

ROTHKRUG ROTHKRUG & SPECTOR, LLP
ATTORNEYS AT LAW
25 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
718-343-0089
FACSIMILE: 516-487-2439
RHSLLP.COM

January 30, 2017

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

RECEIVED

FEB - 5 2017

BY COMMUNITY BOARD 8

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

Dear Chair Clynes:

Please be advised that the enclosed application has been filed at the Board of Standards and Appeals ("BSA") for an extension of term of a special permit previously granted pursuant to § 73-36 of the New York City Zoning Resolution ("ZR") allowing a physical culture establishment ("PCE") operated as Equinox within portions of an existing mixed use building.

The subject site is an corner lot located in C1-8X and R8B zoning districts. The premises have 120 ft. frontage on the south side of East 63rd Street, 112.3 ft. frontage on the east side of Lexington Avenue, and a total of 13,326 sq. ft. of lot area.

The site is currently developed with a twenty-two story mixed-use building that formerly contained the Barbizon Hotel and was designated by LPC in 2012. Records indicate that on February 27, 2007 the BSA originally granted an application allowing the subject PCE operated as Equinox on portions of the sub-cellar, cellar, first and second floors of the subject building. On January 8, 2013 the Board granted an amendment to the special permitting allowing a small increase of area on the first floor of the facility (693 sq. ft.). The current term expires February 7, 2017 with the instant application filed prior to the expiration of the term. No changes to operator, facility size or operation are proposed.

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

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



**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. **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

817 Lexington LLC entitles c/o Managing Guy LLC

OWNER OF RECORD

18 E. 50th Street

ADDRESS

New York NY 10022

CITY STATE ZIP

Equinox 63rd Street, Inc.

LESSEE, CONTRACT VANDER

895 Broadway

ADDRESS

New York NY 10003

CITY STATE ZIP

Section B

Site Data

140 East 63rd Street

STREET ADDRESS (INCLUDE ANY ALIAS)

10065

ZIP CODE

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

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

1397 7505

BLOCK LOT(S)

Manhattan

BOROUGH

8

COMMUNITY DISTRICT

Barbizon Hotel for Women

LANDMARK/HISTORIC DISTRICT

Daniel R. Garodnick

CITY COUNCIL MEMBER

C1-8X/R8B

ZONING DISTRICT

(include special zoning district, if any)

8c

ZONING MAP NUMBER

Section C

Description

(LEGALIZATION ☐ YES ☒ NO ☐ IN PART)

Application for extension of term of special permit allowing physical culture establishment within portions of existing mixed use building.

RECEIVED

FEB - 6 2017

Section D

Actions

APPLICATION IS HEREBY MADE TO:

BY COMMUNITY BOARD 9

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 10 years

Expiration Date: 2/27/2017/2018

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? (If Yes, Date Approved | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Has a permit been obtained? (If Yes, Permit No. Date Issued | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Is work in progress? (If Yes, Percentage of work completed%) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Has a temporary or permanent Certificate of Occupancy been obtained? (If Yes, Expiration Date <u>5/3/13</u> Attach a copy) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

Section F**Board
History**

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

On 2/27/2007, when the Zoning District was C1-BX/R8B, an application was granted by the Board under Section 73-36 to permit:

a physical culture establishment ("PCE") on portions of the sub-cellar, cellar, first and second floors of an existing mixed-use building. On 1/8/2013 an application was granted to amend special permit an allow increase of first floor area of the existing PCE (693 sq. ft.).

Section G**Inspection
and
Compliance**

- | | YES | NO |
|--|-------------------------------------|-------------------------------------|
| 1. Have you reviewed the Board's case file? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Have you recently inspected the premises and surrounding area? (If Yes, date of most recent site inspection <u>January 2017</u>) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Did you find: | | |
| a. Compliance with the terms and conditions of the Board's resolution? Attach a completed Certificate of Inspection and Compliance | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Any significant condition changes (e.g. rezoning, city map amendments, recent developments) within the affected area since the Board's last action on this application? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

If the answer is "yes" to any of the questions below, explain further in your statement.

- | | | |
|--|-------------------------------------|-------------------------------------|
| 4. Is there currently a proposal before the City Planning Commission to change the subject Zoning District, or any other action which includes the premises? (File / CP No.) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Are there any outstanding violation(s) on the premises? (If Yes, submit a DOB BIS printout) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Is there any other application before the Board which affects the premises? (If Yes, Cal No.) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. Is there any other application at any government agency which affects the premises? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Section H**Signature**

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

Signature of Applicant, Corporate Officer or Other Authorized Representative

Adam Rothkrug

attorney

SWORN TO ME THIS 12 DAY OF Jan 2017

NOTARY PUBLIC STATE OF CALIFORNIA
NOTARY PUBLIC - MIC GEDAGH
QUALIFIED IN KERN COUNTY
COMMISSION EXP. MARCH 10, 2020

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

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TELEPHONE: 516.487.2222
718.343.0089
FACSIMILE: 516.487.2439
RRSLAWLLP.COM

STATEMENT OF FACTS

Cal. No. 107-06-BZ
140 East 63rd Street
Manhattan, New York
Block 1397 - Lot 7505
January 2017

Application filed to extend the term of a special permit 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") allowing a physical culture establishment ("PCE") within portions of an existing mixed use building.

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 for a total of 13,326 sq. ft. in area. The subject lot is located within the area of Community Board 8 of Manhattan, and the subject building is located partially within C1-8X and R8B zoning districts that have existed since 1984¹ with the commercial district extending 100 ft. east of Lexington Avenue and the remaining 20 ft. (the easternmost portion of the subject lot) situated in the residential district.

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).² On April 17, 2012 the building was designated by the Landmark Preservation Commission.

On February 27, 2007 the Board initially granted a special permit pursuant to ZR § 73-36 allowing the subject PCE operated as Equinox on portions of the sub-cellar, cellar, first and second floors of the subject building. On January 8, 2013 the Board granted an amendment to the special permitting allowing a small increase of area on the first floor of the facility (693 sq. ft.). The current term expires February 7, 2017 with the instant application filed prior to the expiration of the term.

No changes to the operation or operator of the PCE are proposed. As noted on the submitted plans, certain signage previously approved for the exterior of the building has been

¹Pursuant to ZR § 77-11, since more than 50 percent of the lot area of the subject zoning lot 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 distance is 20 ft.), the C1-8X use and bulk regulations may apply to the entire subject lot -- including the special permit provisions of ZR § 73-36.

² 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 initial resolution for Cal. No. 107-06-BZ.

REVISED STATEMENT


(continued)

removed, and the remaining signage (18.82 sq. ft.) remains the same as permitted under previous approvals. The sub-cellar (9170 sq. ft. - *exempt*) contains a pool and spa/treatment rooms. The cellar (10,568 sq. ft. - *exempt*) contains locker rooms, aerobics/yoga studio space, and strength training areas. The first floor (6043 sq. ft.) contains the entrance to the facility, the reception area, a juice bar and reception area. The second floor (13,121 sq. ft.) contains an aerobics studio and equipment areas. Total zoning floor area of the PCE is 19,164 sq. ft. (gross floor area is 38,902 sq. ft.).

Review of Department of Buildings ("DOB") records indicates one open Environmental Control Board ("ECB") violation and ten open DOB violations - none of which relate to the subject PCE. The ECB violation was issued for the failure of a residential unit to comply with the Certificate of Occupancy. The open DOB violations all pertain to elevators within the residential portion of the subject building. There have been no violations or complaints pertaining to noise issued to the subject PCE, and as no changes in operation are proposed there are no reasonable expectation that any noise issues will result from the continued operation of the facility.

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



Board of Standards
and Appeals

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

AFFIDAVIT OF OWNERSHIP AND AUTHORIZATION

Affidavit of Ownership

Scott Solomon, being duly sworn, deposes and says that (s)he ^{has an office} ~~resides~~
at 18 East 50th Street, in the City of New York, in the County of New York, in the
State of New York; that ^{817 Lexington LLC entities} ~~c/o Managing Guy LLC~~ is the owner in fee of all that certain
lot, piece or parcel of land located in the Borough of Manhattan, in the City of New York
and known and designated as Block 1397, Lot(s) 7505, Street and House Number
140 E 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

Print Name

Print Title

Scott Solomon

Manager

Sworn to before me this 3rd day

of November 2, 2016

Martha Busacco

MARTHA BUSACCO
Notary Public, State of New York
No. 01808200305

Revised March 8, 2012

Qualified in New York County
Expiration Expires Feb. 9, 2017

17

EQUINOX

November 9, 2016


Board of Standards and Appeals
250 Broadway, 29th Floor
New York, New York 10007

Re: Lessee Affidavit
Premises: 817 Lexington Ave, aka 140 E 63rd Street, New York

Dear Chairperson:

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 special permit for a physical culture establishment under Section 73-36 of the Zoning Resolution for the referenced premises.

Very truly yours,
Equinox 63rd Street, Inc.

BY: 
Harvey Spevak
President and CEO

Signed before me on this 9th day of November 2016


(Notary Public)

JEFFREY M. WEINHAUS
Notary Public, State of New York
No. 02WE6070589
Qualified in New York County
Commission Expires March 4, 2018

Board of Standards and Appeals History

107-06-BZ

140 East 63rd Street, Manhattan, New York

-
- | | |
|----------|---|
| 2/27/07 | Application granted pursuant to ZR § 73-36 to allow a physical culture establishment ("PCE") on portions of the sub-cellar, cellar, first and second floors of an existing mixed-use building. Term to expire 2/7/2017. |
| 1/8/2013 | Application granted to amend special permit an allow increase (693 sq. ft.) of first floor area of existing PCE. Term to expire 2/7/2017. |



Certificate of Occupancy

CO Number: 104405038T013

This certifies that the premises described herein conforms substantially to the approved plans and specifications and to the requirements of all applicable laws, rules and regulations for the uses and occupancies specified. No change of use or occupancy shall be made unless a new Certificate of Occupancy is issued. This document or a copy shall be available for inspection at the building at all reasonable times.

| | | | |
|--|--|----------------------------|------------------------------------|
| A. | Borough: Manhattan | Block Number: 01397 | Certificate Type: Temporary |
| | Address: 140 EAST 63 STREET | Lot Number(s): 49 | Effective Date: 02/08/2013 |
| | Building Identification Number (BIN): 1042055 | | Expiration Date: 05/09/2013 |
| | Building Type: Altered | | |
| For zoning lot metes & bounds, please see BISWeb. | | | |
| 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

DOCUMENT CONTINUES ON NEXT PAGE

Certificate of Occupancy

CO Number:

104405038T013

| 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 MASSAGES SHALL ONLY BE PERFORMED BY NEW YORK STATE LICENSED MASSAGES THERAPISTS UNDER BSA CALENDAR NO# 107-06-B2 |
| 001 | 49 | 120 | F-3 | | | PHYSICAL CULTURE ESTABLISHMENT: RECEPTION, JUICE BAR ACCESSORY OFFICES |
| 001 | 63 | | COM | | 5 | KITCHEN |



Borough Commissioner



Commissioner

DOCUMENT CONTINUES ON NEXT PAGE



Certificate of Occupancy

CO Number:

104405038T013

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

DOCUMENT CONTINUES ON NEXT PAGE



Certificate of Occupancy

CO Number: 104405038T013

| 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

DOCUMENT CONTINUES ON NEXT PAGE

Certificate of Occupancy

CO Number: 104405038T013

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

104405038/013 2/8/2013 12:30:58 PM



Buildings



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

NYC Department of Buildings Property Profile Overview

136 EAST 63 STREET
EAST 63 STREET
LEXINGTON AVENUE

136 - 146
813 - 817

MANHATTAN 10065
Health Area 4800
Census Tract 114.02
Community Board 108
Buildings on Lot 1

BIN# 1042056
Tax Block : 1397
Tax Lot : 7505
Condo : YES
Vacant : NO

[View DCP Address...](#) [Browse Block](#)

[View Zoning Documents](#) [View Challenge Results](#) [Pre - BIS PA](#) [View Certificates of Occupancy](#)

Cross Street(s): LEXINGTON AVENUE, 3 AVENUE

DOB Special Place Name:

DOB Building Remarks:

| | | | |
|-------------------------------|--------------|---------------------|-----|
| Landmark Status: | L - LANDMARK | Special Status: | N/A |
| Local Law: | NO | Loft Law: | NO |
| SRO Restricted: | NO | TA Restricted: | NO |
| UB Restricted: | NO | | |
| Environmental Restrictions: | N/A | Grandfathered Sign: | NO |
| Legal Adult Use: | NO | City Owned: | NO |
| Additional BINs for Building: | NONE | | |

Special District: UNKNOWN

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

Department of Finance Building Classification: RO-CONDOMINIUMS

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

| | Total | Open | Elevator Records |
|--|-------|------|--|
| Complaints | 45 | 1 | Electrical Applications |
| Violations-DOB | 96 | 10 | Permits In-Process / Issued |
| Violations-ECB (DOB) | 38 | 1 | Illuminated Signs Annual Permits |
| This property has 2 open DOB "Work Without A Permit" Violations and may be subject to DOB civil penalties upon application for a permit. | | | Plumbing Inspections |
| Jobs/Fillings | 166 | | Open Plumbing Jobs / Work Types |
| ARA / LAA Jobs | 7 | | Facades |
| Total Jobs | 173 | | Marquee Annual Permits |
| Actions | 205 | | Boiler Records |
| | | | DEP Boiler Information |
| | | | Crane Information |
| | | | After Hours Variance Permits |

OR Enter Action Type:

OR Select from List:

AND

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



☒ [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: 34938055X

Severity: CLASS - 2

Certification Status: NO COMPLIANCE RECORDED

Penalty Balance Due: \$0.00

Hearing Status: IN VIOLATION

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 | |
| 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 BUILDING DEPT RECORDS. NOTE THE FOLLOWING CONDITIONS. DWELLING UNIT KNOWN A (B) HAS 2 ROOMS & A BATHROOM (NO KITCHEN). THIS IS A CLASSB' UNIT. C OF O #

Issuing Inspector ID: 2386

DOB Violation Number: 022712C08SL01

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.

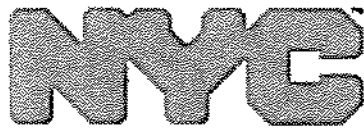
ECB Hearing Information

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

ECB Penalty Information


| | | | |
|----------------------|------------|--------------|------------|
| Penalty Imposed: | \$1,200.00 | | |
| Adjustments: | \$0.00 | Amount Paid: | \$1,200.00 |
| 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.



Buildings



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

NYC Department of Buildings

DOB Violation Display for 120312E456175

Premises: 136 EAST 63 STREET MANHATTAN

BIN: 1042055 Block: 1397 Lot: 7505

Issue Date: 12/03/2012

Violation Category:

VW - VIOLATION WORK WITHOUT
PERMIT - ACTIVE

Violation Type: E - ELEVATOR

Violation Number: 456175

Device No.:

01D10069

ECB No.:

Infraction Codes:

Description:

Disposition:

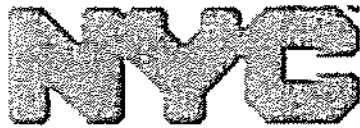
Code:

Date:

Inspector:


Comments:

If you have any questions please review these [Frequently Asked Questions](#), the [Glossary](#), or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.



Buildings



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NYC Department of Buildings

DOB Violation Display for 033114EVCAT104950

Premises: 138 EAST 83 STREET MANHATTAN

BIN: 1042055 **Block:** 1397 **Lot:** 7505

Issue Date: 03/31/2014

Violation Category: V - DOB VIOLATION - ACTIVE

Violation Type: EVCAT1 - ELEVATOR ANNUAL INSPECTION /
TEST

Violation Number: 04950

Device No.: 1010069

ECB No.:

Infraction Codes:

Description: VIOLATION ISSUED TO ELEVATOR-FAILURE TO FILE CATEGORY 1 2012 INSPECTION/TEST

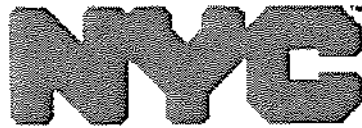
Disposition:

Code: **Date:**

Inspector:

Comments:

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NYC Department of Buildings

DOB Violation Display for 081414E9027/521253

Premises: 138 EAST 63 STREET MANHATTAN

BIN: 1042055 Block: 1397 Lot: 7505

Issue Date: 08/14/2014

Violation Category: VW - VIOLATION WORK WITHOUT
PERMIT - ACTIVE

Violation Type: E - ELEVATOR

Violation Number: 9027/521253

Device No.: 01D10069

ECB No.:

Infraction Codes:

Description:

Disposition:

Code:

Date:

Inspector:

Comments:

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Buildings



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NYC Department of Buildings

DOB Violation Display for 103114EVCAT102730

Premises: 136 EAST 63 STREET MANHATTAN

BIN: 1042056 Block: 1397 Lot: 7505

Issue Date: 10/31/2014

Violation Category: V - DOB VIOLATION - ACTIVE

Violation Type: EVCAT1 - ELEVATOR ANNUAL INSPECTION /
TEST

Violation Number: 02730

Device No.: 1D10069

ECB No.:

Infraction Codes:

Description: VIOLATION ISSUED TO ELEVATOR-FAILURE TO FILE CATEGORY 1 2013 INSPECTION/TEST

Disposition:

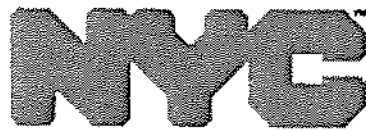
Code:

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.



Buildings



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NYC Department of Buildings

DOB Violation Display for 061015EVCAT102466

Premises: 138 EAST 63 STREET MANHATTAN

BIN: 1042055 Block: 1397 Lot: 7505

Issue Date: 06/10/2015

Violation Category: V - DOB VIOLATION - ACTIVE

Violation Type: EVCAT1 - ELEVATOR ANNUAL INSPECTION / TEST

Violation Number: 02466

Device No.: 1010069

ECB No.:

Infraction Codes:

Description: VIOLATION ISSUED TO ELEVATOR-FAILURE TO FILE CATEGORY 1 2014 INSPECTION/TEST

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.



Buildings



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NYC Department of Buildings

DOB Violation Display for 111416ACC108016

Premises: 136 EAST 63 STREET MANHATTAN

BN: 1042055 Block: 1397 Lot: 7505

Issue Date: 11/14/2016

Violation Category: V - DOB VIOLATION - ACTIVE

Violation Type: ACC1 - (OTHER BLDGS TYPES) - ELEVATOR
AFFIRMAT

Violation Number: 08016

Device No.: 1P40444

ECB No.:

Infraction Codes:

Description: VIO ISSUED TO ELEVATOR - FAIL TO CORRECT DEFECTS ON 2014 CAT 1 INSP/TST

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 dialling 311 or (212) NEW YORK outside of New York City.



Buildings



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NYC Department of Buildings

DOB Violation Display for 111416ACC108017

Premises: 135 EAST 83 STREET MANHATTAN

BIN: 1042055 Block: 1397 Lot: 7505

Issue Date: 11/14/2016

Violation Category: V - DOB VIOLATION - ACTIVE

Violation Type: ACC1 - (OTHER BLDGS TYPES) - ELEVATOR
AFFIRMAT

Violation Number: 08017

Device No.: 1P44976

ECB No.:

Infraction Codes:

Description: VIO ISSUED TO ELEVATOR - FAIL TO CORRECT DEFECTS ON 2014 CAT 1 INSP/TST

Disposition:

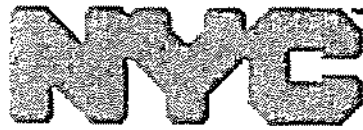
Code:

Date:

Inspector:

Comments:

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NYC Department of Buildings

DOB Violation Display for 010317ACC107173

Premises: 138 EAST 63 STREET MANHATTAN

BIN: 1042098 Block: 1397 Lot: 7508

Issue Date: 01/03/2017

Violation Category: V - DOB VIOLATION - ACTIVE

Violation Type: ACC1 - (OTHER BLDGS TYPES) - ELEVATOR
AFFIRMAT

Violation Number: 07173

Device No.: 1P16397

ECB No.:

Infraction Codes:

Description: VIO ISSUED TO ELEVATOR - FAIL TO CORRECT DEFECTS ON 2015 CAT 1 INSP/TST

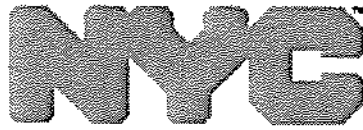
Disposition:

Code: Date:

Inspector:

Comments:

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NYC Department of Buildings

DOB Violation Display for 010317ACC107174

Premises: 136 EAST 63 STREET MANHATTAN

BIN: 1042055 Block: 1397 Lot: 7505

Issue Date: 01/03/2017

Violation Category: V - DOB VIOLATION - ACTIVE

Violation Type: ACC1 - (OTHER BLDGS TYPES) - ELEVATOR
AFFIRMAT

Violation Number: 07174

Device No.: 1P16398

ECB No.:

Infraction Codes:

Description: VIO ISSUED TO ELEVATOR - FAIL TO CORRECT DEFECTS ON 2015 CAT 1 INSP/TST

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 010317ACC107175

Premises: 136 EAST 63 STREET MANHATTAN

BN: 1042055 Block: 1397 Lot: 7505

Issue Date: 01/03/2017

Violation Category: V - DOB VIOLATION - ACTIVE

Violation Type: ACC1 - (OTHER BLDGS TYPES) - ELEVATOR
AFFIRMAT

Violation Number: 07175

Device No.: 1P44925

ECB No.:

Infraction Codes:

Description: VIO ISSUED TO ELEVATOR - FAIL TO CORRECT DEFECTS ON 2015 CAT 1 INSP/TST

Disposition:

Code:

Date:

Inspector:

Comments:

If you have any questions please review these [Frequently Asked Questions](#), the [Glossary](#), or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.



**Board of Standards
and Appeals**

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

| | |
|--------------------------------------|--------------|
| BSA Cal. No.: 107-06-BZ | |
| Street Address: 140 East 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 January 2017

(Date of most recent inspection)

. 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.



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

NYS RA / RE SEAL AND SIGN **BSA ZONING ANALYSIS** **REVISED APRIL 2005**

BSA CALENDAR NO. 107-06-BZ BLOCK 1397 LOT 7505

SUBJECT SITE ADDRESS 140 East 63rd Street, Manhattan

APPLICANT Rothkrug Rothkrug & Spector, LLP

ZONING DISTRICT C1-8X/R8B PRIOR BSA # _____

SPECIAL/HISTORIC DISTRICT _____

COMMUNITY BOARD 8

LOT AREA

LOT WIDTH

USE GROUP (S)

FA RESIDENTIAL

FA COMMUNITY FACILITY

FA COMMERCIAL/INDUST.

FLOOR AREA TOTAL

FAR RESIDENTIAL

FAR COMMUNITY FACILITY

FAR COMMERCIAL/INDUST.

FAR TOTAL

OPEN SPACE

OPEN SPACE RATIO

LOT COVERAGE (%)

NO. DWELLING UNITS

WALL HEIGHT

TOTAL HEIGHT

NUMBER OF STORIES

FRONT YARD

SIDE YARD

SIDE YARD

REAR YARD

SETBACK (S)

SKY EXP. PLANE (SLOPE)

NO. PARKING SPACES

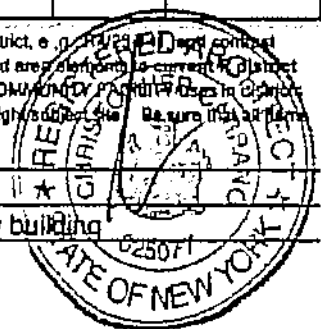
LOADING BERTH (S)

OTHER:

* In Applicable ZR Section column: For RESIDENTIAL developments in non-residential districts, indicate nearest R district, e.g., R1-23 and contrast compliance. For COMMERCIAL or MANUFACTURING developments in residential districts, contrast proposed bulk and area standards to current district requirements, except for parking and loading requirements (contrast to nearest district where use is permitted). For COMMUNITY FACILITY uses in Districts where not permitted, contrast to nearest district where permitted. For all applications, attach zoning map and highlight subject site. Be sure that all items noted in the DOB Denial/Objection are included. NOTES:

** PCE only - NO CHANGES from previous approval (38,902 gross PCE SF)

*** PCE occupies portions of sub-cellar, cellar, first and second floors of 23 story building



BSA SIGN ANALYSIS - COMMERCIAL DISTRICTS

REVISED JANUARY 2004

BSA CALENDAR NO: 107-06-BZ

LOCATION: 140 East 63rd Street

BOROUGH Manhattan

BLOCK 1397

APPLICANT: Rothkrug Rothkrug & Spector LLP

LOT 7505

ZONING DISTRICT: C1-8X/R8B

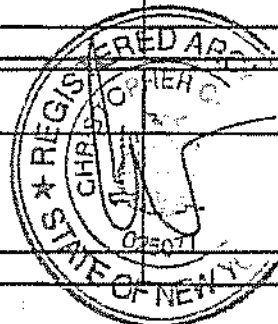
SPECIAL DISTRICT

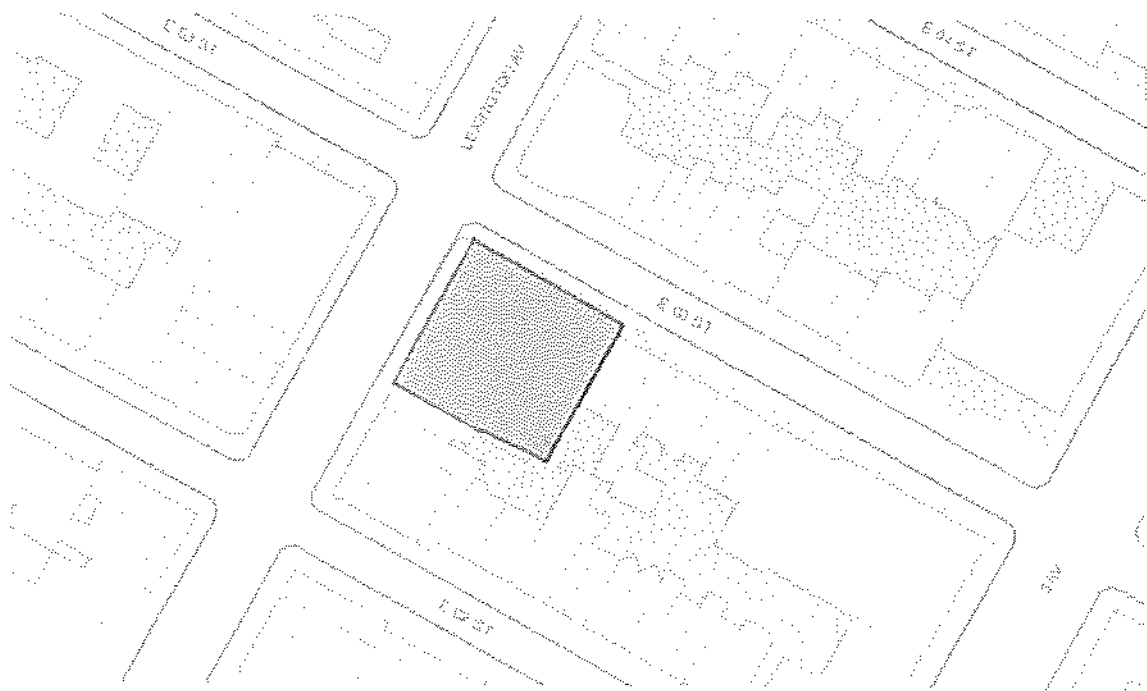
LOT AREA: 13,137

EQUIVALENT C DISTRICT

NO SIGNAGE CHANGES PROPOSED

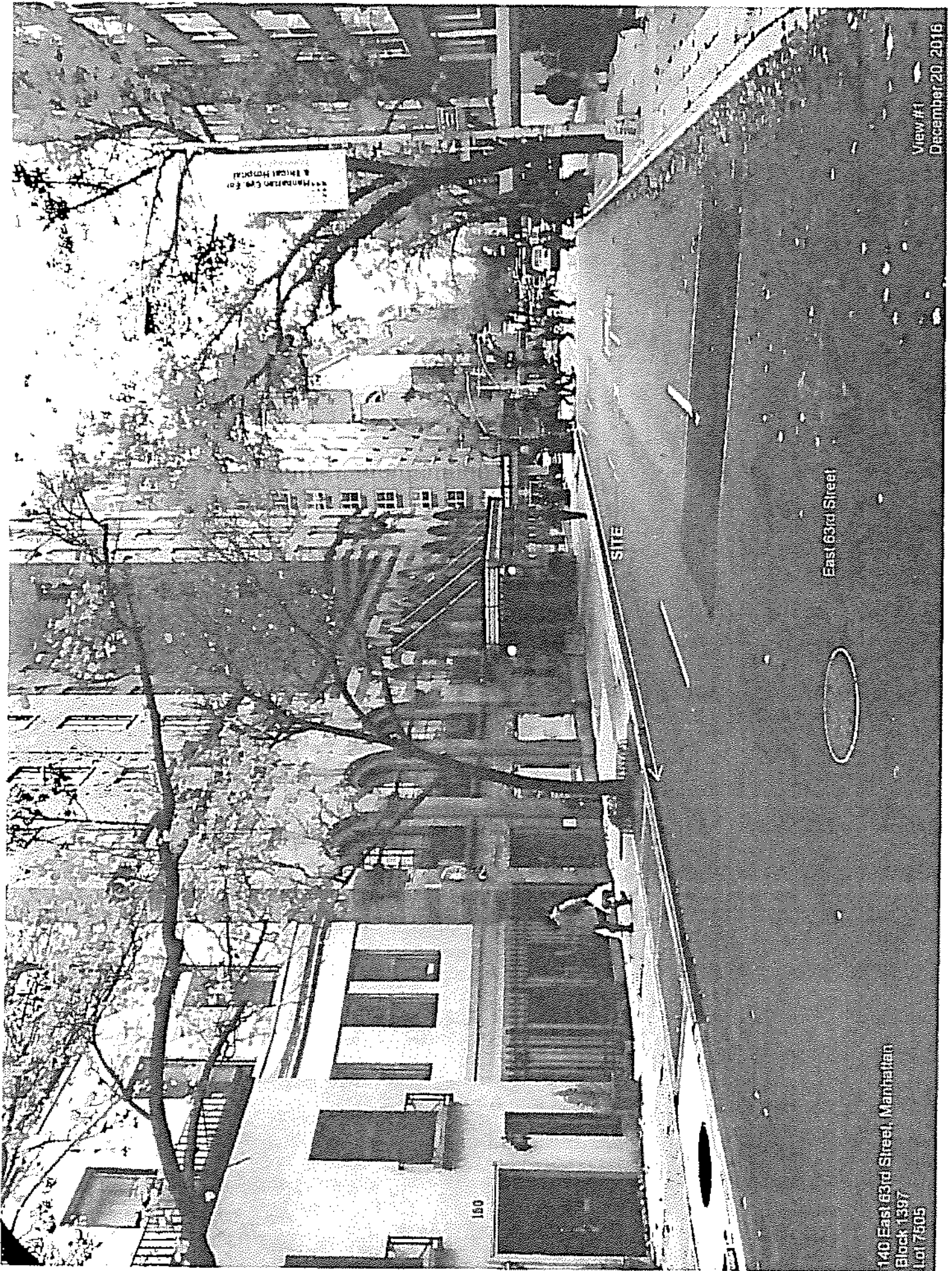
| | SECTION | PERMITTED | PROPOSED | COMPLIANCE |
|--|---------|---|--|------------|
| ACCESSORY BUSINESS SIGNS C1 - C8 | 32-62 | PERMITTED IN ALL COMMERCIAL DISTRICTS | Yes | Yes |
| ADVERTISING SIGNS | 32-63 | C6-5, C6-7, C7, C8 DISTRICTS | | |
| TOTAL SURFACE AREA - ALL SIGNS | 32-641 | SEE TABLE SECT. 32-642 FOR SURFACE AREA PERMITTED = 3x frontage/150 max | 18.82 | Yes |
| NON-ILLUMINATED SIGNS C1 - C8 | 32-642 | SEE TABLE THIS SECTION FOR SURFACE AREA PERMITTED = 3x frontage/150 max | | |
| ILLUMINATED NON-FLASHING C1, C2 | 32-643 | SEE TABLE THIS SECTION FOR SURFACE AREA PERMITTED = 3x frontage/50 max | 18.82 | Yes |
| ILLUMINATED OR FLASHING C4, C5-4, C6, C7 (NO FLASHING SIGNS IN C6-1A) | 32-644 | SEE TABLE THIS SECTION FOR SURFACE AREA PERMITTED = | | |
| ILLUMINATED OR FLASHING SIGNS IN C8 DISTRICTS - BUSINESS OR ADVERTISING | 32-645 | TOTAL SURFACE AREA OF ALL SUCH SIGNS < 5X STREET FRONTAGE OF ZONING LOT; EACH SIGN < 500 SF | | |
| PERMITTED PROJECTION C6-5, C6-7, C7 SEE SECTION 32-653 FOR ADD'L REGS | 32-651 | NO PERMITTED SIGN TO PROJECT ACROSS STREET LINE BY MORE THAN 8' | | |
| PERMITTED PROJECTION FOR ALL REMAINING COMMERCIAL DISTRICTS | 32-652 | NO PERMITTED SIGN TO PROJECT ACROSS STREET LINE BY MORE THAN 18" FOR DOUBLE OR MULTI-FACETED SIGNS OR 12" FOR ALL OTHERS | | |
| REGULATIONS FOR PROJECTING BUSINESS SIGNS: AWNINGS, CANOPIES, SIGNS ON MARQUEES C1 - C8 | 32-653 | - AWNING OR CANOPY: NON-ILLUM. < 12SF, LETTERS < 12", FOR IDENTIFICATION ONLY; - SIGN ON MARQUEE: MUST PROJECT < 48" ABOVE, > 12" BELOW, EXCEPT C6-5, C6-7, C7 | sign does not project above or below marquee | Yes |
| MAXIMUM HEIGHT OF SIGNS C8 | 32-654 | < 40' ABOVE CURB LEVEL; < 56' FOR NON-ILLUM. OR INDIRECT SIGNS | | |
| MAXIMUM HEIGHT OF SIGNS C1 - C7 | 32-655 | SEE TABLE: 25'-40' RANGE PER DISTRICT; C6-5, C6-7, C7: NO RESTRICTION | 12 | Yes |
| MAXIMUM HEIGHT ABOVE ROOF C1 - C5, C6-1 to 4, C6-8, C6-8, C6-9 | 32-656 | ONLY VERTICAL SIGNS < 28" WIDE MAY EXTEND UP TO 15' ABOVE ROOF LEVEL | | |
| ROOF SIGNS C1 - C5, C6-1 to 4, C6-6, C6-8, C6-9 | 32-657 | NONE PERMITTED | | |
| ADDITIONAL REGULATIONS FOR SIGNS OTHER THAN ADVERTISING SIGNS IN C6-5, C6-7, C7, C8 | 32-661 | IF WITHIN 200' OF ARTERIAL HIGHWAY OR PARK SIGN SHALL NOT EXCEED 500sqf SURFACE AREA IF WITHIN VIEW. SEE EXCEPTIONS | | |
| ADDITIONAL REGULATIONS FOR ADVERTISING SIGNS IN C6-5, C6-7, C7, C8 | 32-662 | NONE PERMITTED WITHIN 200' OF ARTERIAL HIGHWAY OR PARK, IF WITHIN VIEW | | |
| WATERWAY ADVERTISING SIGNS | 32-663 | NOT PERMITTED ADJACENT TO C DISTRICTS | | |
| PROVISION FOR DIST. BOUNDARIES C2 - C8 | 32-67 | IF WITHIN 100' OF RESIDENCE DISTRICT OR ADJ. TO PARK AND SIGN < 165 DEG. SEE C1 REGS | | |
| RESIDENTIAL OR MIXED BUILDINGS C1 - C6 | 32-68 | FOR UG 1, 2 or RESIDENTIAL USES, SEE RESIDENTIAL REGULATIONS. FOR NON- RESIDENTIAL USE ON 2 FLOORS - NON-ILLUM SIGNS ONLY AND BELOW 3RD STORY | | |
| ADULT ESTABLISHMENTS | 32-69 | SEE SECTION | | |





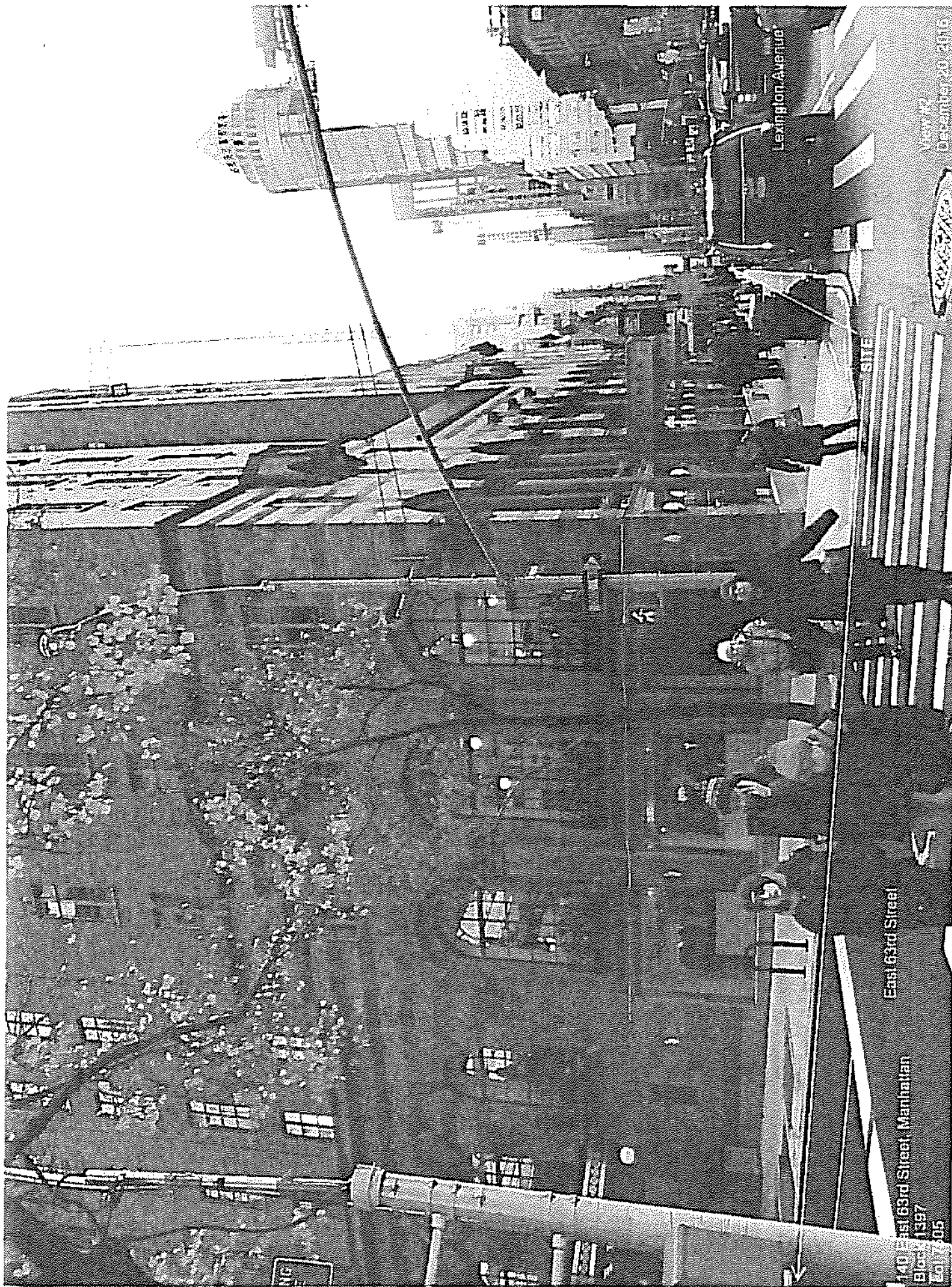
140 East 63rd Street, Manhattan
Block 1397
Lot 7505

107-06-BZ



140 East 63rd Street, Manhattan
Block 1397
Lot 7505

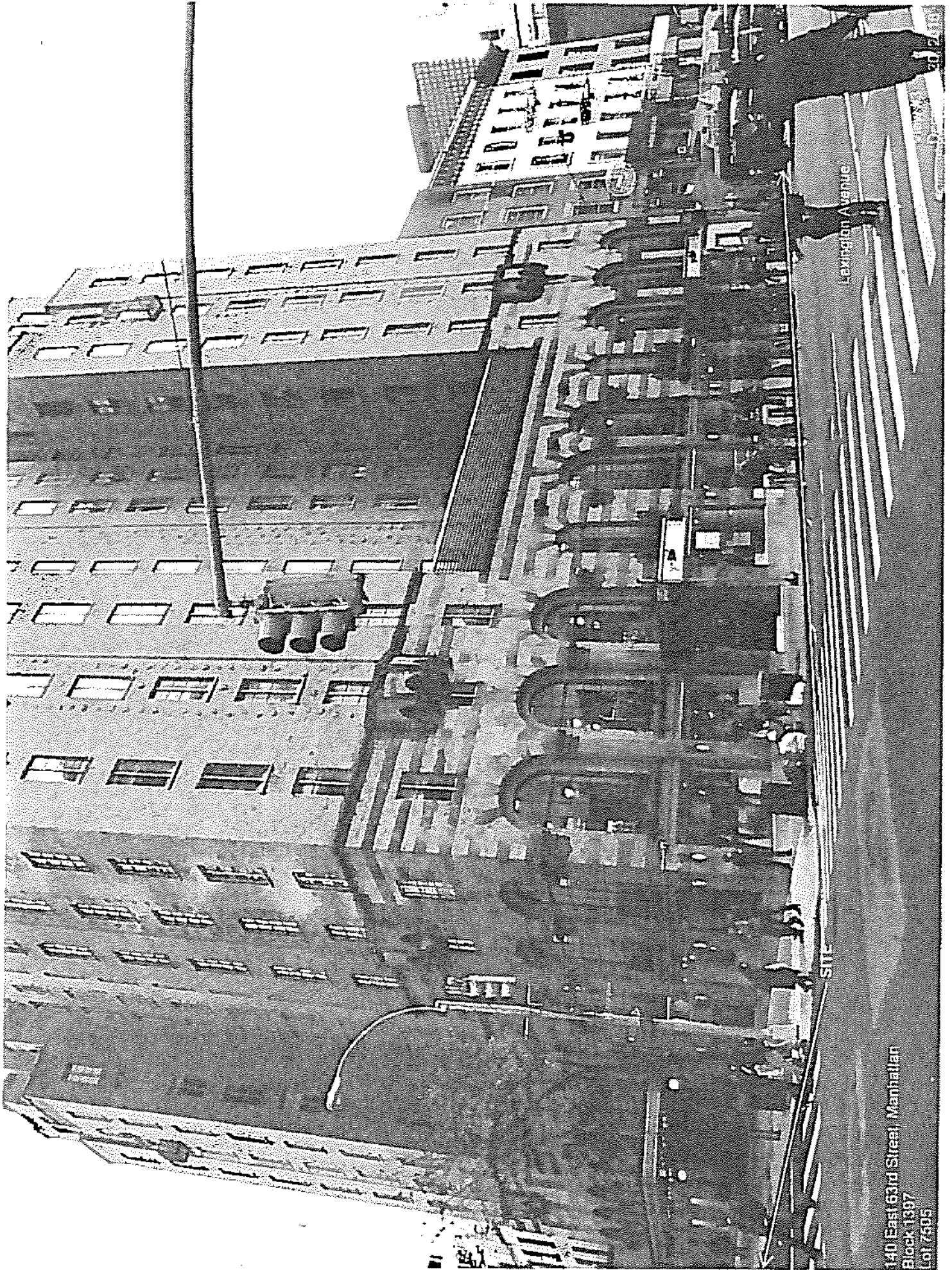
View #1
December 20, 2016



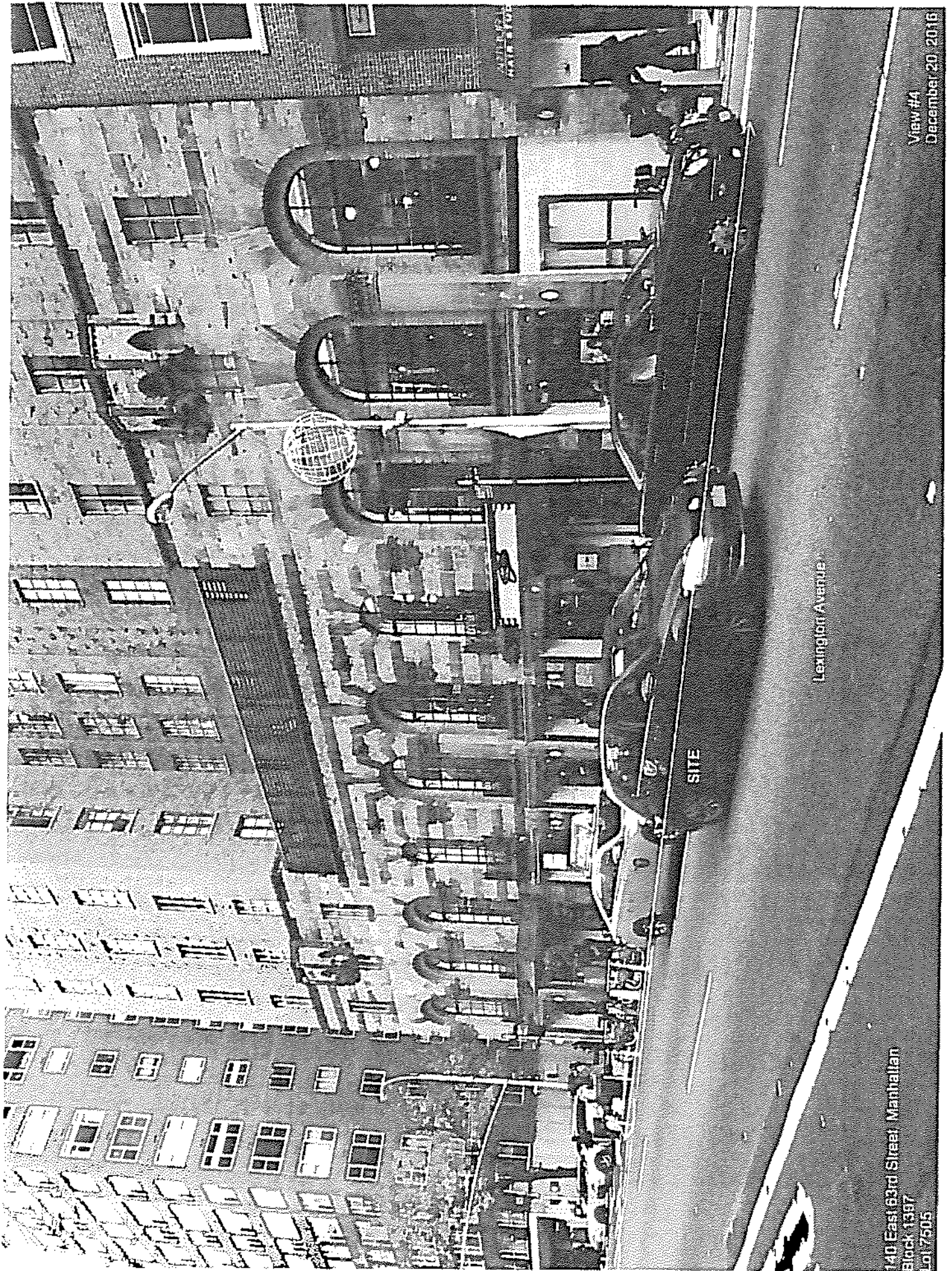
View #2
December 20, 2016

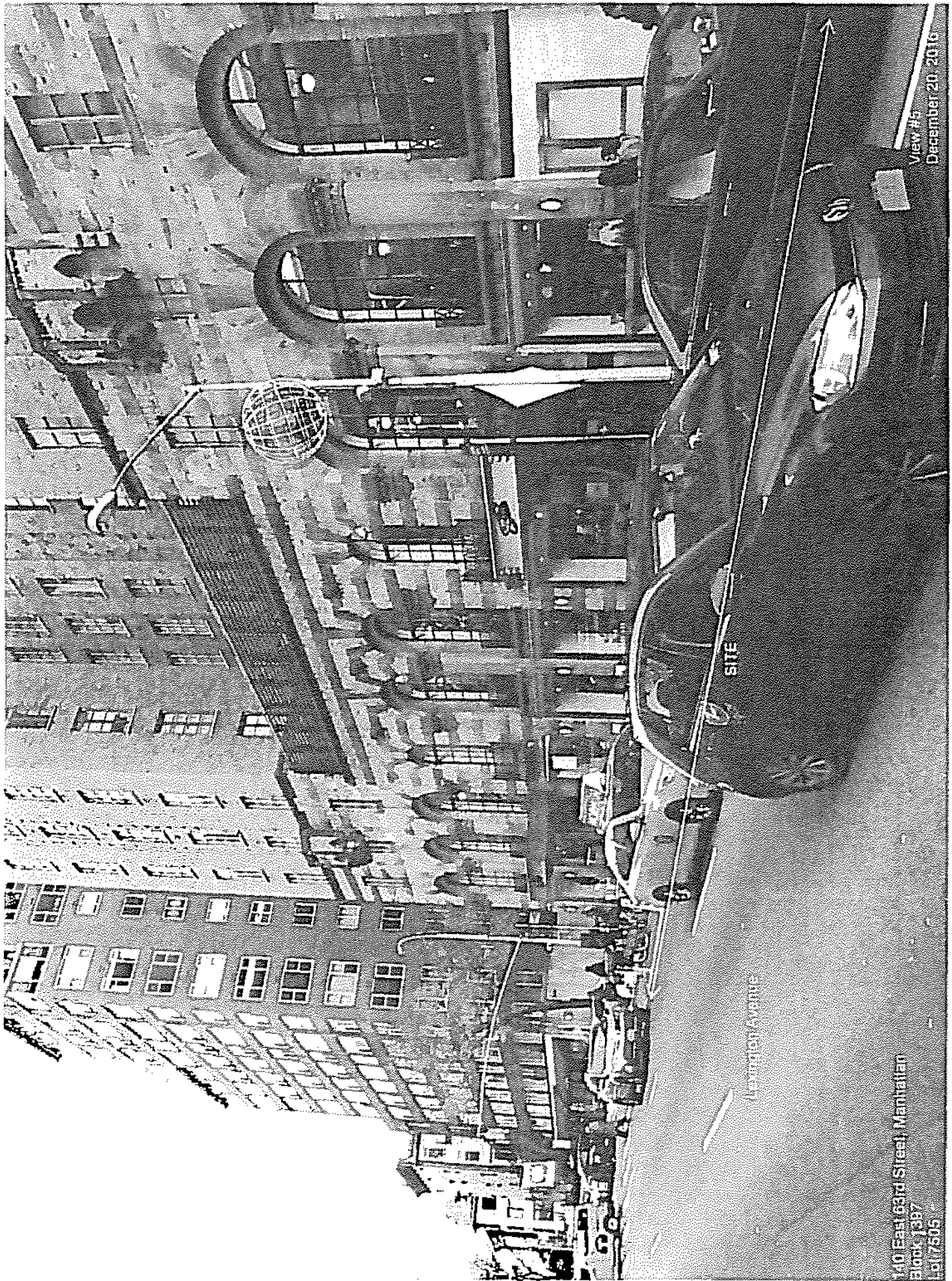
East 63rd Street

140 East 63rd Street, Manhattan
Block 1397
Lot 7405



140 East 63rd Street, Manhattan
Block 1387
Lot 7505





140 East 63rd Street, Manhattan
Block 1397
Lot 7505

107-06-BZ

APPLICANT - Rothkrug Rothkrug & Spector LLP, for Barbizon Hotel Associates, LP, owner; Equinox 63rd Street, Inc. lessee.

SUBJECT - Application September 14, 2012 - Amendment to previously granted Special Permit (§73-36) for the increase (693 square feet) of floor area of an existing Physical Culture Establishment (*Equinox*). C10-8X/R8B zoning district.

PREMISES AFFECTED - 140 East 63rd Street, southeast corner of intersection of East 63rd Street and Lexington Avenue, Block 1397, Lot 7505, Borough of Manhattan.

COMMUNITY BOARD #8M

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5

Negative:0

THE RESOLUTION -

WHEREAS, this is an application for a reopening and an amendment to a previously granted special permit for a physical culture establishment ("PCE"), to permit a 693 sq. ft. expansion of the PCE; and

WHEREAS, a public hearing was held on this application on December 11, 2012, after due notice by publication in *The City Record*, and then to decision on January 8, 2013; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Vice-Chair Collins and Commissioner Montanez; and

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

WHEREAS, the subject site is located on the southeast corner of Lexington Avenue and East 63rd Street, partially within a C1-8X zoning district and partially within an R8B zoning district; and

WHEREAS, the applicant notes that, 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 site, pursuant to ZR § 77-11; and

WHEREAS, the site is occupied by a 22-story mixed-use commercial/residential building; and

WHEREAS, the PCE occupies 18,471 sq. ft. of floor area on the first and second floors, with an additional 19,738 sq. ft. of floor space located on the sub-cellar and cellar levels; and

WHEREAS, the Board has exercised jurisdiction over the subject site since February 27, 2007 when, under the subject calendar number, the Board granted a special permit for the operation of a PCE at the subject site; and

WHEREAS, the applicant now requests an amendment to permit an expansion of the PCE use to an additional 693 sq. ft. of floor area, for a total PCE floor area of 19,164 sq. ft.; and

WHEREAS, the applicant states that the PCE will be expanded into an existing vacant space on the first floor which will be used as a pilates studio and will be accessed from a new opening created within the existing facility; and

WHEREAS, the applicant further states that the proposed expansion will not result in any new storefront space or signage; and

WHEREAS, based upon its review of the record, the Board finds that the requested amendment to the grant is appropriate with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated February 27, 2007, so that as amended this portion of the resolution shall read: "to permit a 693 sq. ft. expansion of the PCE on the first floor; *on condition* that any and all work shall substantially conform to drawings filed with this application marked 'Received December 24, 2012' - (1) sheet; and *on further condition*:

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

THAT there will be no change in ownership or operating control of the PCE without prior approval from the Board;

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

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

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

(DOB Application No. 104405038)

Adopted by the Board of Standards and Appeals, January 8, 2013.

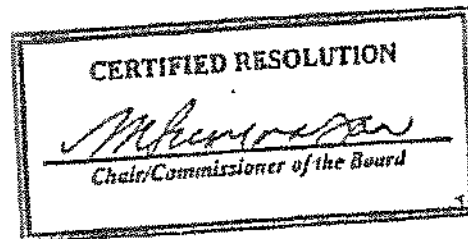
A true copy of resolution adopted by the Board of Standards and Appeals, January 8, 2013.
Printed in Bulletin Nos. 1-2, Vol. 98.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.



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 Otley-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 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.

