

LAW OFFICE OF
FREDRICK A. BECKER
122 EAST 42ND STREET
SUITE 2100
NEW YORK, NEW YORK 10168-0098

FREDRICK A. BECKER

LYRA J. ALTMAN

RECEIVED
FEB 14 2013
BY COMMUNITY BOARD 8

(212) 867-3820
FAX (212) 983-5276

January 30, 2013

**CERTIFIED MAIL - RETURN
RECEIPT REQUESTED**

Hon. Nicholas D. Viest
Chairperson
Community Board No. 8
505 Park Avenue Suite 620
New York, New York 10022

Re: Board of Standards and Appeals
Special Order Calendar Application
BSA Cal No. 30-02-BZ
Premises: 502 Park Avenue
New York, New York



Dear Chairperson Viest and Members of the Community Board:

We represent the owner of the above premises and New York Sports Club in a special order calendar application before the Board of Standards and Appeals to allow the continued operation of a physical culture establishment (PCE)/health club at the subject premises. This application also includes a request for a minor modification of prior approved hours and signage. The premises has the address of 502 Park Avenue, New York, New York. It is located on the northwest corner of Park Avenue and East 59th Street. The site is occupied by a thirty-two (32) story plus cellar mixed use commercial and residential building. The physical culture establishment is located in portions of the cellar level, first floor, second floor and second floor mezzanine.

The subject facility has existed at this site since 1994 pursuant to a BSA special permit. The facility is without question a legitimate physical culture establishment as can be seen by both its layout and by the nature of the services which it offers. The facility continues to be operated by New York Sports Club, a well established entity that already has several other facilities within the area and throughout New York City. It is submitted that the operation of the facility will continue to have no adverse or detrimental impact on the area, and is in keeping with the mixed use residential and commercial character of the neighborhood. As with most health clubs, the

LAW OFFICE OF
FREDRICK A. BECKER

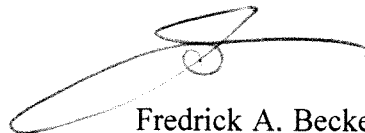
Hon. Nicholas D. Viest
Chairperson
Community Board No. 8
January 30, 2013
Page 2

majority of the club's clientele are drawn from the immediate vicinity, and under these circumstances, most of these people walk to the premises. The site is also well served by public transportation.

We are enclosing a copy of the application form, the statement of facts and findings, plans for the premises, a copy of the zoning map for the subject area, a tax map of the site, a radius diagram, and photographs of the site.

We are available to discuss the matter further with your Board, and therefore will await notification concerning an upcoming hearing.

Very truly yours,

A handwritten signature in black ink, consisting of a large, sweeping loop followed by a smaller circle and a horizontal line extending to the right.

Fredrick A. Becker

FAB:dl
encl.

cc: Board of Standards and Appeals
Hon. Scott Stringer, MBP
Hon. Daniel R. Garodnick, Council
Mr. Ray Gastil, Manhattan Office, DCP
Mr. Christopher Holme, DCP



City of New York
Board of Standards and Appeals
40 Rector Street, 9th Floor
New York, NY 10006-1705
 Phone: (212) 788-8500
 Fax: (212) 788-8769

SPECIAL ORDER CALENDAR (SOC)

Application Form

BSA APPLICATION NO. 30-02-BZ

Section A

*Applicant/
Owner*

The Law Office of Fredrick A. Becker

NAME OF APPLICANT

122 East 42nd Street Suite 2100

ADDRESS

New York New York 10168

CITY STATE ZIP

(212) 867-3820

AREA CODE TELEPHONE

(212) 983-5276

AREA CODE FAX

fbecker@fbeckerlaw.com

EMAIL

Trump Park Avenue LLC

OWNER OF RECORD

725 Fifth Avenue

ADDRESS

New York New York 10022

CITY STATE ZIP

Town Sports International dba New York Sports Club

LESSEE / CONTRACT VENDEE

5 Penn Plaza 4th Floor

ADDRESS

New York New York 10001

CITY STATE ZIP

Section B

*Site
Data*

502 Park Avenue

STREET ADDRESS (INCLUDE ANY A/K/A)

Northwest corner of Park Avenue and East 59th Street

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

1374 7502 (36) Manhattan 8 103143527T038
BLOCK LOT(S) BOROUGH COMMUNITY DISTRICT NO. CERTIFICATE OF OCCUPANCY NO.

Hon. Daniel R. Garodnick

CITY COUNCILMEMBER

C5-3, C5-2.5 (Mid)

EXISTING ZONING DISTRICT

(include special zoning district, if any)

8c

ZONING MAP NUMBER

*All sections
must be
completed*

Section C

Description

(LEGALIZATION ☐ YES ☐ NO ☒ IN PART)

Application to extend the term of a previously granted special permit under Z.R. Section 73-36 to allow the operation of a physical culture establishment / health club at the subject premises. Application also includes an amendment request for a modification of approved hours and signage, and a waiver for a late filing.

APPLICATION IS HEREBY MADE TO:

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

☐ Reopen and Extend the time to:

☐ Complete construction ☐ Obtain a Certificate of Occupancy Expiration Date: _____

☒ Reopen and Amend the BSA resolution.

☒ Reopen and Extend the term of the:

☐ Variance ☒ Special Permit ☐ For a term of _____ years Expiration Date: July 23, 2012

☐ 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 § _____

LAW OFFICE OF
FREDRICK A. BECKER

122 EAST 42ND STREET
SUITE 2100
NEW YORK, NEW YORK 10168-0098

FREDRICK A. BECKER

LYRA J. ALTMAN

(212) 867-3820
FAX (212) 983-5276

Revised
January 2013

STATEMENT OF FACTS

Calendar No. 30-02-BZ

Premises: 502 Park Avenue
New York, New York

This application is filed to request an extension of the term of a previously granted special permit that allowed the operation of a physical culture establishment at the subject premises. The application also requests an amendment for a modification of the hours of operation and a change in the signage, and a waiver of the Rules of Procedure for a late filing. The subject premises has the address of 502 Park Avenue, New York, New York, is known as block 1374, lot 7502 (formerly lot 36) on the New York City tax map. Located on the site is an existing thirty-two (32) story plus cellar mixed use commercial and residential building. The physical culture establishment is located in portions of the cellar level, first floor, second floor and second floor mezzanine.

The first BSA action affecting the site occurred in August 1994 when a special permit was granted to allow the operation of a physical culture establishment under Calendar No. 35-94-BZ. In July 2002 a new special permit was granted for a larger facility at the subject premises. On February 14, 2005 the Chair, by letter, amended the approval to allow a minor enlargement on the cellar

level and a rearrangement of space on the first and second floors. This 2002 grant was for a ten (10) year term, and the operator is requesting another ten (10) year term.

A physical culture establishment has now been operating at the subject location for a period of almost twenty (20) years subject to the BSA special permits. During this period the facility has provided benefits to the community. It is therefore submitted that the continued presence of the physical culture establishment should have no adverse impact on the community, but instead will continue to be a positive factor for the area. The approved days and hours of operation of the facility were Monday through Thursday 6:00 a.m. to 11:00 p.m.; Friday 6:00 a.m. to 9:00 p.m. and Saturday and Sunday 9:00 a.m. to 7:00 p.m. The current days and hours of operation of the facility are Monday through Friday 5:45 a.m. to 10:00 p.m.; Saturday 9:00 a.m. to 4:00 p.m. and Sunday 9:00 a.m. to 3:00 p.m.

In accordance with the original grant, and pursuant to the terms and provisions of Section 73-36, the subject establishment continues to provide facilities for classes, instruction and programs for physical improvement, body building, weight reduction and aerobics. The operator at the time of both grants was the New York Sports Club, and will remain the New York Sports Club. New York Sports Club is a well established company that is currently operating several other physical culture establishments throughout New York City.

Amendment

There is a slight modification of the previous hours of operation. The modifications are as follows: a 15 minute earlier opening Monday through Friday; a 1 hour later closing on Friday; and earlier

closings on Saturday and Sunday. It is submitted that these minor changes are in keeping with the prior approval and do not create any adverse impacts.

There is also a modification in the exterior signage with a significant reduction from approximately 105 square feet to approximately 12 square feet.

Waiver of the Rules of Procedure

This waiver is requested due to a delay in the timely filing of the application. The delay was primarily due to issues relating to a change in the project's architect that were of a procedural and not substantive nature. Nonetheless, it is submitted that this delay did not cause any detriment to the area, or affect the nature of this application, and the delay should therefore not be an impediment to the acceptance of this late filing.

Violations

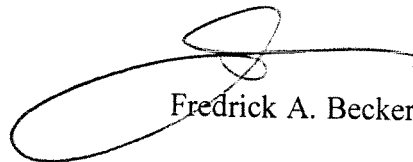
There are fourteen open DOB violations affecting the premises, and one open ECB violation. Thirteen of the violations relate to the elevators and are the responsibility of the Condominium. The Condominium is in the process of having these violations corrected and same should occur shortly. The remaining DOB violation and the one ECB violation relate to electrical work and are also the responsibility of the Condominium.

In sum, New York Sports Club wants to maintain its operation at this location to continue to serve its members and the surrounding community. Based on the established manner of the operation, the use can be expected to continue to co-exist in a positive manner with the neighborhood.

Conclusion

For the reasons set forth above, it is respectfully requested that the BSA grant the subject application to permit the extension of the term of the previously granted special permit allowing the operation of the physical culture establishment at the subject premises, and to also allow the amendment for the modification of the hours of operation and signage and for the waiver of the Rules of Procedure for the late filing. We submit that both the extension and modification are appropriate and in keeping with the prior approvals. It is also respectfully requested that the grant be for a term of (10) years. Given the established reputation of the owner/operator, and the benefit which this facility has brought to the area, future operation will only continue to be a positive asset for the community.

Respectfully submitted,



Fredrick A. Becker

FAB:dl



City of New York
Board of Standards and Appeals
40 Rector Street, 9th Floor
New York, New York 10006-1705
Phone: (212) 788-8500
Fax: (212) 788-8769

AFFIDAVIT OF OWNERSHIP

State of New York
City of New York
County of New York } ss.:

Allen Weisselberg, being duly sworn, deposes and says that ~~(s)~~he
resides at _____ has an office at 725 Fifth Avenue in the City of
New York, in the County of New York, in the State of
New York; that Trump Park Avenue 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 1374, Lot(s) 36,
Street and House Number 502 Park Avenue; that (s)he
hereby authorizes The Law Office of Fredrick A. Becker to make the annexed application
in her/his behalf; and that the statements of fact contained in said application are true.

Signature of Owner

Print Name

Allen Weisselberg

Print Title

EVP / CFO

(State if Partner, or give Title if Officer of Corporation)

Sworn to before me this 11th day

of ~~March~~ April 2012

Stephen J. Blum
NOTARY PUBLIC, State of New York
OILE No. 31-4955771
Qualified in New York County
Commission Expires September 8, 2013

BOARD HISTORY

January 2013

BSA Calendar No: 30-02-BZ

Premises: 502 Park Avenue, New York, New York

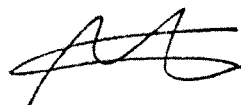
1. On August 2, 1994, when the Zoning District was C5-5/C5-2.5 (Mid), an application was granted by the Board under Section 73-36 to permit the proposed physical culture establishment in portions of the cellar, first and second floors and second floor mezzanine in an existing thirty-one story commercial building. On July 23, 2002, the Board issued a new special permit under the current calendar number to allow the operation of a larger PCE in the basement, first floor, second floor and second floor mezzanine of a thirty-two story commercial building. On July 14, 2005, by letter, the Board allowed a modification of this approval to increase the space on the cellar level and allow an interior re-arrangement on the first and second floors.

Certificate of Occupancy

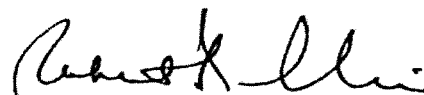
CO Number: 103143527T038

This certifies that the premises described herein 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. No change of use or occupancy shall be made unless a new Certificate of Occupancy is issued. *This document or a copy shall be available for inspection at the building at all reasonable times.*

A.	Borough: Manhattan	Block Number: 01374	Certificate Type: Temporary
	Address: 502 PARK AVENUE	Lot Number(s): 36	Effective Date: 01/17/2013
	Building Identification Number (BIN): 1040756	Building Type: Altered	Expiration Date: 04/17/2013
For zoning lot metes & bounds, please see BISWeb.			
B.	Construction classification: OLD CODE: 3		
	Building Occupancy Group classification: COM		
	Multiple Dwelling Law Classification: HAEA		
	No. of stories: 37	Height in feet: 350	No. of dwelling units: 123
C.	Fire Protection Equipment: None associated with this filing.		
D.	Type and number of open spaces: None associated with this filing.		
E.	This Certificate is issued with the following legal limitations: None		
Outstanding requirements for obtaining Final Certificate of Occupancy:			
There are 20 outstanding requirements. Please refer to BISWeb for further detail.			
Borough Comments: None			



Borough Commissioner



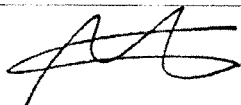
Commissioner

DOCUMENT CONTINUES ON NEXT PAGE

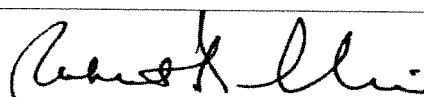
Certificate of Occupancy

CO Number: 103143527T038

Permissible Use and Occupancy						
All Building Code occupancy group designations are 1968 designations, except RES, COM, or PUB which are 1938 Building Code occupancy group designations.						
Floor From To	Maximum persons permitted	Live load lbs per sq. ft.	Building Code occupancy group	Dwelling or Rooming Units	Zoning use group	Description of use
CEL	40	125	RES		2	ACCESSORY TENANT EXERCISE ROOM, METER ROOMS, TELEPHONE ROOM
CEL	86		COM			PHYSICAL CULTURAL ESTABLISHMENT
CEL	100	100	COM		6	RETAIL STORAGE
SUB	4	OG	RES		2	STEAM ROOM, MECHANICAL ROOMS, PUMP ROOM, CHILLER ROOM, SUPERS OFFICE AND WORK SHOP LOCK, STORAGE ROOMS
001	224	200	COM		6 10	STORES
001	670	100	RES		2	RESIDENTIAL LOBBY
002	75	100	COM			RETAIL STORE
003		75	RES	2	2	TWO (2) CLASS 'A' APARTMENTS
004		40	RES	3	2	THREE (3) APARTMENTS, MECHANICAL ROOM
005		40	RES	7	2	SEVEN (7) CLASS 'A' APARTMENTS
006		40	RES	8	2	EIGHT (8) CLASS 'A' APARTMENTS
007		40	RES	8	2	EIGHT (8) CLASS 'A' APARTMENTS
008		40	RES	7	2	SEVEN (7) CLASS 'A' APARTMENTS



Borough Commissioner



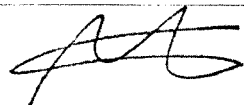
Commissioner

DOCUMENT CONTINUES ON NEXT PAGE

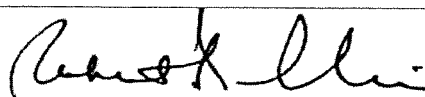
Certificate of Occupancy

CO Number: 103143527T038

Permissible Use and Occupancy						
All Building Code occupancy group designations are 1968 designations, except RES, COM, or PUB which are 1938 Building Code occupancy group designations.						
Floor From To	Maximum persons permitted	Live load lbs per sq. ft.	Building Code occupancy group	Dwelling or Rooming Units	Zoning use group	Description of use
009		40	RES	9	2	NINE (9) CLASS 'A' APARTMENTS
010		40	RES	6	2	SIX (6) CLASS 'A' APARTMENTS
011		40	RES	10	2	TEN (10) CLASS 'A' APARTMENTS
012		40	RES	10	2	TEN (10) CLASS 'A' APARTMENTS
013		40	RES	10	2	TEN (10) CLASS 'A' APARTMENTS
014		40	RES	8	2	EIGHT (8) CLASS 'A' APARTMENTS
015		40	RES	8	2	EIGHT (8) CLASS 'A' APARTMENTS
016		40	RES	7	2	SEVEN (7) CLASS 'A' APARTMENTS
017		40	RES	4	2	FOUR (4) CLASS 'A' APARTMENTS
018		40	RES	4	2	FOUR (4) CLASS 'A' APARTMENTS
019		40	RES	1	2	ONE (1) CLASS 'A' APARTMENT
020		40	RES	1	2	ONE (1) CLASS 'A' APARTMENT
021		40	RES	1	2	ONE (1) CLASS 'A' APARTMENT



Borough Commissioner



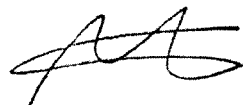
Commissioner

DOCUMENT CONTINUES ON NEXT PAGE

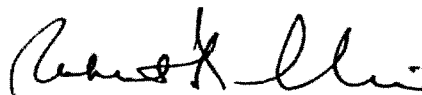
Certificate of Occupancy

CO Number: 103143527T038

Permissible Use and Occupancy						
All Building Code occupancy group designations are 1968 designations, except RES, COM, or PUB which are 1938 Building Code occupancy group designations.						
Floor From To	Maximum persons permitted	Live load lbs per sq. ft.	Building Code occupancy group	Dwelling or Rooming Units	Zoning use group	Description of use
022	40	40	RES	1	2	ONE (1) CLASS 'A' APARTMENT
023	40	40	RES	1	2	ONE (1) CLASS 'A' APARTMENT
024	40	40	RES	0.50	2	ONE-HALF (1/2) CLASS 'A' APARTMENT
025	40	40	RES	0.50	2	ONE-HALF (1/2) CLASS 'A' APARTMENT
026	40	40	RES	1	2	ONE (1) CLASS 'A' APARTMENT
027	40	40	RES	1	2	ONE (1) CLASS 'A' APARTMENT
028	40	40	RES	1	2	ONE (1) CLASS 'A' APARTMENT
029	40	40	RES	1	2	ONE (1) CLASS 'A' APARTMENT
030	40	40	RES	1	2	ONE (1) CLASS 'A' APARTMENT
031	40	40	RES	1	2	TWO-HALF (1/2) CLASS 'A' APARTMENTS
END OF SECTION						



Borough Commissioner



Commissioner

END OF DOCUMENT


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

NYC Department of Buildings

Property Profile Overview

502 PARK AVENUE

EAST 59 STREET

PARK AVENUE

61 - 73

502 - 504

MANHATTAN 10022

Health Area : 4800

Census Tract : 114.01

Community Board : 108

Buildings on Lot : 1

BIN# 1040756

Tax Block : 1374

Tax Lot : 7502

Condo : YES

Vacant : NO

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

Cross Street(s): EAST 59 STREET, EAST 60 STREET

DOB Special Place Name:

DOB Building Remarks: (ALSO WAS BLOCK 01374 LOTS 00036)

Landmark Status:

Special Status: N/A

Local Law:

NO

Loft Law: NO

SRO Restricted:

NO

TA Restricted: NO

UB Restricted:

NO

Little 'E' Restricted:

N/A

Grandfathered Sign: NO

Legal Adult Use:

NO

City Owned: NO

Additional BINs for Building:

NONE

Special District:

MID - MIDTOWN

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:

R0-CONDOMINIUMS

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
Complaints	32	0
Violations-DOB	111	14
Violations-ECB (DOB)	40	1
Jobs/Filings	269	
ARA / LAA Jobs	4	
Total Jobs	273	
Actions	320	

OR Enter Action Type:

OR Select from List:

Select...

AND [Elevator Records](#)[Electrical Applications](#)[Permits In-Process / Issued](#)[Illuminated Signs Annual Permits](#)[Plumbing Inspections](#)[Open Plumbing Jobs / Work Types](#)[Facades](#)[Marquee Annual Permits](#)[Boiler Records](#)[DEP Boiler Information](#)[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
DOB Violations

Page: 4

Premises: 502 PARK AVENUE MANHATTAN

BIN: 1040756 Block: 1374 Lot: 7502

NUMBER	TYPE	FILE DATE
<u>V 071906E9011/167011</u>	DOB VIOLATION - ACTIVE	07/19/2006
<u>V* 071906E9011/167702</u>	DOB VIOLATION - DISMISSED	07/19/2006
<u>V* 071906E9011/167013</u>	DOB VIOLATION - DISMISSED	07/19/2006
<u>V 071906E9011/167014</u>	DOB VIOLATION - ACTIVE	07/19/2006
<u>V 071906E9011/167015</u>	DOB VIOLATION - ACTIVE	07/19/2006
<u>V* 071906E9011/167016</u>	DOB VIOLATION - DISMISSED	07/19/2006
<u>V* 032007CMQ0252</u>	DOB VIOLATION - DISMISSED	03/20/2007
<u>V* 032108LL108101294</u>	DOB VIOLATION - DISMISSED	03/21/2008
<u>V 060508E9011/258414</u>	DOB VIOLATION - ACTIVE	06/05/2008
<u>V 060508E9011/258415</u>	DOB VIOLATION - ACTIVE	06/05/2008
<u>V* 060508E9011/258416</u>	DOB VIOLATION - DISMISSED	06/05/2008
<u>V* 060508E9011/258418</u>	DOB VIOLATION - DISMISSED	06/05/2008
<u>V* 060508E9011/258417</u>	DOB VIOLATION - DISMISSED	06/05/2008
<u>V 100809E9011/315764</u>	DOB VIOLATION - ACTIVE	10/08/2009
<u>V 100809E9011/315765</u>	DOB VIOLATION - ACTIVE	10/08/2009
<u>V 100809E9011/315766</u>	DOB VIOLATION - ACTIVE	10/08/2009
<u>V 100809E9011/315767</u>	DOB VIOLATION - ACTIVE	10/08/2009
<u>V 100809E9011/315768</u>	DOB VIOLATION - ACTIVE	10/08/2009
<u>V* 100809E9011/315769</u>	DOB VIOLATION - DISMISSED	10/08/2009
<u>V 090710E9027/352789</u>	DOB VIOLATION - ACTIVE	09/07/2010
<u>V* 090710E9027/352790</u>	DOB VIOLATION - DISMISSED	09/07/2010
<u>V* 072611E9027/391783</u>	DOB VIOLATION - DISMISSED	07/26/2011
<u>V* 072611E9027/391779</u>	DOB VIOLATION - DISMISSED	07/26/2011
<u>V* 072611E9027/391780</u>	DOB VIOLATION - DISMISSED	07/26/2011
<u>V* 072611E9027/391781</u>	DOB VIOLATION - DISMISSED	07/26/2011

[Previous](#)
[Next](#)

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
DOB Violations

Page: 5

Premises: 502 PARK AVENUE MANHATTAN
NUMBER

BIN: 1040756 Block: 1374 Lot: 7502

NUMBER	TYPE	FILE DATE
<u>V* 072611E9027/391782</u>	DOB VIOLATION - DISMISSED	07/26/2011
<u>V 072611E9027/391784</u>	DOB VIOLATION - ACTIVE	07/26/2011
<u>V* 072611E9027/391785</u>	DOB VIOLATION - DISMISSED	07/26/2011
<u>V* 060812E9027/431284</u>	DOB VIOLATION - DISMISSED	06/08/2012
<u>V* 060812E9027/431285</u>	DOB VIOLATION - DISMISSED	06/08/2012
<u>V* 060812E9027/431286</u>	DOB VIOLATION - DISMISSED	06/08/2012
<u>V* 060812E9027/431287</u>	DOB VIOLATION - DISMISSED	06/08/2012
<u>V* 060812E9027/431288</u>	DOB VIOLATION - DISMISSED	06/08/2012
<u>V* 060812E9027/431289</u>	DOB VIOLATION - DISMISSED	06/08/2012
<u>V 060912E9027/431290</u>	DOB VIOLATION - ACTIVE	06/09/2012
<u>V 011613AEUHAZ100020</u>	DOB VIOLATION - ACTIVE	01/16/2013

[Previous](#)

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: 502 PARK AVENUE MANHATTAN

Filed At: 502 PARK AVENUE , MANHATTAN , NY 10022

BIN: 1040756 Block: 1374 Lot: 7502

Community Board: 108

ECB Violation Summary

VIOLATION OPEN

ECB Violation Number: 34997194X

Severity: CLASS - 1

Certification Status: NO COMPLIANCE RECORDED

Hearing Status: PENDING

Penalty Balance Due: \$0.00

Respondent Information

Name: SKY LINE RESTORATION INC.
Mailing Address: 11-20 37 AVENUE , LIC , NY 11101
License/Registration/Tracking Number: GC3365

Violation Details

Violation Date: 09/12/2012 Violation Type: ELECTRICAL
Served Date: 10/26/2012 Inspection Unit: ELECTRICAL DIVISION

Infraction Codes	Section of Law	Standard Description
<u>1D7</u>	1D7 - UNKNOWN	

Specific Violation Condition(s) and Remedy:

FAILURE TO GROUND ELECTRICAL SYSTEM BY FAILURE TO PROVIDE EQUIPMENT GROUNDING IT CAUSED 31 YEAR OLD MIGUEL (CURCUMO) TO RECEIVED AN ELECTRICAL SHOCK & PASSED OUT FOR ABOUT 4 MINS. MIGUEL CURCUMO WAS TAKEN TO

Issuing Inspector ID: 0237 DOB Violation Number: 091212EE108NI20
Issued as Aggravated Level: AGGRAVATED OFFENSE LEVEL 2

Dept. of Buildings Compliance Information

Certification Status: NO COMPLIANCE RECORDED
Compliance On:
Certification Submission Date: 12/18/2012
Certification Disapproval Date: 12/19/2012

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: 02/07/2013 Hearing Status: PENDING
Hearing Time: 8:30

ECB Penalty Information

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

ECB Violation History**Compliance Events****Hearing Events**

Hearing Assigned On:	02/07/2013
Adjourned:	12/13/2012

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.



City of New York
Board of Standards and Appeals
40 Rector Street, 9th Floor
New York, NY 10006-1705

BSA Cal. No.: 30-02-BZ

Street Address: 502 Park Avenue
New York, New York

Block: 1374 Lot(s): 7502 (36)

Borough: Manhattan

CERTIFICATION OF INSPECTION & COMPLIANCE

Fredrick A. Becker

hereby states that I personally inspected the

(Applicant, Agent, Registered Architect or Registered Engineer)

premises and surrounding area on January 2013. 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.

There is a change in the approved hours of operation; the signage has been reduced; and the renewal application is not being timely filed. All of these items are set forth in more detail in the Statement of Facts and Findings submitted with the application.

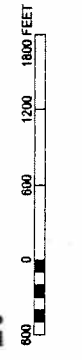
Applicant/Agent Signature

(Registered Architect/Engineer Seal as Appropriate)



NOTE: Zoning information shown on this map is subject to change. For the most up-to-date zoning information for the map, visit the Zoning section of the Department of City Planning website, www.dcp.nyc.gov/zoning, or contact the Zoning Information Desk at (212) 312-3331.

SITE



ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:
The number(s) and/or letter(s) that follows on R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

R - RESIDENTIAL DISTRICT
C - COMMERCIAL DISTRICT
M - MANUFACTURING DISTRICT

SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area designates the special purpose district designated in the text of the Zoning Resolution.

AREA(S) REZONED

Effective Date(s) of Rezoning:
* 03-03-2010 C 100051 ZMM
12-21-2009 C 090430 ZMM

Special Requirements:
For a list of lots subject to CEQR environmental requirements, see APPENDIX C.
For a list of lots subject to "D" restrictive declarations, see APPENDIX D.
For Inclusionary Housing designated areas on this map, see APPENDIX E.

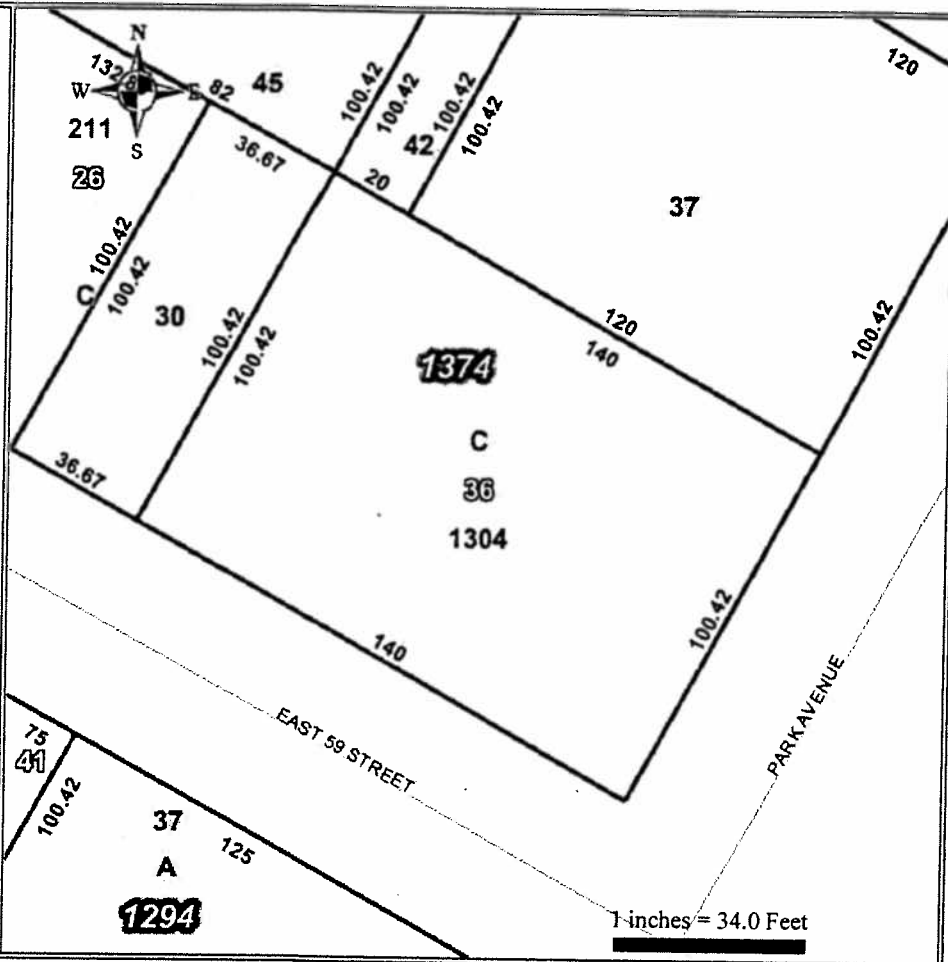
CITY MAP CHANGE(S):
▲ 12-08-2009 C 050098(A) MAM

ZONING MAP 8c			
N			
MAP KEY	5d	6b	
	8a	8c	9a
	8b	8d	9b

© Copyrighted by the City of New York

NYC
Finance

Streets



BSA CALENDAR NO.

328-02-BZ

BLOCK 889

LOT 9001

SUBJECT SITE ADDRESS

3 Park Avenue, New York, NY

APPLICANT

The Law Office of Fredrick A. Becker

ZONING DISTRICT C5-3

PRIOR BSA #

COMPLIANT: "Y"

IF NOT: "N" and

SPECIAL/HISTORIC DISTRICT No

COMMUNITY BOARD 5

* APPLICABLE

MAXIMUM

MINIMUM

LEGAL PER

EXISTING

PROPOSED

INDICATE AMT

ZR SECTION

PERMITTED

REQUIRED

C of O or BSA

EXISTING

PROPOSED

OVER/UNDER

LOT AREA

46,742

46,742

46,742

Y

LOT WIDTH

197'6"

197'6"

197'6"

Y

USE GROUP (S)

PCE

PCE

PCE

Y

FA RESIDENTIAL

N/A

FA COMMUNITY FACILITY

N/A

FA COMMERCIAL/INDUST.

15,445*

15,445*

15,445*

Y

FLOOR AREA TOTAL

15,445*

15,445*

15,445*

Y

FAR RESIDENTIAL

N/A

FAR COMMUNITY FACILITY

N/A

FAR COMMERCIAL/INDUST.

N/A

FAR TOTAL

N/A

OPEN SPACE

N/A

OPEN SPACE RATIO

N/A

LOT COVERAGE (%)

N/A

NO. DWELLING UNITS

N/A

WALL HEIGHT

N/A

TOTAL HEIGHT

N/A

NUMBER OF STORIES

N/A

FRONT YARD

N/A

SIDE YARD

N/A

SIDE YARD

N/A

REAR YARD

N/A

SETBACK (S)

N/A

SKY EXP. PLANE (SLOPE)

N/A

NO. PARKING SPACES

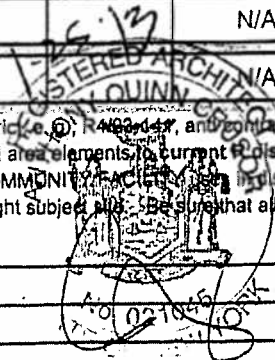
N/A

LOADING BERTH (S)

N/A

OTHER:

* In Applicable ZR Section column: For RESIDENTIAL developments in non-residential districts, indicate nearest R district (e.g., R4000, etc.) and contrast compliance. For COMMERCIAL or MANUFACTURING developments in residential districts, contrast proposed bulk and area elements to current district requirements, except for parking and loading requirements (contrast to nearest district where use is permitted). For COMMUNITY FACILITY developments 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 items noted in the DOB Denial/Objection are included. NOTES: * PCE only



BSA SIGN ANALYSIS - COMMERCIAL DISTRICTS

REVISED JANUARY 2004

BSA CALENDAR NO: 328-02-BZ

LOCATION: 3 Park Avenue, New York, NY

BOROUGH Manhattan

BLOCK 889

APPLICANT: The Law Office of Fredrick A. Becker

LOT 9001

ZONING DISTRICT: C5-3

SPECIAL DISTRICT

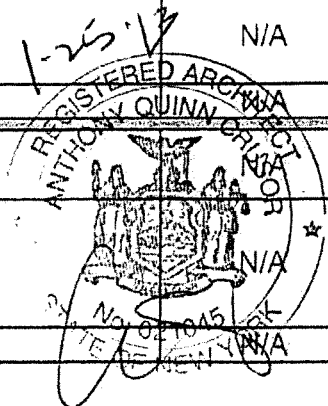
No

LOT AREA: 46,742 sq. ft.

EQUIVALENT C DISTRICT

N/A

	SECTION	PERMITTED	PROPOSED	COMPLIANCE
ACCESSORY BUSINESS SIGNS	32-62	PERMITTED IN ALL COMMERCIAL DISTRICTS	192.1	Y
ADVERTISING SIGNS	32-63	C6-5, C6-7, C7, C8 DISTRICTS		N/A
TOTAL SURFACE AREA - ALL SIGNS C1 - C8	32-641	SEE TABLE SECT. 32-642 FOR SURFACE AREA PERMITTED = 200	192.1	Y
NON-ILLUMINATED SIGNS C1 - C8	32-642	SEE TABLE THIS SECTION FOR SURFACE AREA PERMITTED = 200	192.1	Y
ILLUMINATED NON-FLASHING C1, C2	32-643	SEE TABLE THIS SECTION FOR SURFACE AREA PERMITTED =		N/A
ILLUMINATED OR FLASHING C4, C5-4, C6, C7	32-644	SEE TABLE THIS SECTION FOR SURFACE AREA PERMITTED =		N/A
NO FLASHING SIGNS IN C6-1A)				
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		N/A
PERMITTED PROJECTION C6-5, C6-7, C7	32-651	NO PERMITTED SIGN TO PROJECT ACROSS STREET LINE BY MORE THAN 8'		N/A
SEE SECTION 32-653 FOR ADD'L REGS				
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	-6'5"	Y
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		N/A
MAXIMUM HEIGHT OF SIGNS C8	32-654	< 40' ABOVE CURB LEVEL; < 58' FOR NON-ILLUM. OR INDIRECT SIGNS		N/A
MAXIMUM HEIGHT OF SIGNS C1 - C7	32-655	SEE TABLE: 25'-40' RANGE PER DISTRICT; C6-5, C6-7, C7: NO RESTRICTION	24'4"	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		N/A
ROOF SIGNS C1 - C5, C6-1 to 4, C6-6, C6-8, C6-9	32-657	NONE PERMITTED		N/A
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		N/A
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		N/A
WATERWAY ADVERTISING SIGNS	32-663	NOT PERMITTED ADJACENT TO C DISTRICTS		N/A
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.		N/A
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		N/A
ADULT ESTABLISHMENTS	32-69	SEE SECTION		N/A





502 PARK AVENUE
BLOCK: 1374
LOT: 36
BOROUGH OF MANHATTAN
CALLED PARTITION



Photographed by:
GEORGE CONSTANTINOU
24-35 28TH STREET, #3A

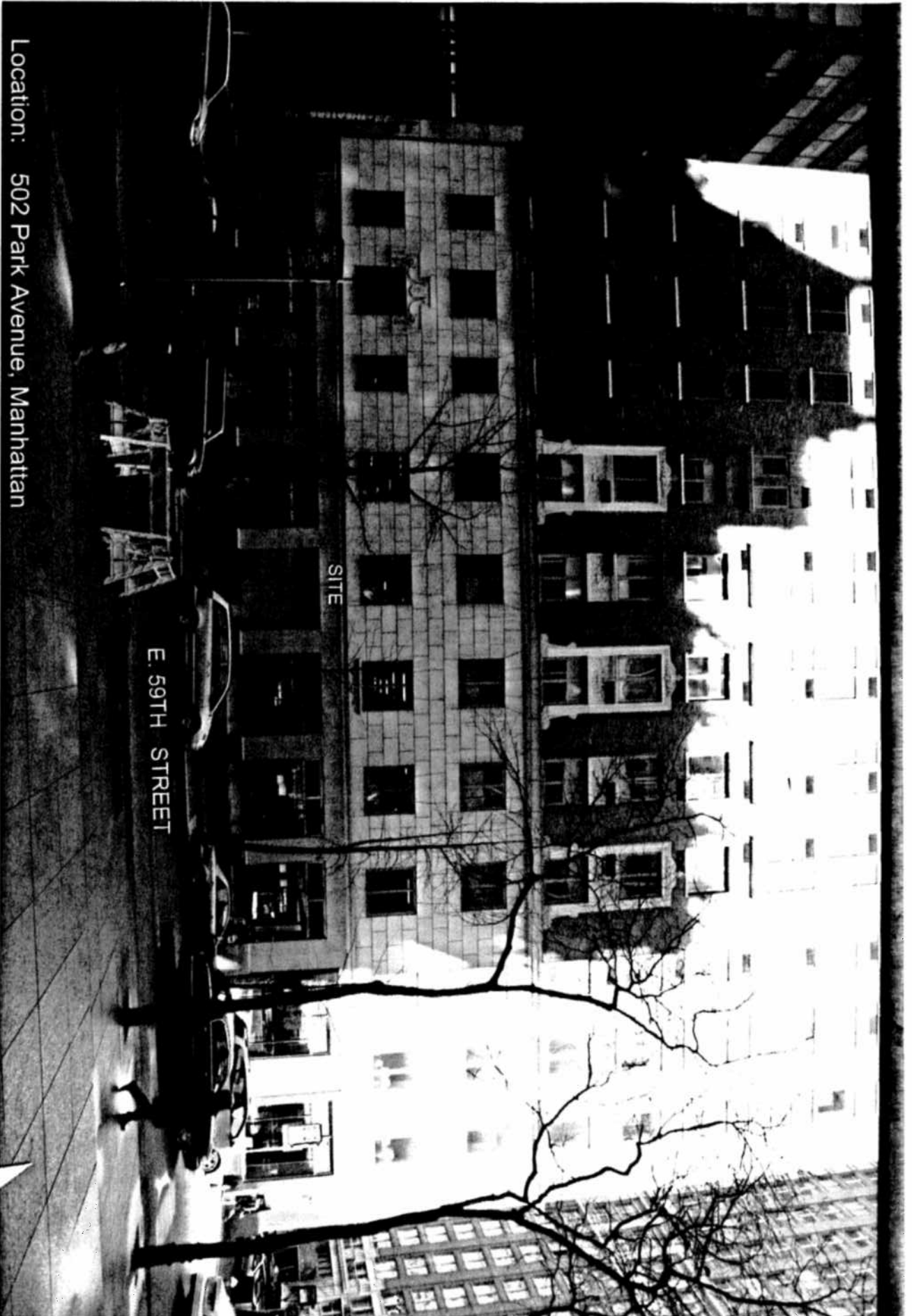


Location: 502 Park Avenue, Manhattan

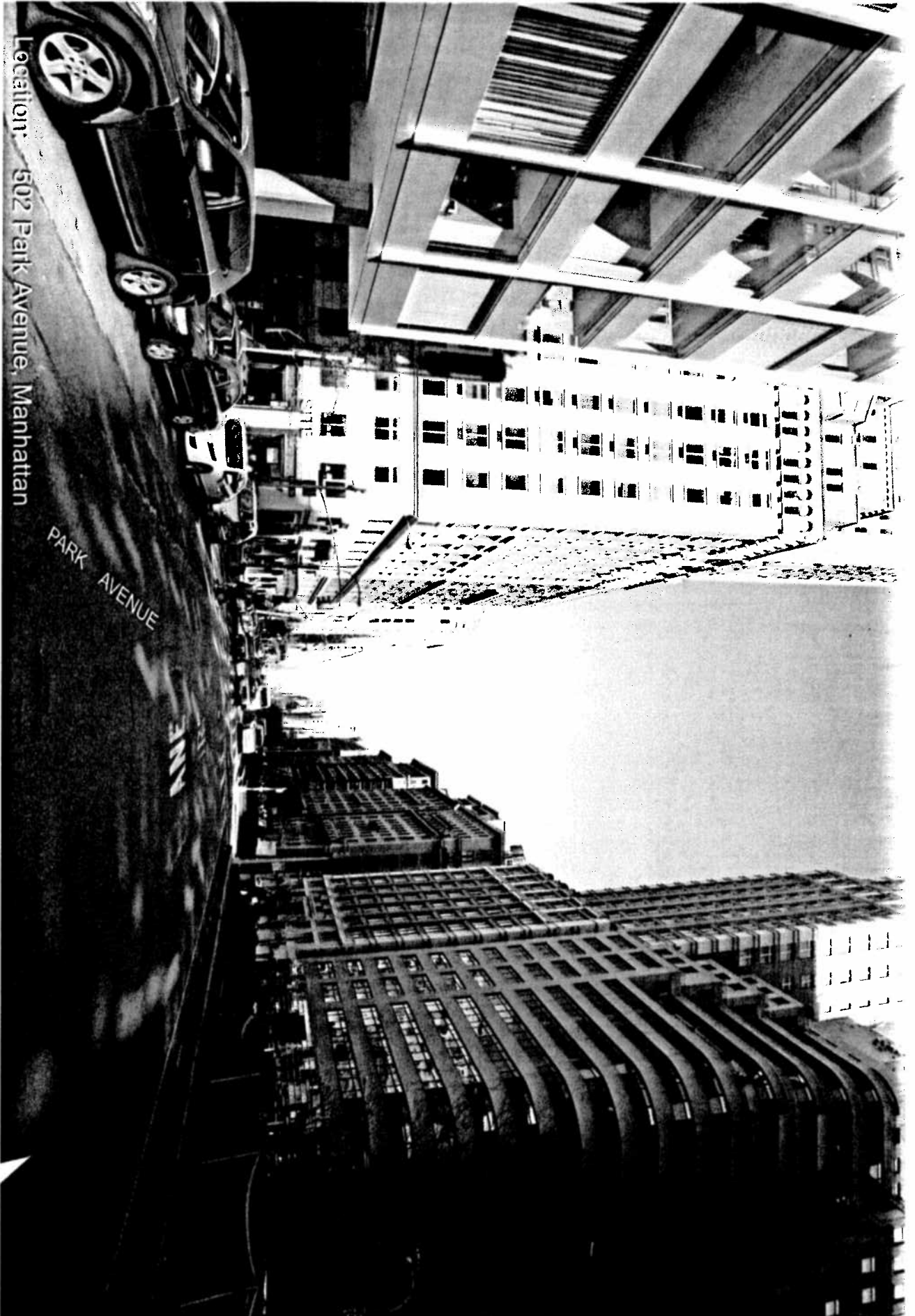


Location: 502 Park Avenue, Manhattan

E. 59TH STREET



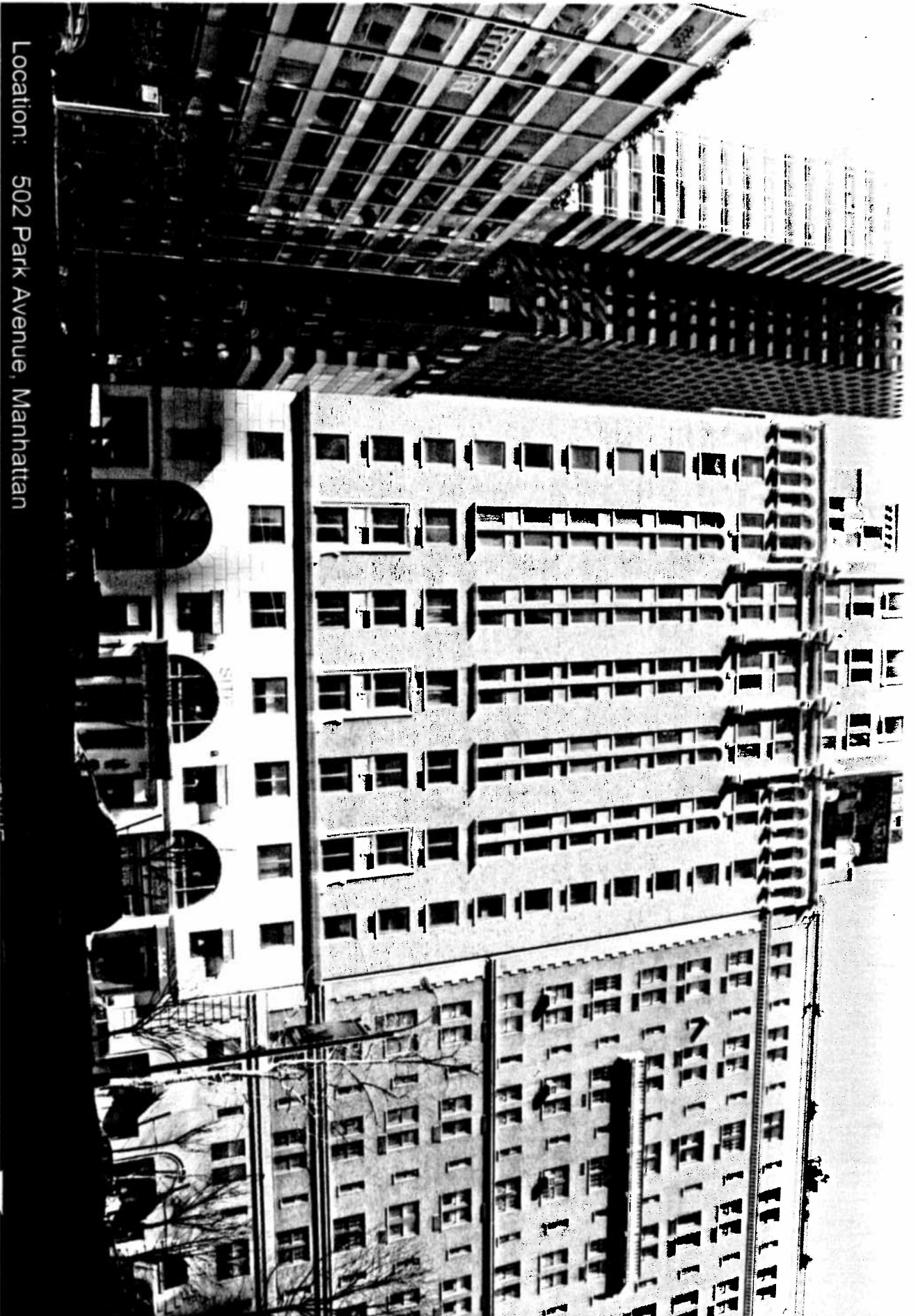
Location: 502 Park Avenue, Manhattan



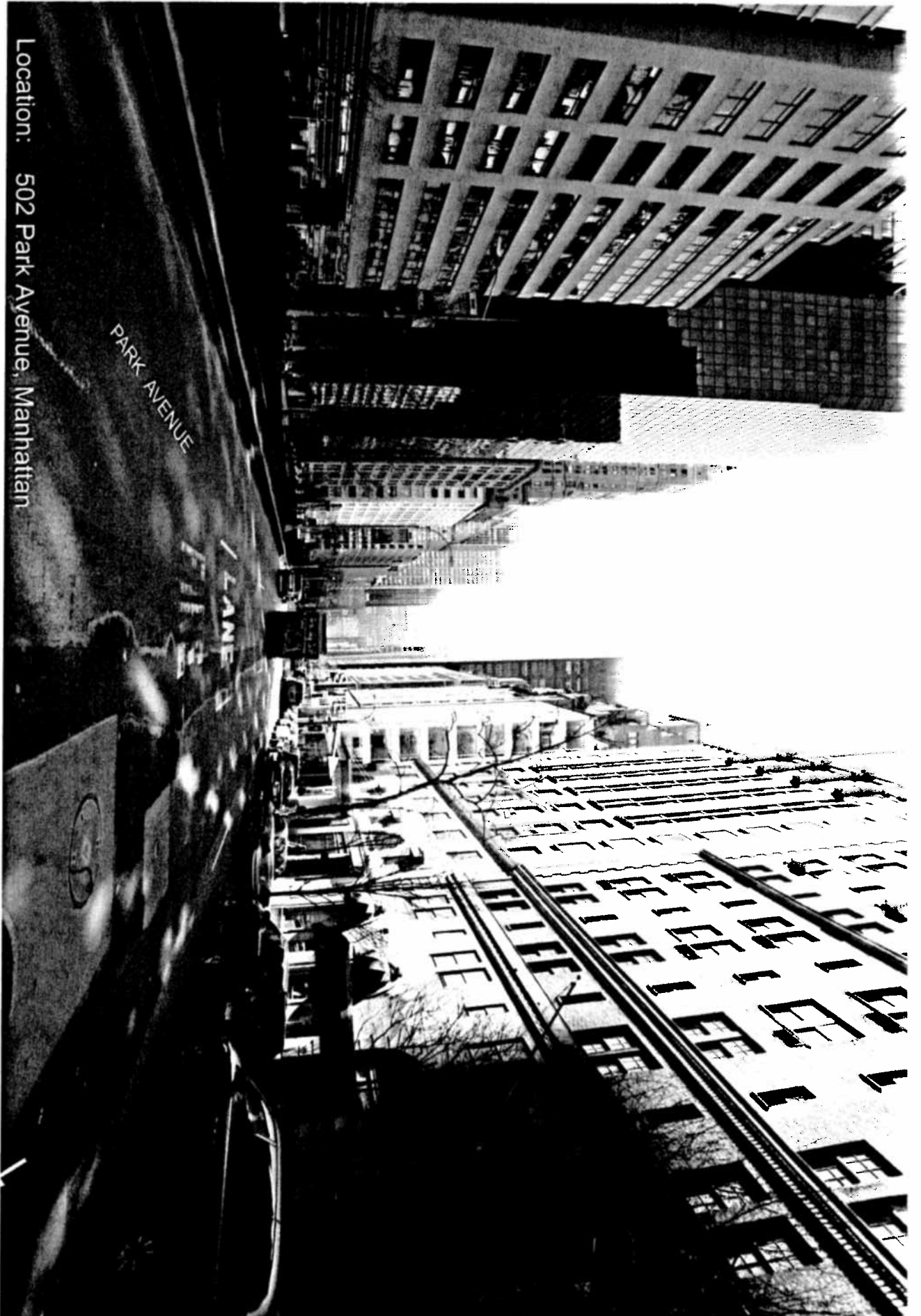
Location: 502 Park Avenue, Manhattan



Location: 502 Park Avenue, Manhattan



Location: 502 Park Avenue, Manhattan



Location: 502 Park Avenue, Manhattan

MADISON

C5-3

AVE.

CONING MAP 85
DATE 12-3-82
MID



SCALE 1:1000

298 0 100 200

LEGEND

LOT NUMBERS
ARE EXACTLY
THAT NUMBER
STORY HEIGHTS
DWELLING
MULTIFAMILY
OFFICE
VACANT
CONSTRUCTION

E. 57TH ST.

ST.

ST.

ST.

ST.

C5-3 PARK

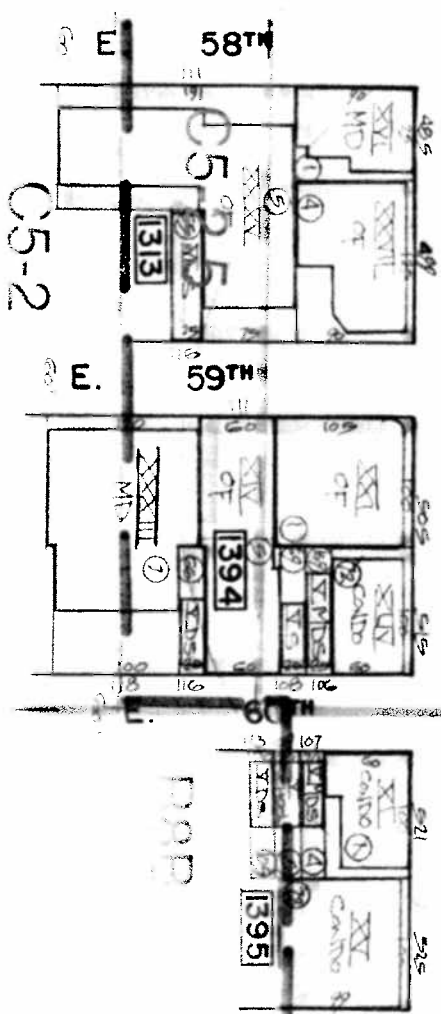
MID

P10 AVE.

Note:
All Buildings Constructed
of Stone, Brick or Concrete
Unless Otherwise Specified.

Drawn By
Wesley Habenicht
P.O. Box 20382
Floral Park N.Y. 11002
516 352-3293

Land Use
Multiple Dwelling Commercial Institutional/Community Facility Vacant



CEQR#02-BSA-118M

APPLICANT - Fredrick A. Becker, Esq., for Delmonico Hotel Co., LLC, owner; Town Sports International dba New York Sports Club, lessee.

SUBJECT - Application January 17, 2002 - under Z.R. §73-36, to permit the legalization of an expansion of an existing physical culture establishment, located within portions of the basement, first floor, second floor mezzanine and second floor, of a thirty-two story commercial building, located in a C5-2.5 and C5-5 (Mid) zoning district, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 502 Park Avenue, northwest corner of East 59th Street, Block 1374, Lots 30 and 36, Borough of Manhattan.

COMMUNITY BOARD #8M**APPEARANCES -**

For Applicant: Fredrick A. Becker.

For Opposition: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN-

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:.....0

Absent: Commissioner Miele.....1

THE VOTE TO CLOSE -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:.....0

Absent: Commissioner Miele.....1

THE VOTE TO GRANT-

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 15, 2002 acting on ALT. Application No. 103006658 reads:

"Physical culture establishment is a use not permitted as of right in C5 district. It is contrary to ZR 32-10 ZR."

WHEREAS, a public hearing was held on this application on May 21, 2002 after due notice by publication in The City Record and laid over to June 18, 2002, July 16, 2002 and then to July 23, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §73-36 to permit the legalization of an expansion of an existing physical culture establishment, located in portions of the basement, first floor, second floor mezzanine and

second floor, in an existing 32-story commercial structure, primarily occupied by a residential units, situated in both a C5-2.5 and a C5-5(Mid) zoning district; and

WHEREAS, by letter dated March 19, 2002 Community Board #8 recommends approval of this application; and

WHEREAS, the subject premises is located within the Special Midtown District; and

WHEREAS, the subject premises has previously been granted a special permit from the BSA under Calendar No. 35-94-BZ; and

WHEREAS, the applicant seeks to legalize the expansion of the facility from the 14,129 square feet granted in the 1994 BSA special permit, to 19,566 square feet; and

WHEREAS, the applicant represents that no significant increase in occupancy is expected as the result of the expansion, but instead there will be a more comfortable and better equipped facility for the members; and

WHEREAS, the applicant maintains that the remainder of the subject premises is currently occupied by as-of-right uses which are not part of this application; and

WHEREAS, the applicant represents that the interior space is specifically arranged to allow for the location of athletic equipment and that it contains facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics and martial arts; and

WHEREAS, the applicant states that massages will all be performed by licensed massage therapists; and WHEREAS, the applicant has agreed to comply with the Fire Department's requirements; and

WHEREAS, the record indicates that the proposed use will not contain any potential hazards that impact on the privacy, quiet, light, and air to residential uses; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals of the owner and operator of such facility and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§ 73-36, 81-00 and 32-10; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under Z.R. § 73-36 to permit the legalization of an expansion of an existing physical culture establishment, located in portions of the basement, first floor, second floor mezzanine and second floor, in an existing 32-story commercial office structure, primarily occupied by a residential units, situated in both a C5-2.5 and a C5-5(Mid) zoning district, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received January 17, 2002"-(6) sheets and "July 17, 2002"-(1) sheet; and on further condition;

THAT all massages will all be performed by New York State licensed massage therapists;

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

THAT, fire protection measures, including an automatic wet- sprinkler system throughout the cellar level, a fire alarm system throughout the building, a smoke detection system throughout the subject premises, a smoke detection system in ducts throughout the premises with all the aforementioned systems connected to a Fire Department-approved central station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT the term of this special permit shall be limited to ten years from the date of this grant, to expire on July 23, 2012;

THAT a minimum 3 to 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

THAT the hours of operation shall be limited to Monday through Thursday 6 A.M.-11 P.M., Friday 6 A.M.-9 P.M., and Saturday and Sunday 9 A.M.-7 P.M.;

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

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;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

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, July 23, 2002.

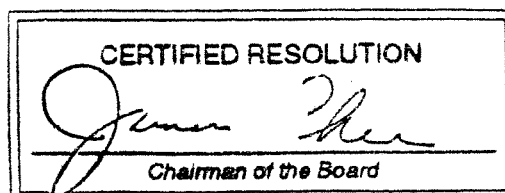
A true copy of resolution adopted by the Board of Standards and Appeals, July 23, 2002.
Printed in Bulletin No. 30, Vol. 87.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.



35-94-BZ

APPLICANT—Fredrick A. Becker, Esquire, for Delmonico's Hotel, owner, TSI East 59, Incorporated, d/b/a New York Sports Club, lessee.

SUBJECT—Application March 10, 1994—Under Z.R. §73-36, to permit in a C5-3 and a C5-2.5 district, the proposed physical cultural establishment, in the cellar and on the first and second floors, and second floor mezzanine of an existing thirty-one (31) story and cellar hotel and commercial building (Use Group 5, 6, 9 and 10), which requires a special permit.

PREMISES AFFECTED—502 Park Avenue, northeast corner of intersection at 59th Street, Block 1374, Lots 30 and 36; Borough of Manhattan.

COMMUNITY BOARD #8M.

APPEARANCES—

For Applicant: Fredrick A. Becker.

ACTION OF BOARD—Application granted on condition.

THE VOTE TO GRANT—

Affirmative: Chairman Silva, Commissioner Chen, Commissioner Palladino and Commissioner Joseph.....4

Negative:.....0

THE RESOLUTION—

WHEREAS, a public hearing was held on this application on June 14, 1994, after due notice by publication in the *Bulletin*, laid over to June 14, 1994, July 19, 1994, July 26, 1994; then to August 2, 1994 for decision; and

WHEREAS, the decision of the Borough Commissioner, dated February 22, 1994, acting on Alt. Applic. #100780184, reads:

"1. Proposed physical culture establishment (Use Group 9) requires a special permit from BSA in C5-3 zoning district per Z.R. §32-31"; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Vice-Chair Normal L. Schlissel, P.E., Commissioner Wellington Z. Chen, Commissioner Rosemary F. Palladino, J.D. and Commissioner Joseph; and

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

WHEREAS, a special permit sought under Z.R. §73-36 to permit, in a C5-3 and a C5-2.5 district, the proposed physical culture establishment in the cellar and on the first and second floors and second floor mezzanine of an existing thirty one (31) story and cellar hotel and commercial building (Use Group 5, 6, 9 and 10), which requires a special permit; and

WHEREAS, the use will contain facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics or marital arts; and

WHEREAS, the proposed physical culture establishment will be enclosed within an existing mixed-use building which includes a hotel, retail uses, a restaurant and art gallery in space previously used by a discotheque and ballroom and will not alter the essential character of the surrounding commercial neighborhood nor impair its future development; and

WHEREAS, the applicant and the adjacent art gallery have entered into an agreement regarding sound insulation, vibration control, amplified sound levels and floor design to minimize potential noise and vibration impacts associated with the physical culture use and the proposed specifications have been listed

on plans approved in connection with this application; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals of the owner and operator of such facility and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §73-36; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has taken a "hard look" at all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact State; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-36 and *grants* a special permit under Z.R. §73-36 to permit, in a C5-3 and a C5-2.5 district, the proposed physical culture establishment in the cellar and on the first and second floors and second floor mezzanine of an existing thirty one (31) story and cellar hotel and commercial buildings (Use Group 5, 6, 9 and 10), which requires a special permit; *on condition* that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received March 10, 1994"—nine (9) sheets, "June 28, 1994"—one (1) sheet and "July 26, 1994"—five (5) sheets; and *on further condition*;

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

THAT the facility's elevator shall be dedicated solely for the club's use and not access other parts of the building and exit doors shall be locally alarmed for security purposes;

THAT fire safety devices shall be installed at the premises in accordance with BSA approved plans;

THAT sound insulation, vibration control, amplified sound levels and flooring and floor design shall be provided in accordance with BSA approved plans;

THAT the special permit shall be limited to a term of ten (10) years to expire on August 2, 2004;

THAT the above conditions shall appear on the certificate of occupancy;

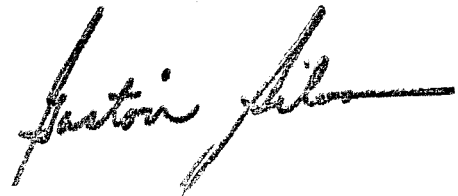
THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT substantial construction shall be completed in accordance with Z.R. §73-70.

Adopted by the Board of Standards and Appeals, August 2, 1994.

A true copy of resolution adopted by the Board of Standards and Appeals, August 2, 1994, Printed in Bulletin No 32, Vol. LXXIX.

Copies Sent
To Applicant
Fire Com't.
Borough Supt.



Chairman.