

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

September 12, 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. 206-03-BZ
Premises: 980 Madison Avenue
New York, New York

Dear Chairperson Viest and Members of the Community Board:

We represent the owner of the above premises in a special order calendar application before the Board of Standards and Appeals to extend the term of the previously granted special permit allowing the operation of a physical culture establishment / spa at the above subject premises. The premises has the address of 980 Madison Avenue, New York, New York. It is located on the westerly side of Madison Avenue between East 76th and East 77th Street. The site is occupied by a five story commercial building. The physical culture establishment is located on the second floor and is operated as Exhale Spa.

This facility first came before your Board and the BSA in 2003 when the original special permit was granted. This use has now existed for ten (10) years, and it is submitted that the ongoing and future use of the facility will continue to have no adverse or detrimental impact on the area, and will continue to be of benefit to the neighborhood.



7011 1150 0001 0090 5980

LAW OFFICE OF
FREDRICK A. BECKER

Hon. Nicholas D. Viest
Chairperson
Community Board No. 8
September 12, 2013
Page 2

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,



Fredrick A. Becker

FAB:dl
encl.

cc: Board of Standards and Appeals
Hon. Scott Stringer, MBP
Hon. Daniel R. Garodnick, Council
Ms. Edith Hsu-Chen, Manhattan Office, DCP
Mr. Christopher Holme, DCP

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STATEMENT OF FACTS

Calendar No. 206-03-BZ

Premises: 980 Madison 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 subject premises has the address of 980 Madison Avenue, New York, New York, is known as block 1391, lot 14 on the New York City tax map. Located on the site is an existing five story commercial building. The physical culture establishment is located on the second floor and is operated as Exhale Spa.

The first BSA action affecting the site occurred in November 2003 when a special permit was granted to allow the operation of a physical culture establishment under Calendar No. 206-03-BZ. This 2003 grant was for a ten (10) year term.

A physical culture establishment has now been operating at the subject location for a period of almost ten (10) 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 Friday 6:30 a.m. to 9:00 p.m. and Saturday and Sunday 8:00 a.m. to 8:00 p.m. The current days and hours of operation have remained the same as those that were approved.

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 the previous grant was Exhale Spa, and will remain Exhale Spa. Exhale Spa is a well established company that is currently operating several other physical culture establishments throughout New York City.

Violations

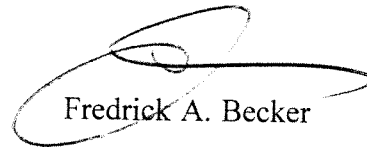
There is one open DOB violation affecting the premises, and no open ECB violations. The one violation relates to the elevator and is the responsibility of the building owner.

In sum, Exhale Spa 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. We submit that the extension is appropriate and in keeping with the prior approval. 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:nm



**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

Aby Rosen, being duly sworn, deposes and says that (s)he resides
at 390 Park Avenue, in the City of New York, in the County of New York, in the
State of New York; that 980 Madison Owner 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 1391, Lot(s) 14, Street and House Number
980 Madison 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 Law Office of Fredrick A. Becker
to make the annexed application in her/his behalf.

Signature of Owner

Print Name

Print Title

980 Madison Owner LLC

By

Aby Rosen

President

Sworn to before me this 9th day
September
Of August 2 013

**RICHARD STEVEN FROOM
NOTARY PUBLIC - STATE OF NEW YORK
NO. 02FR6247568
QUALIFIED IN NEW YORK COUNTY
MY COMMISSION EXPIRES 8/29/20**

BOARD HISTORY

August 2013

BSA Calendar No: 206-03-BZ

Premises: 980 Madison Avenue, New York, New York

1. On November 5, 2003, when the Zoning District was C5-1 (MP), an application was granted by the Board under Section 73-36 to permit the operation of a physical culture establishment located on the second floor of a five story commercial building.



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. 206-03-BZ

Section A

Applicant/
Owner

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

980 Madison Owner LLC

OWNER OF RECORD

390 Park Avenue

ADDRESS

New York New York 10022

CITY STATE ZIP

Exhale Enterprises, Inc.

LESSEE / CONTRACT VENDEE

980 Madison Avenue

ADDRESS

New York New York 10021

CITY STATE ZIP

Section B

Site Data

980 Madison Avenue, New York, New York

STREET ADDRESS (INCLUDE ANY A/K/A)

10021

ZIP CODE

Westerly side of Madison Avenue between East 76th Street and East 77th Street

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

1391 14 Manhattan 5
BLOCK LOT(S) BOROUGH COMMUNITY DISTRICT

Hon. Daniel R. Garodnick

CITY COUNCILMEMBER

C5-1 (MP)

ZONING DISTRICT

(include special zoning district, if any)

Upper East Side

LANDMARK/HISTORIC DISTRICT

8c

ZONING MAP NUMBER

Section C

Description

(LEGALIZATION ☐ YES ☒ NO ☐ IN PART)

This is a Special Order Calendar application filed pursuant to Zoning Resolution Section 73-36 to allow the continued operation of a physical culture establishment / health spa on the second floor of a five story commercial building.

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: _____

3. ☐ Amendment to Previous Board Approval

4. ☒ Extension of Term of the:

☐ Variance ☒ Special Permit For a term of ____ years

Expiration Date: 11/5/13

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 _____

Section E**Department
Of
Buildings
Information**

	YES	NO
1. Have plans been filed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Have plans been approved? (If Yes, Date Approved _____)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Has a permit been obtained? (If Yes, Permit No. _____ Date Issued _____)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Is work in progress? (If Yes, Percentage of work completed _____%)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Has a temporary or permanent Certificate of Occupancy been obtained? (If Yes, Expiration Date <u>11/5/13 (PCE)</u> Attach a copy)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If you have answered "No" to any of these questions, include a paragraph in your statement describing the reason(s) for delay and the projected schedule of completion.

Section F**Board
History**

List all prior Board actions associated with the subject Zoning Lot and attach one copy of each resolution:

On November 5, 2003, when the Zoning District was C5-1 (MP), an application was granted by the Board under Section 73-36 to permit:
the operation of a physical culture establishment located on the second floor of a five story commercial building.

Section G**Inspection
and
Compliance**

	YES	NO
1. Have you reviewed the Board's case file?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Have you recently inspected the premises and surrounding area? (If Yes, date of most recent site inspection <u>July 2013</u>)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Did you find:		
a. Compliance with the terms and conditions of the Board's resolution? Attach a completed Certificate of Inspection and Compliance	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Any significant condition changes (e.g. rezoning, city map amendments, recent developments) within the affected area since the Board's last action on this application?.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If the answer is "yes" to any of the questions below, explain further in your statement.		
4. Is there currently a proposal before the City Planning Commission to change the subject Zoning District, or any other action which includes the premises? (File / CP No. _____)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Are there any outstanding violation(s) on the premises? (If Yes, submit a DOB BIS printout)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is there any other application before the Board which affects the premises? (If Yes, Cal No. _____)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Is there any other application at any government agency which affects the premises?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Section H**Signature**

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

Signature of Applicant, Corporate Officer or Other Authorized Representative

Fredrick A. Becker

Print Name

Attorney

Title

SWORN TO ME THIS 11th DAY OF Sept 2013

NOTARY PUBLIC

Notary Public, State of New York

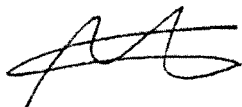
Qualified in New York County
Commission Expires 9/22/2014

Certificate of Occupancy

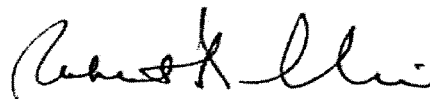
CO Number: 121183771T001

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: 01391	Certificate Type: Temporary
	Address: 980 MADISON AVENUE	Lot Number(s): 14	Effective Date: 08/01/2013
	Building Identification Number (BIN): 1041796	Building Type: Altered	Expiration Date: 10/30/2013
This building is subject to this Building Code: 1968 Code			
For zoning lot metes & bounds, please see BISWeb.			
B.	Construction classification: 1	(Prior to 1968 Code designation)	
	Building Occupancy Group classification: B	(2008 Code)	
	Multiple Dwelling Law Classification: None		
No. of stories: 6		Height in feet: 74	No. of dwelling units: 0
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 16 outstanding requirements. Please refer to BISWeb for further detail.			
Borough Comments: None			



Borough Commissioner



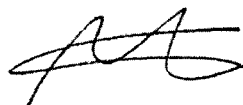
Commissioner

DOCUMENT CONTINUES ON NEXT PAGE

Certificate of Occupancy

CO Number: 121183771T001

Permissible Use and Occupancy						
All Building Code occupancy group designations below are 2008 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
001 001 74	100		A-3		6	ART GALLERY (ADDITIONAL LIVE LOAD 125,175)
001 001 74			A-3		6	LOBBY/ART GALLERY
001 001 273			M		6	STORES, HANDLING PLATFORM AND TRUCK DOCK
002 002 169			M		6	PHYSICAL CULTURE ESTABLISHMENT, ACC. MASSUERS, ACC. EXERCISE STUDIO, ACC. LOCKER ROOM, ACC. OFFICES
002 002 59			M		6	RETAIL STORES
002 002 72	100		M		6	OFFICES
003 003 180	60		M		6	GALLERY, OFFICES, RETAIL STORE
004 004 180	160		M		6	GALLERY, OFFICES, RETAIL STORE
005 005 180	175		M		6	GALLERY, OFFICES, RETAIL STORE
PEN 90	60		M		6	GALLERY, OFFICES, RETAIL STORE
OLD CODE - NOTE: BSA APPROVED CALENDER #206-03BZ (176 PERSONS). 1. THE TERM OF THIS SPECIAL PERMIT SHALL BE LIMITED TO TEN (10) YEARS FROM NOVEMBER 5, 2003. 2. ALL MESSAGES AT THE PREMISES WILL BE PERFORMED BY NEW YORK STATE LICENSED MESSAGE THERAPIST. 3. THE HOURS OF OPERATION SHALL BE LIMITED TO MONDAY THROUGH FIRDAY 6:30 AM TO 9:00 PM AND SATURDAY AND SUNDAY 8:00 AN TO 8:00 PM.						
END OF SECTION						



Borough Commissioner



Commissioner

END OF DOCUMENT

121183771/001 8/1/2013 1:23:18 PM


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

NYC Department of Buildings

Property Profile Overview

980 MADISON AVENUE

EAST 76 STREET 21 - 31
 EAST 77 STREET 20 - 38
 MADISON AVENUE 974 - 990

MANHATTAN 10075

Health Area : 4100
 Census Tract : 130
 Community Board : 108
 Buildings on Lot : 2

BIN# 1041796

Tax Block : 1391
 Tax Lot : 14
 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:	L - LANDMARK	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: MP - MADISON AVENUE PRESERVATION

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: 09-OFFICE BUILDINGS

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	7	0	Elevator Records
Violations-DOB	73	1	Electrical Applications
Violations-ECB (DOB)	11	0	Permits In-Process / Issued
Jobs/Filings	178		Illuminated Signs Annual Permits
ARA / LAA Jobs	0		Plumbing Inspections
Total Jobs	178		Open Plumbing Jobs / Work Types
Actions	61		Facades
OR Enter Action Type: <input type="text"/>			Marquee Annual Permits
OR Select from List: <input type="text" value="Select..."/>			Boiler Records
AND <input type="button" value="Show Actions"/>			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.



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NYC Department of Buildings
DOB Violations

Page: 3

Premises: 974 MADISON AVENUE MANHATTAN


BIN: 1041796 Block: 1391 Lot: 14

NUMBER	TYPE	FILE DATE
<u>V* 101309E9011/315863</u>	DOB VIOLATION - RESOLVED	10/13/2009
<u>V* 101309E9011/315864</u>	DOB VIOLATION - RESOLVED	10/13/2009
<u>V* 101309E9011/315865</u>	DOB VIOLATION - RESOLVED	10/13/2009
<u>V* 101309E9011/315866</u>	DOB VIOLATION - RESOLVED	10/13/2009
<u>V* 101309E9011/315867</u>	DOB VIOLATION - RESOLVED	10/13/2009
<u>V* 101309E9011/315868</u>	DOB VIOLATION - RESOLVED	10/13/2009
<u>V* 030110E9027/327191</u>	DOB VIOLATION - RESOLVED	03/01/2010
<u>V* 030110E9027/327192</u>	DOB VIOLATION - RESOLVED	03/01/2010
<u>V* 030110E9027/327193</u>	DOB VIOLATION - RESOLVED	03/01/2010
<u>V* 030110E9027/327194</u>	DOB VIOLATION - RESOLVED	03/01/2010
<u>V* 100810VCAT101905</u>	DOB VIOLATION - DISMISSED	10/08/2010
<u>V* 123010E9027/369357</u>	DOB VIOLATION - RESOLVED	12/30/2010
<u>V* 123010E9027/369355</u>	DOB VIOLATION - RESOLVED	12/30/2010
<u>V* 123010E9027/369358</u>	DOB VIOLATION - RESOLVED	12/30/2010
<u>V* 123010E9027/369356</u>	DOB VIOLATION - RESOLVED	12/30/2010
<u>V* 120511E9027/405614</u>	DOB VIOLATION - RESOLVED	12/05/2011
<u>V* 120511E9027/406184</u>	DOB VIOLATION - RESOLVED	12/05/2011
<u>V* 120511E9027/406185</u>	DOB VIOLATION - RESOLVED	12/05/2011
<u>V* 120511E9027/406187</u>	DOB VIOLATION - RESOLVED	12/05/2011
<u>V* 120511E9027/406188</u>	DOB VIOLATION - RESOLVED	12/05/2011
<u>VW* 120511E9027/406189</u>	VIOLATION - WORK W/O PERMIT DISMISSED	12/05/2011
<u>V* 120412E9027/447817</u>	DOB VIOLATION - RESOLVED	12/04/2012
→ <u>V 061413E9027/470918</u>	DOB VIOLATION - ACTIVE	06/14/2013

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.



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NYC Department of Buildings

DOB Violation Display for 061413E9027/470918

Premises: 974 MADISON AVENUE MANHATTAN

BIN: 1041796 Block: 1391 Lot: 14

Issue Date: 06/14/2013

Violation Category: V - DOB VIOLATION - ACTIVE

Violation Type: E - ELEVATOR

Violation Number: 9027/470918

Device No.: 01P22433

ECB No.:

Infraction Codes:

Description:

Disposition:

Code:

Date:

Inspector:

Comments:

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.



**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

BSA Cal. No.: 206-03-BZ

Street Address: 980 Madison Avenue
New York, New York

Block: 1391 **Lot(s):** 14

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 August, 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:

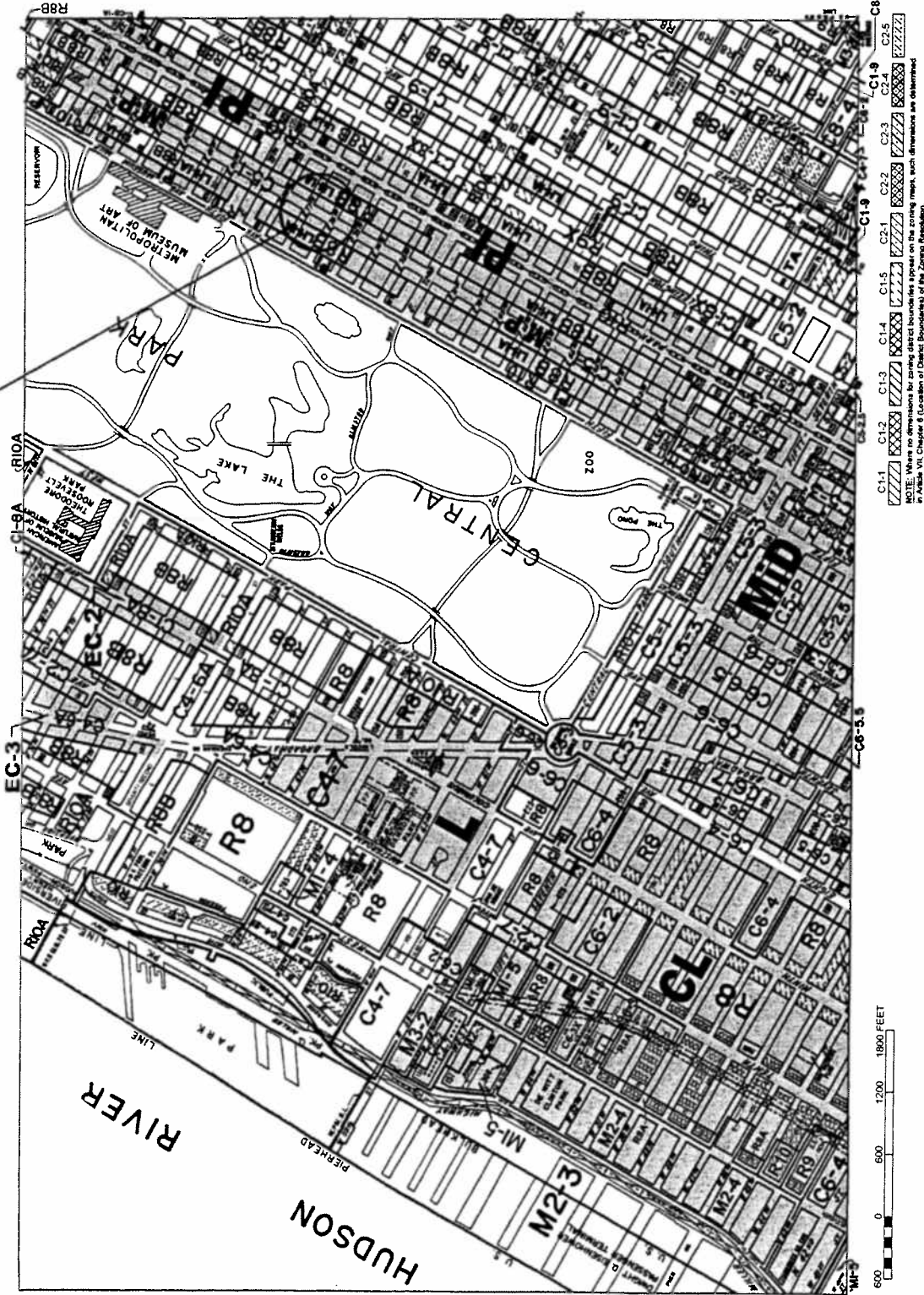
Area(s) of non-compliance

Date(s) to achieve compliance.

Applicant/Agent Signature

(Registered Architect/Engineer Seal as Appropriate)

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 indicates the special purpose district as described in the text of the Zoning Resolution.

..... AREA(S) REZONED

Effective Date(s) of Rezoning:
02-06-2013 C 120396 ZM

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 Incineratory Housing designated areas on this map, see APPENDIX F.

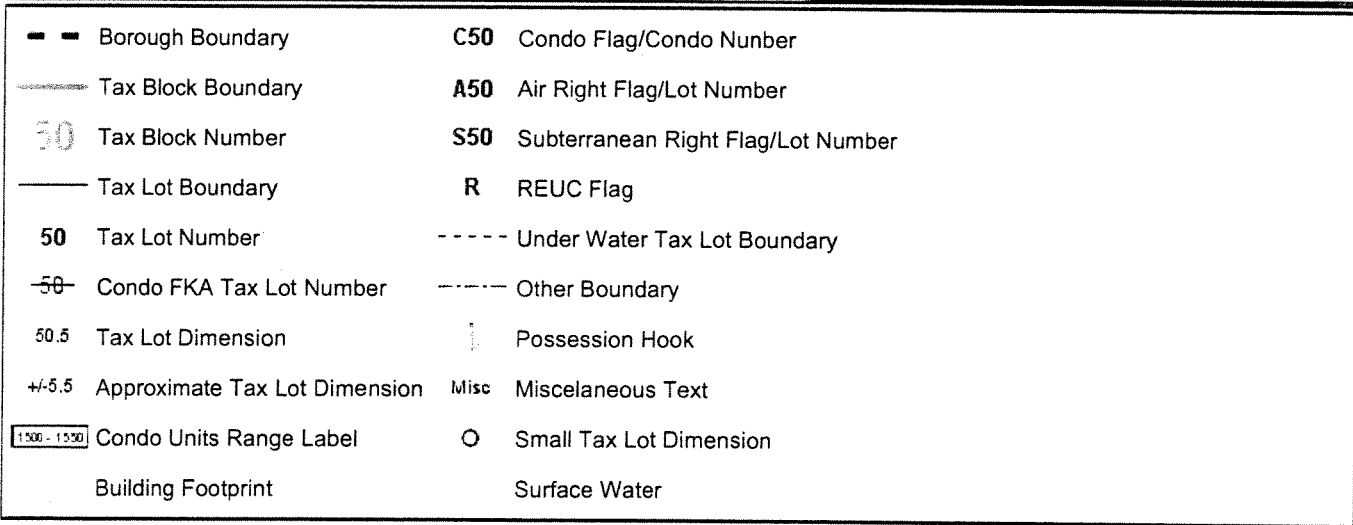
ZONING MAP **8c**

MAP KEY

5d	6b	9a	9b
8a	8c	8d	

© Copyright by the City of New York

NOTE: Zoning information shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website at www.dcp.nyc.gov/zoning. For more information, contact the Zoning Information Center at (212) 720-3291.





SCALE: 1"=100'

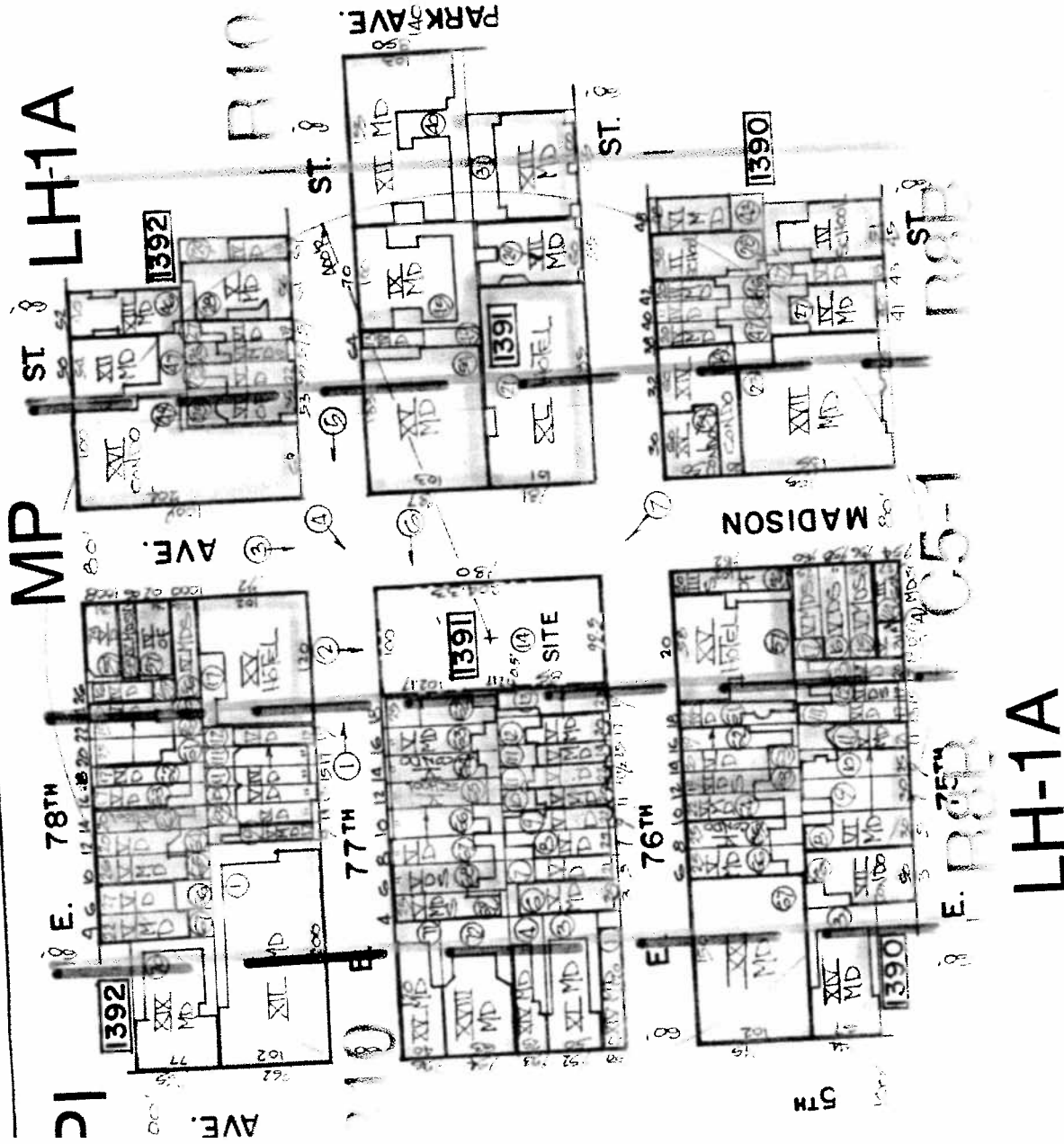
50' 100'

LEGEND

- LOT NUMBERS
- BLOCK NUMBER
- ▤ STREET HEIGHTS
- ⊙ DWELLING
- ⊙ MULTIPLE DWELLING
- ⊙ OFFICE
- ⊙ CHURCH
- ⊙ INDUSTRIAL

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
516 352-3295



Land Use

Dwelling Multiple Dwelling Commercial Institutional/Community Facility

BSA CALENDAR NO.

206-03-BZ

BLOCK 1391

LOT 14

SUBJECT SITE ADDRESS

980 Madison Avenue, New York, New York

APPLICANT

Law Office of Fredrick A. Becker

ZONING DISTRICT 8c

PRIOR BSA #

COMPLIANT: "Y"

IF NOT: "N" and

INDICATE AMT

SPECIAL/HISTORIC DISTRICT MP

COMMUNITY BOARD 8M

* APPLICABLE
ZR SECTIONMAXIMUM
PERMITTEDMINIMUM
REQUIREDLEGAL PER
C of O or BSA

EXISTING

PROPOSED

OVER/UNDER

LOT AREA

20,400 sf

20,400 sf

Yes

LOT WIDTH

204'4"

204'4"

Yes

USE GROUP (S)

PCE

PCE

PCE

Yes

FA RESIDENTIAL

N/A

FA COMMUNITY FACILITY

N/A

FA COMMERCIAL/INDUST.

7,700*

7,700*

7,700*

Yes

FLOOR AREA TOTAL

7,700*

7,700*

7,700*

Yes

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

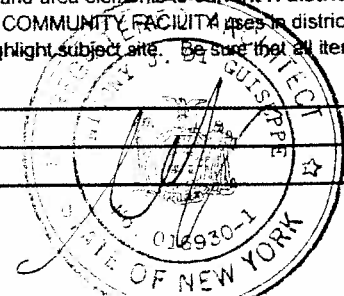
LOADING BERTH (S)

N/A

OTHER:

N/A

* In Applicable ZR Section column: For RESIDENTIAL developments in non-residential districts, indicate nearest R district, e.g., R4/23-141, and contrast compliance. For COMMERCIAL or MANUFACTURING developments in residential districts, contrast proposed bulk and area elements to current R district requirements, except for parking and loading requirements (contrast to nearest district where use is permitted). For COMMUNITY FACILITY uses 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: 206-03-BZ

LOCATION: 980 Madison Avenue, New York, NY BOROUGH Manhattan

BLOCK 1391

APPLICANT: Law Office of Fredrick A. Becker

LOT 14

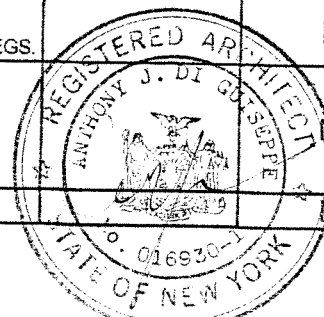
ZONING DISTRICT: C5-1

SPECIAL DISTRICT No

LOT AREA: 20,400 SF

EQUIVALENT C DISTRICT

	SECTION	PERMITTED	PROPOSED	COMPLIANCE
ACCESSORY BUSINESS SIGNS	32-62	PERMITTED IN ALL COMMERCIAL DISTRICTS	0	Yes
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 = 150'	0	Yes
NON-ILLUMINATED SIGNS C1 - C8	32-642	SEE TABLE THIS SECTION FOR SURFACE AREA PERMITTED =	0	Yes
ILLUMINATED NON-FLASHING C1, C2	32-643	SEE TABLE THIS SECTION FOR SURFACE AREA PERMITTED =	0	Yes
ILLUMINATED OR FLASHING C4, C5-4, C6, C7 (NO FLASHING SIGNS IN C6-1A)	32-644	SEE TABLE THIS SECTION FOR SURFACE AREA PERMITTED =		N/A
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 SEE SECTION 32-653 FOR ADD'L REGS	32-651	NO PERMITTED SIGN TO PROJECT ACROSS STREET LINE BY MORE THAN 8'		N/A
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		N/A
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	0	Yes
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	0	Yes
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



206-03-BZ

CEQR #03-BSA-210M

APPLICANT - The Law Office of Fredrick A. Becker, for 974 Madison Avenue Company, LP, owner; Exhale Mindbody Spa, lessee.

SUBJECT - Application June 18, 2003 - under Z.R. §73-36 to permit in a C1-5 (MP) zoning district, the legalization of an existing physical culture establishment, located on the second floor of a five story commercial building contrary to Z.R. §32-10.

PREMISES AFFECTED - 980 Madison Avenue, west side, between East 76th and East 77th Streets, Block 1391, Lot 14, Borough of Manhattan.

COMMUNITY BOARD #14M

APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated June 17, 2003 acting on ALT I. Application No. 103459963 reads:

“proposed physical culture establishment is not a permitted use as of right within C5-1 zoning district hence it is contrary to ZR Sec. 32-10.”; and

WHEREAS, a public hearing was held on this application on September 16, 2003, after due notice by publication in *The City Record* and held over to October 21, 2003, and then to November 5, 2003 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, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §73-36 to permit, in a C1-5 (MP) zoning district, the legalization of an existing physical culture establishment (“PCE”), located on the second floor of a five story commercial building, contrary to Z.R. §32-10; and

WHEREAS, the subject space is entered from stairs or elevators located in the ground floor lobby, which the applicant represents provides access to people with disabilities including those using wheelchairs; and

WHEREAS, the existing use is a traditional spa environment rather than a fitness-oriented facility, with hours of operation of: Monday through Friday 6:30 A.M. to 9:00 P.M., and Saturday and Sunday 8:00 A.M. to 8:00 P.M.; and

WHEREAS, the record indicates that the subject use will contain treatment rooms in conjunction with

the core fusion and yoga studios, with treatment rooms being used for massages and facials; and

WHEREAS, further, the applicant represents that all massages will be performed by massage therapists licensed by New York State; and

WHEREAS, the Board finds that the proposed use will not alter the essential character of the surrounding neighborhood, nor will it impair the future use and development of the surrounding area; and

WHEREAS, the applicant asserts that the proposed PCE will have no adverse impact on the privacy, light, quiet, and air of the surrounding area, as the facility is located on the second floor of a five story commercial building; and

WHEREAS, the proposed project will not interfere with the existing street system or any pending public improvement project; 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 73-03; 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, 73-03 and 99-00 et seq, to permit, in a C1-5 (MP) zoning district, the legalization of an existing physical culture establishment, located on the second floor of a five story commercial building contrary to Z.R. §32-10, *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked “Received, October 15, 2003” - (3) sheets; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years from November 5, 2003 to expire on November 5, 2013;

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

206-03-BZ

CEQR #03-BSA-210M

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 all signage shall comply with applicable signage regulations;

THAT the hours of operation shall be limited to Monday through Friday 6:30 A.M. to 9:00 P.M., and Saturday and Sunday 8:00 A.M. to 8:00 P.M.;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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 the specifically cited and filed Department of Buildings objection 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, November 5, 2003.

**A true copy of resolution adopted by the Board of Standards and Appeals, November 5, 2003.
Printed in Bulletin No. 46-47, Vol. 88.**

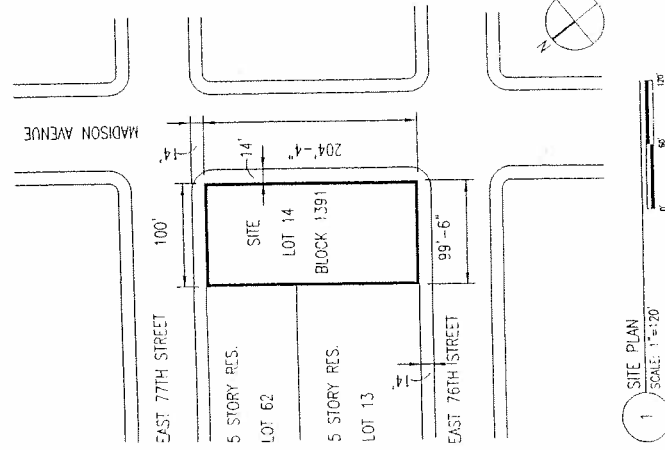
Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

000 0000

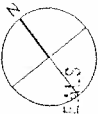
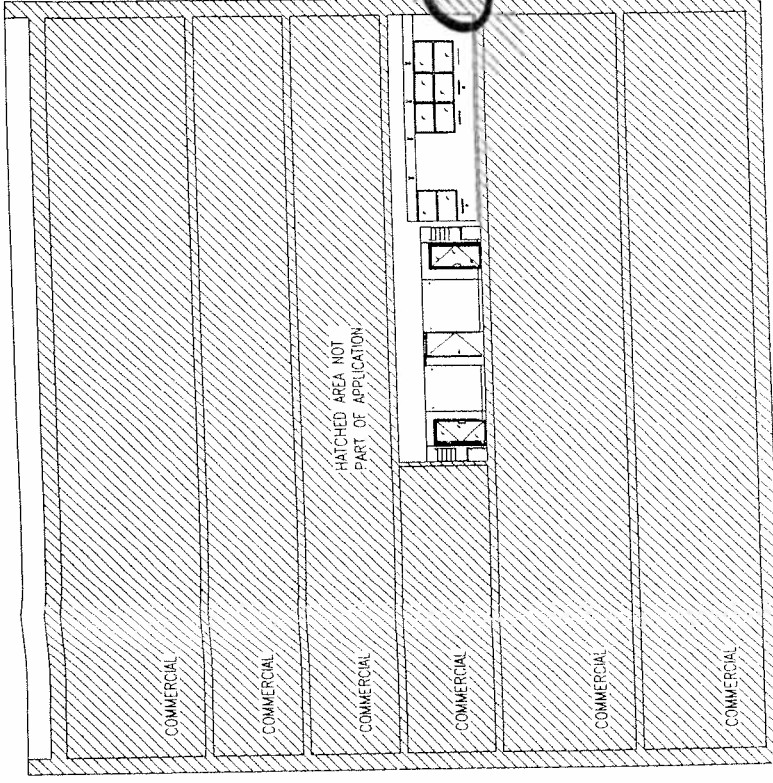


ZONING CALCULATIONS

STORY	EXISTING FLOOR AREA
SECOND FLOOR	7700 SQ.FT.
TOTAL AREA (DEMISED PREMISES)	7700 SQ.FT.
LOT AREA	20400 SQ.FT.



2 PROPOSED BUILDING SECTION
SCALE: 1/16"=1'-0"



RECEIVED
CITY OF NEW YORK
201 OCT 15 P 3:05

NO.	DATE	REVISION

MR. ARCHITECTURE & DECOR
150 WEST 20TH STREET, ROOM 1102
NEW YORK, NEW YORK 10011
T 212.886.9300 F 212.886.9430



MADISON AVENUE

TITLE:

PROPOSED
CONDITIONS

- SITE PLAN
- SECTION
- ZONING
CALCULATIONS

PROJECT:

EXHALE SPA

980 MADISON AVENUE
NEW YORK, NY 10021

DATE: OCTOBER 6, 2001

SCALE: AS NOTED

DRAWN:

JOB NO. 2502.13

DWG. FILE:

SHEET:

P-1

APPROVED PLANS BOARD OF STANDARDS AND APPEALS

The approval of these plans is limited solely to the relief granted by the BSA. All plans are subject to Department of Buildings review for compliance with all other applicable laws rules and regulations.

Refer to the Certified Resolution language for the scope and specific description of the BSA Approval.

2-2





OCT 15 P 3:05

NO.	DATE	REVISION

MR ARCHITECTURE + DECOR
150 WEST 28TH STREET, ROOM 1102
NEW YORK, NEW YORK 10001
T 212.689.3300 F 212.689.9430



TITLE:
PROPOSED
CONDITIONS
-SECOND FLOOR PLAN

PROJECT:
EXHALE SPA

980 MADISON AVENUE
NEW YORK, NY 10021

DATE: OCTOBER 6, 2003

SCALE: AS NOTED

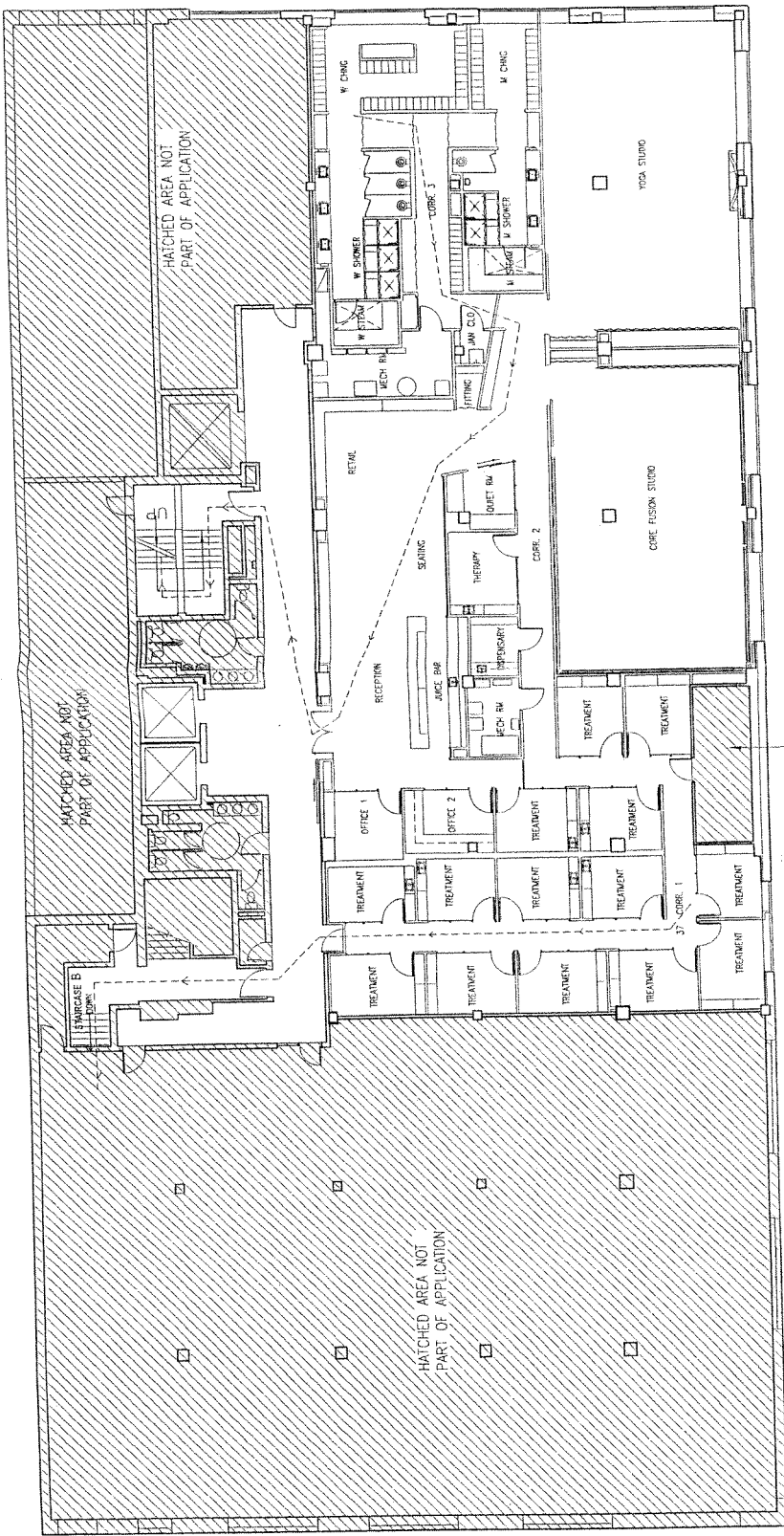
DRAWN:

JOB NO: 2002.13

DWG FILE:

SHEET:

P-3



APPROVED PLANS
BOARD OF STANDARDS AND APPEALS

The approval of these plans is limited solely to the relief granted by the BSA. All plans are subject to Department of Buildings review for compliance with all other applicable laws rules and regulations.

Refer to the Certified Resolution language for the scope and specific description of the BSA Approval.

PROPOSED SECOND FLOOR PLAN
SCALE: 1/16"=1'-0"

EXISTING MECHANICAL ROOM



Location: 980 Madison Avenue, Manhattan

Block: 1391

Lot: 14

PHOTOGRAPHED BY: GEORGE CONSTANTINO 24-35 28th STREET ASTORIA, NY 11002 (718) 932-9744

EAST 76TH AVENUE

MADISON AVENUE

VIEW # 7

DATE: August 25, 2013

N



Location: 980 Madison Avenue, Manhattan
Block: 1391
Lot: 14

VIEW #6 — N
DATE: August 25, 2013

PHOTOGRAPHED BY: GEORGE CONSTANTINO (212) 528-1111 / STREET #3A / STOR / NY 11102 / (718) 932-8782



VIEW # 5 — N
DATE: August 25, 2013

Location: 980 Madison Avenue, Manhattan
Block: 1391
Lot: 14

PHOTOGRAPHED BY: GEORGE CONSTANTINO 24-35 28mm. STREET #3A ASTORIA NY11102 (718) 932-8784



MADISON AVENUE

EAST 77TH STREET

Location: 980 Madison Avenue, Manhattan
Block: 1391
Lot: 14

PHOTOGRAPHED BY: GEORGE CONSTANTINO 24-35 28mm. STREET #3A ASTORIA NY11102 (718) 932-8784

VIEW # 4
DATE: August 25, 2013
N



Location: 980 Madison Avenue, Manhattan
Block: 1391
Lot: 14

PHOTOGRAPHED BY: GEORGE CONSTANTINO 212-451-2200 STREET #34 KASOTOHAWY 1102 (718) 932-8764

VIEW # 3
DATE: August 25, 2013



Location:
Block:
Lot:

980 Madison Avenue, Manhattan
1391 EAST 77TH STREET
14

PHOTOGRAPHED BY: GEORGE CONSTANTINO U 24-35 28mm STREET #3A ASTORIA NY 11102 (718) 932-8784

VIEW # 2
DATE: August 25, 2013
N



Location: 980 Madison Avenue, Manhattan

Block: 1391

Lot: 14

VIEW #1
DATE: August 25, 2013



PHOTOGRAPHED BY: GEORGE CONSTANTINO 24-35 28th, STREET #3A ASTORIA NY 11102 (718) 932-8764

980 MADISON AVENUE

BLOCK: 1391

LOT: 14

BOROUGH OF MANHATTAN

CAMERA POSITION



PHOTOGRAPH LOCATION POINTS

NOT TO SCALE

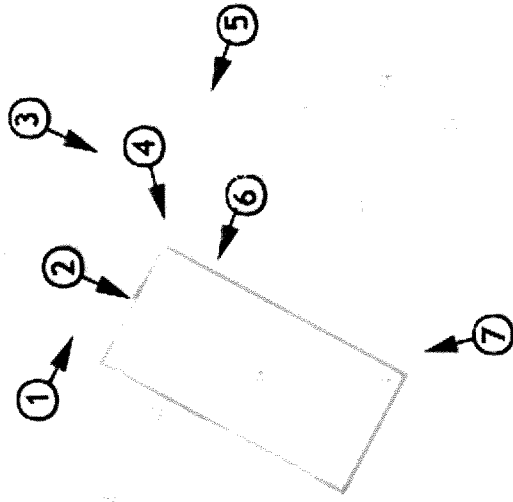
Photographed by

GEORGE CONSTANTINO
24-35 28TH STREET, #3A
LONG ISLAND CITY, NY 11102

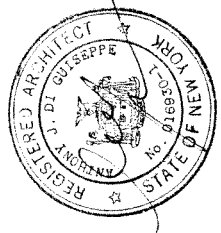
Phone: (718) 932-8784

Fax: (718) 932-9685

Date: August 25, 2013



200-05-112



08.23.2013 issued for BSA approval

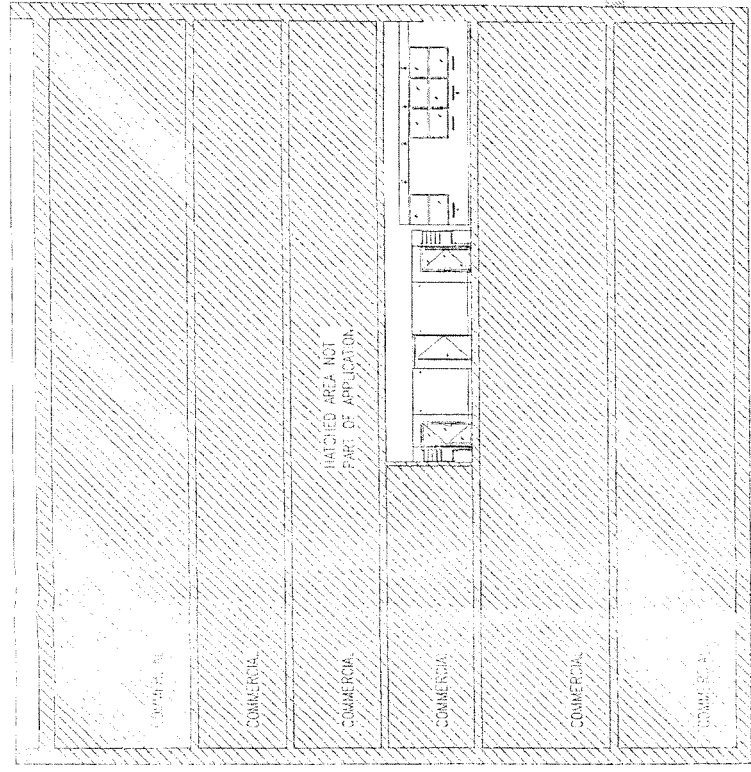
ISSUE / REVISION DATE

DI GIUSEPPE Architects
Architects
1885 York Avenue, Suite 31
New York, New York 10021
Tel. 212-439-9611
Fax. 212-366-3814
www.digiuseppe.com
REG. #111,742/17

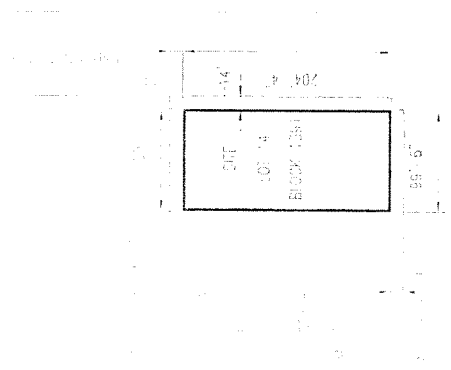
EXHALE SPA

**EXISTING / PROPOSED
CONDITIONS**
Site Plan, Section,
Zoning Calculations

DATE: 08.23.2013
DRAWN: A.S. N.Y.
PROJECT NO.: E/P-1
SHEET NO.: 6/13



EXISTING / PROPOSED BUILDING SECTION
SCALE: 1/16"=1'-0"

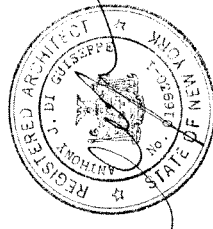


SITE PLAN
SCALE: 1"=120'

Zoning Calculations

STORY	EXISTING FLOOR AREA
SECOND FLOOR	7700 SQ. FT.
TOTAL AREA (EXISTING PREMISES)	7700 SQ. FT.
LOT AREA	20400 SQ. FT.

200-03-NZ



08.22.2013 Issued for BSA approval

ISSUE / REVISION DATE

DIGIUSEPPE Architect
Architects Interior Design Planning
1385 York Avenue, Suite 3A
New York, New York 10021
Tel. 212-496-6611
Fax 212-506-3014
www.digiuseppe.com

PROJECT NAME

EXHALE SPA

PROJECT ADDRESS
New York, New York 10021

DATE: 08.22.2013

**EXISTING / PROPOSED
CONDITIONS**

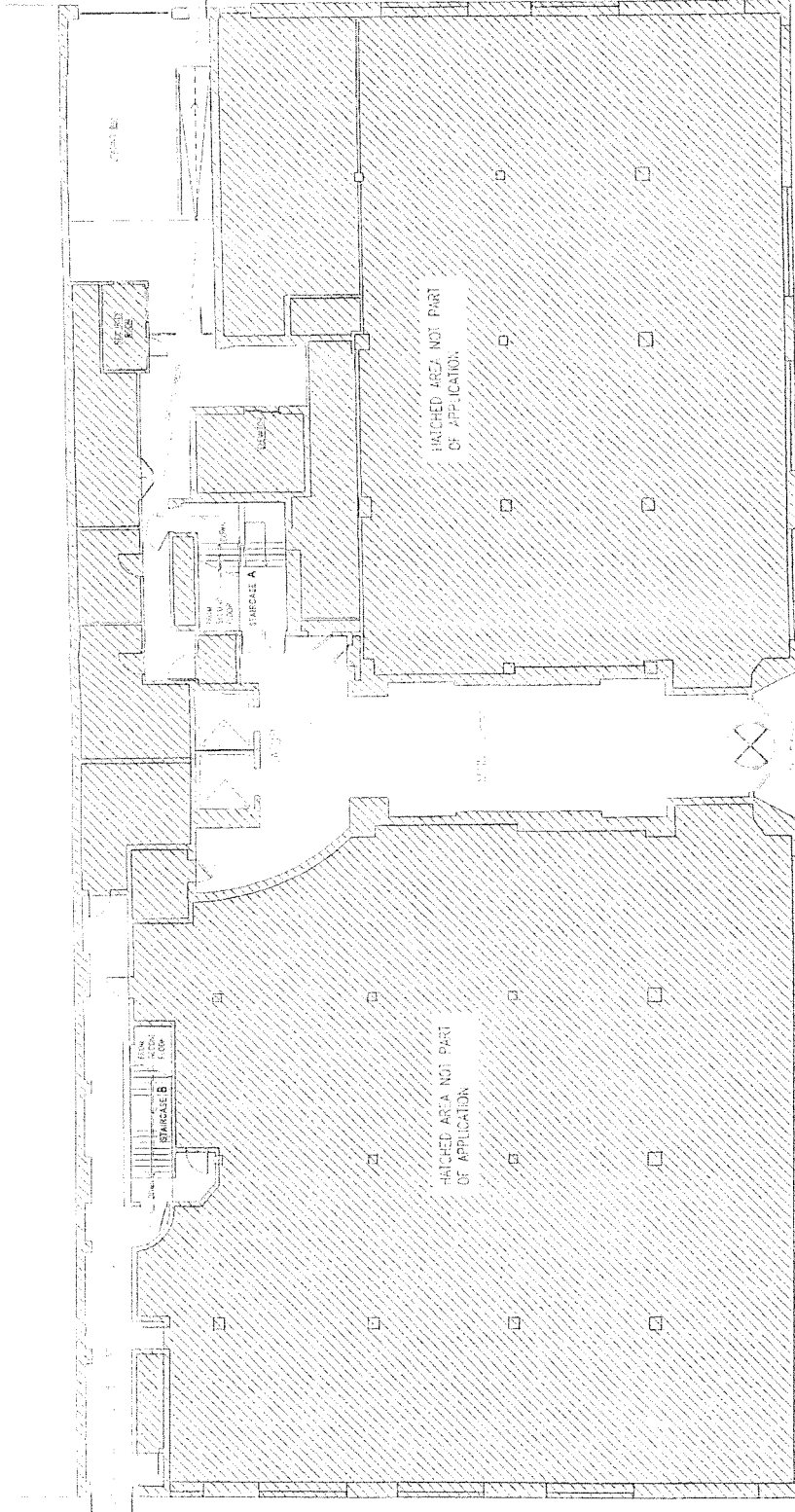
First Floor Plan

DATE: 08.22.2013

E/P-2

DATE: 08.22.2013

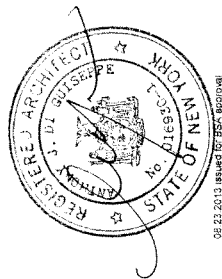
PROJECT NAME



EXISTING / PROPOSED FIRST FLOOR PLAN

SCALE: 1/16"=1'-0"

2-



08.23.2013 issued for HSA approval

ISSUE DIVISION DATE

DIGUISEPPE Architect
Architecture • Interior Design • Planning
1385 York Avenue, Suite 3A
New York, New York 10021
Tel. 212-439-9611
Fax. 212-396-3014

1000

EXHALE SPA

2024. 1st Edition. 321 p., 5.

 $\frac{d}{dt} \left(\frac{\partial L}{\partial \dot{x}} \right) = \frac{\partial L}{\partial x}$

EXISTING / PROPOSED
CONDITIONS

Second Floor Plan

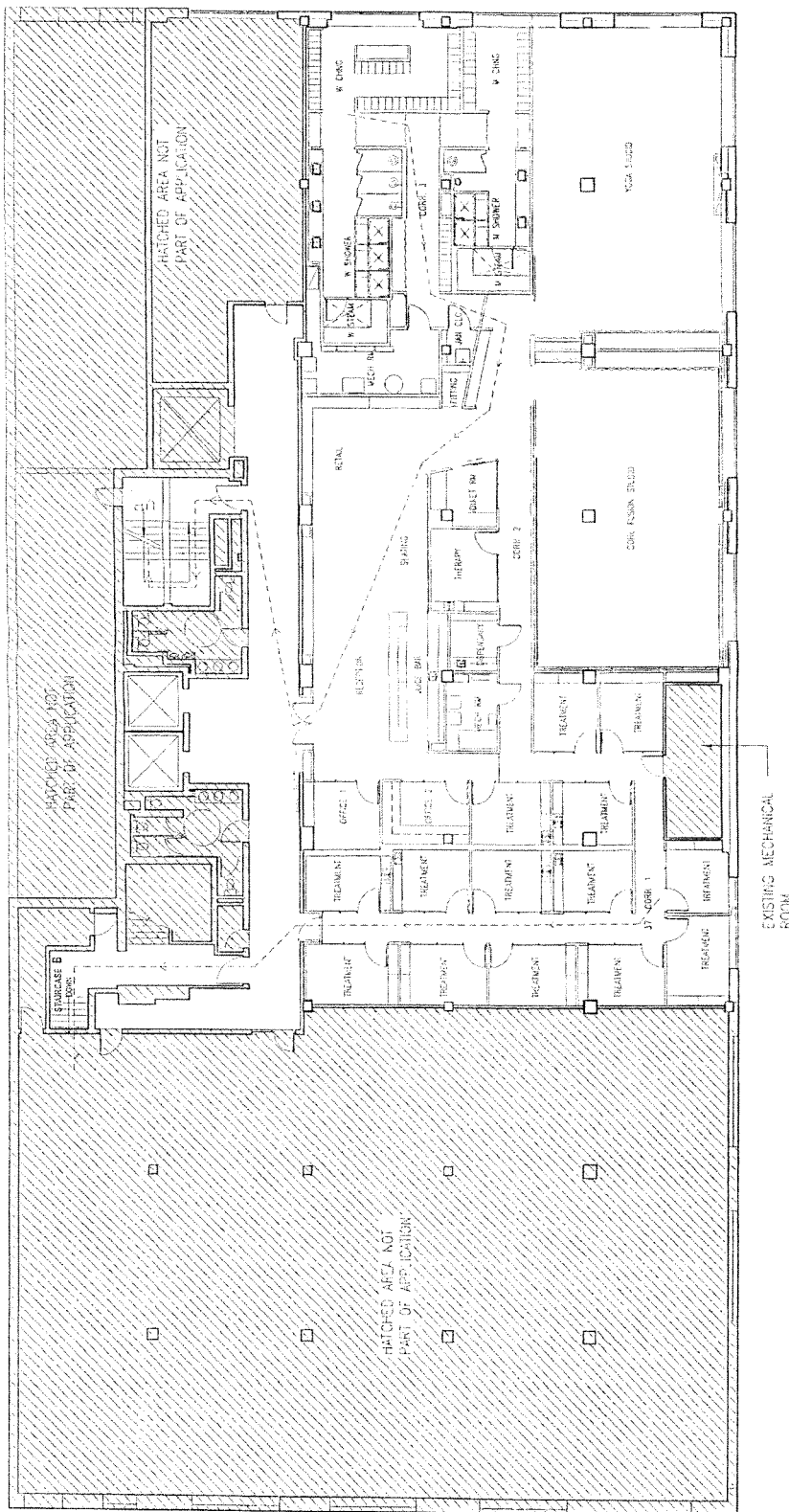
$$= \sum_{i=1}^n \beta_i \left(\frac{1}{n} \sum_{j=1}^n \frac{1}{\beta_j} \right) = \frac{1}{n} \sum_{j=1}^n \frac{1}{\beta_j} \in I_A.$$

1997

50.23.2013

$$D_{\alpha}^{\beta} = \sum_{\gamma} D_{\alpha}^{\beta\gamma} \mathcal{E}_{\gamma}^{\dagger}$$

61-9



EXISTING / PROPOSED SECOND FLOOR PLAN

SCALE: 1/16"=1'-0"

RESEARCH DESIGN AND METHODS

11