

ERIC PALATNIK, P.C.
ATTORNEY AT LAW
32 BROADWAY, SUITE 114
NEW YORK, NEW YORK 10004

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

June 27, 2016

Via Certified Mail
Manhattan Community Board 8
505 Park Avenue, Suite 620
New York, NY 10022
Chair: Nicholas Viest
District Manager: Latha Thompson

RECEIVED
JUN 30 2016
BY COMMUNITY BOARD 8

Re: BSA Calendar No.: 303-05-BZ
428 East 75th Street
New York, New York (the "Premises")

Dear Chairperson and Members of the Board:

We represent the owner of the above Premises in an application before the Board of Standards and Appeals ("BSA"). The application seeks an extension of term and an amendment of a previous BSA grant that permitted the legalization of a Physical Culture Establishment (American Youth Dance Theatre). The term will expire on August 8, 2016 and the application seeks a ten year extension. The amendment seeks to legalize the facility's expansion onto the first floor of the building and to legalize the change in operator. The application was filed on June 24, 2016 and as per the Rules of Procedure of the BSA, we hereby provide your Board with notification of the filing.

For your information, we enclose a copy of our application form, Department of Buildings objection sheet, Statement of Facts, plans, photographs, relevant zoning map, affidavit of ownership, and BSA zoning analysis for the application.

We look forward to meeting with your board to discuss this matter, and trust that you will indicate your support of this application to the BSA.

Sincerely,

Eric Palatnik, Esq.

cc: Board of Standards and Appeals
Hon. Ben Kallos, Councilmember (By Certified Mail)
Hon. Gale Brewer, Manhattan Borough President (By Certified Mail)
Mr. Christopher Holme, Department of City Planning (By Certified Mail)
Ms. Edith Hsu-Chen, Department of City Planning (By Certified Mail)

1





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

SPECIAL ORDER CALENDAR (SOC)
 Application Form

BSA APPLICATION NO. 303-05-BZ

Section A

**Applicant/
Owner**

<p>Eric Palatnik, P.C. <small>NAME OF APPLICANT</small> 32 Broadway Suite 114 <small>ADDRESS</small> New York NY 10004 <small>CITY STATE ZIP</small> 212 425-4343 <small>AREA CODE TELEPHONE</small> 212 968-7129 <small>AREA CODE TELEPHONE</small> Eric@EricPalatnikPC.com <small>EMAIL</small></p>	<p>4000 East 102nd Street Corp <small>OWNER OF RECORD</small> 428 East 75th Street <small>ADDRESS</small> New York NY 10021 <small>CITY STATE ZIP</small> LESSEE / CONTRACT VENDEE JUN 30 2015 ADDRESS BY COMMUNITY BOARD 8 <small>CITY STATE ZIP</small></p>
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Section B

Site Data

428 East 75th Street **10021**
STREET ADDRESS (INCLUDE ANY A/K/A) ZIP CODE

East 75th Street between 1st Avenue and York Avenue
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

1469	36	Manhattan	8	n/a
<small>BLOCK</small>	<small>LOT(S)</small>	<small>BOROUGH</small>	<small>COMMUNITY DISTRICT</small>	<small>LANDMARK/HISTORIC DISTRICT</small>
Hon. Ben Kallos	R8B	9a		
<small>CITY COUNCILMEMBER</small>	<small>ZONING DISTRICT</small> <i>(include special zoning district, if any)</i>	<small>ZONING MAP NUMBER</small>		

Section C

Description

(LEGALIZATION YES NO IN PART)

This is an application pursuant to ZR 72-01 and ZR 72-22. The application seeks an extension of term and an amendment of a previous BSA grant that permitted the legalization of a physical culture establishment (American Youth Dance Theatre). The term will expire on August 8, 2016 and the application seeks a ten year extension. The amendment seeks to legalize the facility's expansion onto the first floor of the building and to legalize the change in operator.

Section D

Actions

APPLICATION IS HEREBY MADE TO:

- Waive of the Rules of Practice and Procedure (Explain in your statement)
- Extension of Time to:
 - Complete construction Obtain a Certificate of Occupancy Expiration Date: _____
- Amendment to Previous Board Approval
- Extension of Term of the:
 - Variance Special Permit For a term of 10 years Expiration Date: 8/8/16
- 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? | <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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| (If Yes, Expiration Date _____ 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 August 8, 2006, when the Zoning District was R8B, an application was granted by the Board under Section 72-21 to permit:

to permit the legalization of a physical culture establishment located on the second floor of an existing two-story commercial building within an R8B zoning district, contrary to ZR § 22-00; on condition that all work shall substantially conform to drawings, filed with this application marked "Received July 17, 2006"-(1) sheet and "August 7, 2006"-(1) sheet;

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>03/24/2016</u>) | | |
| 3. Did you find: | | |
| a. Compliance with the terms and conditions of the Board's resolution? | <input type="checkbox"/> | <input checked="" 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

Eric Palatnik

Print Name

Attorney

Title

SWORN TO ME THIS 27 DAY OF June 2016

ROBIN GONZALEZ

Notary Public, State of New York

No. 01606097433

NOTARY PUBLIC
Qualified in Kings County

My Commission Expires 08/18/2019

ERIC PALATNIK, P.C.

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

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

June 24, 2016

STATEMENT OF FACTS AND FINDINGS

Premises: **BSA Cal. No.: 303-05 BZ**
 428 East 75th Street
 Block 1469, Lot 36
 New York, New York

INTRODUCTION

This is an application pursuant to Sections 72-01 and 72-22 of the Zoning Resolution of the City of New York, as amended (“ZR”). The application seeks an extension of term and an amendment of a previous BSA grant that permitted the legalization of a physical culture establishment (American Youth Dance Theatre) located on the second floor of an existing two-story commercial building within an R8B zoning district, contrary to ZR § 22-00. The term will expire on August 8, 2016 and the application seeks a ten year extension. The amendment seeks to legalize the facility’s expansion onto a portion of the first floor of the building. The amendment also seeks to legalize the change of operator to American Youth Dance Theatre.

BOARD HISTORY AND EXISTING CONDITIONS

The Premises is located at 428 75th Street, between 1st Avenue and York Avenue in the Borough of Manhattan. It is identified on the New York City Tax Map as Block 1469, Lot 36. The Premises is located in an R8B zoning district. The Premises has 36’ of frontage on 75th Street and a depth of 102.17’.

On August 8, 2006 your Board granted an application pursuant to ZR § 72-21, to permit the legalization of a physical culture establishment located on the second floor of an existing two-story commercial building within an R8B zoning district, contrary to ZR § 22-00.

ERIC PALATNIK, P.C.

On August 10, 2007 your Board issued a letter of no objection to proposed changes to the plans which included:

- The relocation and reconfiguration of the locker rooms;
- The elimination of the message therapy room;
- The addition of a fifth exercise area; and
- The addition of retractable partitions.

Subsequent to the Board's 2006 grant, a Certificate of Occupancy was not obtained. The current operator took over the space in 2012 and will obtain a Certificate of Occupancy should your Board approve the instant application.

The space is occupied by American Youth Dance Theatre who provides dance lessons to children and teenagers.

Subsequent to the Board's grant, there were changes to the building's layout. In particular, in 2013, the dance studio was expanded to occupy a portion of the first floor as shown on the existing proposed plans. The first floor is currently occupied by a veterinary clinic and American Youth Dance Theater. A tenant that previously occupied the first floor space previously vacated and the operator of the dance studio moved immediately to occupy the space. This application seeks to legalize the enlargement.

INSTANT APPLICATION

The instant application seeks:

1. Extension of Term for ten years, to expire on August 8, 2026;
2. Amendment to legalize the expansion to the first floor and changes to the layout;
3. Amendment to change the operator from Aspen Fitness to American Youth Dance Theatre.

The current operator, American Youth Dance Theatre took over operation of the facility in 2012. They were not familiar with the Board process and expanded the use to the first floor once a tenant

ERIC PALATNIK, P.C.

vacated the space. They now seek an amendment to legalize the expansion and change of operator to American Youth Dance Theatre.

The amendment is required as the first floor spaces is integral to the continued success and viability of American Youth Dance Theatre. Due to the nature of dance lessons, which require sufficient room for students and teachers to move around and perform dance techniques, the American Youth Dance Theatre requires more space. The first floor space will enable them to conduct additional lessons and take on more students.

The application will require an extension of term as the grant will expire on August 8, 2016.

VIOLATIONS

As shown on the ECB violation profile that is included with this application, there are six (6) open ECB violations. Four of them predate 2005 and are for uses contrary to C of O. There are two (2) violations from 2013 which pertain to construction work for the expansion to the first floor. The operator seeks to remedy them as part of the instant application.

Respectfully Submitted,

Eric Palatnik, Esq.



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

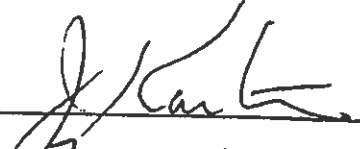
Joseph KARTEN, being duly sworn, deposes and says that (s)he resides at 309 E 94 ST, in the City of New York in the County of N.Y., in the State of NY; that 400 EAST 102ND ST. CARP is the owner in fee of all that certain lot, piece or parcel of land located in the Borough of Manhattan, in the City of New York and known and designated as Block 1469, Lot(s) 36, Street and House Number 428 East 75th 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 Eric Palatnik, P.C. to make the annexed application in her/his behalf.

Signature of Owner 
 Print Name JOSEPH KARTEN
 Print Title President

Sworn to before me this 10 day
Of MANHATTAN 2016



Gary Katz
Notary Public, State of New York
No. 02KA2044140
Qualified in New York County
Commission Expires October 14, 20 17



Board of Standards and Appeals

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

AFFIDAVIT OF LESSEE AND AUTHORIZATION

Affidavit of Lessee

Natalia Alonzo-Brillante, being duly sworn, deposes and says that (s)he resides at 434 E 75 St #1C, in the City of NY, in the County of Manhattan, in the State of NY; that American Youth Dance Theater, Inc. 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 _____, Lot(s) _____, Street and House Number 428 East 75th 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 Eric Palatnik

to make the annexed application in her/his behalf.

Signature of Owner

Print Name

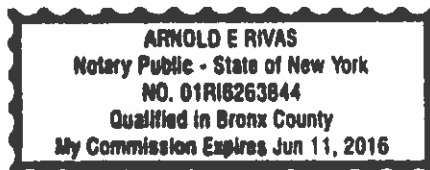
Natalia Alonzo-Brillante

Print Title

Director

Sworn to before me this 14th day

of September 2015





Buildings

X
MANHATTAN (1)
280 BROADWAY 3RD
New York, NY 10007

BRONX (2)
1832 ARTHUR AVENUE
BRONX, NY 10457

BROOKLYN (3)
210 JORALEMON STREET
BROOKLYN, NY 11201

QUEENS (4)
120-65 QUEENS BLVD
QUEENS, NY 11424

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

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

Notice of Objections

Applicant:
Mitchel G. Attick, Architect
969 1 Ave
New York, NY 10022

Date: March 24, 2016
Job Application #: 121436179, 2014A
Application type: Alt 1,
Premises Address: 428 E 75th Street
Zoning District: R8B
Block: 1469 Lots: 36

mittchellarchitect@yahoo.com; expeditelob@opsonline.net

DOB Plan Examiner: Mort Y Luke, RA

Obj. #	Section of Code	Objections	Date Resolved	Comments
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Plan Examination Appointment: ALT-1 projects must reach approval in 5 appointments or the applicant must meet with the Chief Plan Examiner or his designee to determine how to move the job to completion.

Scope of Work: CONSTRUCT A DANCE STUDIO ON A PORTION OF THE FIRST FLOOR AND THE ENTIRE SECOND FLOOR
Related BIS Job Numbers: 120220082 A2, PL, 110352252 A1

Obj #	Section of Code	Objections	Date Resolved	Comments
1.	ZR 12-10, 22-10 & 22-21	BSA Denial: Proposed Dance Studio and Storage (at Cellar) under UG 9, as defined by ZR 12-10, at the Cellar, (CEL), First(1 st) and Second (2 nd) Floors is not permitted as-of-right in R8 Zoning District is contrary to ZR 22-10 and must be referred to the Board of Standards and Appeal for approval pursuant to ZR 22-21.		
2.				
3.				
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19.				
20.				
21.				
22.				
23.				
24.				

DENIED

FOR APPEAL TO BOARD OF STANDARDS AND APPEALS

DATE 5/25/16
PER [Signature] CPE
Borough Commissioner

SHARAT GAMI, RA

DEPARTMENT OF BUILDINGS

BOROUGH OF MANHATTAN

THE CITY OF NEW YORK

Date October 21, 1976

No. 77151

CERTIFICATE OF OCCUPANCY

NO CHANGES OF USE OR OCCUPANCY NOT CONSISTENT WITH THIS CERTIFICATE SHALL BE MADE UNLESS FIRST APPROVED BY THE BOROUGH SUPERINTENDENT

Amends

This certificate ~~amends~~ C. O. No. 48881

THIS CERTIFIES that the ~~same~~ ~~altered~~ ~~building~~ ~~located~~ at 428-430 East 75th Street

Block 1469 Lot 36

That the zoning lot and premises above referred to are situated, bounded and described as follows:

BEGINNING at a point on the south side of East 75th Street distant 308.6 feet east from the corner formed by the intersection of East 75th Street and First Avenue

running thence east 36 feet; thence south 102'-2" feet; thence west 36 feet; thence north 102'-2" feet; turning thence west 36 feet; thence north 102'-2" feet;

to the point or place of beginning, conforms substantially to the approved plans and specifications, and to the requirements of the Building Code, the Zoning Resolution and all other laws and ordinances, and of the rules of the Board of Standards and Appeals, applicable to a building of its class and kind at the time the permit was issued; and

CERTIFIES FURTHER that, any provisions of Section 646e of the New York Charter have been complied with as certified by a report of the Fire Commissioner to the Borough Superintendent.

Building No. 584-76

Construction classification—Class 3—W.F.P.

Occupancy classification—Auto Repair Mfg. & Office

2 stories, 20 feet.

Date of completion—October 19, 1976

Located in R-6

Zoning District.

This certificate is issued subject to the limitations hereinafter specified and to the following resolutions of the Board of Standards and Appeals: and The City Planning Commission:

(Calendar numbers to be inserted here)

PERMISSIBLE USE AND OCCUPANCY

Off Street Parking Spaces

Off Street Loading Berths

STORY	LIVE LOAD Lbs. per Sq. Ft.	PERSONS ACCOMMODATED	USE
Cellar	on ground		Boiler room & storage.
First	175	5	Automobile repairs.
Second	75	5	Manufacturing & office.
			Comply with the performance standards applicable in RI districts.

THIS CERTIFICATE OF OCCUPANCY IS POSTED WITHIN THE BUILDING IN ACCORDANCE WITH THE RULES OF THE DEPARTMENT PROMULGATED JANUARY 31ST, 1967

Sewage Disposal: Sanitary Drainage: (DOES) (DOES NOT) Discharge Into Either Sanitary or Combined Sewer

Storm Drainage: (DOES) (DOES NOT) Discharge Into Either Storm or Combined Sewer

JEREMIAH J. WALSH

Coneluis F. ...

Borough Superintendent

Premises: **BSA Cal. No.: 303-05 BZ**
 428 East 75th Street
 Block 1469, Lot 36
 New York, New York

VIOLATION HISTORY



Buildings

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

NYC Department of Buildings
Property Profile Overview

428 EAST 75 STREET
EAST 75 STREET 428 - 430

MANHATTAN 10021
Health Area : 4300
Census Tract : 132
Community Board : 108
Buildings on Lot : 1

BIN# 1045909
Tax Block : 1469
Tax Lot : 36
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): 1 AVENUE, YORK AVENUE
DOB Special Place Name:
DOB Building Remarks:
Landmark Status:
Local Law: NO
SRO Restricted: NO
UB Restricted: NO
Environmental Restrictions: N/A
Legal Adult Use: NO
Additional BINs for Building: NONE
Special Status: N/A
Loft Law: NO
TA Restricted: NO
Grandfathered Sign: NO
City Owned: NO

Special District: UNKNOWN

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

Department of Finance Building Classification: K2-STORE BUILDING

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

	Total	Open	Elevator Records
Complaints	6	1	Electrical Applications
Violations-DOB	6	3	Permits In-Process / Issued
Violations-ECB (DOB)	6	6	Illuminated Signs Annual Permits
This property has <u>1 open ECB</u> "Work Without A Permit" Violations and may be subject to DOB civil penalties upon application for a permit. After obtaining the permit, a certificate of correction must be filed on the ECB violations.			Plumbing Inspections
Jobs/Filings	9		Open Plumbing Jobs / Work Types
ARA / LAA Jobs	1		Facades
Total Jobs	10		Marquee Annual Permits
Actions	16		Boiler Records
			DEP Boiler Information
OR Enter Action Type:			Crane Information
OR Select from List: <input type="text" value="Select..."/>			After Hours Variance Permits
AND <input type="button" value="Show Actions"/>			

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
ECB Query By Location

Page: 1 of 1

Premises: 428 EAST 75 STREET MANHATTAN

BIN: 1045909 Block: 1469 Lot: 36 CB: 108

Dept. of Buildings Violations & Compliance	
Total Issued = 6	Open (Non-Compliance) = 6

ECB Hearings	
Completed / Defaulted = 6	Pending = 0

ECB Number	Dept. of Buildings Violation Status	Respondent	ECB Hearing Status	Viol Date	Infraction Codes	ECB Penalty Due
<u>34030502Z</u>	OPEN - NO COMPLIANCE RECORDED Severity: NON-HAZARDOUS	400 EAST 102 STREET CORP	IN VIOLATION	09/06/1989	B03	\$0.00
						Viol Type: CONSTRUCTION
<u>34130900M</u>	OPEN - NO COMPLIANCE RECORDED Severity: NON-HAZARDOUS	4000 E 102 ST CORP	STIPULATION/IN-VIO	10/11/1995	B03	\$0.00
						Viol Type: CONSTRUCTION
<u>34417060R</u>	OPEN - NO COMPLIANCE RECORDED Severity: NON-HAZARDOUS	4000- EAST 102 ST CORP Inspect Unit: MANHATTAN CONSTRUCTION	DEFAULT	12/09/2003	B03	\$0.00
						Viol Type: CONSTRUCTION
<u>32047575H</u>	OPEN - NO COMPLIANCE RECORDED Severity: HAZARDOUS	4000 EAST 102 ST CORP Inspect Unit: BOILER DIVISION	IN VIOLATION	04/01/2005	B4B	\$0.00
						Viol Type: BOILER
<u>35004295M</u>	OPEN - NO COMPLIANCE RECORDED Severity: CLASS - 2	4000 EAST 102 STREET CORP Inspect Unit: MANHATTAN CONSTRUCTION	ADMIT/IN-VIO	01/30/2013	201	\$-20.00
<u>35004296Y</u>	OPEN - NO COMPLIANCE RECORDED Severity: CLASS - 2	4000 EAST 102 STREET CORP Inspect Unit: MANHATTAN CONSTRUCTION	IN VIOLATION	01/30/2013	203	\$0.00
						Viol Type: CONSTRUCTION

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

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

Severity Class

Class 1 - Immediately Hazardous

Class 2 - Major

Class 3 - Lesser

HAZ - Hazardous - 1968 Building Code

NON-HAZ - Non-hazardous - 1968 Building Code

Violation Status Descriptions

OPEN - No Compliance Recorded

OPEN - Certificate Pending (Certificate of Correction submitted and under review)

ECB Hearing Status

CURED/IN-VIO - In Violation/no hearing required

STIPULATION/IN-VIO - No hearing required/in violation

OPEN - Certificate Disapproved (Certificate of Correction disapproved/not in compliance)	IN VIOLATION - Hearing decision completed
RESOLVED - N/A-Dismissed (at ECB - no Certificate of Correction required)	DISMISSED - Hearing decision completed
RESOLVED - Certificate Accepted (Certification of Correction Accepted/in compliance)	DEFAULT - Respondent failed to appear at hearing
RESOLVED - Cure Accepted (early correction accepted - in violation/no penalty or hearing)	PUBLICLY-OWNED - No hearing required
RESOLVED - Compliance Insp/Doc (condition verified by Inspector or by Dept. documentation)	PENDING - Awaiting ECB hearing or decision
	ADMIT/IN-VIO - In Violation/no hearing required
	WRITTEN OFF - Imposed penalty legally uncollectable

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.



Buildings



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NYC Department of Buildings

ECB Violation Details

Premises: 428 EAST 75 STREET MANHATTAN

Filed At: 428 EAST 75 STREET , MANHATTAN , NY 10021

BIN: 1045909 Block: 1469 Lot: 36

Community Board: 108

ECB Violation Summary

VIOLATION OPEN

ECB Violation Number: 34030502Z

Severity: NON-HAZARDOUS

Certification Status: NO COMPLIANCE RECORDED

Penalty Balance Due: \$0.00

Hearing Status: IN VIOLATION

Respondent Information

Name: 400 EAST 102 STREET CORP
 Mailing Address: 430 EAST 75 STREET , NEW YORK , NY 10021

Violation Details

Violation Date: 09/06/1989 Violation Type: CONSTRUCTION
 Served Date: 01/17/1990 Inspection Unit:

Infraction Codes	Section of Law	Standard Description
B03	27-217	OCCUPANCY CONTRARY TO THAT ALLOWED BY THE C OF O BLDG DEPT RECORDS

Specific Violation Condition(s) and Remedy:

OCCUPANCY CONTRARY TO THAT ALLOWED BY THE C OF O DATED 10/23/76 REMEDY: DISCONTINUE THE USE OBTAIN A NEW C OF O.

Issuing Inspector ID: 0693

DOB Violation Number: 090690CB3PS02

Issued as Aggravated Level: NO

Dept. of Buildings Compliance History and Events

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/Time: 05/25/1990 8:30 Hearing Status: IN VIOLATION

ECB Penalty Information

Penalty Imposed:	\$250.00	Amount Paid:	\$250.00
Adjustments:	\$0.00		
Penalty Balance Due:	\$0.00		

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

ECB Violation Details

Premises: 428 EAST 75 STREET MANHATTAN

Filed At: 428 EAST 75 STREET , MANHATTAN , NY 10021

BIN: 1045909 Block: 1469 Lot: 36

Community Board: 108

ECB Violation Summary

VIOLATION OPEN

ECB Violation Number: 34130900M

Severity: NON-HAZARDOUS

Certification Status: NO COMPLIANCE RECORDED

Penalty Balance Due: \$0.00

Hearing Status: STIPULATION/IN-VIO

Respondent Information

Name: 4000 E 102 ST CORP
Mailing Address: 2350 5 AVENUE , NY , NY 10037

Violation Details

Violation Date:	10/11/1995	Violation Type:	CONSTRUCTION
Served Date:	10/31/1995	Inspection Unit:	
Infraction Codes	Section of Law	Standard Description	
B03	27-217	OCCUPANCY CONTRARY TO THAT ALLOWED BY THE C OF O BLDG DEPT RECORDS	

Specific Violation Condition(s) and Remedy:

OCCUPANCY CONTRARY TO THAT ALLWED BY THE C OF O#77151.FROM:AUTO REPAIRAT 1ST FLR + MANUFACTURING + OFFICE SPACE AT 2ND FLR.TO:VETERNARIAN +FLOWER SHOP AT 1ST FLR + GYMNASIUM AT 2ND FLR.REMEDY:DISCONTINUE ILLEG

Issuing Inspector ID: 0411

DOB Violation Number: 101195C08M02

Issued as Aggravated Level: NO

Dept. of Buildings Compliance History and Events

Certification Status: NO COMPLIANCE RECORDED
Stipulated Compliance Due Date: 04/15/1996
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/Time: 01/25/1996 8:30
Hearing Status: STIPULATION/IN-VIO

ECB Penalty Information

Penalty Imposed:	\$800.00	Amount Paid:	\$800.00
Adjustments:	\$0.00		
Penalty Balance Due:	\$0.00		

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Buildings

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NYC Department of Buildings

ECB Violation Details

Premises: 428 EAST 75 STREET MANHATTAN

Filed At: 428 EAST 75 STREET , MANHATTAN , NY 10021

BIN: 1045909 Block: 1469 Lot: 36

Community Board: 108

ECB Violation Summary

VIOLATION OPEN

ECB Violation Number: 34417060R

Severity: NON-HAZARDOUS

Certification Status: NO COMPLIANCE RECORDED

Penalty Balance Due: \$0.00

Hearing Status: DEFAULT

Respondent Information

Name: 4000- EAST 102 ST CORP
Mailing Address: 2350 5 AVENUE , NY , NY 10037

Violation Details

Violation Date:	12/09/2003	Violation Type:	CONSTRUCTION
Served Date:	12/09/2003	Inspection Unit:	MANHATTAN CONSTRUCTION
Infraction Codes	Section of Law	Standard Description	
B03	27-217	OCCUPANCY CONTRARY TO THAT ALLOWED BY THE C OF O BLDG DEPT RECORDS	

Specific Violation Condition(s) and Remedy:

OCCUPANCY CONTRARY TO THAT ALLOWED BY CERTIFICATE OF OCCUPANCY DATED 10/23/76 & C OF O 77151, FROM: MANUFACTURING + OFFICES. TO GYM AT 2ND FLOOR. REMEDY: DISCONTINUE USES, OR OBTAIN A NEW CERTIFICATE OF OCCUPANCY

Issuing Inspector ID: 0376

DOB Violation Number: 120903C08SCJ1

Issued as Aggravated Level: NO

Dept. of Buildings Compliance History and Events

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/Time: 01/29/2004 10:30 Hearing Status: DEFAULT

ECB Penalty Information

Penalty Imposed:	\$2,500.00	Amount Paid:	\$2,500.00
Adjustments:	\$0.00		
Penalty Balance Due:	\$0.00		

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NYC Department of Buildings

ECB Violation Details

Premises: 428 EAST 75 STREET MANHATTAN

Filed At: 428 EAST 75 STREET , MANHATTAN , NY 10021

BIN: 1045909 Block: 1469 Lot: 36

Community Board: 108

ECB Violation Summary

VIOLATION OPEN

ECB Violation Number: 32047575H

Severity: HAZARDOUS

Certification Status: NO COMPLIANCE RECORDED

Penalty Balance Due: \$0.00

Hearing Status: IN VIOLATION

Respondent Information

Name: 4000 EAST 102 ST CORP
 Mailing Address: 309 EAST 94 STREET , NY , NY 10128

Violation Details

Violation Date: 04/01/2005 Violation Type: BOILER
 Served Date: 04/01/2005 Inspection Unit: BOILER DIVISION
 Device Type: BOILER
 Device Number: 812704-01

Infraction Codes	Section of Law	Standard Description
B4B	27-127	FAILURE TO MAINTAIN BOILER - HAZARDOUS (A)

Specific Violation Condition(s) and Remedy:
 B4B/51/3A/3B/3D.

Issuing Inspector ID: 1989

DOB Violation Number: 040105B812704-01

Issued as Aggravated Level: NO

Dept. of Buildings Compliance History and Events

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/Time: 05/19/2005 10:30 Hearing Status: IN VIOLATION

ECB Penalty Information

Penalty Imposed: \$400.00
 Adjustments: \$0.00 Amount Paid: \$400.00
 Penalty Balance Due: \$0.00

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NYC Department of Buildings

ECB Violation Details

Premises: 428 EAST 75 STREET MANHATTAN

Filed At: 428 EAST 75 STREET , MANHATTAN , NY 10021

BIN: 1045909 Block: 1469 Lot: 36

Community Board: 108

ECB Violation Summary

VIOLATION OPEN

ECB Violation Number: 35004295M

Severity: CLASS - 2

Certification Status: NO COMPLIANCE RECORDED

Penalty Balance Due: \$-20.00

Hearing Status: ADMIT/IN-VIO

Respondent Information

Name: 4000 EAST 102 STREET CORP
Mailing Address: 309 EAST 94 STREET , NEW YORK , NY 10128

Violation Details

Violation Date:	01/30/2013	Violation Type:	
Served Date:	02/05/2013	Inspection Unit:	MANHATTAN CONSTRUCTION
Infraction Codes	Section of Law	Standard Description	
201	28-105.1	WORK WITHOUT A PERMIT	

Specific Violation Condition(s) and Remedy:

WORK W/O A PERMIT. WORK NOTED: AT TIME OF INSPECTION REPAIR SHOP HAS BEEN CONVERTED TO A DANCE STUDIO AT 1ST & 2ND FL. PARTITION WALLS ERECTED CREATING DANCE STUDIO ROOMS & WAITING AREAS. JOB #121436179 TO

Issuing Inspector ID: 2335

DOB Violation Number: 013013C08MT04

Issued as Aggravated Level: NO

Dept. of Buildings Compliance History and Events

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/Time: 03/28/2013 8:30 Hearing Status: ADMIT/IN-VIO

ECB Penalty Information

Penalty Imposed:	\$830.00	Amount Paid:	\$850.00
Adjustments:	\$0.00		
Penalty Balance Due:	\$-20.00		

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Buildings



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NYC Department of Buildings

ECB Violation Details

Premises: 428 EAST 75 STREET MANHATTAN

Filed At: 428 EAST 75 STREET , MANHATTAN , NY 10021

BIN: 1045909 Block: 1469 Lot: 36

Community Board: 108

ECB Violation Summary

VIOLATION OPEN

ECB Violation Number: 35004296Y

Severity: CLASS - 2

Certification Status: NO COMPLIANCE RECORDED

Penalty Balance Due: \$0.00

Hearing Status: IN VIOLATION

Respondent Information

Name: 4000 EAST 102 STREET CORP
Mailing Address: 309 EAST 94 STREET , NEW YORK , NY 10128

Violation Details

Violation Date:	01/30/2013	Violation Type:	CONSTRUCTION
Served Date:	02/05/2013	Inspection Unit:	MANHATTAN CONSTRUCTION
Infraction Codes	Section of Law	Standard Description	
203	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 BLDG DEPT RECORDS. DEFECT NOTED: AT TIME OF INSPECTION 1ST & 2ND FL OF BLDG ARE OCCUPIED AS AMERICAN YOUTH DANCE THEATRE. C OF O #77151 STATES 1ST FL TO BE

Issuing Inspector ID: 2335

DOB Violation Number: 013013C08MT05

Issued as Aggravated Level: NO

Dept. of Buildings Compliance History and Events

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/Time: 03/28/2013 8:30 Hearing Status: IN VIOLATION

ECB Penalty Information

Penalty Imposed:	\$1,200.00	Amount Paid:	\$1,200.00
Adjustments:	\$0.00		
Penalty Balance Due:	\$0.00		

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NYC Department of Buildings
DOB Violations

Premises: 428 EAST 75 STREET MANHATTAN

Page: 1
BIN: 1045909 Block: 1469 Lot: 36

NUMBER	TYPE	FILE DATE
V* 2075-7430	DOB VIOLATION - DISMISSED	00/00/0000
V* 101576C261	DOB VIOLATION - DISMISSED	00/00/1976
<u>VP 090689CB3PS02</u>	VIOLATION UNSERVED ECB-ACTIVE	09/06/1989
<u>V* 021093C 08AM02</u>	DOB VIOLATION - DISMISSED	02/10/1993
<u>V 011907LL629104453</u>	DOB VIOLATION - ACTIVE	01/19/2007
<u>V 010109LL629104296</u>	DOB VIOLATION - ACTIVE	01/01/2009

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NYC Department of Buildings

DOB Violation Display for 090689CB3PS02

Premises: 428 EAST 75 STREET MANHATTAN

BIN: 1045909 Block: 1469 Lot: 36

Issue Date: 09/06/1989

Violation Category: VP - VIOLATION UNSERVED ECB-
ACTIVE

Violation Type: C - CONSTRUCTION

Violation Number: B3PS02

Device No.:

ECB No.:

Infraction Codes:

Description:

Disposition:

Code:

Date:

Inspector:

Comments:

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

NYC Department of Buildings

DOB Violation Display for 011907LL629104453**Premises:** 428 EAST 75 STREET MANHATTAN**BIN:** 1045909 **Block:** 1469 **Lot:** 36**Issue Date:** 01/19/2007**Violation Category:** V - DOB VIOLATION - ACTIVE**Violation Type:** LL6291 - LOCAL LAW 62/91 - BOILERS**Violation Number:** 04453**Device No.:** 00113501 - 01-COMMERCIAL**ECB No.:****Infraction Codes:****Description:**Click [here](#) to view the Civil Penalty Chart.**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.

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NYC Department of Buildings

DOB Violation Display for 010109LL629104296

Premises: 428 EAST 75 STREET MANHATTAN

BIN: 1045909 Block: 1469 Lot: 36

Issue Date: 01/01/2009

Violation Category: V - DOB VIOLATION - ACTIVE

Violation Type: LL6291 - LOCAL LAW 62/91 - BOILERS

Violation Number: 04296

Device No.: 00113501 - 01-COMMERCIAL

ECB No.:

Infraction Codes:

Description:

Click [here](#) to view the Civil Penalty Chart.

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.



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

BSA Cal. No.: 303-05-BZ
 Street Address: 428 East 75th Street
 Block: 1469 Lot(s): 36
 Borough: Manhattan

CERTIFICATION OF INSPECTION & COMPLIANCE

Eric Palatnik

hereby states that I personally inspected the

(Applicant, Agent, Registered Architect or Registered Engineer)

premises and surrounding area on 03/24/2016. In addition, I have
 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.
The use has been expanded to the first floor of the bulding;	Upon BSA approval
Interior partitions are different from BSA approved plans;	
A C of O was not obtained subsequent to the 2006 Board grant;	
The operator changed in 2012 without Board approval.	


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

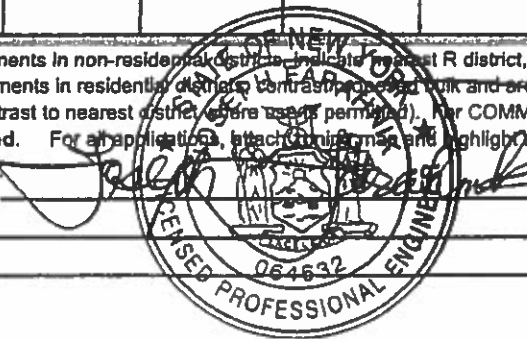
BSA CALENDAR NO. _____ BLOCK 1469 LOT 36
 SUBJECT SITE ADDRESS 428 East 75th street

APPLICANT _____
 ZONING DISTRICT R8B PRIORITY BSA # _____

SPECIAL/HISTORIC DISTRICT	* APPLICABLE ZR SECTION	MAXIMUM PERMITTED	MINIMUM REQUIRED	LEGAL PER C of O or BSA	EXISTING	PROPOSED	COMPLIANT: "Y"
							IF NOT: "N" and INDICATE AMT OVER/UNDER
COMMUNITY BOARD _____							
LOT AREA	3678.12				3678.12	3678.12	y
LOT WIDTH	36		18		36	36	y
USE GROUP (S)	9				9	9	y
FA RESIDENTIAL	0	0		0	0	0	
FA COMMUNITY FACILITY	6716.24	6716.24			6716.24	6716.24	y
FA COMMERCIAL/INDUST.	0	0		0	0	0	
FLOOR AREA TOTAL	6716.24	7356.24			6716.24	6716.24	y
FAR RESIDENTIAL							
FAR COMMUNITY FACILITY	1.82	2.0			1.82	1.82	
FAR COMMERCIAL/INDUST.							
FAR TOTAL	1.82	2.0					y
OPEN SPACE	320				320	320	
OPEN SPACE RATIO	9%				.09	.09	N -21%
LOT COVERAGE (%)	91	70			91	91	N +21%
NO. DWELLING UNITS	0						
WALL HEIGHT	20				20	20	y
TOTAL HEIGHT	20				20	20	y
NUMBER OF STORIES					2	2	y
FRONT YARD	0		0		0	0	y
SIDE YARD	0		0		0	0	y
SIDE YARD	0		0		0	0	y
REAR YARD	0		30		0	0	N +30'
SETBACK (S)			0		0	0	y
SKY EXP. PLANE (SLOPE)							
NO. PARKING SPACES	0	0	0	0	0	0	y
LOADING BERTH (S)	0	0	0	0	0	0	y
OTHER:							

* 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 uses are permitted). For COMMUNITY FACILITY uses in districts where not permitted, contrast to nearest district where permitted. For all applications, attach site map and highlight subject site. Be sure that all items noted in the DOB Denial/Objection are included.

NOTES:



Premises: **BSA Cal. No.: 303-05 BZ**
 428 East 75th Street
 Block 1469, Lot 36
 New York, New York

BOARD HISTORY

On August 6, 2008 your Board granted an application to to permit the legalization of a physical culture establishment located on the second floor of an existing two-story commercial building within an R8B zoning district, contrary to ZR § 22-00; *on condition* that all work shall substantially conform to drawings, filed with this application marked “Received July 17, 2006”-(1) sheet and “August 7, 2006”-(1) sheet; and *on further condition*:

THAT the term of this variance will be ten years from August 8, 2006, to expire on August 8, 2016;

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 6:00 a.m. to 9:00 p.m., Monday through Friday; and 8:00 a.m. to 3:00 p.m., Saturday and Sunday;

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

THAT all fire protection measures indicated on the BSA-approved plans shall be installed and maintained, as approved by DOB;

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

THAT all exiting requirements shall be as reviewed and approved by the DOB;

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; and

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

303-05-BZ

CEQR #06-BSA-023K

APPLICANT – Eric Palatnik, P.C., for Adoo East 102 Street Corp., owner; Aspen Fitness, lessee.

SUBJECT – Application October 12, 2005 – under Z.R. §72-21 to permit the legalization of the second floor of an existing two story commercial structure for use as a physical culture establishment. Premises is located within the R8-B zoning district.

PREMISES AFFECTED – 428 East 75th Street, between York and First Avenues, Block 1469, Lot 36, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated May 20, 2005, acting on Department of Buildings Application No. 104086775, reads, in pertinent part:

“The proposed 2nd floor plan is designed and arranged as a Physical Culture Establishment as per Sec 12.10 ZR definitions and is not permitted in a residential zoning district as per 22-00 (ZR).”; and

WHEREAS, this is an application under ZR § 72-21, to permit, within an R8B zoning district, the legalization of a physical culture establishment (“PCE”) located on the second floor of an existing two-story commercial structure, contrary to ZR § 22-00; and

WHEREAS, a public hearing was held on this application on June 6, 2006 after due notice by publication in *The City Record*, with continued hearing on July 11, 2006, and then to decision on August 8, 2006; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board, consisting of Chair Srinivasan and Commissioner Collins; and

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

WHEREAS, the subject building is located on the south side of East 75th Street between First and York Avenues; and

WHEREAS, the existing PCE occupies a total of 3,469 sq. ft. on the second floor of the existing two-story legal non-conforming commercial building; and

WHEREAS, the PCE is operated as Aspen Fitness; and

WHEREAS, the applicant states that the following are unique physical conditions, which create practical difficulties and unnecessary hardship in developing the subject lot in conformance with underlying district regulations: (1) the history of development at the site; and (2) the functional obsolescence of the building; and

WHEREAS, the applicant represents that the building was designed as a commercial/manufacturing structure in the late 19th Century and has been continuously used in that capacity; and

WHEREAS, the applicant represents that the uses at the site have included a manufacturing/warehouse

establishment and automobile repairs; and

WHEREAS, the applicant notes that the history of intense commercial and manufacturing uses at the site, particularly on the first floor, did not create an ability to place residential use on the second floor; and

WHEREAS, moreover, the applicant notes that residential use would not be permitted as of right because the maximum permitted lot coverage is exceeded and there is insufficient access to light and air; and

WHEREAS, additionally, the applicant represents that since the building was constructed as a wood-framed garage, it cannot take additional floor loads; thus, adaptive re-use is impractical; and

WHEREAS, the Board notes that the first floor is currently occupied by legal non-conforming commercial uses, including a veterinary office; and

WHEREAS, as to the functional obsolescence for commercial purposes, the applicant represents that the lack of a freight elevator impedes permitted commercial use on the second floor; and

WHEREAS, additionally, the small floor plates and lack of a lobby and security make office use impractical; and

WHEREAS, based on the above, the Board finds that there are unique physical conditions inherent to the site, and the absence of the building, which was developed as a commercial building, create an unnecessary hardship in conforming strictly with the applicable use provisions of the Zoning Resolution; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the building with a legal non-conforming commercial use would not yield the owner a reasonable return; and

WHEREAS, the Board observes that without the variance, such space would not provide a reasonable return, given its lack of desirability for other as of right commercial uses because of its location and configuration; and

WHEREAS, additionally, the site is under built and income must be derived from both floors in order to obtain a reasonable return; and

WHEREAS, accordingly, the Board has determined that because of the subject lot’s unique physical conditions, there is no reasonable possibility that development in strict conformance with applicable zoning requirements will provide a reasonable return; and

WHEREAS, the applicant represents that the proposed variance will not affect the character of the neighborhood, impair appropriate use or development of adjacent property or be detrimental to the public welfare; and

WHEREAS, the applicant represents that the surrounding mid-block area is occupied by six and seven-story multiple dwellings, and that the existing PCE, since it is low intensity, is compatible with these residential uses; and

WHEREAS, additionally, the applicant represents that there is a long history of commercial and automotive uses on the block, a number of which remain; and

WHEREAS, the Board notes that no changes will be made to the exterior of the building; and

WHEREAS, the hours of operation for the PCE are 6:00 a.m. to 9:00 p.m., Monday through Friday; and 8:00 a.m. to 3:00 p.m., Saturday and Sunday; and

WHEREAS, the applicant has installed sound attenuated double-glazed windows to minimize impacts

**303-05-BZ
CEQR #06-BSA-023K**

on adjacent residential uses; and

WHEREAS, accordingly, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the Board finds that the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

WHEREAS, the Board notes that although a variance is being requested, the subject application meets all the requirements of the special permit for a PCE, except for the required zoning district; and

WHEREAS, specifically, the PCE contains facilities for classes, instruction and programs for physical improvement, bodybuilding, weight reduction and aerobics; 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 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 (EAS) CEQR 06-BSA-024M, dated Feb, 22, 2006; and

WHEREAS, the EAS documents that the project as proposed 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 proposed action 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 617.4, 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 § 72-21, to permit the legalization of a physical culture establishment located on the second floor of an existing two-story commercial building within an R8B zoning district, contrary to ZR § 22-00; *on condition* that all work shall substantially conform to drawings, filed with this application marked "Received July 17, 2006"-(1) sheet and "August 7, 2006"-(1) sheet; and *on further condition*:

THAT the term of this variance will be ten years from August 8, 2006, to expire on August 8, 2016;

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 6:00 a.m. to 9:00 p.m., Monday through Friday; and 8:00 a.m. to 3:00 p.m., Saturday and Sunday;

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

THAT all fire protection measures indicated on the BSA-approved plans shall be installed and maintained, as approved by DOB;

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

THAT all exiting requirements shall be as reviewed and approved by the DOB;

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; and

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

Adopted by the Board of Standards and Appeals, August 8, 2006.

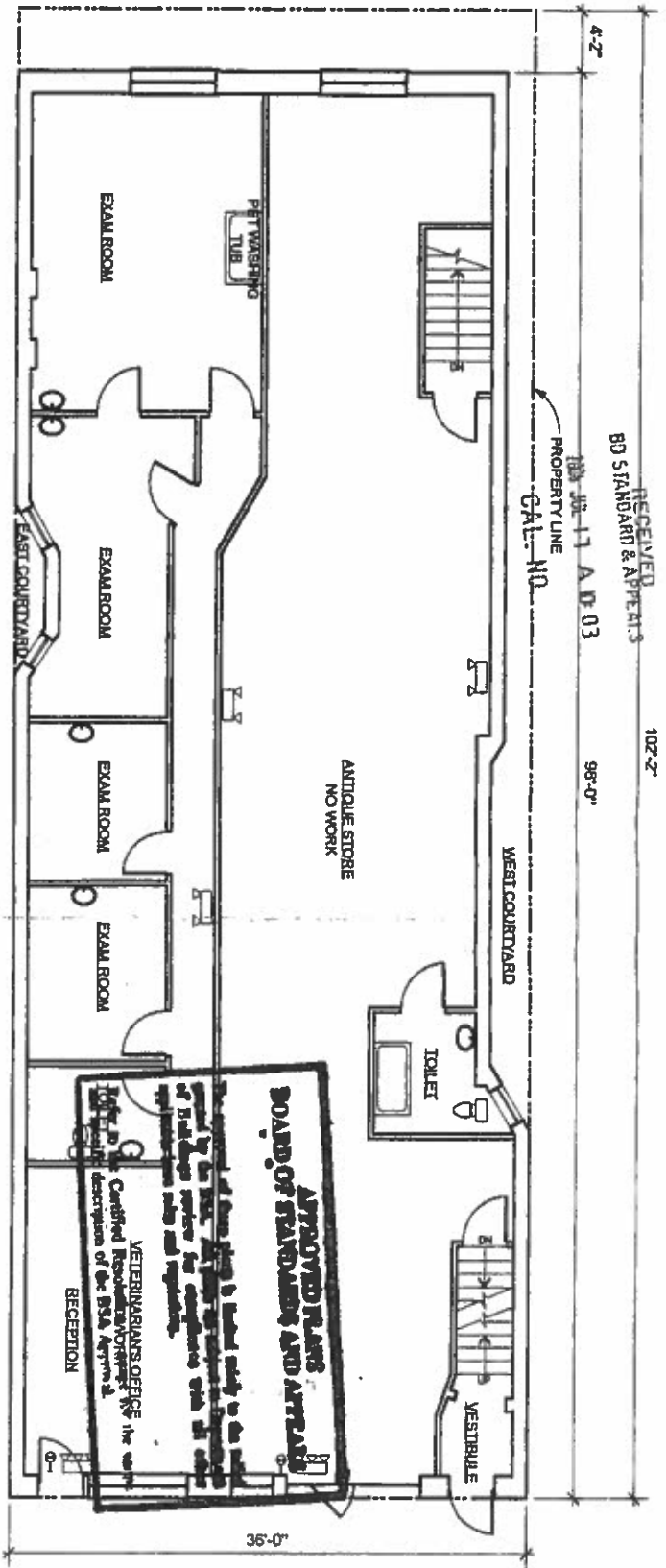
**A true copy of resolution adopted by the Board of Standards and Appeals, August 8, 2006.
Printed in Bulletin Nos. 31-32, Vol. 91.**

Copies Sent

To Applicant

Fire Com'r.

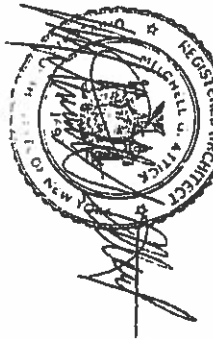
Borough Com'r.



1

FIRST FLOOR PLAN
Scale: 1/8" = 1'-0"

FIRST FLOOR TOTAL SQUARE FOOTAGE = 3469 SQ. FT.

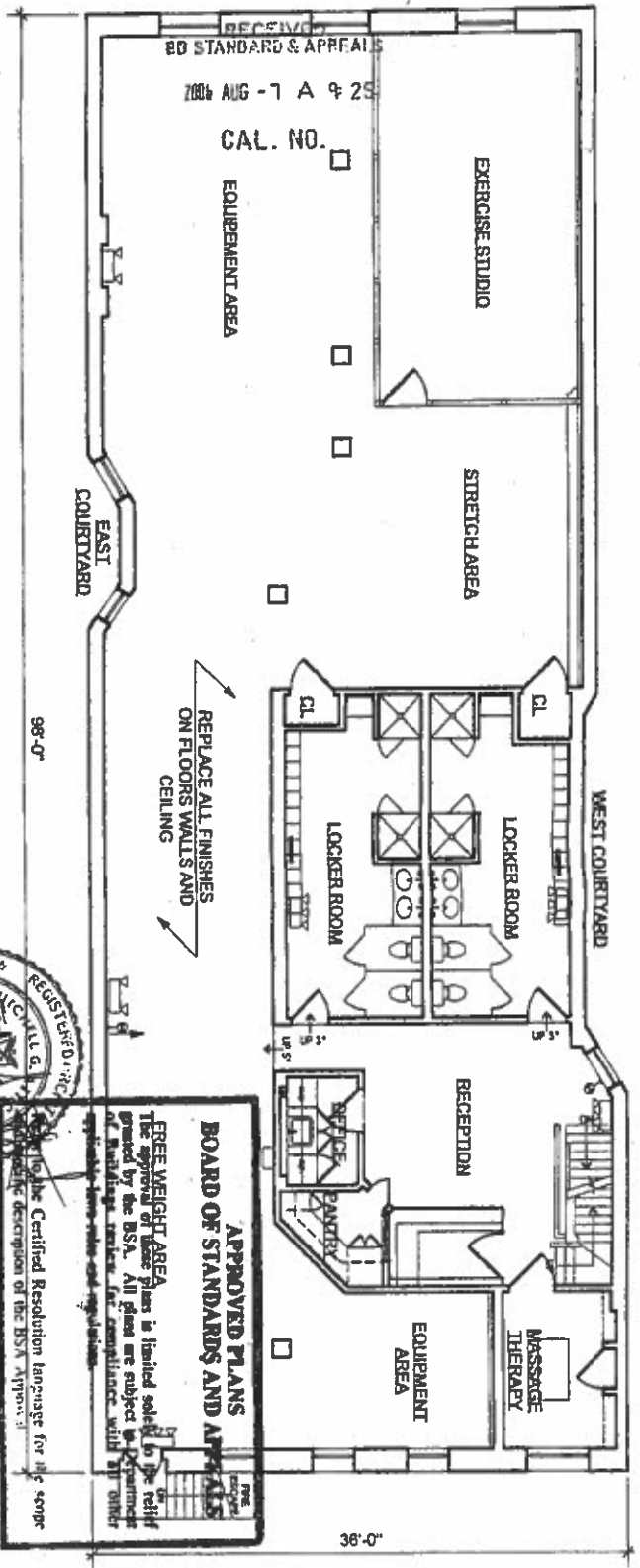


B.S.A.A. NOTES:

1. INTERIOR LAYOUT AS SHOWN SHALL BE SUBJECT TO DOB APPROVAL
2. MINIMUM 3'-0" WIDE EXIT PATHWAYS SHALL BE PROVIDED LEADING TO THE REQUIRED EXITS. PATHWAYS SHALL BE ALWAYS MAINTAINED UNOBSTRUCTED, INCLUDING FROM ANY GYMNASIUM EQUIPMENT.
3. AN APPROVE INTERIOR FIRE ALARM SYSTEM SHALL BE INSTALLED IN THE ENTIRE PCE SPACE; THE SYSTEM WILL INCLUDE THE FOLLOWING ITEMS:
 - a. AREA SMOKE DETECTORS.
 - b. MANUAL PULL STATIONS AT EACH REQUIRED EXIT.
 - c. LOCAL AUDIBLE AND VISUAL ALARMS.
4. CONNECTION OF THE INTERIOR FIRE ALARM AND SPRINKLER SYSTEM (IF REQUIRED BY THE BOARD BASED ON FD RECOMMENDATION 1), TO A FPNY APPROVED CENTRAL STATION.

303-05BZ

PROPOSED VARIANCE APPLICATION 428 EAST 75TH ST. MANHATTAN, NY	<h1>SK-2</h1> <p>ARCHITECT MITCHELL G. ATTICK <small>88 FIRST AVENUE NEW YORK, NY 10022</small></p>	07/18 REVISIONS P: 212-722-8210 F: 212-722-8227
04/07/05	508	



1

SECOND FLOOR PLAN

Scale: 1/8" = 1'-0"

SECOND FLOOR TOTAL SQUARE FOOTAGE = 3469 SQ. FT.

LEGEND	
	3-HEAD EMERGENCY LIGHT
	2-HEAD EMERGENCY LIGHT
	ILLUMINATED EXIT SIGN
	EXISTING WORK

- B.S.A.A. NOTES:**
- INTERIOR LAYOUT AS SHOWN SHALL BE SUBJECT TO DOB APPROVAL
 - MINIMUM 3'-0" WIDE EGRESS PATHWAYS SHALL BE PROVIDED LEADING TO THE REQUIRED EXITS. PATHWAYS SHALL BE ALWAYS MAINTAINED UNOBSTRUCTED, INCLUDING FROM ANY STAIRWELL EQUIPMENT.
 - AN APPROVE INTERIOR FIRE ALARM SYSTEM SHALL BE INSTALLED IN THE ENTIRE POE SPACE; THE SYSTEM WILL INCLUDE THE FOLLOWING ITEMS:
 - AREA SMOKE DETECTORS.
 - MANUAL PULL STATIONS AT EACH REQUIRED EXIT.
 - LOCAL AUDIBLE AND VISUAL ALARMS.
 - CONNECTION OF THE INTERIOR FIRE ALARM AND SPRINKLER SYSTEM (IF REQUIRED BY THE BOARD BASED ON FD RECOMMENDATION 1), TO A FDNY APPROVED CENTRAL STATION.
 - LOCAL LAW 59 TO BE COMPLIED WITH AS APPROVED BY DEPARTMENT OF BUILDING.



APPROVED PLANS
BOARD OF STANDARDS AND APPEALS

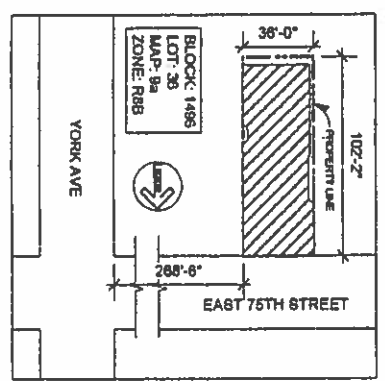
FREE WEIGHT AREA
 The weight area is limited solely to the right of the Board of Standards and Appeals of Building, Planning, Fire, Construction, and other appropriate departments and agencies.

To be Certified Resolution language for its scope of description of the B.S.A. Approval.

2

PLOT PLAN

Scale: 1:750



PROPOSED VARIANCE APPLICATION
 428 EAST 75TH ST,
 MANHATTAN, NY

04/07/05 508

A-2

ARCHITECT
MITCHELL G. ATTICK

208 PRATT AVENUE
 NEW YORK, NY 10022

P: 212-782-4210
 F: 212-782-4207

08/03/06
 07/11/06
 REVISIONS

428 East 75th Street, Manhattan

Block 1468

Block 1468, Lot 4

1376 REALTY CORP.
C/O ROBERT SCHWARTZ
300 E. 52ND ST. APT. 200
NEW YORK, NY 10022-6723

Block 1468, Lot 5

NYC INDUSTRIAL DVLPA GY
405 E. 73RD ST.
NEW YORK, NY 10021-3865

Block 1468, Lot 9

CARMINE LIMITED
MAUTNER-GLICK CORP.
1345 3RD AVE.
NEW YORK, NY 10075-1903

Block 1468, Lot 13

JOSEPH MOTTA TRUSTEE UNDER LW&T OF
ROSALIE MOTTA
P.O. BOX 8141
PELHAM, NY 10803-8141

Block 1468, Lot 14

S. & B. RLTY % S. WEG
9732 63RD DR.
FLUSHING, NY 11374-2242

Block 1468, Lot 15

HOM ASSOCIATES
425 E. 73RD ST.
NEW YORK, NY 10021-3835

Block 1468, Lot 16

CARMINE LIMITED
C/O MAUTNER-GLICK CORP.
1345 3RD AVE.
NEW YORK, NY 10075-1903

Block 1468, Lot 17

CARMINE LIMITED
C/O MAUTER-GLICK
1345 3RD AVE.
NEW YORK, NY 10075-1903

Block 1468, Lot 18

CARMINE LIMITED
C/O MAUTER-GLICK
1345 3RD AVE.
NEW YORK, NY 10075-1903

Block 1468, Lot 21

RIVER YORK STRATFORD LLC
1200 UNION TPKE.
NEW HYDE PARK, NY 11040-1708

Block 1468, Lot 31

410 E. 74 REALTY, LLC
C/O SW MANAGEMENT
145 HUGUENOT ST. STE 503
NEW ROCHELLE, NY 10801-5236

Block 1468, Lot 32

488 EAST 74TH, L.L.C
BEACH LANE MANAGEMENT CO.
111 N. CENTRAL AVE. STE 400
HARTSDALE, NY 10530-1932

Block 1468, Lot 33

486 E. 74 LLC
486 E. 74TH ST.
NEW YORK, NY 10021-3973

Block 1468, Lot 34

484 E. 74TH ST. REALTY
484 E. 74TH ST.
NEW YORK, NY 10021-3975

Block 1468, Lot 35

482 E. 74TH ST. APT. CORP.
P. FORTE-LOWER LEVEL
70 E. 55TH ST.
NEW YORK, NY 10022-3222

Block 1468, Lot 36

GIFT 74 LLC
418 E. 74TH ST.
NEW YORK, NY 10021-3980

Block 1468, Lot 37

410 E. 74 REALTY, LLC
C/O SW MANAGEMENT
145 HUGUENOT ST. STE 503
NEW ROCHELLE, NY 10801-5236

Block 1468, Lot 38

789 NINTH & 414 EAST
111 N. CENTRAL AVE. STE 400
HARTSDALE, NY 10530-1932

Block 1468, Lot 39

410 E. 74 REALTY, LLC
C/O SW MANAGEMENT
145 HUGUENOT ST. STE 503
NEW ROCHELLE, NY 10801-5236

Block 1468, Lot 41

PRIDE PROPERTY MANAGEMENT
11 NEW ST. FL. 2
ENGLEWOOD CLIFFS, NJ 07632-2937

Block 1468, Lot 45

1384 FIRST REALTY LLC
ICON REALTY MGMT
419 LAFAYETTE ST. FL. 5
NEW YORK, NY 10003-7033

Block 1468, Lot 46

1382 FIRST REALTY LLC
C/O SMICON REALTY MANAGEMENT
419 LAFAYETTE ST. # 5TH
NEW YORK, NY 10003-7033

Block 1468, Lot 47

1380 FIRST OWNERS CO., L.P.
ERIC GOODMAN REALTY
307 E. 89TH ST. APT. G.
NEW YORK, NY 10128-5008

Block 1469

Block 1469, Lot 7501

401 EAST 74TH ST. OWNERS CORP.
MIDBORO MANAGEMENT, INC.
333 7TH AVE. FL. 5
NEW YORK, NY 10001-5004

Block 1469, Lot 8

GOLDIE HOLDING CO., INC.
C/O MAUTNER-GLICK CORP.
1345 3RD AVE.
NEW YORK, NY 10075-1903

Block 1469, Lot 9

BROADWAY & ELLWOOD REALTY LLC
P.O. BOX 3006
NEW ROCHELLE, NY 10802-3006

Block 1469, Lot 10

FRAYDUN ENTERPRISES
PAN A.M. EQUITIES INC.
18 E. 50TH ST. FL. 10
NEW YORK, NY 10022-9108

Block 1469, Lot 13

427 EAST 74TH STREET LLC
64 LAKESHORE DR.
EASTCHESTER, NY 10709-5210

Block 1469, Lot 7502

433 EAST 74TH STREET, LLC
FATION SPAHO
185 E. 85TH ST. APT. CORE MANAGEMENT NY L
NEW YORK, NY 10028-2140

Block 1469, Lot 17

2 EAST 181 ST. ASSOCIATES LLC
435 E. 74TH ST.
NEW YORK, NY 10021-3986

Block 1469, Lot 18

2 EAST 181 ST. ASSOCIATES LLC
437 E. 74TH ST.
NEW YORK, NY 10021-3956

Block 1469, Lot 19

CAPIT REALTY CO. INC.
418 E. 77TH ST.
NEW YORK, NY 10075-2352

Block 1469, Lot 21

CHURCH OF THE EPIPHAN
1393 YORK AVE.
NEW YORK, NY 10021-3407

Block 1469, Lot 28

444 EAST 75TH STREET CORP.
C/O CHARLES GREENTHAL MGMT
4 PARK AVE.
NEW YORK, NY 10016-5339

Block 1469, Lot 29

CAPIT REALTY CO. INC.
418 E. 77TH ST.
NEW YORK, NY 10075-2352

Block 1469, Lot 30

VENTURA, MARIA
323 E. 85TH ST. APT. BSMT FL.
NEW YORK, NY 10028-4527

Block 1469, Lot 31

ABM 75 REALTY LLC
12 E. 37TH ST.
NEW YORK, NY 10016-2823

Block 1469, Lot 32

ABM 75 REALTY
436 E. 75TH ST.
NEW YORK, NY 10021-3437

Block 1469, Lot 33

THALHEIMER, GARY
434 1/2 E. 75TH ST.
NEW YORK, NY 10021-3403

Block 1469, Lot 34

ALONZO, GERTRUDE B.
434 E. 75TH ST.
NEW YORK, NY 10021-3435

Block 1469, Lot 35

COHEN, SIMON
432 E. 75TH ST.
NEW YORK, NY 10021-3403

Block 1469, Lot 36

4000 EAST 102 STREET CORP.
309 E. 94TH ST. APT. GROUND FLOOR
NEW YORK, NY 10128-5683

Block 1469, Lot 37

ALAN ZIESS, TRUSTEE
ZIESS TRUSTS
155 EAST 5 26TH STREET
NEW YORK, NY 10010

Block 1469, Lot 38

422 E. 75 ST. ASSOC
P.O. BOX 3030 APT. JAF STATION
NEW YORK, NY 10116-3030

Block 1469, Lot 39

AK PROPERTIES GROUP
309 E. 94TH ST. # G.
NEW YORK, NY 10128-5683

Block 1469, Lot 41

BOULOGNE CORPORATION NV
414 E. 75TH ST.
NEW YORK, NY 10021-3442

Block 1469, Lot 42

GIFT 75 LLC
410 E. 75TH ST.
NEW YORK, NY 10021-3426

Block 1469, Lot 43

404/75 REALTY LLC
C/O FRIEDMAN MANAGEMENT CO.
770 LEXINGTON AVE-18TH F
NEW YORK, NY 10065

Block 1469, Lot 46

1442 FIRST AVENUE LLC
P.O. BOX 1847
PARAMUS, NJ 07653-1847

Block 1470

Block 1470, Lot 1

401
MAUTNER-GLICK CORP.
1345 3RD AVE.
NEW YORK, NY 10075-1903

Block 1470, Lot 2

CONQUISTA REALTY LLC
1450 1ST AVE.
NEW YORK, NY 10021-3013

Block 1470, Lot 3

1448 FIRST LLC
ELIE SARRAF
P.O. BOX 234512
GREAT NECK, NY 11023-4512

Block 1470, Lot 4

ALVINO REALTY LLC
1450 1ST AVE.
NEW YORK, NY 10021-3013

Block 1470, Lot 5

HELENA REALTY INC.
403 E. 75TH ST.
NEW YORK, NY 10021-3102

Block 1470, Lot 6

407E75 LLC
407 E. 75TH ST.
NEW YORK, NY 10021-3102

Block 1470, Lot 7

S.K.I. REALTY, INC.
HOUSING OFFICE, 3RD FL.
307 E. 63RD ST.
NEW YORK, NY 10065-7701

Block 1470, Lot 10

ASA MANAGING PARTNERS LLC
415 E. 75 ST. APT. ST. 1FW
NEW YORK, NY 10021

Block 1470, Lot 11

EKSTROM, ANNE LOUNSBURY
417 E. 75TH ST.
NEW YORK, NY 10021-3102

Block 1470, Lot 12

ROYAL CHARTER PRPRTSINC
421 EAST 75 STREET
NEW YORK, NY 10021

Block 1470, Lot 13

GENERAL PROPERTY MANAGEMENT
250 W. 57TH ST. STE 2332
NEW YORK, NY 10107-2300

Block 1470, Lot 14

JOS CAPORUSSO
418 E. 77TH ST.
NEW YORK, NY 10075-2352

Block 1470, Lot 16

HSS PROPERTIES CORPORATION
535 E. 70TH ST.
NEW YORK, NY 10021-4823

Block 1470, Lot 18

BAMBINI REALTY CORP.
CHEROKEE STATION
P.O. BOX 20215
NEW YORK, NY 10021-0063

Block 1470, Lot 20

435 EAST 75 ASSOCIATES, LLC
P.O. BOX 3307
HOBOKEN, NJ 07030-1603

Block 1470, Lot 21

LIVING SPACE LLC
P.O. BOX 20298 APT. CHEROKEE STA
NEW YORK, NY 10021

Block 1470, Lot 121

CAPMAR REALTY CORP.
% FRANK CAPORUSSO
418 E. 77TH ST.
NEW YORK, NY 10075-2352

Block 1470, Lot 22

CAPMAR REALTY CORP.
% FRANK CAPORUSSO
418 E. 77TH ST.
NEW YORK, NY 10075-2352

Block 1470, Lot 23

CAPMAR REALTY CORP.
% FRANK CAPORUSSO
418 E. 77TH ST.
NEW YORK, NY 10075-2352

Block 1470, Lot 24

1413 YORK AVENUE LLC
148 MADISON AVE. FL. 5
NEW YORK, NY 10016-6700

Block 1470, Lot 25

HSH PROPERTIES, LLC
1425 YORK AVE.
NEW YORK, NY 10021-3198

Block 1470, Lot 26

1427 YORK AVENUE LLC
1185 6TH AVE. FL. 10
NEW YORK, NY 10036-2604

Block 1470, Lot 28

1431 YORK LLC
P.O. BOX 234512
GREAT NECK, NY 11023-4512

Block 1470, Lot 29

LUCKY 18 LLC
C/O NESENOFF & MILTENBERG, LLP
363 SEVENTH AVENUE APT. FIFTH FLO
NEW YORK, NY 10001

Block 1470, Lot 30

SENIOR LIVING OPTIONS INC.
WAVECREST MANAGEMENT G144
8714 116TH ST.
RICHMOND HILL, NY 11418-2426

Block 1470, Lot 31

FIRST YORK PROPERTIES LLC
SASSOUNI MANAGEMENT, INC.
9 PARK PL. FL. 1E
GREAT NECK, NY 11021-5030

Block 1470, Lot 32

FIRST YORK PROPERTIES LLC
SASSOUNI MANAGEMENT, INC.
9 PARK PL. # 31E
GREAT NECK, NY 11021-5034

Block 1470, Lot 33

ROYAL CHARTER PRPRTSINC
422 EAST 76 STREET
NEW YORK, NY 10021

Block 1470, Lot 40

ROYAL CHARTER PRPRTSINC
CUSHMAN & WAKEFIELD
411 E. 71ST ST.
NEW YORK, NY 10021-4801

Block 1470, Lot 41

ROYAL CHARTER PRPRTSINC
416 E. 76TH ST.
NEW YORK, NY 10021-3104

Block 1470, Lot 7501

OWNER/AGENT
404 E. 76TH ST.
NEW YORK, NY 10021-1400

Block 1470, Lot 47

IMPALA RETAIL OWNER LLC
107 ELM STREET SUITE 401 - 4 STAMFORD
PLAZA
STAMFORD, CT 06902

Block 1471

Block 1471, Lot 5

403 EAST 76 STREET CORP.
NYC DOE/DIV OF SCHOOL FAC
4436 VERNON BLVD. APT. 3 FL.
LONG ISLAND CITY, NY 11101-7006

Block 1471, Lot 10

SENIOR LIVING OPTIONS INC.
WAVECREST MANAGEMENT G144
8714 116TH ST.
RICHMOND HILL, NY 11418-2426

Block 1471, Lot 11

419 EAST LLC
KABOS REALTY CORP.
3870 REVIEW AVE.
LONG ISLAND CITY, NY 11101-2008

Block 1471, Lot 12

SGRC 421
421 E. 76TH ST.
NEW YORK, NY 10021-2595

Block 1471, Lot 13

S.K.I. REALTY, INC.
HOUSING OFFICE, 3RD FL.
307 E. 63RD ST.
NEW YORK, NY 10065-7701

Block 1471, Lot 15

3GR/427 LLC
427 E. 76TH ST.
NEW YORK, NY 10021-2517

Block 1471, Lot 17

SOCIETY OF THE NY HOSPITAL
BOX 156
525 E. 68TH ST.
NEW YORK, NY 10065-4870

Block 1471, Lot 31

434 EAST 77TH STREET LLC
434 E. 77TH ST.
NEW YORK, NY 10075-2302

Block 1471, Lot 7501

OWNER/AGENT
435 E. 76TH ST.
NEW YORK, NY 10021-2562

Block 1486

Block 1486, Lot 1

GOLDEN ASSET, L.L.C.
226 E. 54TH ST. STE 402
NEW YORK, NY 10022-4986

Block 1486, Lot 103

1400 YORK AVENUE ASSOCIATES,
1400 YORK AVE.
NEW YORK, NY 10021-3443

Block 1486, Lot 4

BEACH PATH LLC
38 KINGS HWY.
HAUPPAUGE, NY 11788-4218

Block 1486, Lot 49

JACIN INVESTORS CORPORATION NV
1406 YORK AVE.
NEW YORK, NY 10021

Block 1487

Block 1487, Lot 1

1414 YORK REALTY LLC
1414 YORK REALTY LLC
109 SPENCER PL.
MAMARONECK, NY 10543-2627

428 East 75th Street, Manhattan

Community Board

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

City Councilperson

Ben Kallos
244 East 93rd Street
New York, NY 10128

Borough President

Office of Manhattan Borough President
Gale Brewer
1 Centre Street, 19th Floor
New York, NY 10007

Department of City Planning (Manhattan Office)

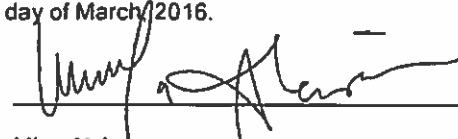
Edith Hsu-Chen
Director, Manhattan Office
Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Department of City Planning (Central Office)

Christopher Holme
Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

State of New York)
County of Nassau)

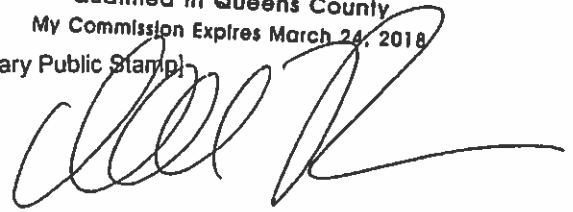
Miya Alcivar, being duly sworn, deposes and says: That the foregoing names and addresses were obtained from the City Collector's office on the 4th day of March 2016.

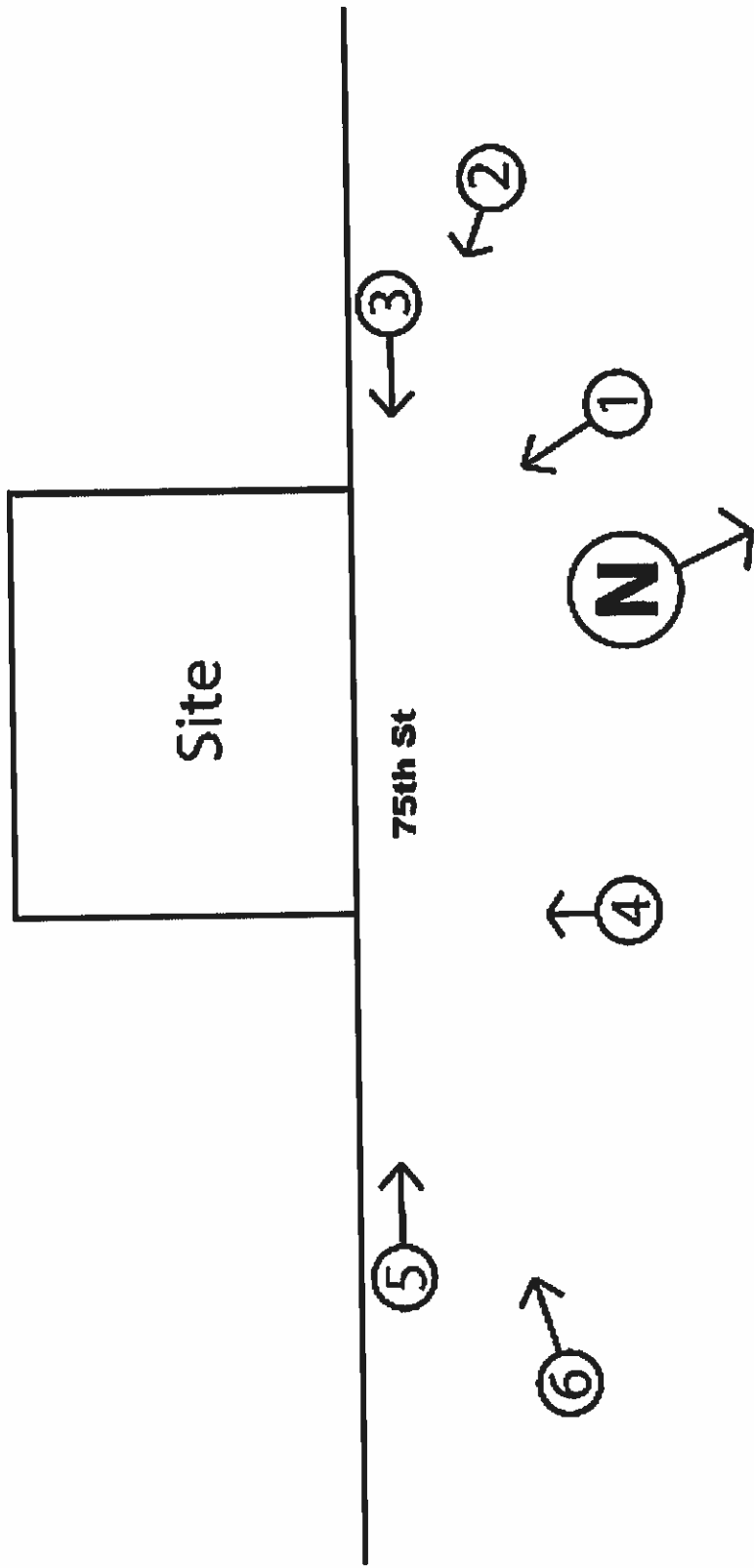


Miya Alcivar

Sworn before me on
this 8th day of March, 2016.

IAN RASMUSSEN
NOTARY PUBLIC-STATE OF NEW YORK
No. 02RA6298453
Qualified In Queens County
My Commission Expires March 24, 2018
[Notary Public Stamp]





428 E 75th St
Shot: 9-18-15
Block: 1469
Lot: 34
NY, NY



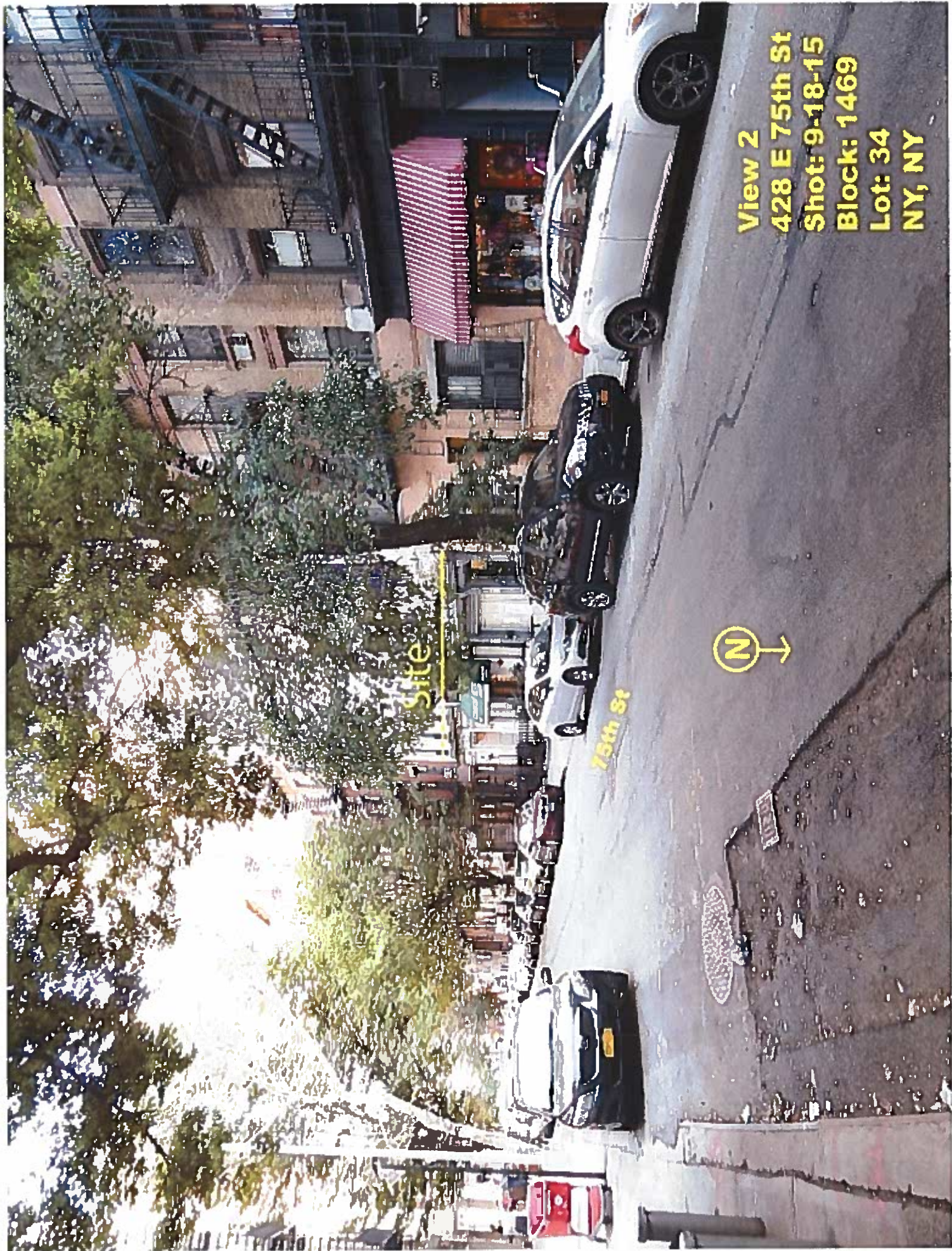
View 1
428 E 75th St
Shot: 9-18-15
Block: 1469
Lot: 34
NY, NY

Site

COUNTRY VETS
ESTABLISHED 1980



75th St

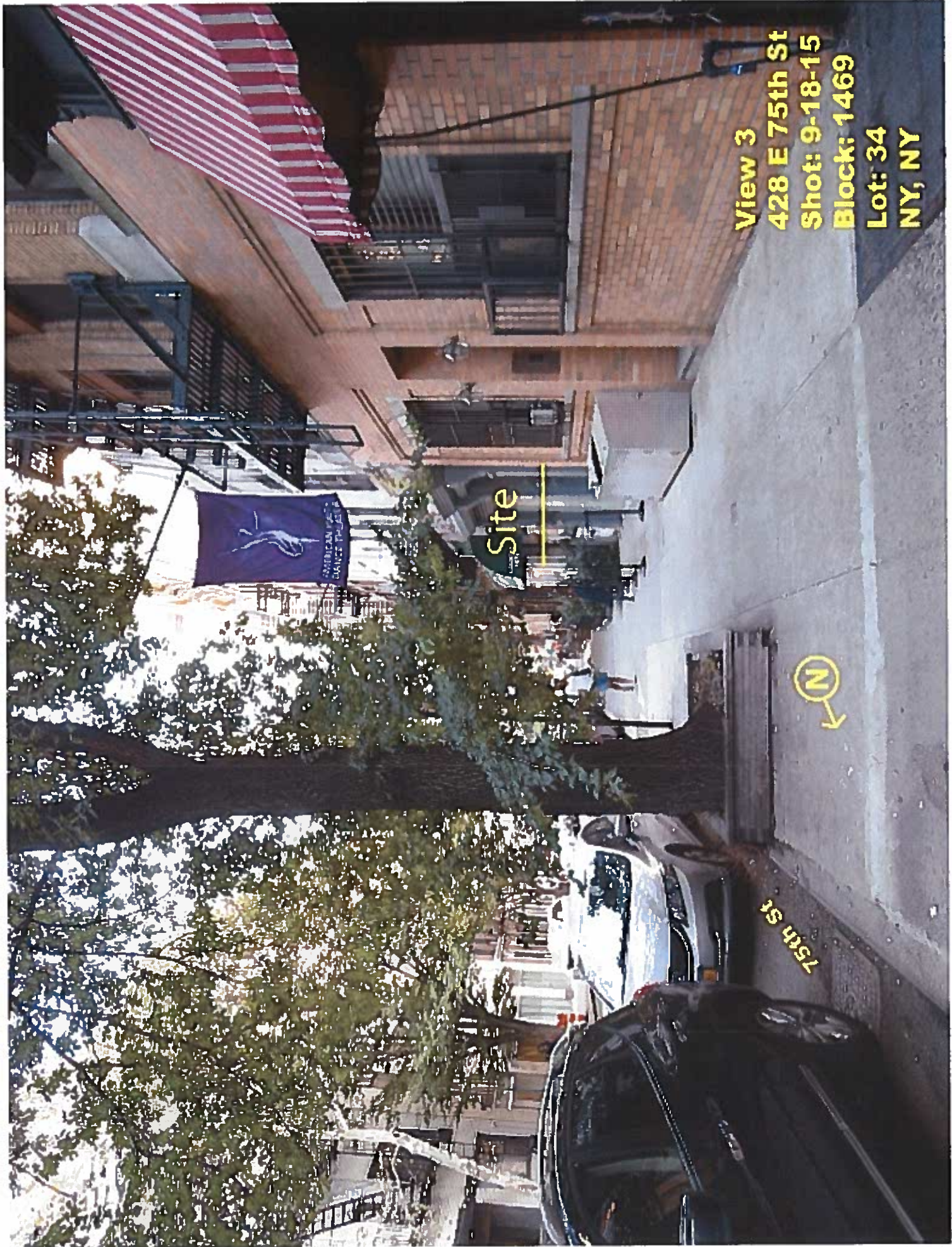


View 2
428 E 75th St
Shot: 9-18-15
Block: 1469
Lot: 34
NY, NY



75th St

Site



View 3
428 E 75th St
Shot: 9-18-15
Block: 1469
Lot: 34
NY, NY

Site

N

75th St

**AMERICAN FINE
DANCE THEATRE**



View 4

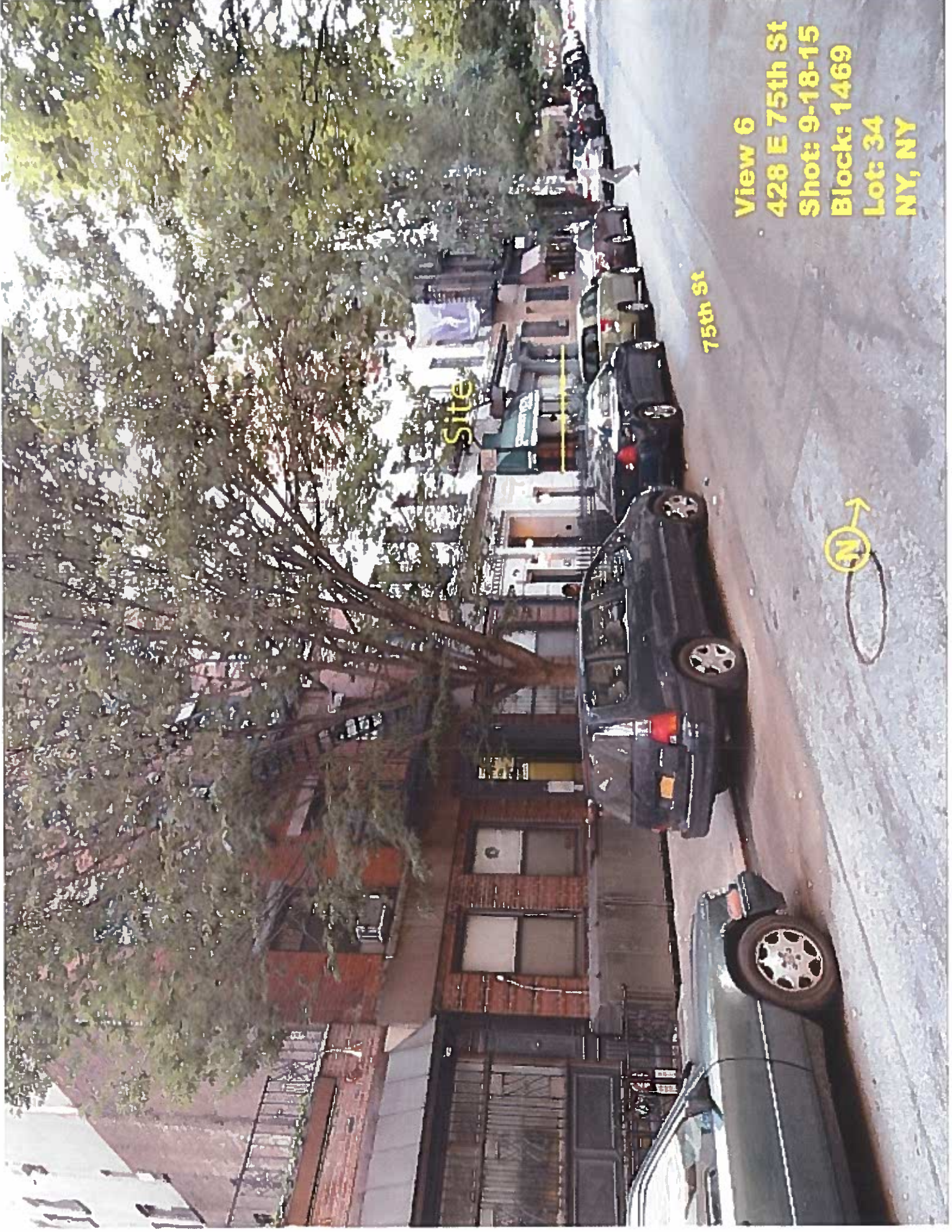
428 E 75th St
Shot: 9-18-15
Block: 1469
Lot: 34
NY, NY

COUNTRY VETS

212.535.3250

430





View 6
428 E 75th St
Shot: 9-18-15
Block: 1469
Lot: 34
NY, NY

Site

75th St





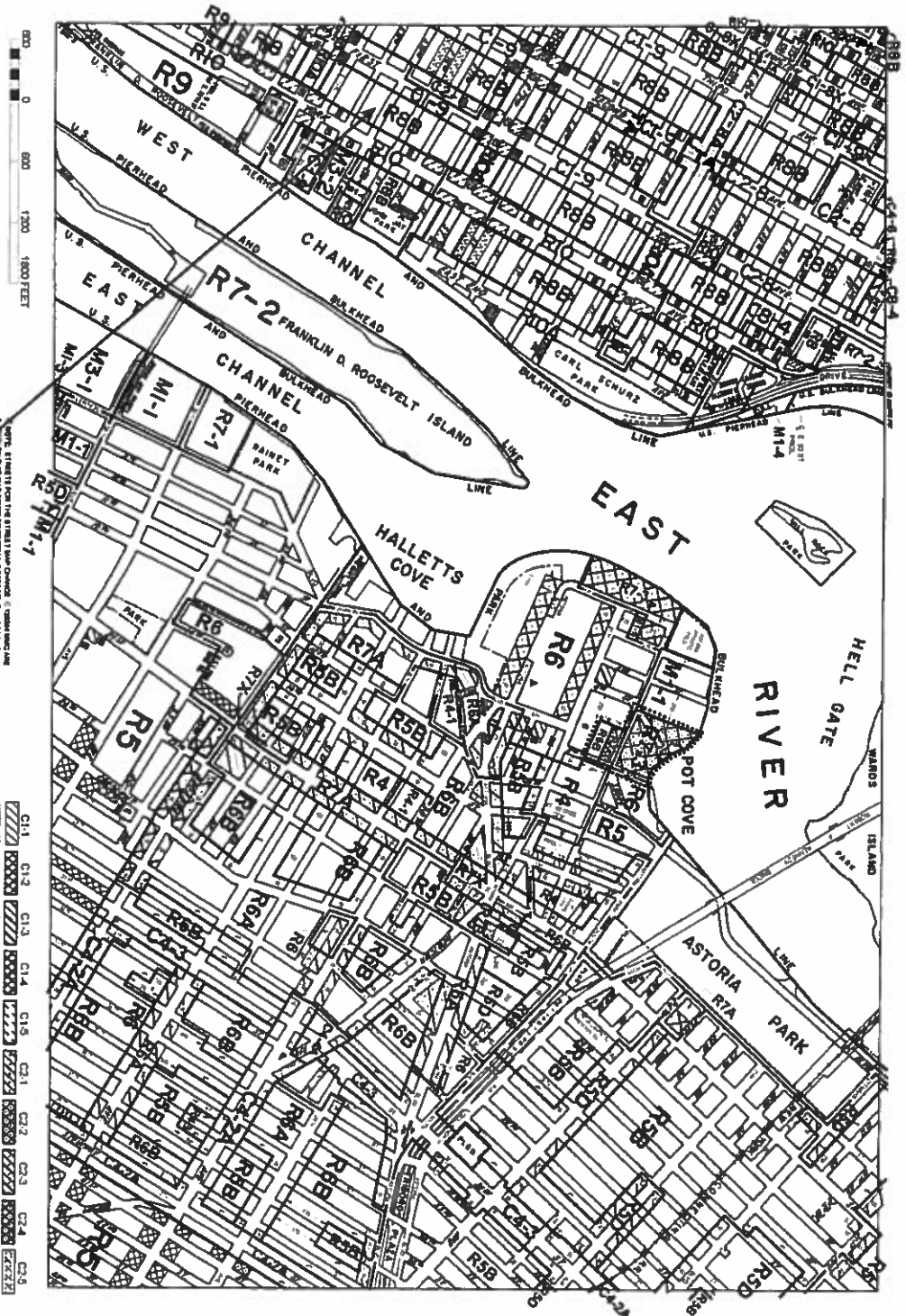
View 5
428 E 75th St
Shot: 9-18-15
Block: 1469
Lot: 34
NY, NY

75th St



432

Site



NOTE: Shaded areas on this map indicate the location of the site. The site is located at 428 East 75th Street, Manhattan, New York City. The site is located in the East River, Manhattan, New York City. The site is located in the East River, Manhattan, New York City.

C1.1	C1.2	C1.3	C1.4	C1.5	C2.1	C2.2	C2.3	C2.4	C2.5
[Symbol]	[Symbol]	[Symbol]	[Symbol]	[Symbol]	[Symbol]	[Symbol]	[Symbol]	[Symbol]	[Symbol]

ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:

R
C
M

Effective Date(s) of Rezoning:

.....

Special Requirements:

E
or 1st of 15, 1st of 11
restrictive requirements, see
APPLICABLE L.L.
FOR FURTHER INFORMATION
SEE...

MAP KEY

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

ZONING MAP
9a

Copyright © City of New York

NOTE: Zoning indicators in red on this map indicate a change in zoning classification. For the most up-to-date zoning information, see the Zoning Resolution of the City of New York, Chapter 24 of the Rules of the City of New York, and the Zoning Map of the City of New York, Chapter 22 of the Rules of the City of New York.



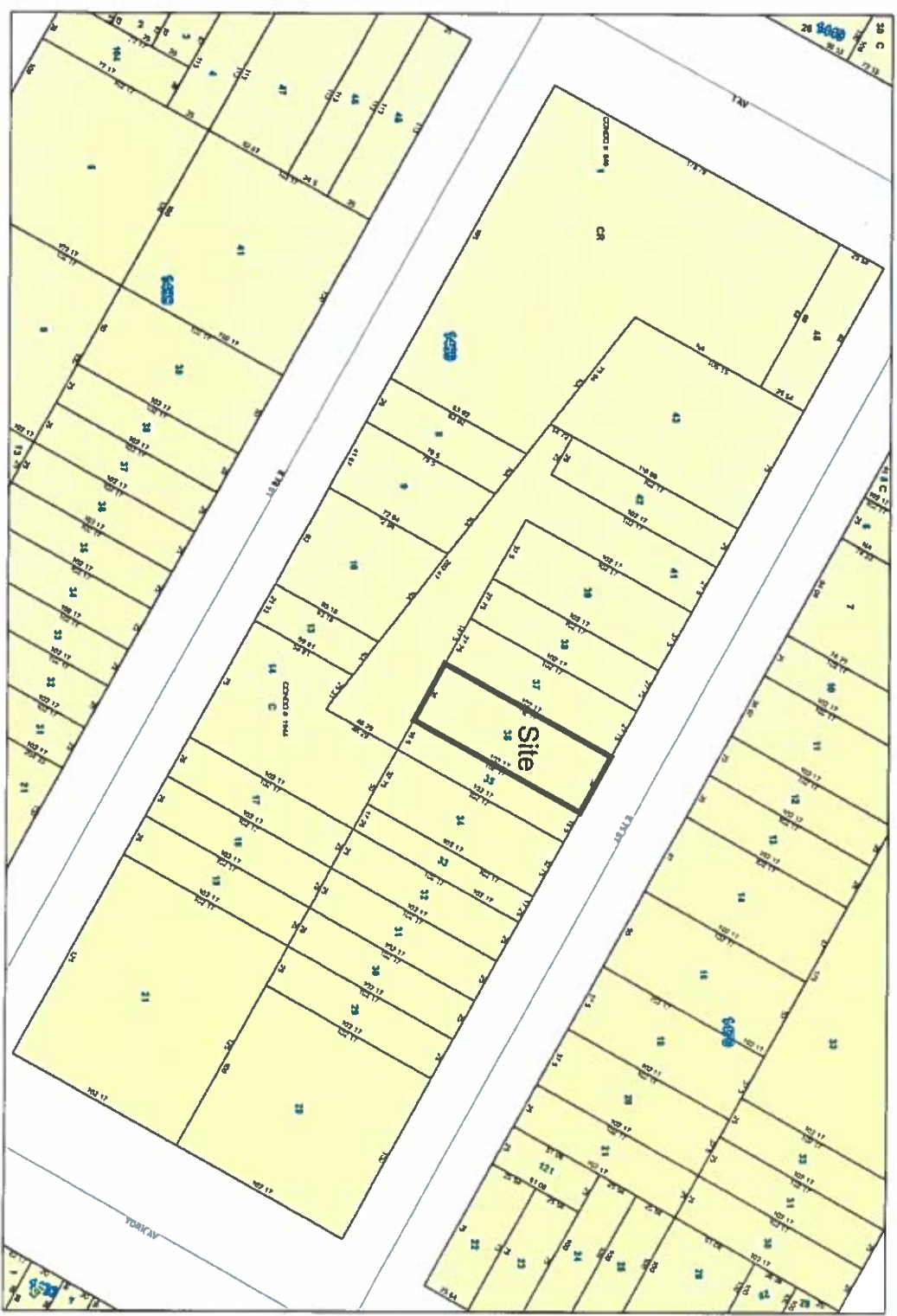
FINANCE
NEW YORK
COMPTROLLER'S
OFFICE

NYC Digital Tax Map

Effective Date: 08-01-2008 10:30:56
End Date: Current
Manhattan Block: 1469

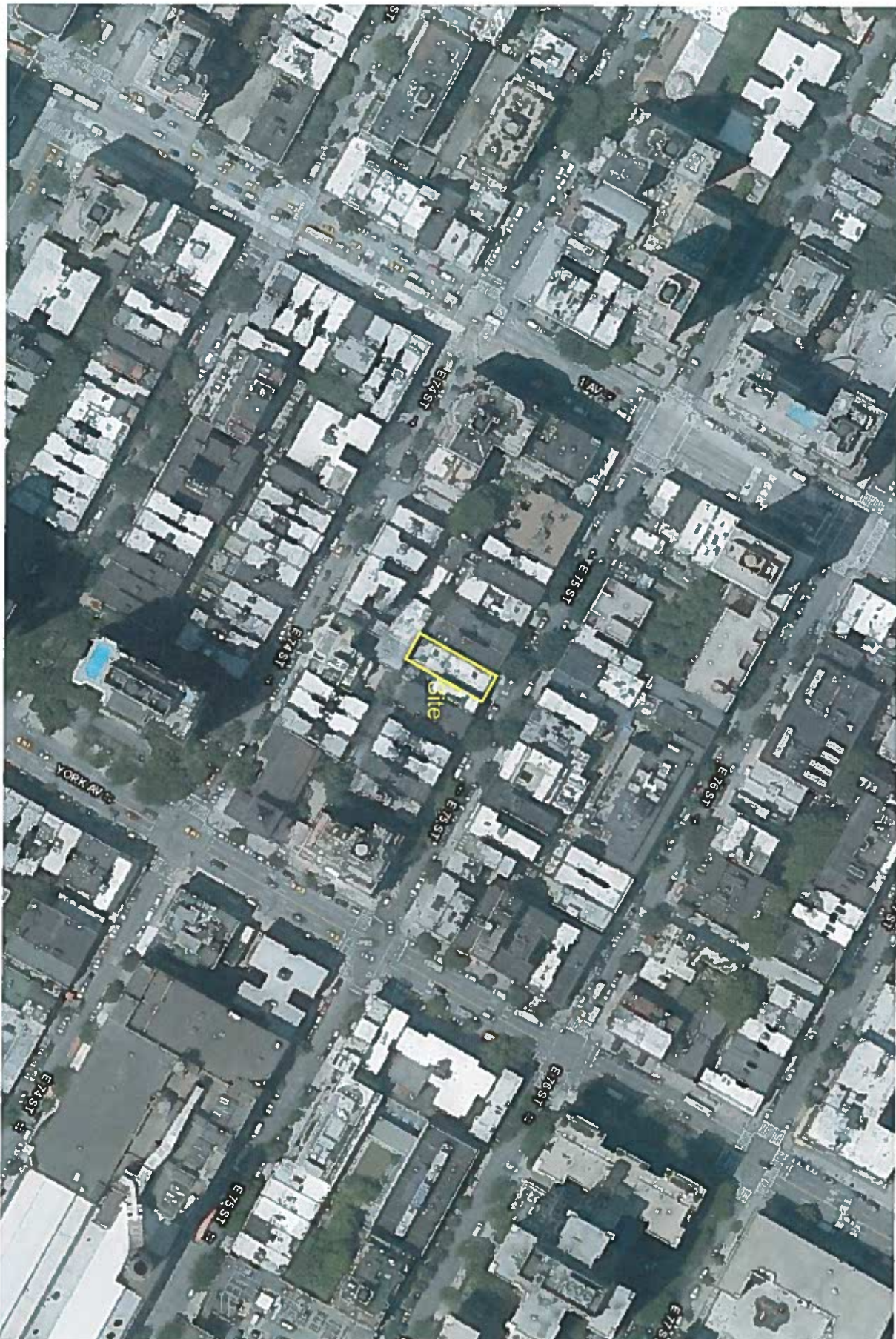


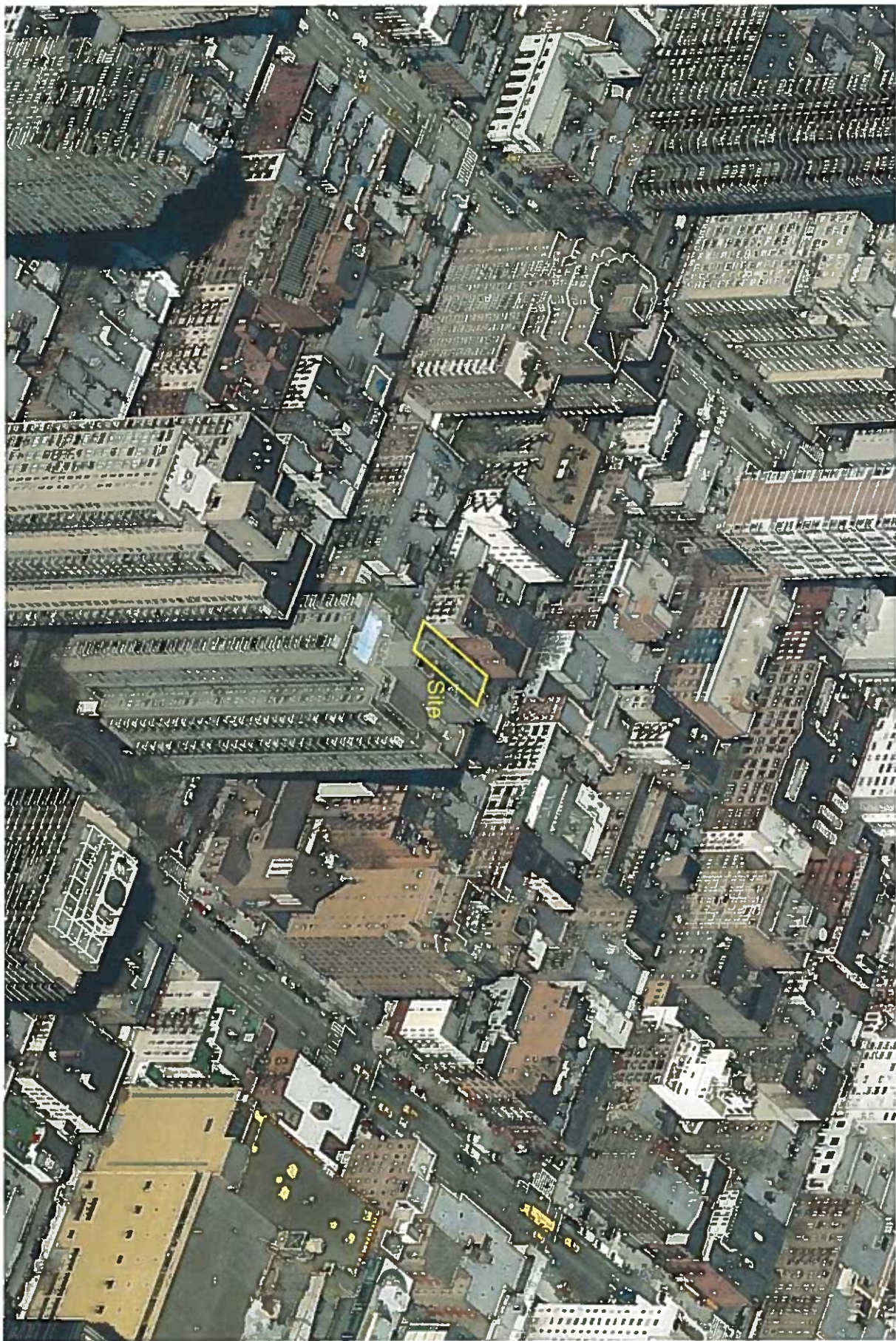
- Legend
- Street
 - Manhattan Tax Assessment Block
 - Secondary Lots
 - Left Foot Assessment Block
 - Regular
 - Underwater
 - Central Waterway
 - Central Waterway
 - Tax Block Region

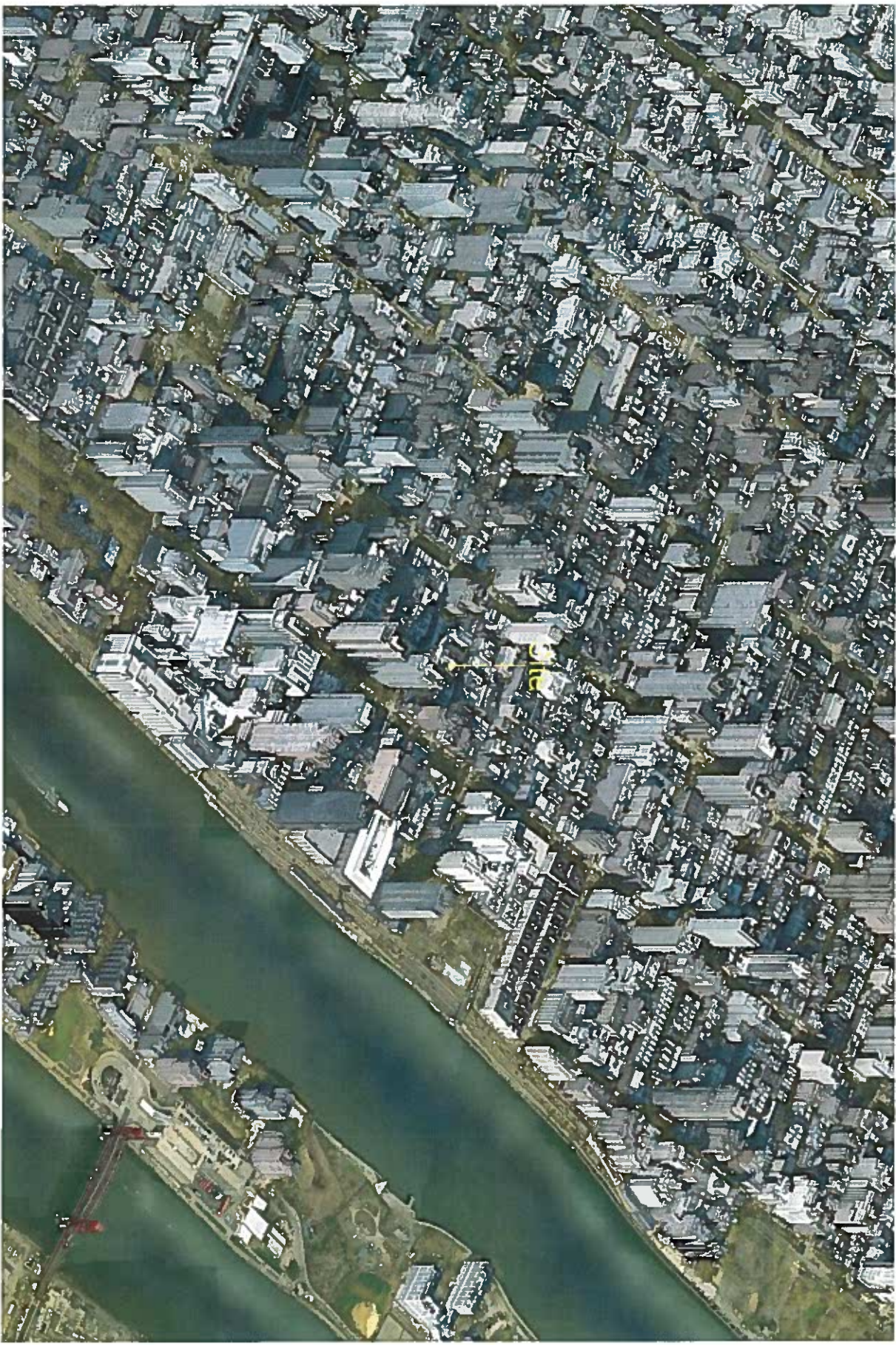


0 100 200 300 Feet

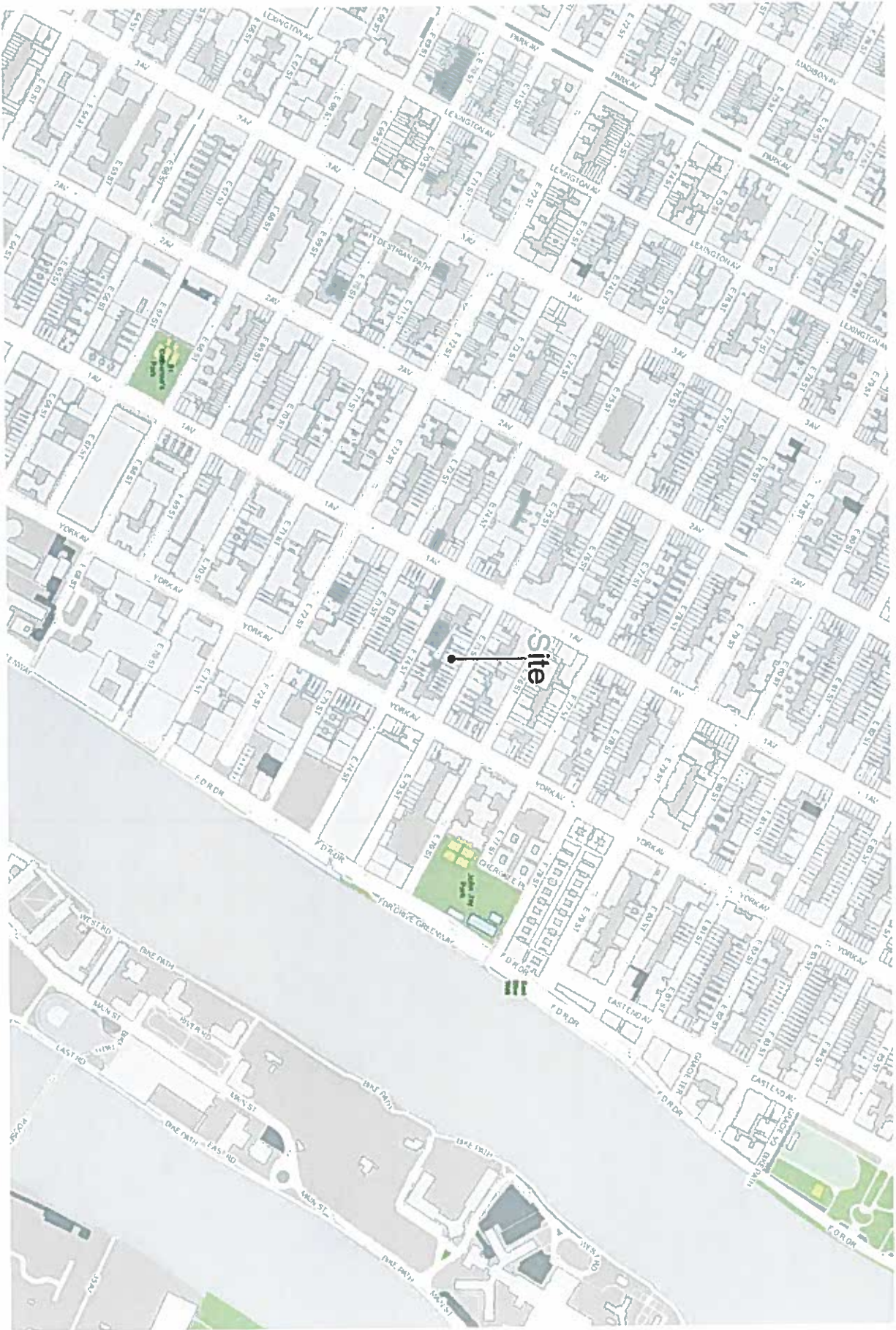












PHYSICAL CULTURE ESTABLISHMENT QUESTIONNAIRE FORM

Please complete and return to: **Board of Standards and Appeals**
 250 Broadway, 29th Floor
 New York, NY 10007

COMPANY NAME: American Youth Dance Theater AREA/DBA
 ADDRESS: 428 East 75 St - 2nd Floor APPLICATION NO. _____
 ADDRESS OF PROPOSED PHYSICAL CULTURE ESTABLISHMENT: 428 E 75 St. Ground floor + 2nd floor

LIST ALL THE PRINCIPALS INVOLVED

Include owners, partners, directors, operators, and program managers/directors of this specific facility. If necessary, use additional sheets to list all principals. EACH OF THE INDIVIDUALS LISTED HERE MUST COMPLETE A PRINCIPAL QUESTIONNAIRE FORM.

	<u>PRINCIPALS</u>	<u>DOB</u>	<u>SS#</u>
1)	NAME: <u>Natalia Alonzo-Brillante</u> HOME ADDRESS: <u>434 E 75 St #16 NY NY 10021</u>	<u>4/4/71</u>	<u>073-70-60056</u>
		POSITION HELD: <u>Director</u>	
2)	NAME: _____ HOME ADDRESS: _____	<u>/ /</u>	_____
		POSITION HELD: _____	
3)	NAME: _____ HOME ADDRESS: _____	<u>/ /</u>	_____
		POSITION HELD: _____	
4)	NAME: _____ HOME ADDRESS: _____	<u>/ /</u>	_____
		POSITION HELD: _____	
5)	NAME: _____ HOME ADDRESS: _____	<u>/ /</u>	_____
		POSITION HELD: _____	
6)	NAME: _____ HOME ADDRESS: _____	<u>/ /</u>	_____
		POSITION HELD: _____	
7)	NAME: _____ HOME ADDRESS: _____	<u>/ /</u>	_____
		POSITION HELD: _____	
8)	NAME: _____ HOME ADDRESS: _____	<u>/ /</u>	_____
		POSITION HELD: _____	

IT IS MY UNDERSTANDING THAT THIS QUESTIONNAIRE WILL BECOME PART OF THE CASE FILE FOR THE APPLICATION AT THE BOARD OF STANDARDS AND APPEALS.

SIGNATURE: [Signature] DATE: 9/12/15
 NAME: Natalia Alonzo-Brillante TITLE: Director

(Please type or print)

Subscribed and sworn to before me this 14th day of September

ARNOLD E RIVAS
 Notary Public - State of New York
 NO. 01R16263844

PHYSICAL CULTURE PRINCIPAL QUESTIONNAIRE FORM

Please complete and return to: Board of Standards and Appeals
250 Broadway, 29th Floor
New York, NY 10007

TO BE COMPLETED BY EACH PRINCIPAL, OWNER, AND OPERATOR OF PROPOSED PHYSICAL CULTURE ESTABLISHMENTS. IF IT IS NECESSARY TO PROVIDE ADDITIONAL INFORMATION IN RESPONSE TO A QUESTION, COMPLETE ON A SEPARATE SHEET AND INDICATE THE NUMBER OF THE QUESTION BEING ANSWERED.

COMPANY NAME: American Youth Dance Theater

AKA/DBA: _____

BOARD OF STANDARDS AND APPEALS APPLICATION NO.: _____

PRINCIPAL NAME: Natalia Alonzo Brito

DATE OF BIRTH: 4/4/71 SOCIAL SECURITY NO. 073-70-6008

HOME ADDRESS: 434 E 75 St #10 NY NY 10021

OTHER PRESENT ADDRESS: (Include work address)
428 East 72 St 2nd Floor
NY NY 10021

POSITION HELD: Director DATE STARTED: 1/2/1996

1. Do you have an equity or partnership interest in the applying firm? YES NO
If yes, describe: Owner
Percent of interest held: 100% Date(s) acquired: 1999

2. Name any other physical culture establishment with which you have been connected, other than above:

Business Entity Name	Address	Date of Affiliation	Position	BSA Calendar No.

3. Have you, or a business entity in which you were a principal, (other than the present submitting entity) been informed that you (it) was ineligible to do business with any governmental agency? YES NO
If yes, give details on a separate sheet (include governmental agency, business entity, and date).

4. Have you or any business entity, in which you are or have been a principal (including the present submitting entity) ever been charged with any violation of the zoning resolution, or any variance or special permit grant by the City of New York, or been involved in any compliance or enforcement proceeding involving such alleged violation? YES NO

5. Have you ever been convicted of a felony or a misdemeanor? YES NO
If yes, state details: _____

6. Are any criminal charges presently pending against you? YES NO
 If yes, state details: _____
 Date of Charges: _____ Index or Docket # _____ Court _____ State: _____
 Pending Charges: _____
7. To your knowledge, have you or any business entity with which you have been a principal, ever been the subject of an investigation by any governmental agency? YES NO
 If yes, state name of agency, date and details of Investigation on separate sheet.
8. Have there ever been any arrests on the premises underlying this application for a variance or special permit. YES NO
 If yes, state details: _____
9. Are you or any business entity (other than the present submitting entity) in which you are a principal presently involved in an litigation with or against the City of New York or any of its agencies. YES NO
 If yes, provide a caption of the case, the court, and the index or docket number on a separate sheet.

A MATERIAL FALSE STATEMENT WILLFULLY OR FRAUDULENTLY MADE IN CONNECTION WITH THIS QUESTIONNAIRE MAY RESULT IN DISQUALIFICATION FOR APPROVAL OF A VARIANCE OR A SPECIAL PERMIT, AND IN ADDITION MAY SUBJECT THE PERSON MAKING THE FALSE STATEMENT TO CRIMINAL CHARGES

I, Natalia Alonzo Billerk, being duly sworn, state that I have read and understand all the items contained in the above questionnaire and the following _____ pages of attachments; that I supplied full and complete information and answers to each item therein to the best of my knowledge, information, and belief, and that all information supplied by me is true. I further understand that this questionnaire is submitted as additional inducement to the City of New York to grant the applied for variance or permit and that the City will rely on the information supplied herein.

IT IS MY UNDERSTANDING THAT THIS QUESTIONNAIRE WILL BECOME PART OF THE CASE FILE FOR THE APPLICATION AT THE BOARD OF STANDARDS AND APPEALS.

SIGNATURE: [Signature] DATE: 9/12/15

NAME: Natalia Alonzo Billerk TITLE: Director

(Please type or print)

Subscribed and sworn to before me this 14th day of September

ARNOLD E RIVAS
 Notary Public - State of New York
 NO. 03R16263844
 Qualified in Bronx County
 My Commission Expires Jun 11, 2016

A material false statement willfully or fraudulently made in connection with this application and the accompanying principal questionnaire(s) may result in disqualification for approval of a variance or a special permit, and in addition may subject the person making the false statement to criminal charges.