492ESST03F</u>	DOB VIOLATION - DISMISSED	06/04/1992
<u>V* 060492ESST04F</u>	DOB VIOLATION - DISMISSED	06/04/1992
<u>V* 013105LL629100656</u>	DOB VIOLATION - DISMISSED	01/31/2005
<u>V 081011AEUHAZ100048</u>	DOB VIOLATION - ACTIVE	08/10/2011

If you have any questions please review these [Frequently Asked Questions](#), the [Glossary](#), or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.



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NYC Department of Buildings

**DOB Violation Display for 081011AEUHAZ100048**

Premises: 783 LEXINGTON AVENUE MANHATTAN

BIN: 1041977 Block: 1396 Lot: 22

DOB Civil Penalty Due: \$1,500

**Issue Date:** 08/10/2011

**Violation Category:** V - DOB VIOLATION - ACTIVE

**Violation Type:** AEUHAZ1 - FAIL TO CERTIFY CLASS 1

**Violation Number:** 00048


**Device No.:**

**ECB No.:** 32070641M (refer to for further details)

**Description:** FAILURE TO CERTIFY CORRECTION ON IMMEDIATELY HAZARDOUS (CLASS 1) ECB VIOLATION

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## NYC Department of Buildings

### ECB Violation Details

Premises: 783 LEXINGTON AVENUE MANHATTAN

Filed At: 141 EAST 61 STREET , MANHATTAN , NY 10065

BIN: 1041977 Block: 1396 Lot: 22

Community Board: 108

### ECB Violation Summary

**VIOLATION OPEN**

ECB Violation Number: 32070641M

Severity: CLASS - 1

Certification Status: CERTIFICATE DISAPPROVED

Hearing Status: IN VIOLATION

Penalty Balance Due: \$0.00

---

### Respondent Information

Name: 783/5 LEX ASSOC C/O SIERR  
Mailing Address: 12 EAST 46 STREET , NY , NY 10017

---

### Violation Details

Violation Date:	05/20/2011	Violation Type:	BOILER
Served Date:	05/20/2011	Inspection Unit:	BOILER DIVISION
Device Type:	BOILER		
Device Number:	HWH		

Infraction Codes	Section of Law	Standard Description
<u>154</u>	154 - UNKNOWN	

#### Specific Violation Condition(s) and Remedy:

154,3B. 50A- SHUT DOWN 2 GAS FIRED HOT WATER HEATERS. IN ROOM TO LEFT OF BOILER. SMOKE PIPE THRU WALL HAS HOLE SITTING ON TOP OF (SWEATED) WATER PIPE. (SHUT OFF GAS VALVES TO WATER HEATERS) DO NOT OPERATE WATER

Issuing Inspector ID: 2408

DOB Violation Number: 052011BHWH CB

Issued as Aggravated Level: NO

---

### Dept. of Buildings Compliance Information

Certification Status: CERTIFICATE DISAPPROVED

Compliance On:

Certification Submission Date: 08/17/2011

Certification Disapproval Date: 08/22/2011

A Certificate of Correction must be submitted to the Administrative Enforcement Unit (AEU) for all violations. A violation that is not dismissed by ECB will continue to remain ACTIVE or "open" on DOB records until acceptable proof is submitted to the AEU, even if you have paid the penalty imposed by ECB.

even if you have paid the penalty imposed by ECB.

---

## ECB Hearing Information

Scheduled Hearing Date: 07/08/2011

Hearing Status: IN VIOLATION

Hearing Time: 10:30

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## ECB Penalty Information

Penalty Imposed: \$1,000.00

Adjustments: \$0.00

Amount Paid: \$1,000.00

Penalty Balance Due: \$0.00

---

## ECB Violation History

Compliance Events


Hearing Events

Hearing Assigned On: 07/20/2011

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## NYC Department of Buildings

### ECB Violation Details

Premises: 783 LEXINGTON AVENUE MANHATTAN

Filed At: 141 EAST 61 STREET , MANHATTAN , NY 10065

BIN: 1041977 Block: 1396 Lot: 22

Community Board: 108

### ECB Violation Summary

**VIOLATION OPEN**

ECB Violation Number: 32070642Y

Severity: CLASS - 2

Certification Status: CERTIFICATE DISAPPROVED

Hearing Status: IN VIOLATION

Penalty Balance Due: \$0.00

### Respondent Information

Name: 783/5 LEX ASSOCIATES C/O  
Mailing Address: 12 EAST 46 STREET , NY , NY 10017

### Violation Details

Violation Date:	05/20/2011	Violation Type:	BOILER
Served Date:	05/20/2011	Inspection Unit:	BOILER DIVISION
Device Type:	BOILER		
Device Number:	MD1762201		

Infraction Codes	Section of Law	Standard Description
<u>254</u>	254 - UNKNOWN	

#### Specific Violation Condition(s) and Remedy:

B254,25A,32A,38,48A,50A,B,C,D,E. 50A- RELOCATE CHECK VALVE TO BE WHEREFEED GOES INTO RETURN. 50B- REMOVE BAND IRON FOR SMOKEPIPE (HANGERS ONLY). 50C- NEED CLEANOUT AT BASE OF CHIMNEY. 50D- CANNOT HAVE SMOKEPIPE

Issuing Inspector ID: 2408

DOB Violation Number: 052011BMD1762201

Issued as Aggravated Level: NO

### Dept. of Buildings Compliance Information

Certification Status: CERTIFICATE DISAPPROVED

Compliance On:

Certification Submission Date: 08/17/2011

Certification Disapproval Date: 08/22/2011

A Certificate of Correction must be submitted to the Administrative Enforcement Unit (AEU) for all violations. A violation that is not dismissed by ECB will continue to remain ACTIVE or "open" on DOB records until acceptable proof is submitted to the AEU, even if you have paid the penalty imposed by ECB.

even if you have paid the penalty imposed by ECB.

---

## ECB Hearing Information

Scheduled Hearing Date:	07/12/2011	Hearing Status:	IN VIOLATION
Hearing Time:	10:30		

---

## ECB Penalty Information

Penalty Imposed:	\$500.00
Adjustments:	\$0.00
Amount Paid:	\$500.00
Penalty Balance Due:	\$0.00

---

## ECB Violation History

Compliance Events	Hearing Events
	Hearing Assigned On: 07/08/2011

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