

ROTHKRUG ROTHKRUG & SPECTOR, LLP
ATTORNEYS AT LAW
55 WATERMILL LANE, SUITE 200
GREAT NECK, NEW YORK 11021

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TODD DALE

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RRSLAWLLP.COM

November 11, 2014

RECEIVED

NOV 14 2014

BY COMMUNITY BOARD 3

Chair Nicholas Viest
Manhattan Community Board 8
505 Park Avenue, Suite 620
New York, NY 10022

Re: Cal. No. 705-81-BZ
1433 York Avenue
Manhattan, New York

Dear Chair Viest:

Please be advised that the enclosed application has been filed at the Board of Standards and Appeals ("BSA") for an extension of term of a variance previously granted allowing a physical culture establishment ("PCE") operated as New York Health and Racquet Club ("NYHRC") within portions of an existing cellar and seven-story mixed-use building located in an R10 zoning district, and for an extension of time to obtain an updated Certificate of Occupancy.

The subject site is subject site is corner lot located in an R10 zoning district. The premises have 75 ft. frontage on the west side of York Avenue, 75 ft. frontage on the north side of East 76th Street, and a depth of 75 ft. - a total of 5625 sq. ft. in area. The subject lot is developed with a cellar and seven-story mixed-use building erected circa 1960.

On May 10, 1983 the BSA originally granted a variance to permit in an R10 district in an existing seven story and cellar mixed-use building the expansion of an existing accessory physical culture establishment on the cellar level and first floor to include the second floor and for use on a non-accessory basis. On February 11, 1997 an application the term was extended and the grant amended to legalize the increase in floor area at the first floor level of the existing health club. On May 2, 2006 an application was granted for an extension of term and for an amendment to permit a change in the hours of operation (term expiring May 10, 2013).

It is proposed to extend the term of variance for ten years from the expiration of the previous grant and to extend the time to obtain a new Certificate of Occupancy. In addition, a waiver is sought to permit late filing of the application. No changes are proposed to the PCE or the existing building.

We would be pleased to provide any additional information required. Please contact the undersigned accordingly.

Sincerely,



TODD DALE

Board of Standards and Appeals
Department of City Planning, attn.: Christopher Holme
Department of City Planning, Manhattan Office, attn.: Edith Hsu-Chen
Gale Brewer, Borough President
Councilperson Ben Kallos



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

SPECIAL ORDER CALENDAR (SOC)
Application Form

BSA APPLICATION NO. 705-81-BZ

RECEIVED

NOV 14 2014

BY COMMUNITY BOARD 8

Section A

**Applicant/
Owner**

Rothkrug Rothkrug & Spector LLP

NAME OF APPLICANT

55 Watermill Lane

ADDRESS

Great Neck

NY

11021

CITY

STATE

ZIP

516

487-2252

AREA CODE

TELEPHONE

516

487-2439

AREA CODE

FAX

adam@rrslawllp.com

EMAIL

Fraydun Enterprises LLC

OWNER OF RECORD

18 E. 50th Street, 10th Fl.

ADDRESS

New York

NY

10022

CITY

STATE

ZIP

NYHRC

LESSEE / CONTRACT VENDEE

18 E. 50th St., 4th Fl.

ADDRESS

New York

NY

10022

CITY

STATE

ZIP

Section B

Site Data

1433 York Avenue

STREET ADDRESS (INCLUDE ANY A/K/A)

10021

ZIP CODE

northeast corner of intersection of York Avenue and E. 76th Street

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

1471

21

Manhattan

8

n/a

BLOCK

LOT(S)

BOROUGH

COMMUNITY DISTRICT

LANDMARK/HISTORIC DISTRICT

Ben Kallos

R10

9a

CITY COUNCILMEMBER

ZONING DISTRICT

(include special zoning district, if any)

ZONING MAP NUMBER

Section C

Description

(LEGALIZATION ☐ YES ☒ NO ☐ IN PART)

Application for extension of term of variance allowing a physical culture establishment within existing mixed-use building and for extension of time to obtain a Certificate of Occupancy.

Section D

Actions

APPLICATION IS HEREBY MADE TO:

1. ☒ Waive of the Rules of Practice and Procedure (Explain in your statement)

2. ☒ Extension of Time to:

☐ Complete construction

☒ Obtain a Certificate of Occupancy

Expiration Date: 5/10/88

3. ☐ Amendment to Previous Board Approval

4. ☒ Extension of Term of the:

☒ Variance ☐ Special Permit

For a term of ____ years

Expiration Date: 5/10/13

5. ☐ Other (Explain in your statement)

Authorizing Section(s) of the Zoning Resolution:

☐ § 11-411 ☐ § 11-412 ☐ § 11-413 ☒ §§ 72-01 and 72-22 ☐ § 73-11 ☐ Other _____

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RRSLAWLLP.COM

STATEMENT OF FACTS

**Cal. No. 705-81-BZ
1433 York Avenue
Manhattan, New York
Block 1471 - Lot 21**

Application for an extension of term of a variance previously granted pursuant to §72-21 of the New York City Zoning Resolution (“ZR”) allowing a physical culture establishment (“PCE”) operated as New York Health and Racquet Club (“NYHRC”) within portions of an existing cellar and seven-story mixed-use building located in an R10 zoning district, and for an extension of time to obtain an updated Certificate of Occupancy. In addition, a waiver of the Board’s Rules of Practice and Procedure is sought to permit delayed filing of the application.

The subject site is corner lot, Lot 21,¹ located in an R10 zoning district within Community Board 8 of Manhattan. The premises have 75 ft. frontage on the west side of York Avenue, 75 ft. frontage on the north side of East 76th Street, and a depth of 75 ft. - a total of 5625 sq. ft. in area. Review of the Department of City Planning website does not indicate any pending or proposed changes in the applicable zoning.

¹ At the time of the previous application the premises consisted of three tax lots – Lots 21 to 23 – that have been merged into a single lot as reflected on the enclosed tax map.

STATEMENT OF FACTS
(continued)

The premises are developed with a cellar and seven-story mixed-use building erected circa 1960. The most recent Certificate of Occupancy (issued February 15, 1984) indicates the following uses:

| | |
|-----------------------|---|
| Cellar | Non-accessory physical culture establishment, laundry room, storage, rubbish, meter and boiler room |
| 1st | Laundry, lobby and non-accessory physical culture establishment |
| 2nd | Non-accessory physical culture establishment |
| 3 rd – 6th | Class “A” Apartments each |
| 7th | Class “A” Apartments |
| 7 th Mezz. | Class “A” Apartments |

Records indicate that on May 10, 1983 the Board originally granted a variance pursuant to ZR 72-21 to permit in an R10 district in an existing seven story and cellar mixed-use building the expansion of an existing accessory physical culture establishment on the cellar level and first floor to include the second floor and for use on a non-accessory basis. On February 11, 1997 an application was granted for a reopening of the variance for an extension of term and for an amendment to legalize the increase in floor area at the first floor level of the existing health club. On May 2, 2006 an application was granted for an extension of term of the variance permitting the PCE and for an amendment to permit a change in the hours of operation (term expiring May 10, 2013).

STATEMENT OF FACTS
(continued)

It is proposed to extend the term of variance for ten years from the expiration of the previous grant and to extend the time to obtain a new Certificate of Occupancy. In addition, a waiver of the Board's Rules is sought to permit late filing of the application. No changes are proposed to the PCE - its operation or operator - or the existing building. The delay in filing was due to a change in administration of the subject PCE – it is anticipated that the new CO should be obtained within 6 to 12 months of the grant of the instant application.

Respectfully submitted,

A handwritten signature in black ink that reads "Rothkrug Rothkrug + Spector LLP". The signature is written in a cursive, flowing style.

Rothkrug Rothkrug & Spector LLP



**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

AFFIDAVIT OF OWNERSHIP AND AUTHORIZATION

Affidavit of Ownership

SCOTT SOLOMAN, being duly sworn, deposes and says that (s)he resides
at 18 E. 59th St., 10th Fl., in the City of New York, in the County of New York, in the
State of New York; that Fraydun Enterprises 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 1471, Lot(s) 21, Street and House Number
1433 York 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 Rothkrug Rothkrug & Spector LLP
to make the annexed application in her/his behalf.

Signature of Owner

Print Name

Print Title

[Signature]
SCOTT SOLOMAN
MEMBER

Sworn to before me this 30th day

of October 2 014

Heather Dobkowski

Revised March 8, 2012

HEATHER DOBKOWSKI
Notary Public, State of New York
No. 01DO6254445
Qualified in Dutchess County
Commission Expires January 17, 2016



**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

AFFIDAVIT OF LESSEE

VAL PAESE, being duly sworn, deposes and says that (s)he resides
at 18 E. 50th Street, 4th Fl., in the City of New York, in the County of New York, in the
State of New York; that NYHRC is the lessee 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 1471, Lot(s) 21, Street and House Number
1433 York Avenue; and that the statement of facts in the annexed application are true.

Check one of the following conditions:



Lessee 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 Rothkrug Rothkrug & Spector LLP
to make the annexed application in her/his behalf.

Signature of Lessee

Print Name

Val Paese

Print Title

VP. Facilities + Construction

Sworn to before me this 30 day

of October 2 014

Heather Dobkowski

HEATHER DOBKOWSKI
Notary Public, State of New York
No. 01DO6254445
Qualified in Dutchess County
Commission Expires January 17, 2016

Board of Standards and Appeals History

705-81-BZ

1433 York Avenue, Manhattan, NY

- | | |
|-----------|--|
| 5/10/1983 | Application granted pursuant to ZR 72-21 to permit in an R10 district in an existing seven story and cellar mixed-use building the expansion of an existing accessory physical culture establishment on the cellar level and first floor to include the second floor and for use on a non-accessory basis. |
| 2/11/1997 | Application granted for reopening of variance for extension of term and for amendment to legalize the increase in floor area at the first floor level of an existing health club. |
| 5/2/2006 | Application granted for extension of term of variance permitting physical culture establishment for and for amendment to permit change in hours of operation (expiration May 10, 2013). |

THE CITY OF NEW YORK

DEPARTMENT OF BUILDINGS

AMENDED CERTIFICATE OF OCCUPANCYBOROUGH MANHATTANDATE: FEB 15 1974NO. S5422AmendsThis certificate ~~is~~ amends C.O. No. 73763ZONING DISTRICT R-10THIS CERTIFIES that the ~~new~~ altered ~~existing~~ existing building - premises located at 1433/1437 York Avenue Block 1471 Lot 21,22,23

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 | LIVE 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. | 84 | - | - | 9 | F3 | Non-accessory physical culture establishment, laundry room, storage, rubbish, meter and boiler room |
| 1st | 100 | 110 | - | - | 9 | F3 | Laundry, lobby and non-accessory physical culture establishment |
| 2nd | 40 | 158 | - | - | 9 | F3 | Non-accessory Physical Culture Establishment |
| 3rd-5th | 40ea. | - | 9ea. | 132ea. | 2 | - | Class "A" Apartments each |
| 7th | 40 | - | 6/2,4 | 12 | 2 | - | Class "A" Apartments |
| 7th Mezz. | 40 | - | 6/2 | 6 | 2 | - | Class "A" Apartments |
| Commercial and Class "A" Apartments | | | | | | | |
| This is an Amended Certificate of Occupancy. | | | | | | | |
| Note: 1. Variance shall be for a term of five years. | | | | | | | |
| 2. Establishment be operated as a membership organization with classes and/or instructions in weight reduction, exercise, and physical fitness. | | | | | | | |
| 3. There shall be no change in ownership or control of the physical culture establishment without prior application to and approval from this Board. | | | | | | | |
| 4. Hours of operation shall be 7:00 AM to 10:00 PM seven days per week. | | | | | | | |

OPEN SPACE USES _____

SPECIFY - PARKING SPACES, LOADING BERTHS, OTHER USES, NONE!

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.

Borough Superintendent George ChabonCommissioner [Signature]
☐ ORIGINAL ☐ OFFICE COPY - DEPARTMENT OF BUILDINGS ☐ COPY


[CLICK HERE TO SIGN UP FOR BUILDINGS NEWS](#)
NYC Department of Buildings
Property Profile Overview

1433 YORK AVENUE

 EAST 76 STREET 441 - 443
 YORK AVENUE 1433 - 1437

MANHATTAN 10075

 Health Area : 4300
 Census Tract : 132
 Community Board : 108
 Buildings on Lot : 1

BIN# 1045958

 Tax Block : 1471
 Tax Lot : 21
 Condo : NO
 Vacant : NO

[View DCP Addresses...](#) [Browse Block](#)
[View Zoning Documents](#) [View Challenge Results](#) [Pre - BIS PA](#) [View Certificates of Occupancy](#)

Cross Street(s): EAST 76 STREET, EAST 77 STREET

DOB Special Place Name:

DOB Building Remarks:

Landmark Status:

Special Status: N/A

Local Law: YES

Loft Law: NO

SRO Restricted: NO

TA Restricted: NO

UB Restricted: NO

Environmental Restrictions: N/A

Grandfathered Sign: NO

Legal Adult Use: NO

City Owned: NO

Additional BINs for Building: NONE

Special District: UNKNOWN

This property is not located in an area that may be affected by Tidal Wetlands, Freshwater Wetlands, or Coastal Erosion Hazard Area. [Click here for more information](#)

Department of Finance Building Classification: D9-ELEVATOR APT

Please Note: The Department of Finance's building classification information shows a building's tax status, which may not be the same as the legal use of the structure. To determine the legal use of a structure, research the records of the Department of Buildings.

| | Total | Open | Elevator Records |
|---|-------|------|--|
| Complaints | 12 | 0 | Electrical Applications |
| Violations-DOB | 36 | 0 | Permits In-Process / Issued |
| Violations-ECB (DOB) | 9 | 2 | Illuminated Signs Annual Permits |
| Jobs/Filings | 21 | | Plumbing Inspections |
| ARA / LAA Jobs | 0 | | Open Plumbing Jobs / Work Types |
| Total Jobs | 21 | | Facades |
| Actions | 39 | | Marquee Annual Permits |
| OR Enter Action Type: <input type="text"/> | | | Boiler Records |
| OR Select from List: <input type="text" value="Select..."/> | | | DEP Boiler Information |
| AND <input type="button" value="Show Actions"/> | | | Crane Information |
| | | | After Hours Variance Permits |

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.


[CLICK HERE TO SIGN UP FOR BUILDINGS NEWS](#)

NYC Department of Buildings

ECB Violation Details

Premises: 1433 YORK AVENUE MANHATTAN

Filed At: 1433 YORK AVENUE , MANHATTAN , NY 10021

BIN: 1045958 Block: 1471 Lot: 21

Community Board: 108

ECB Violation Summary

VIOLATION OPEN

ECB Violation Number: 34107580R

Severity: NON-HAZARDOUS

Certification Status: NO COMPLIANCE RECORDED

Hearing Status: STIPULATION/IN-VIO

Penalty Balance Due: \$0.00

Respondent Information

Name: OWNER OF 1433 YORK AVE

Mailing Address:

Violation Details

Violation Date: 03/17/1994

Violation Type: CONSTRUCTION

Served Date: 03/17/1994

Inspection Unit:

Infraction Codes

Section of Law

Standard Description

B02

27-215

ALTERED BLDG OCCUPIED WITHOUT A VALID CERTIFICATE OF OCCUPANCY

Specific Violation Condition(s) and Remedy:

ALTERED BUILDING OCCUPIED WITHOUT A VALID COFO. COFO 85422 ISSUED 2/15/84 HAS EXPIRED AS OF 2/15/89. ALT#489/81. REMEDY: RENEW COFO OR DISCONTINUE ILLEGAL OCCUPANCY FORTH WITH.

Issuing Inspector ID: 0411

DOB Violation Number: 031794C08M01

Issued as Aggravated Level:

NO

Dept. of Buildings Compliance Information

Certification Status: NO COMPLIANCE RECORDED

Compliance On:

Certification Submission Date: 10/17/2014

Certification Disapproval Date: 10/17/2014

Stipulated Compliance Due Date: 07/16/1994

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.

ECB Hearing Information

Scheduled Hearing Date: 04/28/1994

Hearing Status: STIPULATION/IN-VIO

Hearing Time: 8:30

ECB Penalty Information

Penalty Imposed: \$350.00

Adjustments: \$0.00


[CLICK HERE TO SIGN UP FOR BUILDINGS NEWS](#)

NYC Department of Buildings

ECB Violation Details

Premises: 1433 YORK AVENUE MANHATTAN

Filed At: 1433 YORK AVENUE , MANHATTAN , NY 10021

BIN: 1045958 Block: 1471 Lot: 21

Community Board: 108

ECB Violation Summary

VIOLATION OPEN

ECB Violation Number: 34417062K

Severity: NON-HAZARDOUS

Certification Status: NO COMPLIANCE RECORDED

Hearing Status: STIPULATION/IN-VIO

Penalty Balance Due: \$0.00

Respondent Information

Name: THE NEW YORK HEART CLUB I
 Mailing Address: 1433 YORK AVENUE , NY , NY 10021

Violation Details

Violation Date: 12/11/2003 Violation Type: PUBLIC ASSEMBLY
 Served Date: 12/10/2003 Inspection Unit: MANHATTAN CONSTRUCTION

| Infraction Codes | Section of Law | Standard Description |
|------------------|----------------|--|
| <u>B66</u> | 27-215 | OPER OF P A CONTRARY TO C O WHEN CURRENT C O ALLOWS OPER OF P A |

Specific Violation Condition(s) and Remedy:

OPERATION OF A PLACE OF ASSEMBLY WITHOUT A F/A PERMIT POSTED AT LOCATION NOTE:P/A 190/86 FROM
 BUILDINGDEPARTMENT RECORDS.REMEDY:PROVIDE A PUBLIC ASSEMBLY PERMIT & HAVE POSTED AT LOCATION
 AT ALL TIMES.

Issuing Inspector ID: 0370 DOB Violation Number: 121003PA08J2
 Issued as Aggravated Level: NO

Dept. of Buildings Compliance Information

Certification Status: NO COMPLIANCE RECORDED

Compliance On:

Stipulated Compliance Due Date: 04/18/2004

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.

ECB Hearing Information

Scheduled Hearing Date: 01/29/2004 Hearing Status: STIPULATION/IN-VIO
 Hearing Time: 10:30

ECB Penalty Information

Penalty Imposed: \$350.00
 Adjustments: \$0.00
 Amount Paid: \$350.00



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

| | |
|----------------------------------|------------|
| BSA Cal. No.: 705-81-BZ | |
| Street Address: 1433 York Avenue | |
| Block: 1471 | Lot(s): 21 |
| Borough: Manhattan | |

CERTIFICATION OF INSPECTION & COMPLIANCE

Todd Dale

_____ hereby states that I personally inspected the
(Applicant, Agent, Registered Architect or Registered Engineer)
premises and surrounding area on October 2014. In addition, I have
(Date of most recent inspection)
researched all relevant BSA records related to the premises, including BSA-approved plans and resolutions.
Each non-compliance with the terms, conditions and/or plans of the effective prior BSA grant is explained in
detail below. The specific date or time frame on which compliance will be restored, where possible to
ascertain, is listed.

[Note: A request to eliminate any prior condition must be part of the relief sought in the application; such request should not be made on this form]

- ☐ I confirm that the premises is developed and operates in accordance with the currently effective BSA-approved plans and resolution, submitted with this application.
- ☒ The following deviation(s) from the currently effective BSA-approved plans and/or resolution exist on the site:

Area(s) of non-compliance

Date(s) to achieve compliance.

Certificate of Occupancy expired.

Within 6 to 12 months of grant of application.



Applicant/Agent Signature
(Registered Architect/Engineer Seal as Appropriate)

BSA CALENDAR NO.

705-81-BZ

BLOCK 1471

LOT 21

SUBJECT SITE ADDRESS

1433 York Avenue, Manhattan

APPLICANT

Rothkrug Rothkrug & Spector LLP

ZONING DISTRICT R10

PRIOR BSA #

SPECIAL/HISTORIC DISTRICT

COMMUNITY BOARD 8

COMPLIANT: "Y"

IF NOT: "N" and

INDICATE AMT

OVER/UNDER

LOT AREA

n/a

LOT WIDTH

n/a

USE GROUP (S)

22-10

4

PCE

PCE

PCE

Y

FA RESIDENTIAL

FA COMMUNITY FACILITY

FA COMMERCIAL/INDUST.

n/a

n/a

7976

7976

7976

Y

FLOOR AREA TOTAL

n/a

n/a

7976

7976

7976

Y

FAR RESIDENTIAL

FAR COMMUNITY FACILITY

FAR COMMERCIAL/INDUST.

n/a

n/a

1.42

1.42

1.42

Y

FAR TOTAL

n/a

n/a

1.42

1.42

1.42

Y

OPEN SPACE

OPEN SPACE RATIO

LOT COVERAGE (%)

NO. DWELLING UNITS

WALL HEIGHT

TOTAL HEIGHT

NUMBER OF STORIES

2*

2*

2*

Y

FRONT YARD

SIDE YARD

SIDE YARD

REAR YARD

SETBACK (S)

SKY EXP. PLANE (SLOPE)

NO. PARKING SPACES

n/a

0

0

0

Y

LOADING BERTH (S)

OTHER:

* In Applicable ZR Section column: For RESIDENTIAL developments in non-residential districts, contrast to nearest district where use is permitted, contrast to nearest district where use is not permitted, contrast to nearest district where use is permitted. For COMMERCIAL or MANUFACTURING developments in residential districts, contrast to nearest district where use is permitted, contrast to nearest district where use is not permitted, contrast to nearest district where use is permitted. For all applications, attach zoning map and site plan of subject site. Be sure that all items noted in the DOB Denial/Objection are included. NOTES:

* subject proposed PCE located at cellar, 1st, 2nd floors



BSA SIGN ANALYSIS - COMMERCIAL DISTRICTS

REVISED JANUARY 2004

BSA CALENDAR NO: 705-81-BZ *[NOTE - no proposed changes to signage]

LOCATION: 1433 York Avenue BOROUGH Manhattan

BLOCK 1471

APPLICANT: Rothkrug Rothkrug & Spector LLP

LOT 21

ZONING DISTRICT: R10

SPECIAL DISTRICT

LOT AREA: 5625 sf

EQUIVALENT C DISTRICT

| | SECTION | PERMITTED | PROPOSED | COMPLIANCE |
|---|---------|---|----------|------------|
| ACCESSORY BUSINESS SIGNS | 32-62 | PERMITTED IN ALL COMMERCIAL DISTRICTS | | |
| ADVERTISING SIGNS | 32-63 | C6-5, C6-7, C7, C8 DISTRICTS | | |
| TOTAL SURFACE AREA - ALL SIGNS C1 - C8 | 32-641 | SEE TABLE SECT. 32-642 FOR SURFACE AREA PERMITTED = 500 sf per frontage | 58.25 | Y* |
| NON-ILLUMINATED SIGNS C1 - C8 | 32-642 | SEE TABLE THIS SECTION FOR SURFACE AREA PERMITTED = 500 sf per frontage | 58.25 | Y* |
| ILLUMINATED NON-FLASHING C1, C2 | 32-643 | SEE TABLE THIS SECTION FOR SURFACE AREA PERMITTED = | | |
| ILLUMINATED OR FLASHING C4, C5-4, C6, C7 (NO FLASHING SIGNS IN C6-1A) | 32-644 | SEE TABLE THIS SECTION FOR SURFACE AREA PERMITTED = | | |
| ILLUMINATED OR FLASHING SIGNS IN C8 DISTRICTS - BUSINESS OR ADVERTISING | 32-645 | TOTAL SURFACE AREA OF ALL SUCH SIGNS < 5X STREET FRONTAGE OF ZONING LOT; EACH SIGN < 500 SF | | |
| PERMITTED PROJECTION C6-5, C6-7, C7 SEE SECTION 32-653 FOR ADD'L REGS | 32-651 | NO PERMITTED SIGN TO PROJECT ACROSS STREET LINE BY MORE THAN 8' | | |
| PERMITTED PROJECTION FOR ALL REMAINING COMMERCIAL DISTRICTS | 32-652 | NO PERMITTED SIGN TO PROJECT ACROSS STREET LINE BY MORE THAN 18" FOR DOUBLE OR MULTI-FACETED SIGNS OR 12" FOR ALL OTHERS | | |
| REGULATIONS FOR PROJECTING BUSINESS SIGNS: AWNINGS, CANOPIES, SIGNS ON MARQUEES C1 - C8 | 32-653 | - AWNING OR CANOPY: NON-ILLUM. < 12SF, LETTERS < 12", FOR IDENTIFICATION ONLY; - SIGN ON MARQUEE: MUST PROJECT < 48" ABOVE, > 12" BELOW, EXCEPT C6-5, C6-7, C7 | | |
| MAXIMUM HEIGHT OF SIGNS C8 | 32-654 | < 40' ABOVE CURB LEVEL; < 58' FOR NON-ILLUM. OR INDIRECT SIGNS | | |
| MAXIMUM HEIGHT OF SIGNS C1 - C7 | 32-655 | SEE TABLE: 25'-40' RANGE PER DISTRICT; C6-5, C6-7, C7: NO RESTRICTION | < 40 ft. | Y* |
| MAXIMUM HEIGHT ABOVE ROOF C1 - C5, C6-1 to 4, C6-6, C6-8, C6-9 | 32-656 | ONLY VERTICAL SIGNS < 28" WIDE MAY EXTEND UP TO 15' ABOVE ROOF LEVEL | | |
| ROOF SIGNS C1 - C5, C6-1 to 4, C6-6, C6-8, C6-9 | 32-657 | NONE PERMITTED | | |
| ADDITIONAL REGULATIONS FOR SIGNS OTHER THAN ADVERTISING SIGNS IN C6-5, C6-7, C7, C8 | 32-661 | IF WITHIN 200' OF ARTERIAL HIGHWAY OR PARK SIGN SHALL NOT EXCEED 500sf SURFACE AREA IF WITHIN VIEW. SEE EXCEPTIONS | | |
| ADDITIONAL REGULATIONS FOR ADVERTISING SIGNS IN C6-5, C6-7, C7, C8 | 32-662 | NONE PERMITTED WITHIN 200' OF ARTERIAL HIGHWAY OR PARK, IF WITHIN VIEW | | |
| WATERWAY ADVERTISING SIGNS | 32-663 | NOT PERMITTED ADJACENT TO C DISTRICTS | | |
| PROVISION FOR DIST. BOUNDARIES C2 - C8 | 32-67 | IF WITHIN 100' OF RESIDENCE DISTRICT OR ADJ. TO PARK AND SIGN < 165 DEG., SEE C1 REGS. | | |
| RESIDENTIAL OR MIXED BUILDINGS C1 - C6 | 32-68 | FOR UG 1, 2 or RESIDENTIAL USES, SEE RESIDENTIAL REGULATIONS. FOR NON-RESIDENTIAL USE ON 2 FLOORS - NON-ILLUM. SIGNS ONLY AND BELOW 3RD STORY | | |
| ADULT ESTABLISHMENTS | 32-69 | SEE SECTION | | |





1433 York Avenue, Manhattan
Block 1471
Lot 21





York Avenue

SITE

E. 76th Street

1433 York Avenue, Manhattan
Block-1471
Lot 21

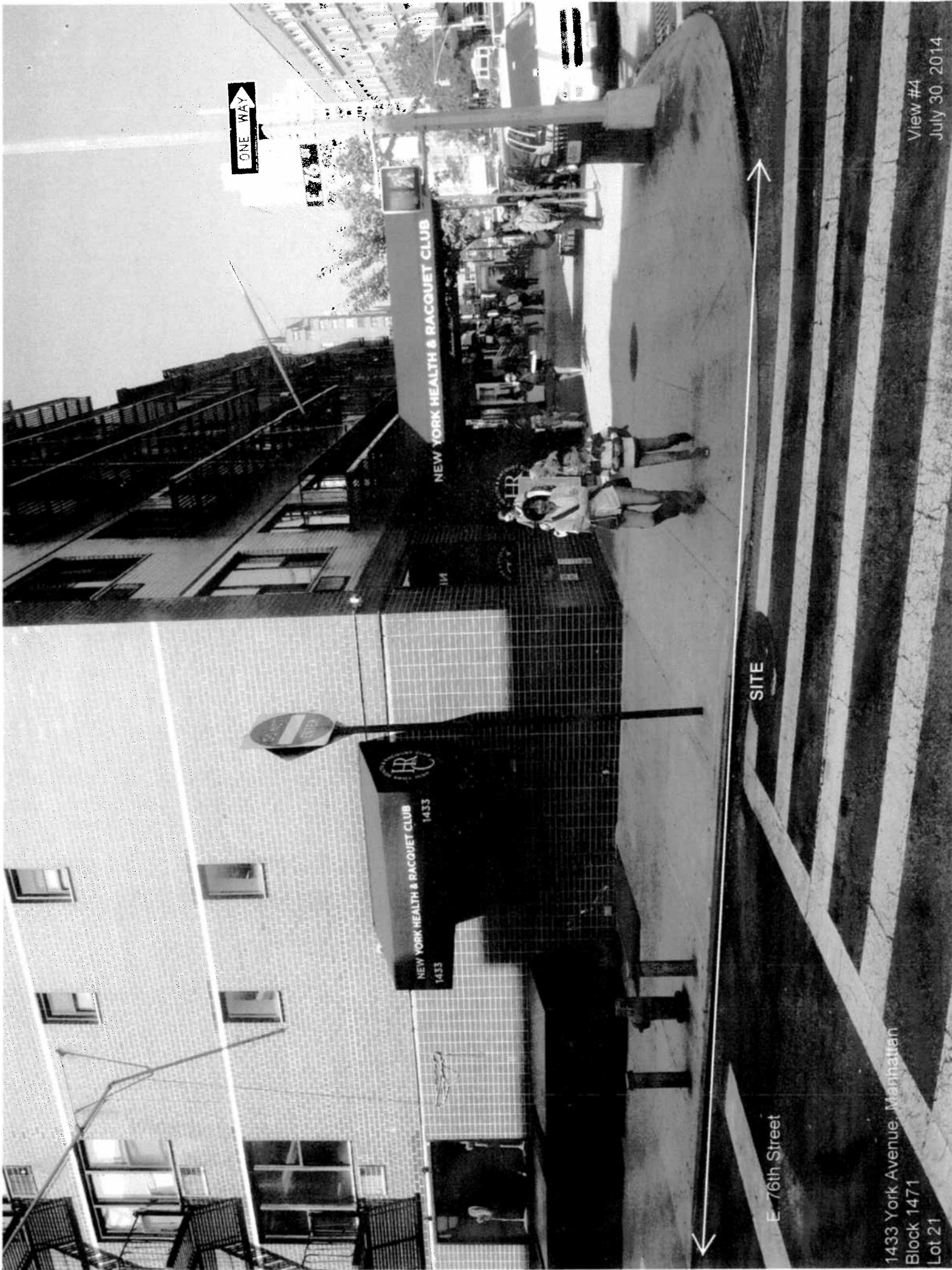
View #2

July 30, 2014



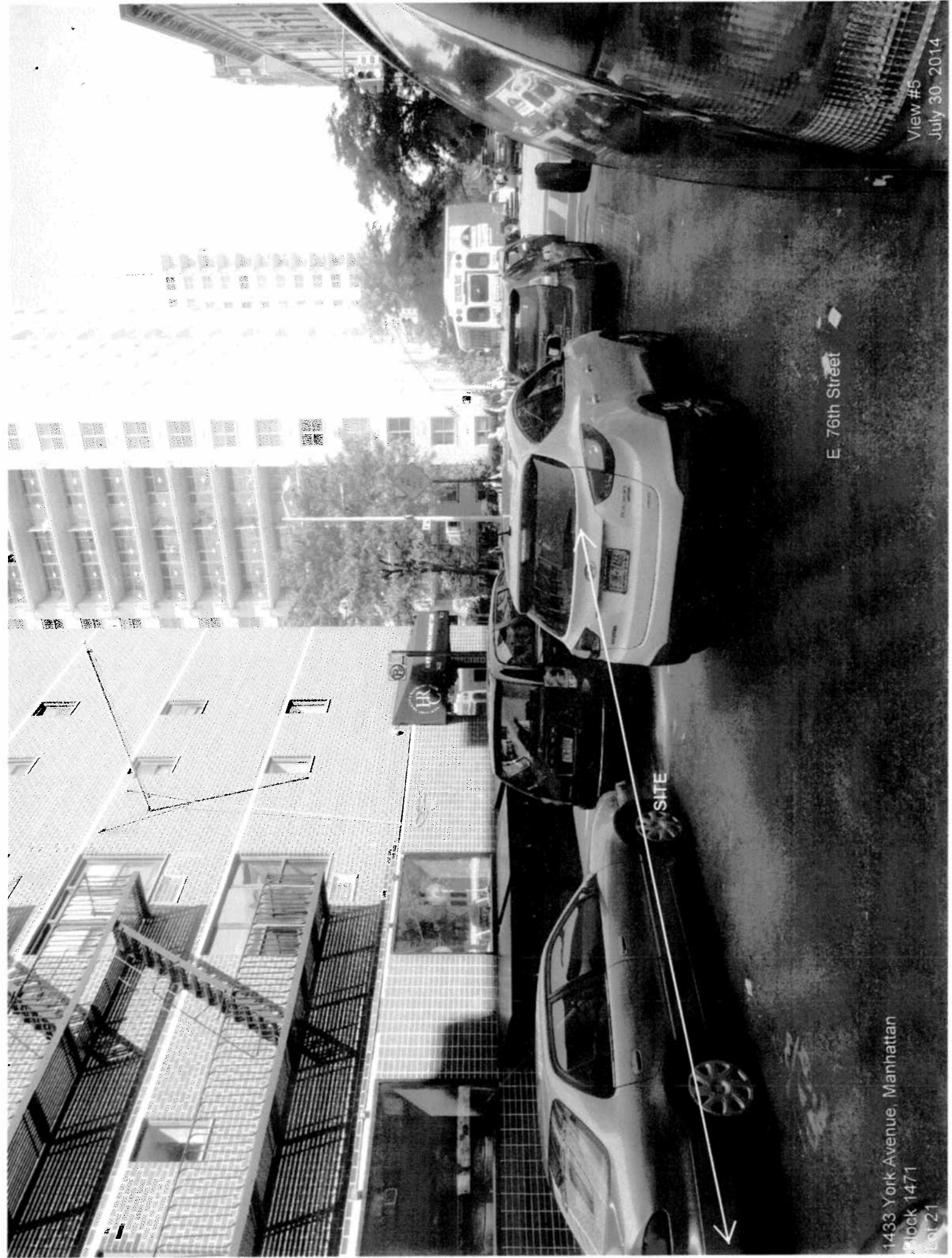
1433 York Avenue, Manhattan
Block 1471
Lot 21

View #3
July 30, 2014



View #4
July 30, 2014

1433 York Avenue, Manhattan
Block 1471
Lot 21



E. 76th Street

1433 York Avenue, Manhattan
Block 1471
Lot 21

View #5
July 30, 2014

705-81-BZ

APPLICANT – Agusta & Ross, for Fraydon Enterprises, owner; New York Health & Racquet Club, lessee.

SUBJECT – Application May 23, 2005 – Application for an Extension of Term/Amendment/Waiver for a Variance Z.R. 72-21 to continue the operation of a physical culture establishment and to permit the change in hours of operation. The premise is located in an R-10 zoning district.

PREMISES AFFECTED – 1433-37 York Avenue, northwest corner of York Avenue and East 76th Street, Block 1471, Lots 21, 22 and 23, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Mitchell Ross.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Chin and Commissioner Collins.....4

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for (1) a waiver of the Rules of Practice and Procedure, (2) an extension of the term that expired on May 10, 2003, and (3) an amendment to extend the hours of a PCE previously granted a variance and to legalize interior layout changes to the approved plans; and

WHEREAS, a public hearing was held on this application on February 28, 2006, after due notice by publication in *The City Record*, laid over to April 11, 2006 and then to decision on May 2, 2006; and

WHEREAS, Community Board 8, Manhattan, recommends approval of this application; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board; and

WHEREAS, the subject premises is located at the northwest corner of York Avenue and East 76th Street; and

WHEREAS, on May 10, 1983, the Board granted a variance pursuant to ZR § 72-21, to permit, in a R10 zoning district, the expansion of an existing Physical Culture Establishment (PCE) in the cellar and the first floor onto the second floor of the existing seven-story mixed use building; and

WHEREAS, subsequently, the grant was re-opened and amended to modify the interior layout, increase the floor area, and to extend the term; and

WHEREAS, the instant application seeks to extend the hours of operation so as to open one hour earlier, at 6:00 a.m., daily; and

WHEREAS, the instant application also seeks to legalize certain layout reconfigurations, which do not increase the floor area; and

A true copy of resolution adopted by the Board of Standards and Appeals, May 2, 2006.

Printed in Bulletin No. 19, Vol. 91.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

WHEREAS, lastly, the instant application seeks to extend the term of the variance for ten years; and

WHEREAS, the Board instructed the applicant to notify neighbors about the application and public hearing in order to determine if prior noise issues had been resolved to their satisfaction; and

WHEREAS, the applicant submitted evidence to the Board confirming that noise concerns had been addressed by an acoustical study and subsequent remediation; and

WHEREAS, the Board reviewed the evidence and notes that acoustical measures were put in place; and

WHEREAS, at hearing, the Board heard testimony from neighbors that the noise issues were resolved; and

WHEREAS, accordingly, the Board finds that a ten-year extension and the proposed change in hours and internal configurations are appropriate, with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals waives the Rules of Practice and Procedure, and reopens and amends the resolution, dated May 10, 1983, so that as amended this portion of the resolution shall read: "to grant an extension of the term for a term of ten years from the expiration of the last grant, to extend the hours of operation by one hour, daily, and to permit internal layout reconfiguration; *on condition* that the use and operation of the PCE shall substantially conform to drawings as filed with this application, marked 'Received April 3, 2006' – (6) sheets and 'April 19, 2006' – (1) sheet; and *on further condition*:

THAT this grant shall be limited to a term of ten years from May 10, 2003, expiring May 10, 2013;

THAT the hours of operation shall be 6:00 a.m. to 10:00 p.m., daily;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, May 2, 2006.

705-81-BZ

APPLICANT - Rothkrug & Rothkrug, Esquires, for Fraydun Enterprise, owner.

SUBJECT - Application June 8, 1993 - reopening for an extension of term of variance, which expired May 10, 1993, and for an amendment to the resolution to legalize the increase in floor area at the first floor level of an existing health club.

PREMISES - 1433/37 York Avenue, northeast corner of East 76th Street, Block 1471, Lots 21, 22, and 23, Borough of Manhattan.

APPEARANCES -

For Applicant: Adam W. Rothkrug and Gaby Fabian.

For Opposition: John Scrofani, Fire Department and Mary Noonan.

ACTION OF THE BOARD - Application reopened and term of the variance extended and resolution amended.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Flahive, Commissioner Palladino, Commissioner Bonfilio and Commissioner Joseph.....5

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Flahive, Commissioner Palladino, Commissioner Bonfilio and Commissioner Joseph.....5

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Flahive, Commissioner Palladino, Commissioner Bonfilio and Commissioner Joseph.....5

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested an extension of the term of the variance and an amendment to the resolution; and

WHEREAS, the Fire Department has reviewed this application and recommended certain fire safety measures; and

WHEREAS, a public hearing was held on this application on November 9, 1993 after due notice by publication in the Bulletin, laid over to January 11, 1994; February 23, 1994; April 19, 1994; June 14, 1994; August 2, 1994; September 27, 1994; October 25, 1994; November 22, 1994 and then to January 18, 1995 for decision. On January 18, 1995 the hearing was re-opened and laid over to February 28, 1995 and then to March 28, 1995 for decision. On March 28, 1995 the hearing was re-opened and laid over to May 9, 1995; August 8, 1995; October 11, 1995; November 14, 1995; January 17, 1996; February 27, 1996; April 23, 1996; May 21, 1996; July 2, 1996; September 17, 1996; October 22, 1996; December 10, 1996; January 14, 1997 and then to February 11, 1997 for decision. On February 11, 1997 the application was reopened to clarify some outstanding issues and then the decision was rendered; and

WHEREAS, enclosures have been constructed around the mechanical equipment at the recommendation of the Board to reduce the noise level in the adjacent apartments; and

WHEREAS, controlling timers have been installed on the HVAC equipment in an effort to further control the noise; and

WHEREAS, as part of this application the owner/operator has requested a modification to the hours of operation; and

WHEREAS, the Board finds that this is an inappropriate case to extend the hours of operation because, unlike most other physical culture establishments referred to by the applicant, this establishment is located in a residential building in a residential district; and

WHEREAS, although the Board acknowledges that the enclosure around the mechanical equipment has reduced the noise impacts, the Board finds that limiting the hours of operation from 7AM to 10 PM would further mitigate the noise as well as the other impacts associated with the activity at the establishment to the adjoining residential tenants.

Resolved, that the Board of Standards and Appeals hereby *reopen and amend* the resolution pursuant to Z.R. §72-01 and §72-22, said resolution having been adopted on May 10, 1983 as amended through April 23, 1991 expiring May 10, 1993, so that as amended this portion of the resolution shall read:

"to legalize the increased area of the health club and to extend the term of the variance, *on condition* that the term of the variance shall be limited to ten years from May 10, 1993 to expire on May 10, 2003: that the enclosures and timers shall be maintained in accordance with the BSA approved drawings; that the hours of operation shall be maintained as 7AM to 10PM in order to mitigate impacts to the adjoining residential tenants; that the time clocks control all equipment operated by the health club and such equipment shall not be operated more than one hour before opening and one hour after closing; that one staff member per exit with a Certificate of Fitness as a fire guard shall be on duty while the facility is open; that lighted directional signs and emergency lighting shall be provided in the stairwell from the second (2nd) floor of the facility to the first (1st) floor lobby of the multiple dwelling; that the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked 'Received August 25, 1994'-(4) sheets 'Received January 10, 1996'-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects, and that a new certificate of occupancy shall be obtained within one year from the date of this amended resolution."

Alt. 489/1981

Adopted by the Board of Standards and Appeals, February 11, 1997.


A true copy of resolution adopted by the Board of Standards and Appeals, February 11, 1997.
Printed in Bulletin No. 7, Vol. 82.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.



Chairman.

APPLICANT—Leonard F. Rothkrug, for Fraydun Enterprises, owner. New York Health and Racquet Club, lessee.

SUBJECT—Application August 14, 1981—decision of the Borough Superintendent, under Section 72-21 of the Zoning Resolution, to permit in an R10 district, in an existing seven story and cellar mixed building, the expansion of the existing accessory physical culture establishment on the cellar level and first floor to include the second floor and for use on a non accessory basis.

PREMISES AFFECTED—1433-7 York Avenue, northeast corner of East 76th Street, Block 1471, Lots 21, 22 and 23, Borough of Manhattan.

COMMUNITY BOARD #8M.

APPEARANCES—

For Applicant: Leonard F. Rothkrug.

For Opposition: None.

RECOMMENDATION OF THE COMMUNITY BOARD—

Favorable to the application.

ACTION OF BOARD—Application granted on condition.

THE VOTE TO GRANT—

Affirmative: Chairperson Deutsch, Vice Chairman

Fossella, Commissioner Carroll and Commissioner

Wolf

Negative: Commissioner Agusta and Commissioner

Bockman

THE RESOLUTION—

WHEREAS, a public hearing was held on this application on January 18, 1983, after due notice by publication in the Bulletin; laid over to February 8, 1983, then to March 1, 1983, then to March 15, 1983, then to April 12, 1983, then to May 10, 1983, and

WHEREAS, the decision of the Borough Superintendent, dated July 30, 1981, acting on Alt. Applic. #489/1981, reads:

"C2. Proposed change of use on 2nd floor from residential Use Group 2 (9 Class A Apt) to physical culture establishment in an R10 district is not permitted as of right as per Section 22-10 of the Zoning Resolution. Note. Physical culture establishment is not listed in any Use Group in the Zoning Resolution."

and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Commissioner Philip P. Agusta, R. A. and Commissioner Miriam L. Bockman; and

WHEREAS, Community Board No. 8, Manhattan, has recommended approval of this application; and

WHEREAS, CEQR has issued a negative declaration; and

WHEREAS, the Department of Investigation report indicates no derogatory evidence; and

WHEREAS, the health club on the cellar and first floor was originally approved primarily for the benefit of the residents as an accessory use, and was so noted on the Certificate of Occupancy; and

WHEREAS, the history of the building indicates that, prior to the establishment of the health club, commercial use had been in existence on the first floor since the turn of the century; and

WHEREAS, commercial uses are prevalent in buildings fronting on York Avenue; and

WHEREAS, the record indicates no adverse effect on the area from the existing physical culture use on the cellar and first floor; and

WHEREAS, the applicant seeks to expand the existing physical culture use to include the second floor; and

WHEREAS, the applicant has demonstrated a history of difficulties in renting the second floor apartments; and

WHEREAS, the use of the second floor for physical culture use in connection with the basement and first floor will not adversely affect the character of existing, legal development on York Avenue; and

WHEREAS, the evidence in the record establishes the owner's inability to secure a reasonable return on the premises without use of the second floor for commercial use; and

WHEREAS, the occupancy of the cellar, first floor and second floor as a non-accessory physical culture establishment is the minimum variance necessary for the owner to realize a reasonable return; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Section 72-21 of the Zoning Resolution, for cellar, first floor and second floor use as a physical culture establishment, and that the applicant is therefore entitled to relief on the grounds of practical difficulty and/or unnecessary hardship.

Resolved, that the Board of Standards and Appeals does hereby make each and every one of the required findings and

grants a variation in the application of the Zoning Resolution limited to the objection cited, and that the application be and it hereby is *granted* under Section 72-21 of the Zoning Resolution to permit, in an R10 district, in an existing seven story and cellar mixed building, the use of the existing accessory physical culture establishment on the cellar and first floor level as a non-accessory physical culture use and the addition of the second floor to the physical culture use *on condition* that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received August 14, 1981" — 11 sheets; and *on further condition*;

THAT this variance shall be for a term of five years;

THAT this establishment be operated as a membership organization with classes and/or instructions in weight reduction, exercise and physical fitness;

THAT there shall be no change in ownership or control of the physical culture establishment without prior application to, and approval from, this Board;

THAT hours of operation shall be 7:00 A.M. to 10:00 P.M., seven days per week;

THAT these conditions shall appear on the Certificate of Occupancy;

THAT all laws, rules and regulations applicable be complied with; and

THAT substantial construction be completed in accordance with Section 72-23 Z.R.

Adopted by the Board of Standards and Appeals, May 10, 1983.

1433 York Avenue – Manhattan – Block 1471 Lot 21



- ☐ 1 & 2 Family Residential
- ☐ Multi-family Residential
- ☐ Mixed Use
- ☐ Open space & outdoor recreation
- ☐ Commercial
- ☐ Institutions
- ☐ Industrial
- ☐ Parking
- ☐ Transportation / Utilities
- ☐ Vacant Lots

☐ SITE