

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

ADAM W. ROTHKRUG
SIMON H. ROTHKRUG, LL.M.
DOUGLAS M. SPECTOR
NEAL S. FRIEDMAN
TODD DALE

TELEPHONE: 516.487.2252
718.343.0069
FACSIMILE: 516.487.2439

September 18, 2012

Chairperson Jackie Ludorf
Manhattan Community Board 8
505 Park Avenue, Suite 620
New York, NY 10022

RECEIVED
SEP 20 2012
NY COMMUNITY BOARD 8

Re: Cal. No. 107-06-BZ
140 East 63rd Street
Manhattan, New York

Dear Chairperson Ludorf:

Please be advised that the enclosed application has been filed at the Board of Standards and Appeals ("BSA") to amend a special permit and allow an extension of an existing physical culture establishment ("PCE") operated as Equinox previously approved by the BSA pursuant to §§ 73-03 and 73-36 of the New York City Zoning Resolution ("ZR").

The subject site is a corner lot, 120 ft. frontage on the south side of East 63rd Street by 112.3 ft. frontage on the east side of Lexington Avenue, a total of 13,326 sq. ft. in area. The premises are located partially within C1-8X and R8B zoning districts that have existed since 1984. The site is currently developed with a twenty-two story mixed-use building that formerly contained the Barbizon Hotel. In the mid-2000's the Barbizon Hotel closed, and use of the building was converted to the current mixed commercial and residential use.

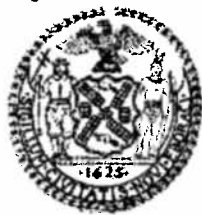
On February 27, 2007 the BSA originally granted the subject application permitting a 38,209 sq. ft. PCE to be operated as Equinox within the existing mixed-use building. Equinox has been successful at this location and now proposes to extend its facility into a vacant existing space on the first floor, a total of 693 sq. ft., increasing the total floor area for the PCE to 38,902 sq. ft. The additional internal floor area will contain space for a pilates studio and will be accessed from the existing facility. The new area does not include any new storefront or signage areas.

We would be pleased to provide any additional information required, or to appear before your Community Board. Please contact the undersigned accordingly.

Sincerely,

Rothkrug Rothkrug & Spector LLP
ROTHKRUG ROTHKRUG & SPECTOR LLP

Board of Standards and Appeals
Department of City Planning, attn.: Christopher Holme
Department of City Planning, Manhattan Office
Scott M. Stringer, Borough President
Councilperson Daniel R. Garodnick



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
www.nyc.gov/bsa

SPECIAL ORDER CALENDAR (SOC)
Application Form

BSA APPLICATION NO. 107-06-BZ

Section A

**Applicant/
Owner**

Rothkrug Rothkrug & Spector LLP

NAME OF APPLICANT

55 Watermill Lane

ADDRESS

Great Neck NY 11021

CITY STATE ZIP

516 487-2252

AREA CODE TELEPHONE

516 487-2439

AREA CODE FAX

adam@rrslawllp.com

EMAIL

Barbizon Hotel Associates, LP

OWNER OF RECORD

3200 Centre Sq. West | 1500 Market Street

ADDRESS

Philadelphia PA 19107

CITY STATE ZIP

Equinox 63rd St. Inc.

LESSEE / CONTRACT VENDEE

895 Broadway

ADDRESS

New York NY 10003

CITY STATE ZIP

Section B

Site Data

140 East 63rd Street

STREET ADDRESS (INCLUDE ANY A/K/A)

10065

ZIP CODE

southeast corner of intersection of East 63rd Street and Lexington Avenue

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

1397 7505 Manhattan 8 n/a
 BLOCK LOT(S) BOROUGH COMMUNITY DISTRICT LANDMARK/HISTORIC DISTRICT

Daniel R. Garodnick

C1-8X/R8B

8c

CITY COUNCILMEMBER

ZONING DISTRICT

(include special zoning district, if any)

ZONING MAP NUMBER

Section C

Description

(LEGALIZATION ☐ YES ☒ NO ☐ IN PART)

Application to amend resolution and allow extension of existing physical culture establishment.

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: _____

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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Have plans been approved? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (If Yes, Date Approved | | |
| 3. Has a permit been obtained? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (If Yes, Permit No. Date Issued | | |
| 4. Is work in progress? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (If Yes, Percentage of work completed%) | | |
| 5. Has a temporary or permanent Certificate of Occupancy been obtained? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (If Yes, Expiration Date 11/06/2012 Attach a copy) | | |

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 2/27/07, when the Zoning District was C1-8X/R8B, an application was granted by the Board under Section 73-03 and 73-36 to permit:

establishment of a physical culture establishment on portions of the sub-cellar, cellar, first and second floors of an existing mixed-sure commercial/residential building (grant to expire on February 27, 2017).

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? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (If Yes, date of most recent site inspection <u>August 2012</u>) | | |
| 3. Did you find: | | |
| a. Compliance with the terms and conditions of the Board's resolution? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Attach a completed Certificate of Inspection and Compliance | | |
| 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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (File / CP No.) | | |
| 5. Are there any outstanding violation(s) on the premises? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (If Yes, submit a DOB BIS printout) | | |
| 6. Is there any other application before the Board which affects the premises? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (If Yes, Cal No.) | | |
| 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

Adam Rothkrug

Print Name

partner

Title

SWORN TO ME THIS 13 DAY OF SEP, 20 12.

TODD BULL
NOTARY PUBLIC STATE OF NEW YORK
NO. 02DA6182837
NOTARY PUBLIC QUALIFIED IN KINGS COUNTY
COMMISSION EXP. MARCH 10, 2016

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

ADAM W. ROTHKRUG
SIMON H. ROTHKRUG, LL.M.
DOUGLAS M. SPECTOR

NEAL S. FRIEDMAN
TODD DALE

TELEPHONE: 516.487.2252
718.343.0069
FACSIMILE: 516.487.2439

STATEMENT OF FACTS

**Cal. No. 107-06-BZ
140 East 63rd Street
Manhattan, New York
Block 1397 - Lot 7505**

Application filed to amend a special permit and allow an extension of an existing physical culture establishment ("PCE") previously approved by the Board of Standards and Appeals ("BSA") pursuant to §§ 73-03 and 73-36 of the New York City Zoning Resolution ("ZR").

The subject site is a corner lot, 120 ft. frontage on the south side of East 63rd Street by 112.3 ft. frontage on the east side of Lexington Avenue, a total of 13,326 sq. ft. in area, located within Community Board 8 of Manhattan. The premises are located partially within C1-8X and R8B zoning districts that have existed since 1984 - pursuant to ZR § 77-11, since more than 50 percent of the lot area of the premises is located within the C1-8X zoning district, and since the greatest distance from the district boundary to any lot line within the R8B district does not exceed 25 feet, the C1-8X use and bulk regulations may apply to the entire subject lot - including the special permit provisions of ZR § 73-36.

The site is currently developed with a twenty-two story mixed-use building that formerly contained the Barbizon Hotel. In the mid-2000's the Barbizon Hotel closed, and use of the building was converted to the current mixed commercial and residential use, with commercial tenants located on cellar levels, first floor and second floor, and residential apartments located on the upper floors (83 dwelling units).¹

On February 27, 2007 the Board granted the subject application permitting a 38,209 sq. ft. physical culture establishment, operated as Equinox, within the existing mixed-use building.

Equinox has been successful at this location and now proposes to extend its facility into a vacant existing space on the first floor, a total of 693 sq. ft., increasing the total floor area for the PCE to 38,902 sq. ft. The additional floor area will contain space for a pilates studio and will be accessed from the existing facility. The new area does not include any new storefront or signage areas.

No other changes are proposed. The PCE would continue to have the same operator, Equinox, with the same hours - Monday to Thursday 5:30 A.M. - 11:00 PM, Friday 5:30 A.M. - 10:00 PM, and Saturday to Sunday 8:00 A.M. - 9:00 P.M.

¹ In conjunction with the conversion, the lot number for the premises changed to the current lot number 7505 from the previous lot number 49 that is indicated within the resolution for Cal. No. 107-06-BZ.

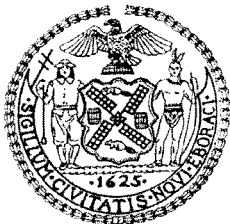
STATEMENT
(continued)

Review of Department of Buildings (“DOB”) records indicates two open Environmental Control Board (“ECB”) violations and eight open DOB violations – none of which relate to the proposed PCE. One ECB violation was issued for the failure of a residential unit to comply with the Certificate of Occupancy, and the second pertained to a required façade report to be filed for the building. Of the open DOB violations, seven pertain to elevators located within the residential portion of the subject building, and the eighth pertains the aforementioned façade report.

The PCE continues to meet each of the required findings under ZR §§ 73-03 and 73-36, including provision of facilities for classes, instruction and programs for physical improvement, body building, weight reduction, and aerobics.

Respectfully submitted,

Rothkrug Rothkrug & Spector LLP
Rothkrug Rothkrug & Spector LLP



BOARD OF STANDARDS AND APPEALS

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

AFFIDAVIT OF OWNERSHIP AND AUTHORIZATION

Affidavit of Ownership

Joseph G. Nahas, Jr., being duly sworn, disposes and says that (s)he ~~resides~~ ^{has an office}
at 3200 Centre Sq West | 1500 Market St, in the City of Philadelphia, in the County of Philadelphia, in the
State of Pennsylvania; that BARBIZON HOTEL ASSOCIATES, LP 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 1397, Lot(s) 7505, Street and House Number
140 East 63rd Street; and that the statement of facts in the annexed application are true.

Check one of the following conditions:

☐

Sole property owner of zoning lot

☐

Cooperative Building

☒

Condominium Building

☐

Zoning lot contains more than one tax lot and property owner

Owner's Authorization

The owner identified above hereby authorizes Rothkrug Rothkrug & Spector, LLP
to make the annexed application in her/his behalf.

Signature of Owner

Joseph G. Nahas, Jr.

Print Name

Joseph G. Nahas, Jr.

Print Title

Vice President

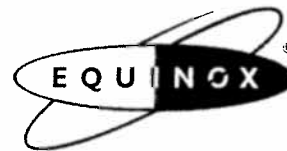
Sworn to before me this 26th day

Of

January 2013

Cheryl M. Walmsley

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
CHERYL M. WALMSLEY, Notary Public
City of Philadelphia, Phila. County
My Commission Expires July 18, 2013



January 27, 2012

Meenakshi Srinivasan, Chairperson
Board of Standards and Appeals
40 Rector Street, 9th Floor
New York, New York 10006

Re: Lessee Affidavit
Premises: 140 East 63rd Street, Manhattan
Equinox
BSA Cal. No: 107-06-BZ

Dear Chairperson Srinivasan:

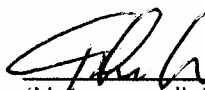
Please be advised that this letter constitutes the authorization from the undersigned Lessee of the designated real property to Adam Rothkrug, Esq. of Rothkrug, Rothkrug & Spector, LLP for an application for a proposed extension of the existing physical culture establishment, previously approved under BSA Cal. No. 107-06-BZ for the referenced premises.

Very truly yours,
Equinox 63rd Street, Inc.

BY:


Harvey Spevak
President and CEO

Signed before me on this 30 day of JANUARY 2012


(Notary public)

JOHN GORDON
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01GO5057915
QUALIFIED IN NEW YORK COUNTY
COMMISSION EXPIRES APRIL 1, 20 14

Notice of Objections

Applicant:

Joseph A Pilewski
Global Architecture
350 Seventh Avenue, Suite 406
New York, NY 10001

Date:

August 23, 2012

Job Application #:

104405038

Application type:

Alt 1

Premises Address:

136 E 63rd Street

Zoning District:

C1-8X

Block:

1397 Lots: 49

DOB Examiner: David Jimenez, RA

	Code Sect.	OBJECTIONS	Date Resolved
1.		Enlargement of Physical Cultural Establishment requires BSA approval.	
Bring mark-up plans for next examination. Answer all comments & questions on mark-up plans. Do not write on mark-up plans.			

DENIED

FOR APPEAL TO BOARD OF STANDARDS AND APPEALS

DATE AUG 22 2012

BORO SUPL.

DAVID JIMENEZ

Board of Standards and Appeals History

107-06-BZ

140 E. 63rd Street, Manhattan

2/27/07 Application granted pursuant to §§ 73-03 and 73-36 of the zoning resolution to permit establishment of a physical culture establishment on portions of the sub-cellar, cellar, first and second floors of an existing mixed-use commercial/residential building.

Certificate of Occupancy

CO Number: 104405038T011

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 Address: 140 EAST 63 STREET Building Identification Number (BIN): 1042055	Block Number: 01397 Lot Number(s): 49 Building Type: Altered	Certificate Type: Temporary Effective Date: 08/08/2012 Expiration Date: 11/06/2012
<i>For zoning lot metes & bounds, please see BISWeb.</i>		
B. Construction classification: 1 Building Occupancy Group classification: COM Multiple Dwelling Law Classification: None		
No. of stories: 24 Height in feet: 266 No. of dwelling units: 0		
C. Fire Protection Equipment: Standpipe system, Fire alarm system, Sprinkler system		
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 13 outstanding requirements. Please refer to BISWeb for further detail.		
Borough Comments: None		


 Borough Commissioner


 Commissioner

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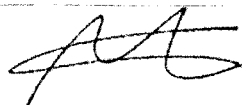
Certificate of Occupancy

CO Number: 104405038T011

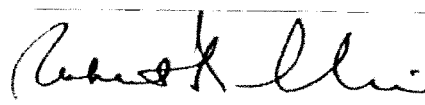
Permissible Use and Occupancy

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	171	100	F-3		5B	PHYSICAL CULTURE ESTABLISHMENT: EXERCISE ROOMS
CEL			COM			PHYSICAL CULTURE ESTABLISHMENT: ACCESSORY STEAM ROOMS
CEL			COM			MECHANICAL ROOMS
CEL			COM			PHYSICAL CULTURE ESTABLISHMENT: LOCKER ROOMS
CEL			COM			STORAGE
SC1			COM		5B	STORAGE, MECHANICAL ROOMS, PUMP ROOMS
SC1	202	100	F-3		5B	PHYSICAL CULTURE ESTABLISHMENT: ACCESSORY SWIMMING POOL, ACCESSORY WHIRLPOOL SPA, ACCESSORY COLD PLUNGE POOL, ACCESSORY HOT PLUNGE POOL, ACCESSORY STEAM ROOM, ACCESSORY TREATMENT ROOMS, ACCESSORY OFFICES, ACCESSORY SAUNA ROOM.
SC2		OG	COM		5B	PHYSICAL CULTURE ESTABLISHMENT: POOL EQUIPMENT ROOM STORAGE. NOTE CONT'D: 10:00PM; AND SATURDAY AND SUNDAY, 8:00AM TO 9:00PM; THAT MESSAGES SHALL ONLY BE PERFORMED BY NEW YORK STATE LICENSED MESSAGES THERAPISTS UNDER BSA CALENDAR NO# 107-06-B2
001	49	120	F-3			PHYSICAL CULTURE ESTABLISHMENT: RECEPTION, JUICE BAR ACCESSORY OFFICES
001	63		COM		6	KITCHEN



Borough Commissioner



Commissioner

DOCUMENT CONTINUES ON NEXT PAGE

Certificate of Occupancy

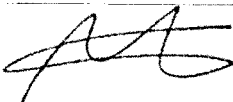
CO Number:

104405038T011

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
001			COM			LOBBY
001	89	120	F-4		5B	BANQUET ROOM
001	68		COM			RETAIL ACCESSORY TO PHYSICAL CULTURE ESTABLISHMENT
002	223	60	F-3		5B	PHYSICAL CULTURE ESTABLISHMENT
003	92	50	COM		5B	HOTEL OFFICES, LAUNDRY
004		40	COM		5	HOTEL ROOMS
005		40	COM		5	HOTEL ROOMS
006		40	COM		5	HOTEL ROOMS
007		40	COM		5	HOTEL ROOMS
008		40	COM		5	HOTEL ROOMS
009		40	COM		5	HOTEL ROOMS
010		40	COM		5	HOTEL ROOMS
011		40	COM		5	HOTEL ROOMS



Borough Commissioner



Commissioner

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Certificate of Occupancy

CO Number: 104405038T011

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
012		40	COM		5	HOTEL ROOMS
013		40	COM		5	HOTEL ROOMS
014		40	COM		5	HOTEL ROOMS
015		40	COM		5	HOTEL ROOMS
016		40	COM		5	HOTEL ROOMS
017		40	COM		5	HOTEL ROOMS
018		40	COM		5	HOTEL ROOMS
019		40	COM		5	HOTEL ROOMS
020		60	COM		5	HOTEL ROOMS
021		40	COM		5	HOTEL ROOMS
022	10	40	COM		5B	MECHANICAL ROOMS
022			COM		5	HOTEL ROOMS
023		40	COM			ELEVATOR MACHINE ROOM



Borough Commissioner



Commissioner

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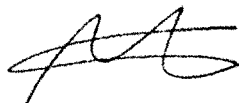
Certificate of Occupancy

CO Number: 104405038T011

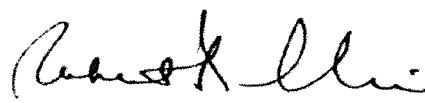
Permissible Use and Occupancy

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
024		40	COM			TANK ROOM H.A.E.E CLASS B OLD CODE
END OF SECTION						



Borough Commissioner



Commissioner

END OF DOCUMENT

104405038/011 8/8/2012 11:15:36 AM


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

NYC Department of Buildings
ECB Query By Location

Page: 1 of 1

Premises: 136 EAST 63 STREET MANHATTAN

BIN: 1042055 Block: 1397 Lot: 7505 CB: 108

Dept. of Buildings Violations & Compliance
Total Issued = 34 Open (Non-Compliance) = 2

ECB Hearings
Completed / Defaulted = 33 Pending = 1

ECB Number	Dept. of Buildings Violation Status	Respondent	ECB Hearing Status	Viol Date	Infraction Codes	ECB Penalty Due
<u>34938055X</u>	OPEN - NO COMPLIANCE RECORDED Severity: CLASS - 2	BARBIZON/63 CONDOMINIUM R Inspect Unit: MANHATTAN CONSTRUCTION	IN VIOLATION	02/27/2012	<u>203</u>	\$0.00
					Viol Type: CONSTRUCTION	
<u>34984789M</u>	OPEN - NO COMPLIANCE RECORDED Severity: CLASS - 2	BARBIZON/63 CONDOMINIUM C Inspect Unit: FACADE INSPECTION AND AUDIT UNIT	PENDING	08/15/2012	<u>206</u>	\$0.00
<u>38109295M</u>	RESOLVED - CURE ACCEPTED Severity: NON-HAZARDOUS	BARBIZON HOTEL	CURED/IN-VIO	11/16/2000	<u>BP7</u>	\$0.00
					Viol Type: ELEVATOR	
<u>38109297X</u>	RESOLVED - CURE ACCEPTED Severity: NON-HAZARDOUS	BARBIZON HOTEL	CURED/IN-VIO	11/16/2000	<u>BP7</u>	\$0.00
					Viol Type: ELEVATOR	
<u>38011539Y</u>	RESOLVED - CERTIFICATE ACCEPTED Severity: NON-HAZARDOUS	BARBIZON HOTEL	IN VIOLATION	07/11/1991	<u>B8G</u>	\$0.00
					Viol Type: ELEVATOR	
<u>34132716L</u>	RESOLVED - CERTIFICATE ACCEPTED Severity: NON-HAZARDOUS	BARBIZON HOTEL PTNRS 1	IN VIOLATION	12/07/1995	<u>B04</u>	\$0.00
					Viol Type: CONSTRUCTION	
<u>38011540L</u>	RESOLVED - CERTIFICATE ACCEPTED Severity: NON-HAZARDOUS	BARBIZON HOTEL	IN VIOLATION	07/11/1991	<u>B8G</u>	\$0.00
					Viol Type: ELEVATOR	
<u>34095001H</u>	RESOLVED - CURE ACCEPTED Severity: NON-HAZARDOUS	BARBIZON HOTEL	CURED/IN-VIO	06/27/1993	<u>B04</u>	\$0.00
					Viol Type: CONSTRUCTION	
<u>34110752L</u>	RESOLVED - N/A - DISMISSED Severity: NON-HAZARDOUS	OWNER OF 140 E. 63 ST	DISMISSED	05/12/1994	<u>B04</u>	\$0.00
					Viol Type: CONSTRUCTION	
<u>38064366Y</u>	RESOLVED - CERTIFICATE ACCEPTED Severity: NON-HAZARDOUS	JOST HOTEL'S	IN VIOLATION	10/04/1997	<u>BP7</u>	\$0.00
					Viol Type: ELEVATOR	


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

NYC Department of Buildings

ECB Violation Details

Premises: 136 EAST 63 STREET MANHATTAN

Filed At: 140 EAST 63 STREET , MANHATTAN , NY 10065

BIN: 1042055 Block: 1397 Lot: 7505

Community Board: 108

ECB Violation Summary

VIOLATION OPEN

ECB Violation Number: 34984789M

Severity: CLASS - 2

Certification Status: NO COMPLIANCE RECORDED

Hearing Status: PENDING

Penalty Balance Due: \$0.00

Respondent Information

Name: BARBIZON/63 CONDOMINIUM C
 Mailing Address: 200 MADISON AVENUE , NEW YORK , NY 10016

Violation Details

Violation Date: 08/15/2012 Violation Type:
 Served Date: 08/15/2012 Inspection Unit: FACADE INSPECTION AND AUDIT UNIT

Infraction Codes	Section of Law	Standard Description
<u>206</u>	27-28-BC-MISC	MISCELLANEOUS VIOLATIONS

Specific Violation Condition(s) and Remedy:

FAILURE TO PROVIDE SAFETY MEASURES SUCH AS SIDEWALK SHED,FENCE ETC TOPROTECT PUBLIC FROM UNSAFE CONDITIONS AS PER 1RCNY 103-04 & AS PER UNSAFE NOTIFICATION REPORTED BY RA/PE DATED 8/31/12.
 REM:PROVIDE SAFETY

Issuing Inspector ID: 2252 DOB Violation Number: 081512LLFJL03
 Issued as Aggravated Level: NO

Dept. of Buildings Compliance Information

Certification Status: NO COMPLIANCE RECORDED
 Compliance On:

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: 10/04/2012 Hearing Status: PENDING
 Hearing Time: 10:30

ECB Penalty Information

Penalty Imposed: \$0.00
 Adjustments: \$0.00


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NYC Department of Buildings

ECB Violation Details

Premises: 136 EAST 63 STREET MANHATTAN

Filed At: 140 EAST 63 STREET , MANHATTAN , NY 10065

BIN: 1042055 Block: 1397 Lot: 7505

Community Board: 108

ECB Violation Summary

VIOLATION OPEN

ECB Violation Number: 34938055X

Severity: CLASS - 2

Certification Status: NO COMPLIANCE RECORDED

Hearing Status: IN VIOLATION

Penalty Balance Due: \$0.00

Respondent Information

Name: BARBIZON/63 CONDOMINIUM R
 Mailing Address: 200 MADISON AVENUE , NY , NY 10016

Violation Details

Violation Date: 02/27/2012 Violation Type: CONSTRUCTION
 Served Date: 03/01/2012 Inspection Unit: MANHATTAN CONSTRUCTION

Infraction Codes	Section of Law	Standard Description
<u>203</u>	28-118.3.2	OCC CONTRARY TO THAT ALLOWED BY THE C OF O OR DOB RECORDS

Specific Violation Condition(s) and Remedy:

OCCUPANCY CONTRARY TO THAT ALLOWED BY THE C OF O OR BUILDING DEPT RECORDS. NOTE THE FOLLOWING CONDITIONS. DWELLING UNIT KNOWN A (8) HAS 2 ROOMS & A BATHROOM (NO KITCHEN). THIS IS A CLASS'B' UNIT. C OF O #

Issuing Inspector ID: 2386 DOB Violation Number: 022712C08SL01
 Issued as Aggravated Level: NO

Dept. of Buildings Compliance Information

Certification Status: NO COMPLIANCE RECORDED
 Compliance On:

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

ECB Hearing Information

Scheduled Hearing Date: 04/19/2012 Hearing Status: IN VIOLATION
 Hearing Time: 10:30

ECB Penalty Information

Penalty Imposed: \$1,200.00



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NYC Department of Buildings
DOB Violations

Page: 7

Premises: 136 EAST 63 STREET MANHATTAN

BIN: 1042055 Block: 1397 Lot: 7505

NUMBER	TYPE	FILE DATE
<u>V* 012408E9444/236065</u>	DOB VIOLATION - DISMISSED	01/24/2008
<u>V* 032108LL108101348</u>	DOB VIOLATION - DISMISSED	03/21/2008
<u>V* 060208E9011/255601</u>	DOB VIOLATION - DISMISSED	06/02/2008
<u>V* 060208E9011/255602</u>	DOB VIOLATION - DISMISSED	06/02/2008
<u>V* 060208E9011/255603</u>	DOB VIOLATION - DISMISSED	06/02/2008
<u>V* 121808E9011/291293</u>	DOB VIOLATION - DISMISSED	12/18/2008
<u>VW* 030910E9027/325642</u>	VIOLATION - WORK W/O PERMIT DISMISSED	03/09/2010
<u>VW 030910E9027/325643</u>	VIOLATION WORK WITHOUT PERMIT - ACTIVE	03/09/2010
<u>VW* 030910E9027/325641</u>	VIOLATION - WORK W/O PERMIT DISMISSED	03/09/2010
<u>V* 100810VCAT101933</u>	DOB VIOLATION - DISMISSED	10/08/2010

[Previous](#)

[Next](#)

Select Violation Type: Show All Violations [Refresh](#)

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: 8

Premises: 136 EAST 63 STREET MANHATTAN


BIN: 1042055 Block: 1397 Lot: 7505

NUMBER	TYPE	FILE DATE
<u>V* 123010E9027/369691</u>	DOB VIOLATION - DISMISSED	12/30/2010
<u>V* 123010E9027/369692</u>	DOB VIOLATION - DISMISSED	12/30/2010
<u>VW* 123010E9027/369693</u>	VIOLATION - WORK W/O PERMIT DISMISSED	12/30/2010
<u>VW 123010E9027/369694</u>	VIOLATION WORK WITHOUT PERMIT - ACTIVE	12/30/2010
<u>V 123010E9027/369696</u>	DOB VIOLATION - ACTIVE	12/30/2010
<u>V* 123010E9027/369697</u>	DOB VIOLATION - DISMISSED	12/30/2010
<u>V 120111E9027/409856</u>	DOB VIOLATION - ACTIVE	12/01/2011
<u>V 120111E9027/409857</u>	DOB VIOLATION - ACTIVE	12/01/2011
<u>V 120111E9027/409858</u>	DOB VIOLATION - ACTIVE	12/01/2011
<u>V 120111E9027/409859</u>	DOB VIOLATION - ACTIVE	12/01/2011

 Select Violation Type: Show All Violations

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NYC Department of Buildings
DOB Violations

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Premises: 136 EAST 63 STREET MANHATTAN
NUMBER
V 082112LL11/98HAZ73699

BIN: 1042055 Block: 1397 Lot: 7505
FILE DATE
08/21/2012

TYPE
DOB VIOLATION - ACTIVE

[Previous](#)

Select Violation Type: Show All Violations  [Refresh]

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 082112LL11/98HAZ73699

Premises: 136 EAST 63 STREET MANHATTAN

BIN: 1042055 Block: 1397 Lot: 7505

Issue Date: 08/21/2012

Violation Category: V - DOB VIOLATION - ACTIVE

Violation Type: LL11/98 - LOCAL LAW 11/98

Violation Number: HAZ73699

Device No.:

ECB No.:

Infraction Codes:

Description: FILE UNSAFE REPORT CYCLE 7

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.



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

BSA Cal. No.: 107-06-BZ

Street Address: 140E. 63rd Street

Block: 1397 Lot(s): 7505

Borough: Manhattan

CERTIFICATION OF INSPECTION & COMPLIANCE

Todd Dale

_____ hereby states that I personally inspected the
(Applicant, Agent, Registered Architect or Registered Engineer)
premises and surrounding area on August 2012. 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.



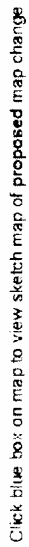
The following deviation(s) from the currently effective BSA-approved plans and/or resolution exist on the site:

Area(s) of non-compliance

Date(s) to achieve compliance.

Applicant/Agent Signature

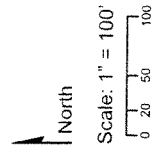
(Registered Architect/Engineer Seal as Appropriate)



NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning and other information, go to the zoning section of the Department of City Planning's website: www.nyc.gov/planning

U
T
M
C

Block 1397, Lot 7505
Zoning Map: 8c
Site - C1-8X



776.223.5055
 1800-231-0000
 1800-231-0000

Prepared for Rothkrug Rothkrug & Spector LLP, by Urban Cartographics

BSA CALENDAR NO.	107-06-BZ	BLOCK 1397	LOT 7505
SUBJECT SITE ADDRESS	140 East 63rd Street		
APPLICANT	Rothkrug Rothkrug & Spector LLP		
ZONING DISTRICT	C1-8X/R8B	PRIOR BSA #	
SPECIAL/HISTORIC DISTRICT	n/a		
COMMUNITY BOARD	8		

COMPLIANT: "Y"

IF NOT: "N" and

INDICATE AMT
OVER/UNDER

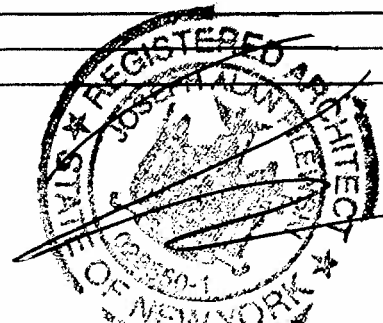
[illegible]

* 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:**

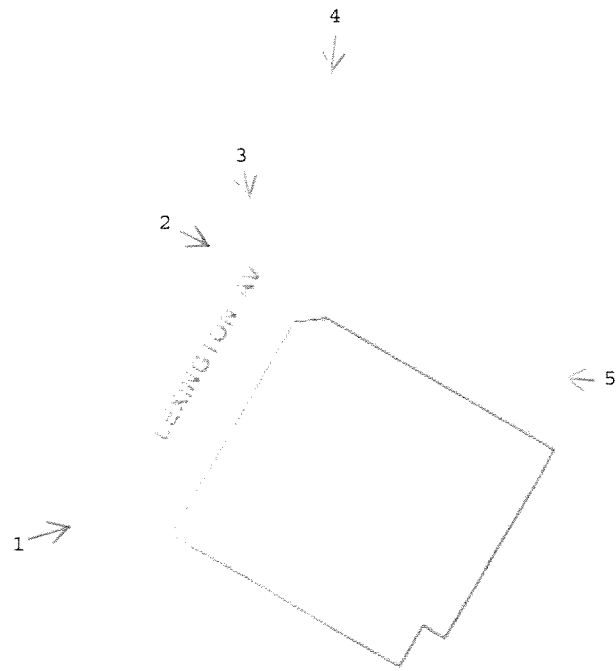
NOTES:

* PCE located within existing mixed-use commercial/residential building

** PCE area only

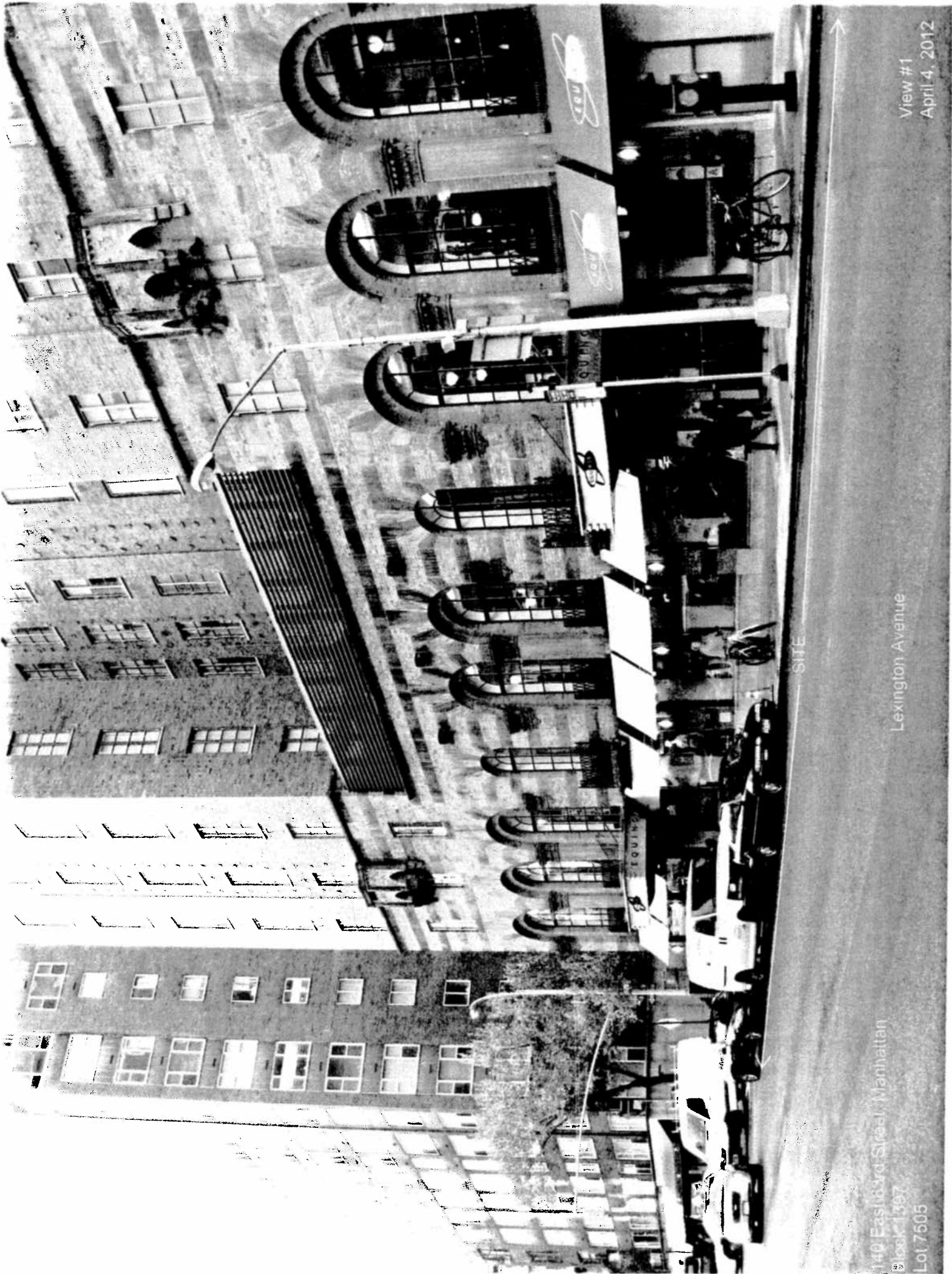


E 63 ST



E 62 ST

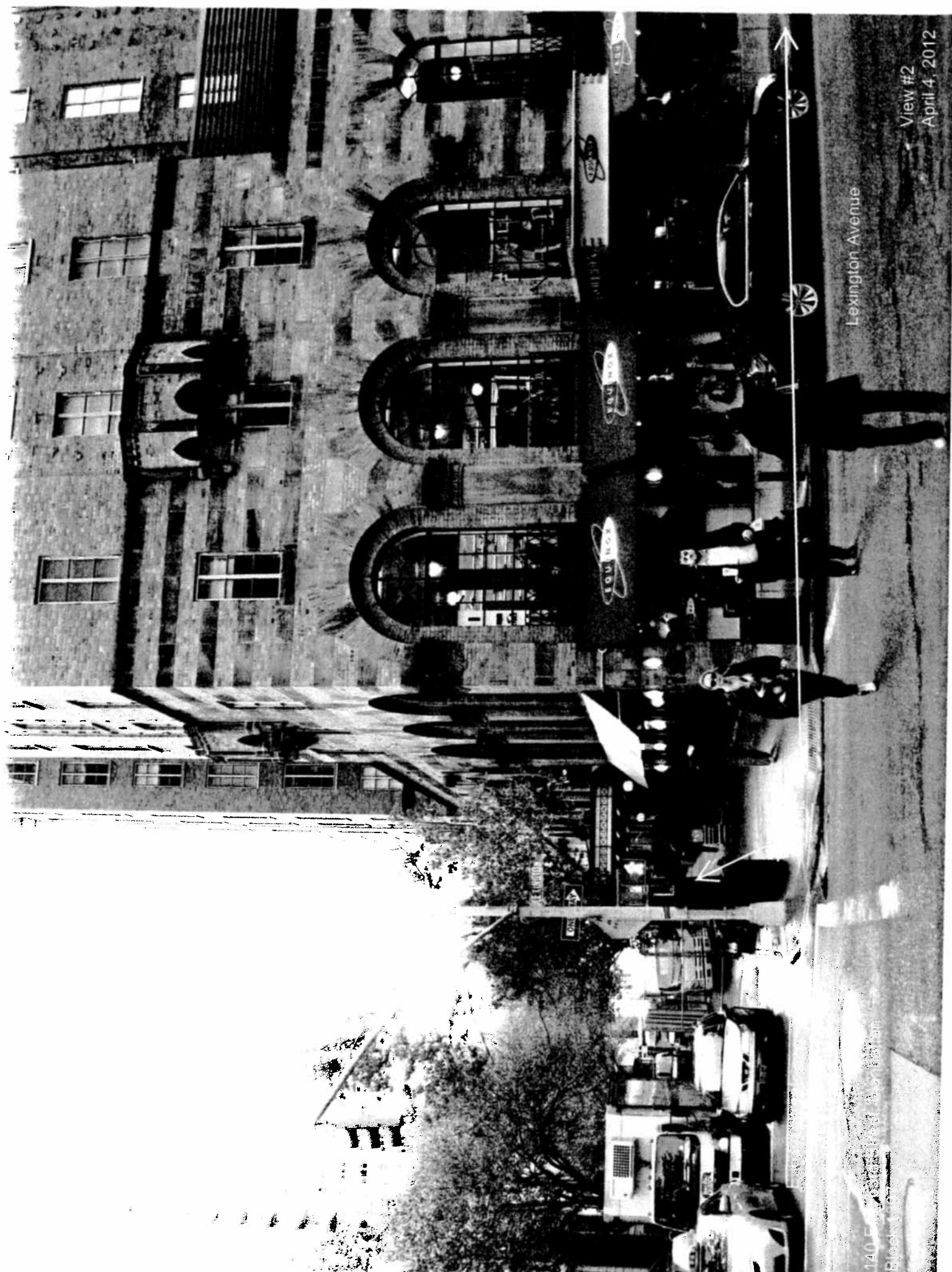
140 East 63rd Street, Manhattan
Block 1397
Lot 7505



View #1
April 4, 2012

Lexington Avenue

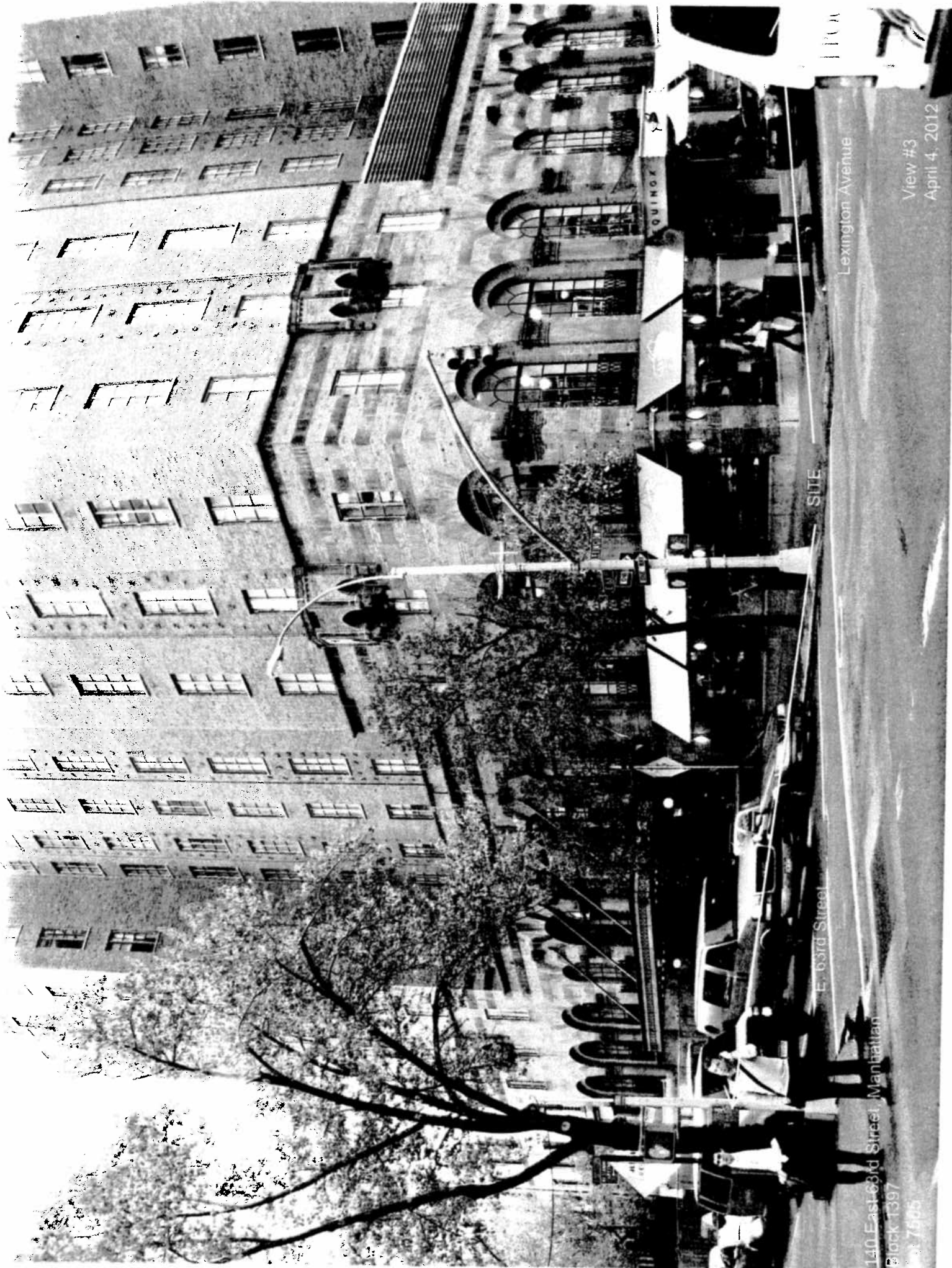
140 East 63rd Street, Manhattan
Block 1297
Lot 7505



Lexington Avenue

View #2
April 4, 2012

140 F...
Pro...



Lexington Avenue

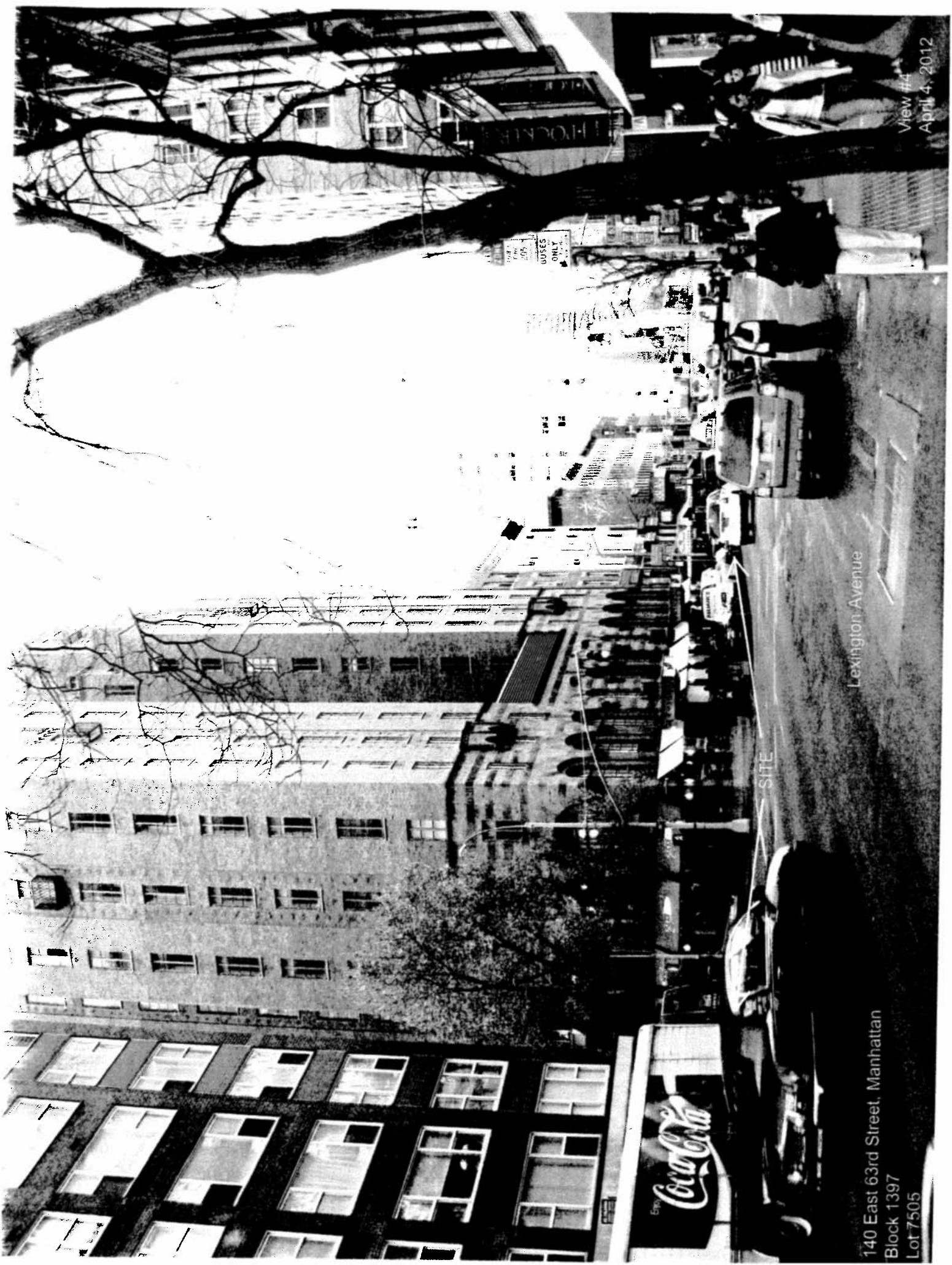
SITE

E. 63rd Street

140 East 63rd Street, Manhattan
Block 1397

Lot 7505

View #3
April 4, 2012



Lexington Avenue

140 East 63rd Street, Manhattan
Block 1397
Lot 7505

View #4
April 4, 2012



E. 63rd Street

Block 13
Lot 7505

107-06-BZ

CEQR #06-BSA-092M

APPLICANT– Kramer Levin Naftalis & Frankel, LLP,
for Barbizon Hotel Associates, L.L.P.

SUBJECT – Application May 25, 2006 – Special
Permit (§ 73-36) to allow a physical culture
establishment use (Equinox) in the cellar, subcellar,
first floor and second floor of a 22 story mixed use
building. C1-8X/R8B zoning district.

PREMISES AFFECTED – 140 East 63rd Street,
northwest corner block bounded by Lexington and
Third Avenues, Block 1397, Lot 49, Borough of
Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: James Power.

ACTION OF THE BOARD – Application granted on
condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice-Chair Collins and
Commissioner Hinkson.....3

Negative:.....0

Absent: Commissioner Ottley-Brown.....1

THE RESOLUTION:

WHEREAS, the decision of the Manhattan
Borough Commissioner, dated May 3, 2006, acting on
Department of Buildings Application No. 104405038,
reads in pertinent part:

“The proposed Physical Culture Establishment
is not permitted as of right in C1-8X district
and is contrary to ZR 32-10.”; and

WHEREAS, this is an application under ZR §§
73-36 and 73-03, to permit, on a site partially within a
C1-8X zoning district and partially within an R8B
zoning district, the establishment of a physical culture
establishment (PCE) on portions of the cellar and sub-
cellar levels and the first and second floors of a 22-story
mixed-use commercial/residential building, contrary to
ZR § 32-00; and

WHEREAS, a public hearing was held on this
application on January 23, 2007 after due notice by
publication in *The City Record*, and then to decision on
February 27, 2007; and

WHEREAS, the site was inspected by a committee
of the Board, consisting of Commissioner Collins; and

WHEREAS, Community Board 8, Manhattan,
does not take a position on this application; and

WHEREAS, an existing residential tenant of the
building provided testimony in opposition to the
application; the concerns of this tenant are discussed
below; and

WHEREAS, the subject site is located on the
southeast corner of Lexington Avenue and East 63rd
Street; and

WHEREAS, because more than 50 percent of the
lot area is located in the C1-8X zoning district and the
greatest distance from the district boundary to any lot
line does not exceed 25 feet, the C1-8X zoning district
regulations may apply to the entire premises, pursuant
to ZR § 77-11; and

WHEREAS, the site is occupied by a 22-story
building, which was formerly a hotel; and

WHEREAS, the PCE, which is operated as an
Equinox Fitness Club, has been in operation at the

premises since 1998 as an accessory use to the hotel; and

WHEREAS, the hotel was recently closed and the
building is being converted to a mixed-use
commercial/residential use; and

WHEREAS, because of the conversion, the PCE
will no longer be an accessory use and therefore the
special permit is required; and

WHEREAS, the Board notes that the building does
not currently comply with the maximum permitted FAR
within the C1-8X zoning district but that after the
conversion, the building will comply with all relevant
zoning district regulations; and

WHEREAS, the Board notes that the building’s
conversion plans are proceeding at DOB; and

WHEREAS, the PCE will occupy a total of
38,209 sq. ft. of floor space in the sub-cellar and cellar
levels and on the first and second floors; and

WHEREAS, the Board defers approval of the
location of the PCE on the first and second floors and of
the floor area calculations to DOB, to be confirmed prior
to the issuance of a certificate of occupancy; and

WHEREAS, the applicant represents that the PCE
offers classes and equipment for physical improvement,
bodybuilding, and aerobics; and

WHEREAS, the proposed hours of operation are:
Monday through Thursday, 5:30 a.m. to 11:00 p.m.;
Friday, 5:30 a.m. to 10:00 p.m.; and Saturday and
Sunday, 8:00 a.m. to 9:00 p.m.; and

WHEREAS, the applicant responded to the
tenant’s following concerns: (1) that a separation
between residential services and PCE services be
provided, (2) that the second floor was illegally altered
for PCE use, and (3) that noise from the PCE was
affecting residential uses above; and

WHEREAS, as to the separation of uses at the
site, the applicant represents that the building will
maintain separate entrances for the PCE and the
residential uses, with the PCE entrance being located on
Lexington Avenue and the residential entrance being
located on East 63rd Street; and

WHEREAS, additionally, the applicant represents
that the PCE will provide a designated storage room for
garbage; and

WHEREAS, as to the use of the second floor, the
applicant, through the building owner, replied that the
change of use in 1997, when the health club performed
the alterations to the second floor, was approved and
permitted by DOB and resulted in an amended
certificate of occupancy; and

WHEREAS, the owner states that the uses on the
second floor were discontinued in 1997 and represents
that no complaints have been filed by any of the tenants
until now; and

WHEREAS, further, the owner represents that
none of the other existing tenants characterized the use
of the second floor as a required building service; and

WHEREAS, additionally, the owner also notes
that efforts were made to relocate and accommodate the
remaining residential tenants through the conversion
and to offer them services that are comparable to those
offered before the conversion; and

WHEREAS, as to noise, the applicant notes that
the PCE use does not go above the second floor and the
residential use begins at the fourth floor; the

107-06-BZ

CEQR #06-BSA-092M

third floor, which will be used by commercial tenants or for tenant storage, will provide a buffer between the uses; and

WHEREAS, the applicant also submitted a sound attenuation analysis from a sound consultant describing the sound attenuation measures that are in place; and

WHEREAS, the Board finds that this action will neither: 1) alter the essential character of the surrounding neighborhood; 2) impair the use or development of adjacent properties; nor 3) be detrimental to the public welfare; and

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

WHEREAS, the PCE will not interfere with any pending public improvement project; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR Part 617; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement, CEQR No.06-BSA-092M dated May 25, 2006; and

WHEREAS, the EAS documents show that the continued operation of the PCE would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Hazardous Materials; Waterfront Revitalization Program; Infrastructure; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; Construction Impacts; and Public Health; and

WHEREAS, the Board has determined that the operation of the PCE will not have a significant adverse impact on the environment.

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to

permit, on a site partially within a C1-8X zoning district and partially within an R8B zoning district, the establishment of a physical culture establishment on portions of the cellar and sub-cellar levels and the first and second floors of a 22-story mixed-use commercial/residential building, contrary to ZR § 32-00; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received November 20, 2006"—(5) sheets; and *on further condition*:

THAT the term of this grant shall expire on February 27, 2017;

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 hours of operation shall be limited to: Monday through Thursday, 5:30 a.m. to 11:00 p.m.; Friday, 5:30 a.m. to 10:00 p.m.; and Saturday and Sunday, 8:00 a.m. to 9:00 p.m.;

THAT massages shall only be performed by New York State licensed massage therapists;

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

THAT DOB shall review and approve the location of the PCE on the first and second floors and of the floor area calculations prior to the issuance of a certificate of occupancy;

THAT Local Law 58/87 compliance shall be as reviewed and approved by DOB;

THAT fire safety measures shall be installed and/or maintained as shown on the Board-approved plans;

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

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

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

Adopted by the Board of Standards and Appeals, February 27, 2007.

A true copy of resolution adopted by the Board of Standards and Appeals, February 27, 2007.

Printed in Bulletin Nos. 9-10, Vol. 92.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.